

TITLE 9

Public Utilities

Chapter 1

Water Utility Regulations and Rates

Chapter 2

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Title 9 ► Chapter 1

Water Utility Regulations and Rates

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Article A: Rates

Sec. 9-1-1 Public Fire Protection Service-F-1.

- (a) Public fire protection service includes the use of hydrants for fire protection service only and such quantities of water as may be demanded for the purpose of extinguishing fires within the service area. This service shall also include water used for testing equipment and training personnel. For all other purposes, the metered or other rates set forth, or as may be filed with the Public Service Commission, shall apply.
- (b) The annual charge for public fire protection service to the Village of Wheeler shall be Thirty-four Thousand Five Hundred Thirty-nine Dollars (34,539.00). The Utility may bill for this amount in equal installments.
- (c) Billing shall be the same as with Schedule Mg-1.

Sec. 9-1-2 General Service-Metered-Mg-1.

(a) **Monthly Service Charge:**

5/8-inch meter -	\$	20.00
3/4-inch meter -	\$	20.00
1-inch meter -	\$	23.00
1-1/4-inch meter -	\$	26.00
1-1/2-inch meter -	\$	29.00
2-inch meter -	\$	35.00
3-inch meter -	\$	47.00
4-inch meter -	\$	63.00
6-inch meter -	\$	96.00
8-inch meter -	\$	137.00
10-inch meter -	\$	190.00
12-inch meter -	\$	244.00

(b) **Plus Volume Charge:**

First	25,000	gallons used each month	-	\$ 8.85 per 1,000 gallons.
Over	25,000	gallons used each month	-	\$ 6.50 per 1,000 gallons.

- (c) **Billing.** Bills for water service are rendered monthly and become due and payable on the first month following the period for which service is rendered. A late payment charge of three percent (3%) will be added to bills not paid within twenty (20) days of issuance. This

one-time late payment charge will be applied to the total unpaid balance for the current billing period's usage. This late payment charge is applicable to all customers. The Water Utility customer may be given a written notice that the bill is overdue no sooner than twenty (20) days after the bill is issued and unless payment or satisfactory arrangement for payment is made within the next ten (10) days, service may be disconnected pursuant to Chapter PSC 185, Wis. Adm. Code.

- (d) **Combined Metering.** Volumetric meter readings will be combined for billing if the Utility *for its own convenience* places more than one meter on a single water service lateral. Multiple meters placed for the purpose of identifying water not discharged into the sanitary sewer are *not* considered for Utility convenience and shall not be combined for billing. This requirement does not preclude the Utility from combining readings when metering configurations support such an approach. Meter readings from individually metered separate service laterals shall not be combined for billing purposes.

Sec. 9-1-3 General Service-Suburban-Mg-2.

Water customers residing outside the corporate limits of the Village of Wheeler shall be billed at the regular rates for service (Schedule Mg-I) plus a twenty-five percent (25%) surcharge. Billing shall be the same as Schedule Mg-I.

Sec. 9-1-4 General Water Service-Unmetered-Ug-1.

- (a) Service may be supplied temporarily on an unmetered basis where the Utility cannot immediately install a water meter, including water used for construction. Unmetered service shall be billed the amount that would be charged to a metered residential customer using 3,000 gallons of water monthly under Schedule Mg-I, including the service charge for a 5/8-inch meter. If the Utility determines that actual usage exceeds 3,000 gallons of water monthly, an additional charge for the estimated excess usage shall be made according to the rates under Schedule Mg-I.
- (b) This schedule applies only to customers with a 1-inch or smaller service connection. For customers with a larger service connection, the Utility shall install a temporary meter and charges shall be based on the rates set forth under Schedule Mg-1.
- (c) Billing shall be the same as Schedule Mg-I.

Sec. 9-1-5 Public Service-Mpa-1.

- (a) **Metered Service.** Water used by the Village of Wheeler on an intermittent basis for flushing sewers, street sprinkling, flooding skating rinks, drinking fountains, etc., shall be metered and billed according to the rates set forth in Schedule Mg-1.

- (b) **Unmetered Service.** Where it is impossible to measure the service, the Utility shall estimate the volume of water used based on the pressure, size of opening and period of time water is used. The estimated quantity used shall be billed at the volumetric rates set forth in Schedule Mg-1, excluding any service charges.
- (c) **Billing.** Billing shall be the same as Schedule Mg-1.

Sec. 9-1-6 Reconnection Charges-R-1.

- (a) The Utility shall assess a charge to reconnect a customer, which includes reinstalling a meter and turning on the valve at the curb stop, if necessary. The Utility may not assess a charge for disconnectin a customer:

During normal business hours	\$ 40.00
After normal business hours	\$ 60.00

- (b) Billing shall be the same as Schedule Mg-1.

Sec. 9-1-7 Bulk Water-BW-1.

- (a) All bulk water supplied from the water system through hydrants or other connections shall be metered, or at the direction of the Water Utility, estimated. Water Utility personnel or a utility-approved party shall supervise the delivery of water.
- (b) Bulk water sales are:
 - (1) Water supplied by tank trucks or from hydrants for the purpose of extinguishing fires outside the Water Utility's service area;
 - (2) Water supplied by tank trucks or from hydrants for purposes other than extinguishing fires, such as irrigation or the filling of swimming pools; or
 - (3) Water supplied from hydrants or other temporary connections for general service type applications, except that Schedule Ug-1 applies for water supplied for construction purposes.
- (c) A service charge of Forty and no/100 Dollars (\$40.00) and a charge for the volume of water used shall be billed to the party using the water. The volumetric charge shall be calculated using the highest volumetric rate for residential customers under Schedule Mg-1. In addition, for meters that are assigned to bulk water customers for more than seven (7) days, the applicable service charge in Schedule Mg-1 will apply after the first seven (7) days.
- (d) The Water Utility may require reasonable deposits for the temporary use of its equipment under this and other rate schedules. The deposit(s) collected will be refunded upon return

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of the utility's equipment. Damaged or lost equipment will be repaired or replaced at the customer's expense.

- (e) Billing shall be the same as Schedule Mg-1.

Sec. 9-1-8 Private Fire Protection Service-Unmetered-Upf-1.

- (a) **Service Charge Availability.** This service shall consist of permanent or continuous connections to the main for the purpose of supplying water to private fire protection systems such as automatic sprinkler systems, standpipes (where the same are connected permanently or continuously to the mains) and private hydrants. This service shall also include reasonable quantities of water used for testing check valves and other backflow prevention devices.
- (b) **Monthly Private Fire Protection Service Demand Charges.** Monthly demand charges for private fire protection service:

Size of Connection	Charge
2-inch or smaller	\$ 8.00
3-inch	\$ 15.00
4-inch	\$ 25.00
6-inch	\$ 50.00
8-inch	\$ 80.00
10-inch	\$ 120.00
12-inch	\$ 160.00
14-inch	\$ 200.00
16-inch	\$ 240.00

- (c) **Billing.** Same provisions as for Mg-1 service.

Sec. 9-1-9 Water Lateral Installation Charge--Cz-1.

- (a) The Utility shall charge a customer for the actual cost of installing a water service lateral from the main through curb stop and box if these costs are not contributed as part of a subdivision development or otherwise recovered under Ch. 66, Wis. Stats.
- (b) Billing shall be the same as Schedule Mg-1.

Sec. 9-1-10 Seasonal Service-Sg-1.

- (a) **Applicability.**
 - (1) Seasonal customers are general service customers who voluntarily request disconnection of water service at the same location within twelve (1) months of the

disconnection, unless service has been provided to another customer at that location in the intervening period. The Utility shall bill seasonal customers the applicable service charges under Schedule Mg-1 year-round, including the period of temporary disconnection.

- (2) Seasonal service shall include customers taking service under Schedule Mg-1, Schedule Ug-1, or Schedule Am-1.
 - (3) Upon reconnection, the Utility shall apply a charge under Schedule R-1 and require payment of any unpaid charges under this Schedule.
- (b) **Billing.** Same as Schedule Mg-1, unless the Utility and customer agree to an alternative payment schedule for the period of voluntary disconnection.

Sec. 9-1-11 Other Charges-Oc-1.

- (a) **Payment Not Honored by Financial Institution Charge.** The Utility shall assess a Thirty-five and no/100 Dollars (\$35.00) charge when a payment rendered for Utility service is not honored by the customer's financial institution. This charge may not be in addition to, but may be inclusive of, other such charges when the payment was for multiple services.
- (b) **Special Billing Charge.** The Utility shall assess a Thirty-five Dollar (\$35.00) charge to the requester to cover administrative expenses whenever an existing customer or the property owner requests a special billing outside of the normal Utility billing. This charge may not be assessed to a new customer.
- (c) **Special Meter Reading Charge.** The Utility shall assess a Thirty-five Dollar (\$35.00) charge to the requestor whenever an existing customer or the property owner requests a special meter reading by Utility personnel on a date other than the regularly scheduled meter reading. This charge may not be assessed if the customer or the property owner provides the meter reading. This charge may not be assessed to a new customer.
- (d) **Real Estate Closing Account Charge.** The Utility shall assess a Thirty-five Dollar (\$35.00) charge whenever a customer or the customer's agent requests written documentation from the Utility of the customer's account status in connection with a real estate closing.

Sec. 9-1-12 through Sec. 9-1-19 Reserved for Future Use.

Article B: Rules and Regulations

Sec. 9-1-20 Compliance with Rules.

All persons now receiving a water supply from the Village of Wheeler Water Utility, or who may request service in the future, shall be considered as having agreed to be bound by the rules and regulations as filed with the Public Service Commission of Wisconsin.

Sec. 9-1-21 Establishment of Service.

- (a) Application for water service may be made in writing on a form furnished by the Water Utility. The application will contain the legal description of the property to be served, name of the owner, the exact use to be made of the service, and the size of the service lateral and meter desired. (Note particularly any special refrigeration, fire protection, or water-consuming air conditioning equipment).
- (b) Service will be furnished only if:
 - (1) Premises have a frontage on a properly platted street or public strip in which a cast iron or other long-life water main has been laid, or where property owner has agreed to and complied with the provisions of the Water Utility's filed main extension rule.
 - (2) Property owner has installed or agrees to install a service lateral from the curb stop to the point of use that is not less than six (6) feet below the surface of an established or proposed grade, and meets the Water Utility's specifications, and
 - (3) Premises have adequate piping beyond metering point.
- (c) The owner of a multi-unit dwelling has the option of being served by individual metered water service to each unit. The owner, by selecting this option, is required to provide interior plumbing and meter settings to enable individual metered service to each unit and individual disconnection without affecting service to the other units. Each meter and meter connection will be treated as a separate Water Utility account for the purpose of the filed rules and regulations.
- (d) No division of the water service lateral to any lot or parcel of land shall be made for the extension and independent metering of the supply to an adjoining lot or parcel of land. No division of a water service lateral shall be made at the curb for separate supplies for two (2) or more separate premises having frontage on any street or public service strip, whether owned by the same or different parties. Duplexes may be served from one lateral, provided that individual metered service and disconnection is provided, and it is permitted by local ordinance.
- (e) Buildings used in the same business, located on the same parcel, and served by a single lateral may have the customer's water supply piping installed to a central point so that the volume can be metered in one (1) place.

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- (f) The Water Utility may withhold approval of any application wherein full information of the purpose of such supply is not clearly indicated and set forth by the applicant property owner.

Sec. 9-1-22 Reconnection of Service.

