

TITLE 9

Public Utilities

Chapter 1	Water Utility Regulations and Rates
Chapter 2	Sewer Utility Regulations and Rates
Chapter 3	Cable Television
Chapter 4	Miscellaneous Utilities Regulations

CHAPTER 1

Water Utility Regulations and Rates

Article A Rates

9-1-1	Public Fire Protection Service -- F-1
9-1-2	General Service -- Metered -- Mg-1
9-1-3	General Service -- Suburban -- Mg-2
9-1-4	General Water Service -- Unmetered -- Ug-1
9-1-5	Public Service -- Mpa-1
9-1-6	Reconnection Charges -- R-1
9-1-7	Building and Construction Water Service -- Mz-1
9-1-8	Seasonal, Emergency or Temporary Service -- Mgt-1
9-1-9	Bulk Water -- Bw-1
9-1-10	Private Fire-Protection Service -- Unmetered -- Upf-1
9-1-11	Hydrant Charges -- H-1
9-1-12	Temporary Metered Supply, Meter and Deposits -- D-1
9-1-13	Additional Meter Rental Charge -- Am-1
9-1-14	Water Lateral Installation Charge -- Cz-1
9-1-15 through	
9-1-19	Reserved for Future Use

Article B Rules and Regulations

9-1-20	Compliance With Rules
9-1-21	Establishment of Service
9-1-22	Service Contract
9-1-23	Temporary Metered Supply, Meter and Deposits
9-1-24	Water for Construction
9-1-25	Use of Hydrants
9-1-26	Operation of Valves and Hydrants; Unauthorized Use of Water; Penalty
9-1-27	Refunds of Monetary Deposits
9-1-28	Service Connections (or Water Laterals)
9-1-29	Service Piping for Meter Settings
9-1-30	Turning on Water
9-1-31	Failure to Read Meters
9-1-32	Complaint Meter Tests

9-1-33	Thawing Frozen Services
9-1-34	Curb Stop Boxes
9-1-35	Installation of Meters
9-1-36	Repairs to Meters
9-1-37	Replacement and Repair of Service Pipe
9-1-38	Charges for Water Wasted Due to Leaks
9-1-39	Inspection of Premises
9-1-40	Customer's Deposits
9-1-41	Conditions of Deposit
9-1-42	Guarantee Contracts
9-1-43	Deferred Payment Agreement
9-1-44	Disconnection and Refusal of Service
9-1-45	Collection of Overdue Bills
9-1-46	Surreptitious Use of Water
9-1-47	Vacation of Premises
9-1-48	Repairs to Mains
9-1-49	Duty of Utility With Respect to Safety of the Public
9-1-50	Handling Water Mains and Service Pipes in Excavation Trenches
9-1-51	Protective Devices
9-1-52	Water Main Installations in Platted Subdivisions
9-1-53	Water Main Extension Rule
9-1-54	Cross Connection Control
9-1-55	Private Well Abandonment

Sec. 9-1-1 Water Utility Regulations and Rates
ARTICLE A

Rates

SEC. 9-1-1 PUBLIC FIRE PROTECTION SERVICE – F-1.

- (a) For public fire protection service to the Village of Colfax, the annual charge shall be Sixty-three Thousand Two Hundred Sixty-two Dollars (\$63,262.00) to cover the use of mains and hydrants up to and including the terminal hydrant and connection on each main existing for the 1998 test year.
- (b) For all extensions of fire protection service, there shall be an additional annual charge of Five Hundred Sixty-three Dollars (\$ 563.00) per net hydrant added to the system in excess of ninety (90) hydrants.
- (c) This service shall include the use of hydrants for fire protection service only and such quantities of water as may be demanded for the purposes of extinguishing fires within the municipal boundary. 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.
- (d) The annual public fire protection charge shall never be less than the base amount.

SEC. 9-1-12 GENERAL SERVICE—METERED—MG-1.

(a) **Quarterly Service Charge:**

5/8-inch meter-		\$ 20.24
3/4-inch meter-		\$ 20.24
1-inch meter-		\$ 40.48
1-1/4-inch meter-		\$ 56.05
1-1/2-inch meter-		\$ 71.62
2-inch meter-		\$ 108.99
3-inch meter-		\$ 205.52
4-inch meter-		\$ 311.40
6-inch meter-		\$ 467.10
8-inch meter-		\$ 622.80

(b) **Plus Volume Charge:**

First	30,000	gallons used each quarter	\$3.01 per 1,000 gallons.
Next	70,000	gallons used each quarter	\$2.44 per 1,000 gallons.
Next	100,000	gallons used each quarter	\$2.08 per 1,000 gallons.
Over	200,000	gallons used each quarter	\$1.35 per 1,000 gallons.

(c) **Billing.**

Bills used for water service are rendered quarterly and become due and payable upon issuance following the periods for which service is rendered. A late payment charge of three percent (3%) but not less than fifty cents (\$.50) will be added to bills not paid within twenty (20) days of issuance. This one-time three percent (3%) late payment charge will be applied only to any unpaid balance for the current billing period's usage. This late payment charge is applicable to all

customers. The utility customer may be given a written notice that the bill is overdue no sooner than twenty (20) days after the bill is issued. Unless payment or satisfactory arrangement for payment is made within the next eight (8) days, service may be disconnected pursuant to Chapter PSC 185, Wis. Adm. Code.