- (a) Where the Water Utility has disconnected service at the customer's request, a reconnection charge shall be made when the customer requests reconnection of service. (See Schedule R-1 for the applicable rate.)
- (b) A reconnection charge shall also be required from customers whose services are disconnected (shut off at curb stop box) because of non-payment of bills when due. (See Schedule R-1 for the applicable rate.)
- (c) If reconnection is requested for the same location by any member of the same household, or if a place of business, by any partner of the same business, it shall be considered as the same customer.

Sec. 9-1-23 Temporary Metered Service, Meter and Deposits.

An applicant for temporary water service on a metered basis shall make and maintain a monetary deposit for each meter installed as security for payment for use of water and for such other charges which may arise from the use of the supply. A charge shall be made for setting the valve and furnishing and setting the meter. See Schedule BW-1 for the applicable rate.

Sec. 9-1-24 Water for Construction.

- (a) When water is requested for construction purposes or for filling tanks or other such uses, an application shall be made to the Water Utility, in writing, giving a statement of the amount of construction work to be done, or the size of the tank to be filled, etc. Payment for the water for construction may be required in advance at the scheduled rates. The service lateral must be installed into the building before water can be used. No connection with the service lateral at the curb shall be made without special permission from the Water Utility.
- (b) In no case will any employee of the Water Utility turn on water for construction work unless the contractor has obtained permission from the Water Utility.
- (c) Customers shall not allow contractors, masons or other persons to take unmetered water from their premises without permission from the Water Utility. Any customer failing to comply with this provision may have water service discontinued and will be responsible for the cost of the estimated volume of water used.

Sec. 9-1-25 Use of Hydrants.

- (a) In cases where no other supply is available, permission may be granted by the Water Utility to use a hydrant. No hydrant shall be used until the proper meter and valve are installed. In no case shall any valve be installed or moved except by an employee of the Water Utility.
- (b) Before a valve is set, payment must be made for its setting and for the water to be used at the scheduled rates. Where applicable, see Schedule BW-1 for deposits and charges. Upon completing use of the hydrant, the customer must notify the Water Utility to that effect.

Sec. 9-1-26 Operation of Valves and Hydrants; Unauthorized Use of Water; Penalty.

Any person who shall, without authority of the Water Utility, allow contractors, masons, or other unauthorized persons to take water from their premises, operate any valve connected with the street or supply mains, or open any fire hydrant connected with the distribution system, except for the purpose of extinguishing fire, or who shall wantonly damage or impair the same shall be subject to a fine as provided by municipal ordinance. Utility permission for the use of hydrants applies only to such hydrants that are designated for the specific use.

Sec. 9-1-27 Refunds of Monetary Deposits.

All money deposited as security for payment of charges arising from the use of temporary water service on a metered basis, or for the return of a hydrant valve and fixtures if the water is used on an unmetered basis, will be refunded to the depositor on the termination of the use of water, the payment of all charges levied against the depositor, and the return of the Water Utility's equipment.

Sec. 9-1-28 Service Laterals.

- (a) No water service lateral shall be laid through any trench having cinders, rubbish, rock or gravel fill, or any other material which may cause injury to or disintegration of the service lateral, unless adequate means of protection are provided by sand filling or such other insulation as may be approved by the Water Utility. Service laterals passing through curb or retaining walls shall be adequately safeguarded by provision of a channel space or pipe casing, not less than twice the diameter of the service connection. The space between the service lateral and channel or pipe casing shall be filled and lightly caulked with an oakum, mastic cement, or other resilient material, and made impervious to moisture.

- (b) In backfilling the pipe trench, the service lateral must be protected against injury by carefully hand tamping the ground filling around the pipe. There should be at least six (6) inches of ground filling over the pipe, and it should be free from hard lumps, rocks, stones, or other injurious material.
- (c) All water service laterals shall be of undiminished size from the street main in to the point of meter placement. Beyond the meter outlet valve, the piping shall be sized and proportioned to provide, on all floors, at all times, an equitable distribution of water supply for the greatest probable number of fixtures or appliances operating simultaneously.

Sec. 9-1-29 Service Piping for Meter Settings.

Where the original service piping is installed for a new metered customer, where existing service piping is changed for the customer's convenience, or where a new meter is installed for an existing unmetered customer, the owner of the premises at his/her expense shall provide a suitable location and the proper connections for the meter. The Water Utility should be consulted as to the type and size of meter setting. The meter setting and associated plumbing shall comply with the Water Utility's standards.

Sec. 9-1-30 Turning on Water.

The water may only be turned on for a customer except by an authorized employee of the Water Utility. Plumbers may turn the water on to test their work, but upon completion must leave the water turned off.

Sec. 9-1-31 Failure to Read Meters.

- (a) Where the Water Utility is unable to read a meter, the fact will be plainly indicated on the bill, and either an estimated bill will be computed or the minimum charge applied. The difference shall be adjusted when the meter is again read, that is, the bill for the succeeding billing period will be computed with the gallons or cubic feet in each block of the rate schedule doubled, and credit will be given on that bill for the amount of the bill paid the preceding period. Only in unusual cases shall more than three (3) consecutive estimated or minimum bills be rendered.
- (b) If the meter is damaged (see Surreptitious Use of Water) or fails to operate, the bill will be based on the average use during the past year unless there is some reason why the use is not normal. If the average use cannot be properly determined, the bill will be estimated by some equitable method. (See PSC 185.33, Wis. Adm. Code.)

Sec. 9-1-32 Complaint Meter Tests.

See Wis. Adm. Code, Chapter PSC 185.77.

Sec. 9-1-33 Thawing Frozen Service Laterals.

See Wis. Adm. Code, Chapter PSC 185.88.

Sec. 9-1-34 Curb Stop Boxes.

The curb stop box is the property of the Water Utility. The Water Utility is responsible for its repair and maintenance. This includes maintaining, through adjustment, the curb stop box at an appropriate grade level where no direct action by the property owner or occupant has contributed to an elevation problem. The property owner is responsible for protecting the curb stop box from situations that could obstruct access to it or unduly expose it to harm. The Water Utility shall not be liable for failure to locate the curb stop box and shut off the water in case of a leak on the owner's premises.

Sec. 9-1-35 Installation of Meters.

Meters will be owned, furnished and installed by the Water Utility or a Water Utility-approved contractor and are not to be disconnected or tampered with by the customer. All meters shall be so located that they shall be protected from obstructions and permit ready access for reading, inspection, and servicing, such location to be designated or approved by the Water Utility. All piping within the building must be supplied by the owner. Where additional meters are desired by the owner, the owner shall pay for all piping. See Schedule Am-1 for applicable rates.

Sec. 9-1-36 Repairs to Meters.

- (a) Meters will be repaired by the Water Utility and the cost of such repairs caused by ordinary wear and tear will be borne by the Water Utility.
- (b) Repair of any damage to a meter resulting from the carelessness of the owner of the premises, the owner's agent, or tenant, or from the negligence of any one of them to properly secure and protect same, including any damage that may result from allowing a water meter to become frozen or to be damaged from the presence of hot water or steam in the meter, shall be paid for by the customer or the owner of the premises.

Sec. 9-1-37 Replacement and Repair of Service Laterals.

- (a) The service lateral from the main to and through the curb stop will be maintained and kept in repair and, when worn out, replaced at the expense of the Water Utility. The property owner shall maintain the service lateral from the curb stop to the point of use.
- (b) If an owner fails to repair a leaking or broken service lateral from the curb to the point of metering or use within such time as may appear reasonable to the Water Utility after notification has been served on the owner by the Water Utility, the water will be shut off and will not be turned on again until the repairs have been completed.

Sec. 9-1-38 Abandonment of Service.

If a property owner changes the use of a property currently receiving water service such that water service will no longer be needed in the future, the Water Utility may require the abandonment of the water service at the water main. In such case, the property owner may be responsible for all removal and/or repair costs, including the water main and the Utility portion of the water service lateral.

Sec. 9-1-39 Charges for Water Wasted Due to Leaks.

See Wis. Adm. Code, Chapter PSC 185.35.

Sec. 9-1-40 Inspection of Premises.

During reasonable hours any officer or authorized employee of the Water Utility shall have the right of access to the premises supplied with service, for the purpose of inspection or for the enforcement of the Water Utility's rules and regulations. Whenever appropriate, the Water Utility will make a systematic inspection of all unmetered water taps for the purpose of checking waste and unnecessary use of water.

State Llw Reference: Sec. 196.171, Wis. Stats.

Sec. 9-1-41 Deposits for Residential Service.

See Wis. Adm. Code, Ch. PSC 185.36.

Sec. 9-1-42 Deposits for Nonresidential Service.

See Wis. Adm. Code, Ch. 185.361.

Sec. 9-1-43 Deferred Payment Agreement.

See Wis. Adm. Code, Ch. 185.38.

Sec. 9-1-44 Dispute Procedures.

See Wis. Adm. Code, Ch. 185.39.

Sec. 9-1-45 Disconnection and Refuse of Service.

- (a) **Disconnection.** See Wis. Adm. Code Chapter PSC 185.37.
- (b) **Disconnection Notice.** The form of disconnection notice to be used may be as follows:

DISCONNECTION NOTICE

Dear Customer:

The bill enclosed with this notice includes your current charge for Water Utility service and your previous unpaid balance.

You have 10 days to pay the Water Utility service arrears or your service is subject to disconnection.

If you fail to pay the service arrears, or fail to contact us within the 10 days allowed to make reasonable time payment arrangements, we will proceed with disconnection action.

To avoid the inconvenience of service interruption and an additional charge of (amount) reconnection, *we urge you to pay the full arrears IMMEDIATELY AT ONE OF OUR OFFICES.*

If you have entered into a Deferred Payment Agreement with us and have failed to make the time payment you agreed to, your service will be subject to disconnection unless you pay the amount due within 10 days.

If you have a reason for delaying the payment, call us and explain the situation.

PLEASE CALL THIS TELEPHONE NUMBER, (appropriate telephone number), IMMEDIATELY IF:

1. You dispute the notice of delinquent account.
2. You have a question about your Water Utility service arrears.
3. You are unable to pay the full amount of the bill and are willing to enter into a deferred payment agreement with us.
4. There are any circumstances you think should be taken into consideration before service is discontinued.
5. Any resident is seriously ill.

Illness Provision

If there is an existing medical emergency in your home and you furnish the Water Utility with a statement signed by either a licensed Wisconsin physician, or a public health official, we will delay disconnection of service up to 21 days. The statement must identify the medical emergency and specify the period of time during which disconnection will aggravate the existing emergency.

Deferred Payment Agreements

If you are a residential customer, and for some reason, you are unable to pay the full amount of the Water Utility service arrears on your bill, you may contact the Water Utility to discuss arrangements to pay the arrears over an extended period of time.

This time payment agreement will require:

1. Payment of a reasonable amount at the time the agreement is made.
2. Payment of the remainder of the outstanding balance in monthly installments over a reasonable length of time.
3. Payment of all future Water Utility service bills in full by the due date.

In any situation where you are unable to resolve billing disputes or disputes about the grounds for proposed disconnection through contacts with our Utility, you may make an appeal to the Wisconsin Public Service Commission, Madison, Wisconsin, by calling (800) 225-7729.

(UTILITY NAME)

Sec. 9-1-46 Collection of Overdue Bills.

An amount owed by the customer may be levied as a tax as provided in Sec. 66.0809, Wis. Stats.

Sec. 9-1-47 Surreptitious Use of Water.

- (a) When the Water Utility has reasonable evidence that a person is obtaining his/her supply of water, in whole or in part, by means of devices or methods used to stop or interfere with the proper metering of the Water Utility service, the Water Utility reserves the right to estimate and present immediately a bill for service unmetered as a result of such interference, and such bill shall be payable subject to a twenty-four (24) hours disconnection of service. If the Water Utility disconnects the service for any such reason, the Water Utility will reconnect the service upon the following conditions:
- (1) The customer will be required to deposit with the Water Utility an amount sufficient to guarantee the payment of bills for Water Utility service.
 - (2) The customer will be required to pay the Water Utility for any and all damages to its Water Utility equipment resulting from such interference with the metering.
 - (3) The customer must further agree to comply with reasonable requirements to protect the Utility against further losses.
- (b) Sections 98.26 and 943.20, Wis. Stats., as relating to water service, are hereby adopted and made a part of these rules.

Sec. 9-1-48 Vacation of Premises.

When premises are to be vacated, the Water Utility shall be notified, in writing, at once, so that it may remove the meter and shut off the water supply at the curb stop. The owner of the premises shall be liable for prosecution for any damage to the property of the Water Utility. [See Abandonment of Premises, Section 9-1-38.]

Sec. 9-1-49 Repairs to Mains.

The Water Utility reserves the right to shut off the water supply in the mains temporarily to make repairs, alterations or additions to the plant or system. When the circumstances will permit, the Water Utility will give notification, by newspaper publication or otherwise, of the discontinuance of the water supply. No credit will be allowed to customers for such temporary suspension of the water supply.

State Law Reference: PSC 185.87, Wis. Adm. Code.

Sec. 9-1-50 Duty of Water Utility with Respect to Safety of the Public.

It shall be the duty of the Water Utility to see that all open ditches for water mains, hydrants, and service laterals are properly guarded to prevent accident to any person or vehicle, and at night there shall be displayed proper signal lighting to insure the safety of the public.

Sec. 9-1-51 Handling Water Mains and Service Laterals in Excavation Trenches.

Contractors must call Digger's Hotline and ensure a location is done to establish the existence and location of all water mains and service laterals as provided in Sec. 182.0175, Wis. Stats. Where water mains or service laterals have been removed, cut, or damaged during trench excavation, the contractors must, at their own expense, cause them to be replaced or repaired at once. Contractors must not shut off the water service laterals to any customer for a period exceeding six (6) hours.

Sec. 9-1-52 Protective Devices.

- (a) **Protective Devices in General.** The owner or occupant of every premise receiving water supply shall apply and maintain suitable means of protection of the premise supply, and all appliances, against damage arising in any manner from the use of the water supply, variation of water pressure, or any interruption of water supply. Particularly, such owner or occupant must protect water-cooled compressors for refrigeration systems by means of high and/or low pressure safety cutout devices. There shall be provided means for the prevention of the transmission of water ram or noise of operation of any valve or appliance through the piping of their own or adjacent premises.
- (b) **Relief Valves.** On all "closed systems" (i.e., systems having a check valve, pressure regulator, or reducing valve, water filter or softener) an effective pressure relief valve shall be installed at or near the top of the hot water tank, or on the hot water distribution pipe connection to the tank. No stop valve shall be placed between the hot water tank and the relief valve or on the drain pipe. (See applicable plumbing codes).
- (c) **Air Chambers.** An air chamber or approved shock absorber shall be installed at the terminus of each riser, fixture branch, or hydraulic elevator main for the prevention of undue water hammer. The air chamber shall be sized in conformance with applicable local plumbing codes. Where possible, the air chamber should be provided at its base with a valve for water drainage and replenishment of air.

Sec. 9-1-53 Water Main Extension Rules.

Water mains will be extended for new customers on the following basis:

- (a) Where the cost of the extension is to immediately be collected through assessment by the municipality against the abutting property, the procedure set forth under Sec. 66.0703, Wis. Stats. will apply, and no additional customer contribution to the Water Utility will be required.
- (b) Where the municipality is unwilling or unable to make a special assessment, the extension will be made on a customer-financed basis as follows:
 - (1) The applicant(s) will advance as a contribution in aid of construction the total amount equivalent to that which would have been assessed for all property under Subsection (a).
 - (2) Part of the contribution required in Subsection (b)(1) will be refundable. When additional customers are connected to the extended main within ten (10) years of the date of completion, contributions in aid of construction will be collected equal to the amount which would have been assessed under Subsection (b)(1) for the abutting property being served. This amount will be refunded to the original contributor(s). In no case will the contributions received from additional customers exceed the proportionate amount which would have been required under Subsection (a) nor will it exceed the total assessable cost of the original extension.
- (c) When a customer connects to a transmission main or connecting loop installed at Water Utility expense within ten (10) years of the date of completion, there will be a contribution required of an amount equivalent to that which would have been assessed under Subsection (a).

Sec. 9-1-54 Water Main Installations in Platted Subdivisions.

- (a) Application for installation of water mains in regularly platted real estate development subdivisions shall be filed with the Water Utility.
- (b) If the developer, or a contractor employed by the developer, is to install the water mains (with approval of the Water Utility), the developer shall be responsible for the total cost of construction.
- (c) If the Water Utility or its contractor is to install the water mains, the developer shall be required to advance to the Water Utility, prior to the beginning of the construction, the total estimated cost of the extension. If the final costs exceed estimated costs, an additional billing will be made for the balance of the cost due. This balance is to be paid within thirty (30) days. If final costs are less than estimated, a refund of the overpayment will be made by the Water Utility.

Sec. 9-1-55 Cross Connection Control.

- (a) **Purpose.** Chapters NR 810 and SPS 382, Wis. Adm. Code, require protection for the public water system from contamination due to backflow of contaminants through the water service connection. The Wisconsin Department of Natural Resources (WisDNR) requires the development and implementation of a comprehensive cross connection control program to effectively prevent the contamination of potable water systems.
- (b) **Definition of Cross Connection.** A "cross connection" is defined as any physical connection or arrangement between two (2) otherwise separate systems, one (1) of which contains potable water from the Village of Wheeler's public water system, and the other of which contains water from a private source, water of unknown or questionable safety, or steam, gases, or chemicals, whereby there may be a flow from one (1) system to the other, with the direction of flow depending on the pressure differential between the two (2) systems.
- (c) **Unprotected Cross Connections Prohibited.** No person, firm, or corporation may establish or maintain, or permit to be established or maintained, any unprotected cross connection. Cross connections shall be protected as required in SPS 382, Wis. Adm. Code.
- (d) **Inspection.** The Water Utility may inspect, or arrange for an inspection of, property served by the public water system for cross connections. As an alternative, the Water Utility may require a person, firm, or corporation who owns, leases, or occupies property to have their plumbing inspected, at their own expense, by a State of Wisconsin Certified Cross Connection Inspector/Surveyor. The frequency of inspections shall be established by the Water Utility in accordance with NR 810.15, Wis. Adm. Code. Any unprotected cross connections identified by the inspection shall be promptly corrected at the user's expense. Failure to promptly correct an unprotected cross connection shall be sufficient cause for the Water Utility to discontinue water service to the property, as provided under Subsection (g) below.
- (e) **Right of Entry.** Upon presentation of credentials, a representative of the Water Utility shall have the right to request entry, at any reasonable time, to a property served by a connection to the public water system for the purpose of inspecting the property for cross connections. Refusing entry to such Water Utility representative shall be sufficient cause for the Water Utility to discontinue water service to the property, as provided under Subsection (g) below. If entry is refused, a special inspection warrant under Section 66.0119, Wis. Stats., may be obtained.
- (f) **Provision of Requested Information.** The Water Utility may request an owner, lessee, or occupant of property served by a connection to the public water system to furnish the Water Utility with pertinent information regarding the piping systems on the property. Refusing to provide requested information shall be sufficient cause for the Water Utility to discontinue water service to the property, as provided under Subsection (g) below.
- (g) **Discontinuation of Water for Violation.** The Water Utility may discontinue water service to any property wherein any unprotected connection in violation of this Section exists, and

take other precautionary measures deemed necessary to eliminate any danger of contamination of the public water system. Water service may be discontinued, however, only after reasonable notice and opportunity for hearing under Chapter 68, Wis. Stats., (Title 4 of this Code of Ordinances), except as provided in Subsection (h) below. Water service to such property shall not be restored until the unprotected cross connection has been eliminated.

- (h) **Emergency Discontinuance.** If it is determined by the Water Utility that an unprotected cross connection or emergency endangers public health, safety, or welfare, and requires immediate action, and if a written finding to that effect is filed with the Village Clerk-Treasurer and delivered to the customer's premises, water service may be immediately discontinued. The customer shall have an opportunity for hearing under Chapter 68, Wis. Stats., (Title 4 of this Code of Ordinances), within ten (10) days of such emergency discontinuance. Water service to such property shall not be restored until the unprotected cross connection has been eliminated.

Sec. 9-1-56 Private Well Abandonment; Well Operation Permit.

- (a) **Purpose.** The purpose of this Section is to protect public health, safety and welfare, and to prevent contamination of groundwater by assuring that unused, unsafe or noncomplying wells, or wells which may be illegally cross-connected to the municipal water system, are properly maintained or abandoned.
- (b) **Applicability.** This Section applies to all wells located on premises served by the Village of Wheeler's municipal water system.
- (c) **Definitions.** The following definitions shall be applicable in this Section:
- (1) **Municipal Water System.** A community water system owned by a city, village, county, town, town sanitary district, utility district, public inland lake and rehabilitation district, municipal water district or a federal, state, county, or municipal-owned institution for congregate care or correction, or a privately-owned water utility serving the foregoing.
 - (2) **Noncomplying.** A well or pump installation which does not comply with NR 812.42, Wis. Adm. Code, "Standards for Existing Installations," and which has not been granted a variance pursuant to NR 812.43, Wis. Adm. Code.
 - (3) **Pump Installation.** The pump and related equipment used for withdrawing water from a well, including the discharge piping, the underground connections, pitless adapters, and pressure tanks, pits, sampling faucets and well seals or caps.
 - (4) **Served By.** Any property having a water supply pipe extending onto it which is connected to the municipal water system.
 - (5) **Unsafe.** A well or pump installation means one which produces water which is bacteriologically contaminated or contaminated with substances which exceed the

drinking water standards of NR 140 or 809, Wis. Adm. Code, or for which a Health Advisory has been issued by the Wisconsin Department of Natural Resources.

- (6) **Unused.** A well or pump installation that is one which is not used or does not have a functional pumping system.
 - (7) **Well.** A drillhole or other excavation or opening deeper than it is wide that extends more than ten (10) feet below the ground surface constructed for the purpose of obtaining groundwater.
 - (8) **Well Abandonment.** The proper filling and sealing of a well according to the provisions of NR 812.26, Wis. Adm. Code.
- (d) **Well Abandonment Required.** All wells on premises served by the municipal water system shall be properly abandoned (filled in and sealed) in accordance with Subsection (f) below by not later than one (1) year from the date of connection to the municipal water system, unless a valid well operation permit has been issued to the well owner by the Village of Wheeler Water Utility under the terms of Subsection (e) below.
- (e) **Well Operation Permit.** Owners of wells on premises served by the municipal water system wishing to retain their wells for any use shall make application for a well operation permit for each well no later than ninety (90) days after connection to the municipal water system. The Wheeler Village Board shall grant a permit to a well owner to operate a well for a period not to exceed five (5) years providing all conditions of this Section are met. A well operation permit may be renewed by submitting an application verifying that the conditions of this Section are met. The Wheeler Water Utility, or its agent, may conduct inspections and water quality tests or require inspections and water quality tests to be conducted at the applicant's expense to obtain or verify information necessary for consideration of a permit application or renewal. Permit applications and renewals shall be made on forms provided by the Village Clerk-Treasurer. All initial and renewal applications shall be accompanied by the required fee. The following conditions must be met for issuance or renewal of a well operation permit:
- (1) **Administrative Code Compliance.** The well and pump installation shall comply with the *Standards for Existing Installations* described in NR 812.42, Wis. Adm. Code, or repaired to comply with current standards. Compliance shall be verified by inspection for initial issuance of a permit and every ten (10) years thereafter. Inspections shall be conducted by a Wisconsin licensed well driller or pump installer and documented on inspection report form DNR #3300-221, to be submitted to the Village Clerk-Treasurer.
 - (2) **Testing.** The well and pump shall have a history of producing safe water evidenced by a certified lab report for at least one (1) coliform bacteria sample collected within the prior thirty (30) days, and submitted to the Village Clerk-Treasurer. In areas where the Wisconsin Department of Natural Resources has determined that groundwater aquifers are contaminated with substances other than bacteria, additional chemical tests may be required to document the safety of the water.

- (3) **Cross Connections Prohibited.** There shall be no cross connections or interconnections between the well's pump installation or distribution piping and the municipal water system; unless approved by the Water Utility and WisDNR.
 - (4) **Private Well Discharges.** The water from the private well shall not discharge into a drain leading directly to a public sewer utility unless properly metered and authorized by the sewer utility.
 - (5) **Functional Pumping System Requirement.** The private well shall have a functional pumping system or other complying means of withdrawing water.
 - (6) **Necessity Test.** The proposed use of the private well shall be justified as reasonable in addition to water provided by the municipal water system.
- (f) **Abandonment Procedures; Well Filling and Sealing.**
- (1) **Consistency With Administrative Code Requirements; Debris Removal.** All wells abandoned under the jurisdiction of this Section shall be done according to the procedures and methods of NR 812.26, Wis. Adm. Code. All debris, pumps, piping, unsealed liners, and any other obstructions which may interfere with sealing operations shall be removed prior to abandonment.
 - (2) **Abandonment Supervision.** All well filling and sealing under jurisdiction of this Section shall be performed by, or under the supervision of, a Certified Water System Operator employed by the Wheeler Water Utility or by a Wisconsin-licensed well driller or pump installer, per Sec. 280.30, Wis. Stats.
 - (3) **Notification of Abandonment Procedures.** The owner of the well, or the owner's agent, shall be required to obtain a well abandonment permit prior to any well abandonment and shall notify the Village Clerk-Treasurer or Water Utility at least forty-eight (48) hours in advance of any well abandonment activities. The abandonment of the well may be observed or verified by personnel of the municipal system.
 - (4) **Abandonment Report.** A well filling and sealing report form DNR #3300-005, supplied by the Wisconsin Department of Natural Resources, shall be submitted by the well owner to the Village Clerk-Treasurer and the Wisconsin Department of Natural Resources within thirty (30) days of the completion of the well abandonment.
- (g) **Penalties.** Any well owner violating any provision of this Section shall, upon conviction, be punished by forfeiture as prescribed in Section 1-1-6 and the cost of prosecution. Each day of violation is a separate offense. If any person fails to comply with this Section for more than ten (10) days after receiving written notice of the violation, the Village may impose a penalty and cause the well abandonment to be performed and the expense to be assessed as a special charge against the property.

Cross-Reference: NR 140, 809 and 812, Wis. Adm. Code; SFS 382, Wis. Adm. Code

Title 9 ► Chapter 2

Sewer Utility Regulations and Rates

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Sec. 9-2-1 Introduction and General Provisions.

- (a) This Chapter regulates the use of public and private sewers and drains, discharge of septage into the public sewage system, and the discharge of waters and wastes into the public sewage systems within the Village of Wheeler. It provides for and explains the method used for levying and collecting wastewater treatment service charges, sets uniform requirements for discharges into the wastewater collection and treatment systems and enables the Village of Wheeler to comply with administrative provisions, and other discharge criteria which are required or authorized by the State of Wisconsin or Federal law. Its intent is to derive the maximum public benefit by regulating the characteristics of wastewater discharged into the Village of Wheeler sewage system.
- (b) This Chapter provides a means for determining wastewater and septage volumes, constituents and characteristics, the setting of charges and fees, and the issuing of permits to certain users. Revenues derived from the application of this Chapter shall be used to defray the costs of operating and maintaining adequate wastewater collection and treatment systems and to provide sufficient funds for capital outlay, debt service costs and capital improvements. The charges and fees herein have been established pursuant to the Wisconsin Statutes. This Chapter shall supersede any previous ordinances, rules or regulations, and shall repeal all parts thereof that may be inconsistent with this Chapter.

If there is any conflict between this Chapter and any applicable state statute, the state statute shall be controlling.

Sec. 9-2-2 Definitions.

(a) **Definition.** Unless the context specifically indicates otherwise, the meaning of terms used in this Chapter shall be as follows:

- (1) **Approving Authority.** The Village of Wheeler Board, or its duly authorized committee, agent or representative.
- (2) **Ammonia Nitrogen (NH-N).** One of the oxidation states of nitrogen, in which nitrogen is combined with hydrogen in molecular form as NH or in ionized form as NH₄. Quantitative determination of ammonia nitrogen shall be made in accordance with procedures set forth in "Standard Methods" or Chapter NR 149, Wis. Adm. Code.
- (3) **Biochemical Oxygen Demand (BOD).** The quantity of oxygen utilized in the biochemical oxidation of organic matter in five (5) days at 20 degrees centigrade, expressed as milligrams per liter. Quantitative determination of BOD shall be made in accordance with procedures set forth in the most recent addition of "Standard Methods."
- (4) **Building Drain.** That part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the wall of the building and conveys it to the building sewer.
- (5) **Building Sewer.** That part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the wall of the building and conveys it to the building sewer.
- (6) **Chemical Elements and Compounds.** Those typically found in wastewater and may be regulated by this Chapter. These are as follows:

Aldrin	$C_{12}H_8Cl_6$
Ammonia Nitrogen	
Arsenic	As
Benzene	
Benzo(a) Anthracene	$C_6H_4(CH_2)C_6H_4(CH_2)C_6H_4$
Benzo(a) pyrene	$C_{30}H_{12}$
Beryllium	Be

BIS (2-Ethylhexyl) Phthalate	$(C_3H_7C_2H_5)CHCH_2OCO)_2C_6H_4$
Cadmium	Cd
Carbon Tetrachloride	
Chlordane	$C_{10}H_6Cl_8$
Chloroform	$CHCl_3$
Copper	Cu
Chromium	Cr
Cyanide	Cn
DDT	$(ClC_6H_4)_2CHCCl_3$
DDD	$(ClC_6H_4)_2CHCHCl_2$
DDE	$(C_1C_6H_{12})CCC_{12}$
Dieldrin	$C_{12}H_{10}OCl_6$
3,3-Dichlorbenzidine	$C_6H_3Cl_2NH_2C_6H_3Cl_2NH_2$
Dichloromethane	CH_2Cl_2
2, 4-D	$C_6H_4OCH_2(OOH)Cl_2$
Dimethyl Nitrosoamine	$(CH_3)_2NNO$
Endrin	$C_{12}H_{10}OCl_6$
Heptachlor	$C_{10}H_7Cl_7$
Hexachlorobenzene	C_6Cl_6
Hexachlorobutadiene	C_4Cl_6
Lead	Pb
Lindane	$C_6H_6Cl_6$
Malathion	$C_{10}H_{19}O_6PS_2$
Mercury	Hg

Molybdenum	Mo
Nickel	Ni
Nitrogen	N
PCB's	C ₂ H ₁₀ C ₂ H ₉ Cl C ₁₂ H ₈ Cl ₂ C ₁₂ H ₇ Cl ₃ C ₁₂ H ₆ Cl ₄ C ₁₂ H ₅ Cl ₅ C ₁₂ H ₄ Cl ₆ C ₁₂ H ₃ Cl ₇ C ₁₂ H ₂ Cl ₈ C ₁₂ H ₁ Cl ₉ C ₂ Cl ₁₀
Pentachlorophenol	C ₆ Cl ₅ OH
Phenanthrene	C ₁₄ H ₁₀
Phenol	C ₆ H ₅ OH
Phosphorous	P
Phosphate	
Radium	Ra
Selenium	Se
Tetrachloroethylene	CCl ₂ CCl ₂
Toxaphene	C ₁₀ H ₁₀ C ₁₈
Trichloroethylene	CHClCCl ₂
2, 4, 6-trichlorophenol	C ₆ H ₂ Cl ₃ OH

Vinyl Chloride

CH₂CHCl

Zinc

Zn

- (7) **Class of Users.** The division of wastewater treatment customers by waste characteristics and process discharge similarities or function, such as residential, commercial, institutional or industrial.
- (8) **Combined Sewer.** A sewer intended to receive both wastewater and storm or surface water.
- (9) **Compatible Pollutants.** Biochemical oxygen demand, suspended solids, phosphorous, ammonia or PH, plus additional pollutants identified in the WPDES permit for the publicly-owned treatment works receiving the pollutant if such works were designed to treat such additional pollutants to a substantial degree.
- (10) **Easement.** An acquired legal right to install and maintain a portion of the sewer system.
- (11) **Floatable Oil.** Oil, fat or grease in a physical state such that it will separate by gravity from wastewater by treatment in an approved pretreatment facility. Wastewater or septage shall not be considered free of floatable fat if it is properly pretreated and the wastewater does not interfere with the collection treatment system.
- (12) **Garbage.** The residue from the preparation, cooking, and dispensing of food, and from the handling, storage, and sale of food products and produce.
- (13) **Ground Garbage.** The residue from the preparation, cooking, and dispensing of food that has been shredded to such degree that all particulates will be no greater than one-half (1/2) inch in any dimension and will be carried freely in suspension under normal flow conditions in sewers.
- (14) **Holding Tank Service Area.** The area outside the POTW's sewer service area, but inside or equal to the POTW's planning area where a contract has been developed for holding tank wastewater to be treated at the Wastewater Treatment Facility.
- (15) **Incompatible Pollutants or Wastewater.** Wastewater or septage or other specialized waste with pollutants or of such a strength that it will adversely affect or disrupt the wastewater treatment processes or effluent quality or sludge quality if discharged to the sewerage system facility.
- (16) **Industrial Wastes.** The wastewater from industrial process, trade, or business, as distinct from sanitary sewage, including cooling water and the discharge from sewage pretreatment facilities.
- (17) **Infiltration.** The water unintentionally entering the public sewer system, including sanitary building drains and sewers, from the ground through such means as, but not limited to, defective pipes, pipe joints, connections, or manhole walls. Infiltration does not include, and is distinguished from, inflow.
- (18) **Inflow.** The water discharged into a sanitary sewer system, including building drains and sewers from such sources as, but not limited to, the following: roof leaders, cellar,

- yard, and area drains, foundation drains, unpolluted cooling water discharges, drains from springs and swampy areas, manhole covers, cross connections from storm sewers, and/or combined sewer, catch basins, storm sewers, surface runoff, street wash waters or drainage. Inflow does not include, and is distinguishable from, infiltration.
- (19) **Licensed Disposer.** A person or business holding a valid license to do septage servicing under NR 113, Wis. Adm. Code.
- (20) **Municipal Wastewater.** The wastewater of a community. From the standpoint of source, it may be a combination of the liquid and water-carried wastes from residences, commercial buildings, industrial plants and institutions, together with any groundwater, surface water, and stormwater that may have entered inadvertently into the sewerage system.
- (21) **Natural Outlet.** Any outlet into a watercourse, pond, ditch, lake or other body of surface or ground water.
- (22) **Operation and Maintenance Costs.** Shall include all costs, direct and indirect, not including debt service but inclusive of expenditures attributable to administration, replacement of equipment, and treatment and collection of wastewaters, necessary to insure adequate wastewater collection and treatment on a continuing basis which conforms to applicable regulations and assures optimal long term facility management.
- (23) **Parts Per Million.** A weight ration; the parts per million value multiplied by the factor 8.34 shall be equivalent to pounds per million gallons of water.
- (24) **Person.** Any and all persons, including any individual, firm, company, municipal or private corporation, association, society, institution, enterprise, government agency, or other entity.
- (25) **pH.** The logarithm of the reciprocal of hydrogen ion concentration. The concentration is the weight of hydrogen ions, in grams per liter of solution. Neutral water, for example, has a pH value of 7 and a hydrogen ion concentration of 10.
- (26) **Pretreatment.** The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to or in lieu of discharge in or otherwise introducing such pollutants into a wastewater system.
- (27) **Public Sewer.** Any sewer provided by or subject to the jurisdiction of the Village of Wheeler. It shall also include sewers within or outside the corporate boundaries that service one or more personnel which ultimately discharge into the Village's sanitary sewer system, even though those sewers may not have been constructed with Village funds.
- (28) **Replacement Costs.** Shall include all costs necessary to accumulate the resources to replace equipment as required to maintain capacity and performance during the design life of the facility, which is normally twenty (20) years. A separate segregated distinct replacement fund shall be used for only replacement of the mechanical equipment.
- (29) **Sanitary Sewage.** A combination of liquid and water-carried wastes discharged from toilets and/or sanitary plumbing facilities, together with such ground, surface, and storm waters as may have inadvertently entered the sewerage system.

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- (30) **Sanitary Sewer.** A sewer that carries liquid and water-carried wastes from residences, commercial buildings, industrial plants, and institutions, together with small quantities of ground, storm, and surface waters that are not admitted intentionally.
- (31) **Septage.** The wastewater or contents of septic or holding tanks, dosing chambers, grease interceptors, seepage beds, seepage pits, seepage trenches, privies or portable restrooms.
- (32) **Sewage.** The spent water of a community. The preferred term is "municipal wastewater."
- (33) **Sewer Service Areas.** The areas presently served and anticipated to be served by a municipal wastewater collection system. NR 121.04, Wis. Adm. Code, requires that water quality management plans delineate sewer service areas of urban areas.
- (34) **Sewer Service Charge.** A service charge levied on users of the wastewater collection and treatment facilities for payment of use-related capital expenses as well as the operation and maintenance costs, including replacement of said facilities.
- (35) **Sewer System.** The common sanitary sewers within a sewerage system which are primarily installed to receive wastewaters directly from facilities which convey wastewater from individual structures or from private property, and which include service connection "Y" fittings designed for connection with those facilities. The facilities which convey wastewater from individual structures, from private property to the public sanitary sewer, or its equivalent, are specifically excluded from the definition of "sewerage collection system"; except that pumping units and pressurized lines for individual structures or groups of structures may be included as part of a "sewer system" when such units are cost effective and are owned and maintained by the sewerage owner.
- (36) **Sewerage System.** All structures, conduits and pipes, by which sewage is collected, treated, and disposed of, except plumbing inside and in connection with buildings served, and service pipes, from building to street main.
- (37) **Shall.** Shall is mandatory.
- (38) **Slug Loading.** Any discharge of water or wastewater, which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than fifteen (15) minutes more than five (5) times the average twenty-four (24) hour concentration or flows during normal operation and shall adversely affect the system and/or performance of the wastewater system.
- (39) **Standard Methods.** The examination and analytical procedures set forth in the most recent edition of "Standard Methods for the Examination of Water, Sewage, and Industrial Wastes" published jointly by the American Public Health Association, the American Water Works Association and the Water Pollution Control Federation.
- (40) **Storm Drain/Storm Sewer.** A drain or sewer for conveying storm water, ground water, subsurface water, or unpolluted water from any source.

- (41) **Storm Water Runoff.** That portion of the rainfall that is drained into the sewers.
- (42) **Suspended Solids.** Solids that either float on the surface of or are in suspension in water, wastewater, or other liquids, and that are removable by laboratory filtering as prescribed in "Standard Methods for Examination of Water and Wastewater" and are referred to as nonfilterable residue.
- (43) **User Charge System.** The system of charges levied on users for the cost of operation and maintenance, including replacement reserve requirements on new and old wastewater collection and treatment facilities.
- (44) **Wastewater.** A combination of the liquid and water carried wastes from residences, commercial buildings, industrial plants, and institutions, together with any groundwater, surface water and stormwater that may be present.
- (45) **Wastewater Facilities.** The structures, equipment, and processes required to collect, carry away, store, and treat domestic and industrial waste and septage and dispose of the effluent and sludge.
- (46) **Wastewater Treatment Works.** An arrangement of devices and structures for treating wastewater, septage, industrial waste, and sludge. Sometimes used as synonymous with "waste treatment."
- (47) **Watercourse.** A natural or artificial channel for the passage of water, either continuously or intermittently.
- (48) **WPDES.** Wisconsin Pollutant Discharge Elimination System.

Sec. 9-2-3 Management, Operation and Control.

- (a) **Generally.** The management, operation, and control of the sewer system for the Village of Wheeler is vested in the Village Board ("Operator"). All records, minutes and all written proceedings thereof shall be kept by the Village Clerk-Treasurer. The Village Clerk-Treasurer shall keep all financial records.
- (b) **Construction.** The Village of Wheeler shall have the power to construct sewer lines for public use, and shall have the power to lay sewer pipes in and through the alleys, streets, and public grounds of the Village of Wheeler; and generally, to do all such work as may be found necessary or convenient in the management of the sewer system. The Village of Wheeler shall have power by themselves, their officers, agents, and servants, to enter upon any land for the purpose of making examination or supervise in the performance of their purpose of making examination or service in the performance of their duties under this Chapter, without liability therefore; and the Village of Wheeler shall have the power to purchase and acquire for the Village of Wheeler all real and personal property which may be necessary for construction of the sewer system, or for any repair, remodeling, or additions thereto.
- (c) **Maintenance of Service.** The Owner shall maintain sewer service from the street main to the house and including all controls between the same, without expense to the Village

of Wheeler, except when they are damaged as a result of negligence or carelessness on the part of the Village. All sewer services must be maintained free of defective conditions, by and at the expense of the Owner or occupant of the property. When any sewer service is to be relayed and there are two or more buildings on such service, each building shall be disconnected from such service and a new sewer service shall be installed for each building.

- (d) **Condemnation of Real Estate.** Whenever any real estate or any easement therein, or use thereof shall in the judgment of the Village of Wheeler be necessary to the sewer system, and whenever, for any cause, an agreement for the purchase thereof, cannot be made with the Owner thereof, the Village of Wheeler shall proceed with all necessary steps to take such real estate easement, or use by condemnation in accordance with the Wisconsin Statutes and the Uniform Relocation Property Acquisition Policy Act of 1970, if federal funds are used.
- (e) **Title to Real Estate and Personality.** All property, real, personal, and mixed, acquired for the construction of the sewer system, and all plans, specifications, diagrams, papers, books and records connected therewith, and all buildings, machinery, and fixtures pertaining thereto, shall be the property of the Village of Wheeler.

Sec. 9-2-4 User Rules and Regulations.

- (a) **Generally.** The rules, regulations, and sewer rates of the Village of Wheeler hereinafter set forth shall be considered a part of the contract with every person, company, or corporation who is connected to or uses the Village of Wheeler sewer system or wastewater treatment facility and every such person, company or corporation by connecting with the sewer system or wastewater treatment facility shall be considered as expressing their assent to be bound thereby. Whenever any of said rules and regulations, or such others as the Approving Authority may hereinafter adopt, are violated, the use or service shall be shut off from the building or place of such violation (even though two or more parties are receiving service through the same connection) and shall not be re-established except by order of the Approving Authority and on payment of all arrears, expenses and established charges of shutting off and putting on, and such other terms as the Approving Authority may determine, and a satisfactory understanding with the party that no other cause for complaint shall arise. In case of such violation, the Approving Authority may declare any payment made for the service by the party or parties committing such violation, to be forfeited, and the same shall be forfeited. The right is reserved to the Approving Authority to change these rules, regulations, and sewer rates from time to time as they may deem advisable; and make special rates and contracts in all proper cases.
- (b) **Plumbers.** The following rules and regulations for the government of licensed plumbers, sewer users and others are hereby adopted and established. No plumber, pipe fitter, or other person will be permitted to do any plumbing or pipe fitting work in connection with the sewer system without first receiving a license from the State of Wisconsin and obtaining

permission from the Approving Authority. All service connections to the sewer main shall comply with State plumbing code.

(c) **Users.**

(1) **Mandatory Connection.**

- a. The owner of each parcel of land adjacent to a sewer main on which there exists a building usable for human habitation or in a block, through which such system is expended, shall connect to such system with thirty (30) days of notice in writing from the Approving Authority. Upon failure to do so the Approving Authority may cause such connection to be made and bill the property owner for such costs. If such costs are not paid within thirty (30) days, such notice shall be assessed as a special tax lien against the property. The owner may, however, within thirty (30) days after the completion of the work, file a written option with the Approving Authority stating that he or she cannot pay such amount in one sum and ask that there be levied in not to exceed ten (10) equal installments such amount and that the amount shall be so collected with interest at the rate of eight percent (8%) per annum from the completion of the work, the unpaid balance being a special tax lien, all pursuant to Secs. 66.076(7) or 144.06, Wis. Stats.
- b. In lieu of the above, the Approving Authority at its option may impose a penalty for the period that the violation continues, after ten (10) days' written notice to any owner failing to make a connection to the sewer system of a fine in the amount of not less than Twenty Dollars (\$20.00) nor more than One Thousand Dollars (\$1,000.00). Each day on which a violation shall occur or continue shall be deemed a separate and distinct offense. In addition to the penalties provided herein, the Village shall recover reasonable attorney's fees, court costs, court reporter's fees and other expenses of litigation by an appropriate action against the person found to have violated this Chapter or any orders, rules, regulations and permits issues hereunder. Upon failure to make such payment, said charge shall be assessed as a special tax lien against the property, all pursuant to Section 144.06, Wis. Stats.
- c. This Chapter ordains that the failure to connect to the sewer system is contrary to the minimum health standards of the Village of Wheeler and fails to assure preservation of public health, comfort and safety of the residents of the Village of Wheeler.

(2) **Septic Tanks Prohibited.** The maintenance and use of septic tanks, holding tanks and other private sewage disposal systems within the area of the Village of Wheeler serviced by its sewer system are hereby declared to be a public nuisance and a health hazard. From and after January 1, 1978, the use of septic tanks, holding tanks or any private sewage disposal system within the area of the Village of Wheeler serviced by the sewerage system shall be prohibited.

(3) **Application For Sewer Service.**

- a. Every person desiring to connect to the sewer system shall file an application in writing to the Approving Authority on such forms as is prescribed for that

purpose. Blanks for such applications will be furnished at the office of the Village Clerk-Treasurer. The application must state fully and truthfully all the wastes that will be discharged. If the applicant is not the owner of the premises, the written consent of the owner must accompany the application. Persons connected to the sewer system of the Village of Wheeler are referred to as "Users."

- b. If it appears that the service applied for will not provide adequate service for the contemplated use, the Approving Authority may reject the application. If the Approving Authority approves the application, it shall issue a permit for services as shown on the application.
- (4) **Application for Septage Disposal.**
- a. Between August 1 and September 1 of each year, every licensed disposer wishing to discharge septage to the Village of Wheeler sewage system shall file a nonrefundable filing fee and an application in writing to the Approving Authority on such form as is prescribed for that purpose. During the months of July and August, forms for such application will be available at the office of Village Clerk-Treasurer. The application must state fully and truly the type, frequency, quantity, quality and location of generated septage to be disposed in the Village of Wheeler sewerage system.
 - b. During the month of September, the Approving Authority will evaluate the applications and make a determination as to the amount and conditions of septage disposal in the Village of Wheeler sewerage system. The Approving Authority shall approve or reject all applications by October 1 of each year. If the Village of Wheeler sewage system cannot accept all the proposed septage disposal then consideration shall be given first to those generators of septage that are within the sewer service or holding tank service areas [see NR 205.07(2)(h)].
 - c. All Approving Authority approvals for septage disposal shall have the condition that any time the sewerage system has operational problems, maintenance problems, or threat of WPDES permit violations that are directly or indirectly related to septage disposal, the Approving Authority may immediately restrict septage disposal until such time as corrective action or mitigative measures have been taken.
- (5) **Connection Charge.** Persons attaching to a sewer main shall have the lateral from the sewer main installed at their own expense.
- (6) **Tap Permits.** After sewer connections have been introduced into any building or upon any premises, no plumber shall make any alterations, extensions, or attachments, unless the party ordering such tapping or other work exhibits the proper permit for the same from the Approving Authority.
- (7) **User to Keep In Repair.** All users shall keep their own service pipes in good repair and protected from frost, at their own risk and expense, and shall prevent any unnecessary overburdening of the sewer system.

- (8) **Backflow Preventor.** All floor drains shall have a backflow preventor valve installed at the owner's expense.
- (9) **User Use Only.** No user shall allow other persons or other services to connect to the sewer system through their lateral.
- (10) **Vacating of Premises and Discontinuance of Service.** Whenever premises served by the system are to be vacated, or whenever any person desires to discontinue service from the system, the Village of Wheeler must be notified in writing. The owner of the premise shall be liable for any damages to the property of the system other than through the fault of the system or its employees, representatives or agents.
- (11) **User to Permit Inspection.** Every user shall permit the Approving Authority, or its duly authorized agent, at all reasonable hours of the day, to enter their premises or building to examine the pipes and fixtures, and the manner in which the drains and sewer connections operate. They must at all times, frankly and without concealment, answer all questions put to them relative to its use, all in accordance with this Chapter and Section 196.171, Wis. Stats.
- (12) **Utility Responsibility.** It is expressly stipulated that no claim shall be made against the Village of Wheeler or acting representative by reason of the bracing, clogging, stoppage or freezing of any service pipes; nor from any damage arising from repairing mains, making connections or extensions or any other work that may be deemed necessary. The right is hereby reserved to cut off the service at any time for the purpose of repairs of any other necessary pipes, any permit granted or regulations to the contrary notwithstanding. Whenever it shall become necessary to shut off the sewer within any district of the Village of Wheeler, the Approving Authority shall, if practicable, give notice to each and every consumer within the District of the time when such service will be shut off.
- (13) **Excavations.**
 - a. In making excavations in streets or highways for laying service pipe or making repairs, the paving and the earth removed must be deposited in a manner that will result in the least inconvenience to the public.
 - b. No person shall leave any such excavation made in any street or highway open at any time without barricades; and during the night, warning lights must be maintained at such excavations.
 - c. In refilling the opening, after the service pipes are laid, the earth must be laid in layers of not more than nine (9) inches in depth, and each layer thoroughly compacted to prevent settling. This work, together with the replacing of sidewalks, ballast and paving, must be done so as to make the street as good, at least, as before it was disturbed, and satisfactory to the Approving Authority. No opening of the streets for tapping the pipes will be permitted when the ground is frozen.
- (14) **Tapping the Mains.**
 - a. No person, except those having special permission from the Approving Authority or person in their service and approved by them, will be permitted under any

circumstances to tap the mains or collection pipes. The kind and size of the connection with the pipe shall be that specified in the permits or order from the Approving Authority to insure that new sewers and connections to the sewer system are properly designed and constructed.

- b. Pipes should always be tapped on top, and not within six (6) inches (15 cm) of the joint, or within twenty-four (24) inches (60 cm) of another lateral connection. All service connections to mains must comply with the State plumbing code. Lateral connections to existing sewers shall be made with saddles and by coring the existing sewer or by inserting (cutting-in) a wye or tee into the existing sewer. The lateral/tee connection shall be made with approved adapters or couplings.

(15) ***Installation of House Laterals.***

- a. All service pipes (laterals) on private property will be installed in accordance with State of Wisconsin Administrative Code provisions of the Department of Safety and Professional Services, especially regulations on "Design, Construction, Installation, Supervision, and Inspections of Plumbing" and "Building Sewers."
- b. As required by the Wisconsin Administrative Code, all laterals shall be inspected: "The building sewer and/or private interceptor main sewer shall be inspected upon completion of placement of the pipe and before backfilling and tested before or after backfilling."

(16) ***Extensions.***

- a. The Village of Wheeler shall extend sewer mains to a new person(s) in accordance with the following charges and conditions.
- b. When an extension of a sewer main is required by the prospective user, said person shall make an application on such form as is prescribed for that purpose for such an extension in writing to the Approving Authority. Upon filing of such an application, the Approving Authority shall first determine the logical location of the next manhole or manholes. Next, the Approving Authority shall determine the length and location of the extension, taking into consideration other prospective demands for service, the capacity of downstream facilities, and the orderly development of the particular area. No extension shall be made for a distance less than to the next manhole. All sewer extensions shall be constructed in compliance with local and state laws, ordinances and regulations.
- c. The person who requests the extension shall pay the entire cost of said extension including the manhole or manholes that are part of the extension. If more than one user is involved, the entire cost shall be divided among these users.
- d. After making the decision as to the length and location of the extension and prior to the time of making the charge to the person(s), the Village shall determine the benefits to be received by any parcel that can be served by said extension. Before making a determination as to benefits received, the Village shall first

divide the areas to be served into logical building lots. Such Village may consider the recommendations of the landowner in determining said building lots if the landowner as part of his/her application accompanies said application with a proposed division of said land into lots for sale or use. In determining the amount to be paid by the original users, if more than one user is involved, the division of the charge shall be made by considering each building lot as a separate user.

- e. Payments are to be considered contributions to construction and after the original contribution in any future connection by reason other than to a lot owned by a party making a previous contribution, such user shall be required to pay to the Village his/her pro-rata share of the lot or lots owned by the new attaching user in the entire extension cost as if said user had been one of the original contributors.
 - f. In addition to the charge made as above provided to each lot, each user shall pay the full cost of the lateral from the main to his/her building.
- (17) **Additional Authority.** The Approving Authority may at any time establish specific connection and lateral charges for any main not covered by other provisions in this Chapter or when an extension has been made and in cases which no provision exists which specifies lateral or connection charges. It is further provided that the Approving Authority may amend or alter any connection or lateral charge after its establishment under the terms of this Chapter or previous ordinance or resolutions.
- (18) **Septage Acceptance Location.**
- a. Septage shall only be discharged to the Village of Wheeler sewerage system by Village-approved and State of Wisconsin licensed disposers and at locations, times and conditions as specified by the Approving Authority.
 - b. Septage discharges to Approving Authority-specified manholes may, under special circumstances, be allowed, provided discharge rates are restricted as necessary to facilitate mixing, prevent a backup in the receiving sewer and prevent a slug load to the wastewater treatment facility. Discharges may be limited to the normal working hours of the Village of Wheeler and require written documentation of the discharge to be submitted to the Approving Authority within one working day of the discharge to the Village of Wheeler sewerage system.
 - c. Septage discharges to the Village septage holding facility at the wastewater treatment facility may be limited to the posted normal working hours of the facility. As with discharges to a manhole, documentation of the discharge shall be submitted to the Village within one working day of the discharge to the Village septage holding facility.
 - d. Forms are prescribed for the purpose of documentation of the discharge and will be furnished at the office of the Village Clerk-Treasurer and will include the following information:

1. Name, address and telephone number of the hauler;
2. License number;
3. Type of septage or other specialized waste;
4. Quantity of load;
5. Estimated quality of load;
6. Location, date, time and feed rate of discharge to the sewage system;
7. Source of load;
8. Name and address of waste generator; and
9. Other information as required by the Approving Authority.

Sec. 9-2-5 General Discharge Prohibitions.

No discharger shall contribute or cause to be discharged, directly or indirectly, any of the following described substances into the wastewater disposal system or otherwise to the facilities of the Authority:

- (a) Any liquids, solids, or gases which by reason of their cure or quantity are, or may be, sufficient either alone or by intention to cause a fire or explosion or be injurious in another way to the operation of the Village of Wheeler wastewater facilities or wastewater treatment works.
- (b) Solid or viscous substances which will or may cause obstruction to the flow in a sewer or other interference with the operation of the wastewater system.
- (c) Any wastewater having a pH less than 5.0 or higher than 9.0 or having any other corrosive property capable of causing damage or hazard to structures, equipment or personnel of the system unless the system is specifically designed to accommodate such wastewater.
- (d) Any wastewater containing toxic pollutants in sufficient quantity, either singly or by interaction, to injure or interfere with any wastewater treatment process, constitute a hazard to humans or animals, or to exceed the limitations set forth in State or Federal Categorical Pretreatment Standards. A toxic pollutant shall include but not be limited to any pollutant identified in the Toxic Pollutant List set forth in NR 215, Wis. Adm. Code.
- (e) Any noxious or malodorous liquids, gases or solids which either singly or by interaction are capable of creating a public nuisance or hazard to life or are sufficient to prevent entry into the sewer for their maintenance and repair.
- (f) Any substance which may cause the Village of Wheeler effluent or treatment residues, sludges or scums to be unsuitable for reclamation and reuse or to interfere with the reclamation process.
- (g) Any substance which will cause the Village of Wheeler to violate its WPDES and/or other Disposal System Permits.
- (h) Any substance with objectionable color not removed in the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions.
- (i) Any wastewater having a temperature which will inhibit biological activity in the Village of Wheeler treatment works resulting in interference; but in no case, wastewater with a

temperature at the introduction into the publicly-owned treatment works which exceeds 40 degrees C (104 degrees F).

- U) Any slugload, which shall mean any pollutants, including oxygen demanding pollutants (BOD, etc.), released in a single extraordinary discharge episode of such volume or strength as to cause interference to the publicly-owned treatment works.
- (k) Any unpolluted water including, but not limited to, non-contact cooling water.
- (l) Any wastewater containing any radioactive wastes or isotopes of such halflife of concentration as exceed limits established by the Authority in compliance with applicable state or federal regulations.
- (m) Any wastewater which causes a hazard to human life or creates a public nuisance.
- (n) Any stormwater, surface water, groundwater, roof runoff or surface drainage or any other connections from inflow sources to the sanitary sewer. Such water may be discharged to a storm sewer or other waterway with the permission of the Approving Authority.

Sec. 9-2-6 Limitations On Wastewater Strength.

- (a) **National Categorical Pretreatment Standards.** National categorical pretreatment standards as promulgated by the U.S. Environmental Protection Agency shall be met by all discharges of the regulated industrial categories.
- (b) **State Requirements.** State requirements and limitations on discharges to the publicly owned treatment works shall be met by all dischargers which are subject to such standards in any instance in which they are more stringent than federal requirements and limitations or those in this or any other applicable ordinance.
- (c) **Right of Revision.** The Authority reserves the right to amend this Chapter to provide for more stringent limitations or requirements on discharges to the publicly owned treatment works where deemed necessary to comply with the objectives set forth in this Chapter.
- (d) **Dilution.** No Discharger shall increase the use of potable or process water in any way, nor mix separate waste streams for the purpose of diluting a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the standards set forth in this Chapter.
- (e) **Supplementary Limitations.**
 - (1) No limits have been set on the concentrations (and/or mass limitations) of discharged wastewater. The Authority reserves the right to amend this Chapter to provide for some stringent limitations on discharges to the Publicly Owned Treatment Works where deemed necessary to comply with the objectives set forth in this Chapter.
 - (2) The Approving Authority may impose mass limitations on Dischargers, which are using dilution to meet the Pretreatment Standards or Requirements of this Chapter, or in other cases where the imposition of mass limitations is deemed appropriate by the Approving Authority.

(f) **Accidental Discharges.**

- (1) Each Discharger shall provide protection from accidental discharge of prohibited or regulated materials or substances established by this Chapter. Where necessary, facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the Discharger's cost and expense. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the Authority for review, and shall be approved by the Approving Authority before correction of the facility. Review and approval of such plans and operating procedures by the Approving Authority shall not relieve the Discharger from the responsibilities to modify its facility as necessary to meet the requirements of this Chapter.
- (2) Dischargers shall notify the Approving Authority immediately upon the occurrence of a "slugload", or accidental discharge of substances prohibited by this Chapter. The notification shall include location of the discharge, date and time, type of waste, concentration and volume, and corrective actions. Any Discharger who discharges a slugload of prohibited materials shall be liable for any expense, loss or damage to the Village of Wheeler wastewater facilities on wastewater treatment works, in addition to the amount of any fines imposed on the Approving Authority on account thereof under state or federal law.
- (3) Signs shall be permanently posted in conspicuous places or on the Discharger's premises advising employees whom to call in the event of a slug or accidental discharge. Employers shall instruct all employees who may cause or discover such a discharge with respect to emergency notification procedures.

Sec. 9-2-7 Control of Industrial Wastewater Discharges.

- (a) **Industrial Discharges.** If any waters, wastes, septage or other specialized wastes are discharged, or proposed to be discharged, to the public sewerage system contain substances or possess the characteristics which in the judgment of the Approving Authority may have a deleterious effect upon the sewage works, process, equipment or receiving waters or otherwise create a hazard to life or health or constitute a public nuisance detrimental to the sewerage system, the Approving Authority may:
- (1) Reject the wastes.
 - (2) Require pretreatment to an acceptable condition for discharge to the sewerage system.
 - (3) Require a control over the quantities and rates of discharge.
 - (4) Require the discharger to pay for all additional costs of treatment and the additional costs associated with bringing the wastewater treatment plant back into normal operation.
- (b) **Control Manholes.**
- (1) Each user discharging industrial wastes into a public sewer shall construct and maintain one or more control manholes or access points to facilitate observation, measurement and sampling of their wastes, including domestic sewage.

- (2) Control manholes or access facilities shall be located and built in a manner acceptable to the Approving Authority. If measuring devices are to be permanently installed, they shall be of a type acceptable to the Approving Authority.
 - (3) Control manholes, access facilities, and related equipment shall be installed by the person discharging the waste, at his/her expense, and shall be maintained by him/her so as to be in safe condition, accessible, and in proper operating condition at all times. Plans for installation of the control manholes or access facilities and related equipment shall be approved by the Approving Authority prior to the beginning of construction.
- (c) **Measurement of Flow.** The volume of flow used for computing the sewer service and the cost recovery charges for nonseptage disposal shall be based upon the water consumption of the person as shown in the records of meter readings maintained by the Village Water Utility.
- (d) **Provision for Deductions.** In the event that a person discharging industrial waste into the public sewers produces evidence satisfactory to the Village that more than ten percent (10%) of the total annual volume of water used for all purposes does not reach the public sewer, then the determination of the water consumption to be used in computing the waste volume discharged into the public sewer may be made a matter of agreement between the Village and the industrial waste discharger.
- (e) **Metering of Waste.** Devices for measuring the volume of waste discharged may be required by the Village if this volume cannot otherwise be determined from the metered water consumption records. Metering devices for determining the volume of water shall be installed, owned, and maintained by the person discharging the wastewater. Following approval and installation, such meters may not be removed without the consent of the Village.
- (f) **Waste Sampling.**
 - (1) Industrial wastes and septage discharge into the public sewers shall be subject to periodic inspection and a determination of character and concentration of said waste shall be made at least quarterly. The determinations shall be required by the Village. The Village may, in its discretion, require more frequent inspections, testing and determinations of the character and concentration of said waste.
 - (2) Samples shall be collected in such a manner as to be representative of the composition of the wastes. The sampling may be accomplished either manually or by the use of mechanical equipment acceptable to the Village. A minimum of at least quarterly sampling shall be necessary to determine sewer service charges.
 - (3) Testing facilities shall be the responsibility of the person discharging the waste or septage and shall be subject to the approval of the Village or its duly authorized representatives at all times. Every care shall be exercised in the collection of samples to ensure their preservation in a state comparable to that at the time the sample was taken.
 - (4) The party discharging the industrial waste of septage shall be responsible for all costs associated with sampling, testing, analysis, and character and concentration determinations.

- (5) Depending on the type of industry, monthly monitoring may be required. No industry should be monitored less than quarterly. Monitoring must be done so that the industry will be properly billed for sewer use charges.
- (g) **Pretreatment.**
- (1) When required, in the opinion of the Approving Authority to modify or eliminate waste that is harmful to the structures, processes or operation of the sewerage system, the Discharger shall provide at their expense such preliminary treatment or processing facilities as may be required to render this waste acceptable for admission to the public sewers.
 - (2) Plans, specifications, and any other pertinent information relating to proposed flow equalization, pretreatment, or processing facilities shall be submitted for the review of the Approving Authority prior to the start of their construction if the effluent from such facilities is to be discharged into the public sewer.
- (h) **Grease and/or Sand Interceptors.** Grease, oil, and sand interceptors, or other treatment equipment and/or means, shall be provided when, in the opinion of the Approving Authority they are necessary for proper handling of liquid wastes containing floatable grease in excessive amounts, or any flammable wastes, sand, or other harmful ingredients, except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be located as to be readily and easily accessible for cleaning and inspection. In the maintaining of these interceptors, the owner(s) shall be responsible for the proper removal and disposal, by appropriate means, of the captured materials and shall maintain records of the dates and means of disposal which are subject to review by the Approving Authority. Any removal and hauling of the collected materials not performed by the Discharger's personnel must be performed by currently licensed disposal firms.
- (i) **Special Arrangements.** No statements contained in this Chapter shall be construed as prohibiting any special agreement between the Approving Authority and any person whereby a waste of unusual strength or character may be admitted to the wastewater treatment facilities, either before or after pretreatment, provided that there is no impairment of the functioning of the sewage disposal works by reason of the admission of such wastes, and no extra costs are incurred by the Approving Authority without recompense by the person.
- U) **Analyses.**
- (1) All measurements, tests, and analyses of the characteristics of water, waste and septage to which reference is made in this Chapter shall be determined in accordance with the latest edition of "Standard Methods for the Examination of Water and Wastewater", published by the American Public Health Association and "Guidelines Establishing Test Procedures for Analysis of Pollutants" (1978, 40 CFR 136). Sampling methods, locations, times, durations, and frequencies are to be determined on an individual basis subject to approval by the Village.

- (2) Determination of the character and concentration of the industrial waste shall be made by the person discharging them or their agent, as designated and required by the Village. The Village may also make its own analyses of the wastes and these determinations shall be used as a basis for charges. If the person discharging the waste contests the determination, the Village may elect to have an independent laboratory determine the character and concentration of the waste. Said independent laboratory shall be certified under NR 149, Wis. Adm. Code, and be acceptable to both the Village and the person discharging the waste. All costs incurred by the independent laboratory in making the determination shall be assumed by the discharger.
- (k) **Submission of Information.** Plans, specifications, and other pertinent information relating to proposed flow equalization, pretreatment, or processing facilities shall be submitted for review of the Village prior to the start of their construction if the effluent from such facilities is to be discharged into the public sewers.
- (1) **Submission of Basic Data.**
 - (1) Within three (3) months after original passage of this Chapter, each person who discharges industrial wastes to a public sewer shall prepare and file with the Village a report that shall include pertinent data relating to the quantity and characteristics of the waste discharged to the sewerage system.
 - (2) Similarly, each person desiring to make a new connection to a public sewer for the purpose of discharging industrial wastes shall prepare and file with the Village a report that shall include actual or predicted data relating to the quantity and characteristics of the waste to be discharged.
- (m) **Extension of Time.** When it can be demonstrated that circumstances exist which would create an unreasonable burden on the person proposing to discharge a waste, to comply with the time schedule imposed herein, a request for extension of the time may be presented for consideration to the Village.

Sec. 9-2-8 Payment for Charges.

- (a) **Payment and Interest.** The sewerage service charge shall be for the corresponding period of the water bills, and shall be payable to the Village Clerk-Treasurer not later than twenty (20) days after the end of each period. An interest charge of sixty-seven hundredths percent (.67%) per month shall be added to all bills not paid within twenty (20) days of the end of each period.
- (b) **Charges a Lien.** All sewage charges shall be a lien upon the property serviced pursuant to Sec. 66.076(7), Wis. Stats., and shall be collected in the manner therein provided.
- (c) **Disposition of Revenue.** The amounts received from the collection of charges authorized by this Section shall be credited to a sanitary sewerage account which shall show all receipts and expenditures of the sewerage system. Charges collected for replacement expenses shall be credited to a segregated, nonlapsing replacement account. These funds

are to be used exclusively for replacement. When appropriated by the Board, the credits to the sanitary sewerage account shall be available for the payment of the requirements for operation, maintenance, repairs, and depreciation of the sewerage system consistent with 40 CFR 35.929. Any surplus outside the preview of 40 CFR 35.929, in said account, shall be available for the payment of principal and interest of bonds issued and outstanding, or which may be issued, to provide funds for said sewerage system, or part thereof, and all or a part of the expenses for additions and improvements and other necessary disbursements or indebtedness, and the Board may resolve to pledge each surplus or any part thereof for any such purpose. All present outstanding sewer system general obligation bonds, including the refunding bonds, shall be paid from this fund as to both principal and interest.

- (d) **Additional Charges.** Additional charges shall be imposed upon each lot, parcel of land, building, or premises served by public sewer and wastewater facilities located outside the boundaries of the Village to equalize local capital costs. Such additional charges shall result in a minimum charge for each user according to the schedule for debt repayment from utility revenues. Such additional charges shall be added to the sewer bill for each billing period.
- (e) **Excess Revenues.** Excess revenues collected from a user class will be applied to operation and maintenance costs attributable to that class for the next year.

Sec. 9-2-9 Annual Audit.

The Village shall have conducted an independent Annual Audit, the purpose of which shall be to maintain the proportionately between users and user classes of the user charge system and to ensure that adequate revenues are available relative to increasing operation, maintenance and replacement costs and debt retirement. The findings and recommendations of this audit shall be published in the Village's official newspaper, or posted as provided in Ch. 895, Wis. Stats.

Sec. 9-2-10 Violations and Penalties.

- (a) **Damages.** No unauthorized person shall maliciously, willfully or negligently break, damage, destroy, uncover, deface or tamper with any structure of pertinence or equipment which is a part of the sewerage system. Any person violating this provision shall be suspect to immediate arrest under charge of disorderly conduct.
- (b) **Written Notice of Violation.**
 - (1) Any person connected to the sewerage system found to be violating a provision of this Chapter shall be served by the Approving Authority with a written notice stating the nature of the violation and providing a reasonable time for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violation.

- (2) Any licensed disposer discharging to the sewerage system, found to be violating a provision of this Chapter or of any conditions of the Approving Authority's approval for septage disposal, may have their approval immediately revoked. The revocation shall be done in writing and state the reasons for revoking the septage disposal approval.
- (c) **Accidental Discharge.** Any person found to be responsible for accidentally allowing a deleterious discharge into the sewerage system which causes damage to the sewerage system and/or receiving water body shall, in addition to a fine, pay the amount to cover all damages, both of which will be established by the Village Board.
- (d) **Accidental Discharge Reporting.** Any person responsible for an accidental discharge that may have a detrimental impact on the sewerage system shall immediately report the nature and amount of the discharge to the Approving Authority.
- (e) **Continued Violations.** Any person, partnership or corporation, or any officer, agent, or employee thereof, who shall continue any violation beyond the aforesaid notice time limit provided shall, upon conviction thereof, forfeit not less than Twenty Dollars (\$20.00) nor more than One Thousand Dollars (\$1,000.00) together with the costs of prosecution for each offense. In default of payment of such forfeiture and costs, said violator shall be imprisoned in the County Jail for a period not to exceed five (5) days. Each day in which any violation is continued beyond the notice time shall be deemed a separate offense.
- (f) **Liability for Losses.** Any person violating any provision of this Chapter shall become liable to the Village of Wheeler for any expense, loss or damage occasioned by reason of such violation which the Village of Wheeler may suffer as a result thereof.
- (g) **Injunction Relief.** In addition to all other remedies, the Village of Wheeler shall have the authority to seek injunctive relief against anyone violating any of the provisions of this Chapter and it shall have the authority to revoke the wastewater discharge permit and require the violator to disconnect from the sewage system for failure to comply with any provisions of this Chapter.
- (h) **Right of Appeal.** Any industry or other Discharger or any interested party shall have the right to request, in writing, an interpretation or ruling from the Approving Authority on any matter covered by this Chapter and shall be entitled to a prompt written reply. In the event that such inquiry is by an Industry and deals with matters of performance or compliance with this Chapter, or deals with a Wastewater Discharge Permit issued pursuant hereto for which enforcement activity relating to an alleged violation is the subject, receipt of an Industry's request shall stay all enforcement proceedings, pending receipt of the aforementioned written reply.
- (i) **Records Retention.** All industrial users subject to this Chapter shall retain and preserve for no less than three (3) years, any records, books, documents, memoranda, reports, correspondence and any and all summaries relating to monitoring, sampling and chemical analyses made by or in behalf of an Industry in connection with its discharge. All records which pertain to matters which are the subject of administrative adjustment or any other

enforcement or litigation activities brought by the Approving Authority, shall be retained and preserved by the Industry until all enforcement activities have concluded and all periods of limitation with respect to any and all appeals have expired.

- (j) **Damage Recovery.** The system shall have the right of recovery from all persons, any expense incurred by said system for the repair or replacement of any part of the sewerage system damaged in any manner by any person by the performance of any work under their control, or by any negligent acts.
- (k) **Appeal Procedures.** Any user, affected by any decision, action, or determination, including case and desist orders, made by the interpreting or implementing provisions of this Chapter may appeal such decision by filing with the Village a written request for reconsideration within ten (10) days of the date of such decision, action, or determination, setting forth in detail the facts supporting the user's request for reconsideration. The Village, upon receiving the request for reconsideration, shall publish the request in the official newspaper, or post the request as provided in Sec. 895, Wis. Stats. The Board shall render a decision on the request for reconsideration to the user in writing within twenty (20) days of receipt of the request. Such decision of the Board shall be final. Any person aggrieved by the Board's final decision may seek relief from such decision in a court of competent jurisdiction, but must do so within thirty (30) days of the Board's final decision.

Sec. 9-2-11 Validity.

- (a) **Repeal of Conflicting Ordinance.** All ordinances or parts of ordinances or regulations or parts of regulations inconsistent with or in conflict with this Chapter are hereby repealed to the extent of such inconsistency or conflict.
- (b) **Invalidation Clause.** Invalidity of any section, clause, sentence, paragraph, word or provision in this Chapter shall not affect the validity of any other section, clause, sentence, paragraph, word, or provision of this Chapter which can be given effect without such invalid part or parts.
- (c) **Amendment.** The Village of Wheeler, through its duly qualified officers, reserves the right to amend this Chapter in part or in whole whenever it may deem necessary, but such right will be exercised only after due notice to all persons concerned and proper hearing on the proposed amendment.

Sec. 9-2-12 Sewer User Charge System.

- (a) **Definitions.** The following terms shall have the following meaning under this Section:
 - (1) **Debt Service Charges.** All costs associated with repayment of debts incurred for the construction and/or rehabilitation of a wastewater collection system and treatment facility.

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- (2) **Normal Domestic Strength Wastewater.** Wastewater with concentrations of BOD₅ and suspended solid no greater than 200 and 200 milligrams per liter (mg/l) respectively.
 - (3) **Normal User.** A user whose contributions to the sewerage system consist only of normal domestic strength waste water originating from a house, apartment, flat, or other living quarters occupied by a person or persons constituting a distinct household, business or commercial enterprise.
 - (4) **Operation and Maintenance Costs.** All costs associated with the operation and maintenance of the wastewater collection and treatment facilities. These costs, clear water flows (1/1) may be distributed:
 - a. In the same manner as O & M;
 - b. Land area of users;
 - c. Number of hookups; and
 - d. Actual or estimated water usage shall be divided proportionately among the various sewer estimated water usage shall be divided proportionately among the various sewer users.
 - (5) **Replacement Costs.** All costs necessary to accumulate the resources to replace equipment as required to maintain capacity and performance during the design life of the facility. *A separate segregated distance replacement fund shall be established and used for only replacement of equipment.
 - (6) **Sewer Service Charge.** A service charge levied on users of the sewerage system for payment of capital expenses as well as the operation and maintenance costs, including replacement of said facilities.
- (b) **Policy.** It shall be the policy of the Village to obtain sufficient revenues to pay the costs of the operation and maintenance of the sewerage facilities, including a replacement fund (i.e., a case account to be used for future expenditures for obtaining or installing equipment, accessories or appurtenances which are necessary to maintain the capacity and performance of the sewerage system during the service life for which such facilities were designed and constructed), through a system of sewer service charges as defined in this Section. The system shall assure that each user of the sewerage system pays their proportionate share of the cost of such facilities.
- (c) **Basis for Service Charge.**
- (1) The minimum quarterly billing ** shall be sufficient to pay the billing and customer related administration expenses. The unit price per volume shall be sufficient to pay the remaining annual cost of operation and maintenance, including any replacement fund, of the sewerage facilities. The method for determining the user charges is given in the User Charge System. The Village has provided the initial estimates of number of users, costs, etc., to calculate the first year's user charges.

* Replacement: The design life of the facility is twenty (20) years.

** A portion of the debt service may be budgeted by levying an ad valorem tax in accordance with state statutes. Operation, maintenance and replacement costs cannot be put on the ad valorem tax base before December, 1977.

- (2) The rates in this Section, shall be reviewed not less than biannually. Such review shall be performed by the Village Board and the Village Engineer. Rates shall be adjusted, as required, to reflect actual number and size of users and actual costs. Users will be notified annually of the portion of service charges attributable to operation and maintenance.
- (d) **Sewer Service Charges.** A sewer service charge is hereby imposed upon each lot, parcel of land, building, or premise served by the public sewer and wastewater facilities or otherwise discharging sewage, including industrial wastes, into the public sewerage system. Such sewer service charge shall be payable as hereinafter provided and in an amount determinable as follows:
- (1) **Category A** is defined as normal or domestic strength wastewater having organic concentrations of biochemical oxygen demand (BOD₅) no greater than 200 milligrams per liter (mg/l) and suspended solids no greater than 200 milligrams per liter (mg/l). the sewer service charge for Category A wastewater is as follows:

Customer Sewer Service Charge Per Year With One Customer on Each Meter

$$T.V.C. = C.V. \times V.$$

T.V.C. = Total volumetric charge

V. = Total volume of water used during billing period in units of gallons

CV. = Volume unit price=\$_____ per 1,000 gallons

The volume unit price (CV) shall be set so as to provide for the costs of operation, maintenance, replacement and debt retirement for the entire system.

- (2) **Category B** is defined as wastewater having organic concentrations of Biochemical Oxygen Demand (BOD₅) greater then 200 milligrams per liter (mg/l) and/suspended solids (SS) greater than 200 milligrams per liter (mg/l). The minimum Category B charge will be based on a concentration of ___ mg/l BOD₅ and mg/l SS. The equation for the monthly Category B is as follows:

S.S.C. = Total sewer service charge

S.S.C. = Category A charge (fixed plus volumetric) plus High Strength Surcharge

High Strength Surcharge = (C.B. x BOD₅) + (C.S. + SS)

C.B. = BOD₅ Unit Price=\$_____ per pound

C.S. = SS Unit Price = \$_____ per pound

BOD₅ = pounds of BOD₅ discharged during billing period in excess of domestic strength wastewater

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- (3) **Category C** is defined as septage which has organic concentrations of biochemical oxygen demand (BOD) greater than 200 milligrams per liter (mg/l) and/or suspended solids (SS) greater than 200 milligrams per liter (mg/l). The equation for the charge is as follows:

V.S. = Volume of septage in units of 1,000 gallons

S.C. = Service Charge

S.C. = (C.B. x BOD5) + (C.S. x S.S.)

C.B. = BOD₅ Unit Price = \$ _____ per pound

C.S. = S.S. Unit Price = \$ _____ per pound

C.V. = Volume Unit Price = \$ _____ per 1,000 gallons

BOD₅ = mg/l x .00834 x V.S.

S.S. = mg/l x .00834 x V.S.

Administrative Charge = \$5.00 per load

It will be assumed that holding tank wastewater will have a BOD of 600 mg/l and an S.S. of 1800 mg/l and septic tank wastewater will have a BOD 7,000 of mg/l and S.S. of 15000 mg/l.

- (4) **Reassignment of Sewer Users.** The Village will reassign sewer users into appropriate Sewer Service charge categories if wastewater sampling programs and other related information indicate a change of categories is necessary.