(d) **Combined Metering.**

- (1) Volumetric meter readings will be combined for billing if the utility for its own convenience places more than one (1) 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. Meter readings from individually metered separate service laterals shall not be combined for billing purposes.
- (2) 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 volume can be metered in one (1) place.

SEC. 9-1-3 GENERAL SERVICE -- SUBURBAN -- MG-2.

Water customers residing outside the corporate limits of the Village of Colfax shall be billed at the regular rates for service (Schedule Mg-1) plus a twenty-five percent (25%) surcharge.

SEC. 9-1-4 GENERAL WATER SERVICE -- UNMETERED -- UG-1.

- (a) **Rate.** Where the utility cannot immediately install its water meter, service may be supplied temporarily on an unmetered basis. Such service shall be billed at the rate of Fifty-seven and 20/100 Dollars (\$57.20) per billing period. This rate shall be applied only to single-family residential and small commercial customers and approximates the cost of thirteen thousand (13,000) gallons of water each quarter under Schedule Mg-1. If it is determined by the utility that usage is in excess of thirteen thousand (13,000) gallons of water per billing period, an additional charge per Schedule Mg-1 will be made for the estimated additional usage.
- (b) **Billing.** Same as Schedule Mg-1.

SEC. 9-1-5 PUBLIC SERVICE -- MPA-1.

- (a) Water service supplied to municipal buildings, schools, sewer treatment plants, etc., shall be metered and the regular metered service rates applied.
- (b) Water used on an intermittent basis for flushing sewers, street sprinkling, flooding skating rinks, drinking fountains, etc., shall be metered where meters can be set to measure the 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 allowed to be drawn. the estimated quantity used shall be billed at the rate of Two Dollars (\$2.00) per one thousand (1,000) gallons.

SEC. 9-1-6 RECONNECTION CHARGES -- R-1.

	<u>During Normal Business Hours</u>	<u>After Normal Business Hours</u>
Reinstallation of meter, including valving at curb stop	\$ 20.00	\$30.00
Valve turned on at curb stop	\$ 15.00	\$22.50

Note: No charge for disconnection.

SEC. 9-1-7 BUILDING AND CONSTRUCTION WATER SERVICE -- MZ-1.

- (a) For single-family and small commercial buildings, apply the unmetered rate, Schedule Ug-1.
- (b) For large commercial, industrial, or multiple apartment buildings, a temporary metered installation shall be made and general, metered rates (Schedule Mg-1) applied.

SEC. 9-1-8 SEASONAL, EMERGENCY OR TEMPORARY SERVICE -- MGT-1.

Seasonal customers* shall be served at the general service rate (Schedule Mg-1), except that each customer served under this rate shall pay an annual seasonal service charge equal to four (4) times the applicable service charge. Water used in any quarter shall be billed at the applicable volume schedule in Mg-1 and the charge added to the annual seasonal service charge. Further, if service has been disconnected, a charge under Schedule R-1 is applied at the time of reconnection.

*Seasonal customers are general service customers whose use of water is normally for recurring periods of less than a year.

SEC. 9-1-9 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 utility, estimated. Utility personnel or utility-approved party shall supervise the delivery of water.
- (b) Bulk water sales are:
 - (1) Water supplied to tank truck or from hydrant for the purpose of extinguishing fires outside the utility's immediate service area;
 - (2) Water supplied by tank truck or from hydrant 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. (Water supplied for construction purposes -- see Schedule Mz-1).
- (c) A charge for the volume of water used will be billed to the party using the water at Two and 90/100 Dollars (\$2.90) per one thousand (1,000) gallons. A service charge, in addition to the volumetric charge, will be Twenty Dollars (\$20.00).

- (d) A deposit for the meter and/or valve will be required. The deposit collected shall be Twenty-five Dollars (\$25.00) and will be refunded upon return of the utility's equipment. Damaged or lost equipment will be repaired or replaced at the customer's expense.

**SEC. 9-1-10 PRIVATE FIRE-PROTECTION SERVICE -- UNMETERED
-- UPF-1.**

- (a) **Use.** This service shall consist of unmetered connections to the main for the purpose of supplying water to private fire protection systems such as automatic sprinkler systems, standpipes, (where same are connected permanently or continuously to the mains) and private hydrants.
- (b) **Charges.** Quarterly demand charges for private fire-protection service:

<u>Size of Connection</u>	<u>Charge</u>
2-inch	\$ 24.00
3-inch	\$ 45.00
4-inch	\$ 75.00
6-inch	\$151.00
8-inch	\$241.00
10-inch	\$362.00
12-inch	\$528.00

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

SEC. 9-1-11 HYDRANT CHARGES -- H-1.

- (a) In cases where no other supply is available, hydrants may be used. The following charges shall apply:
- (1) Service charge for setting or moving sprinkler valve: \$10.00.
 - (2) Hydrant wrench deposit: \$10.00.
 - (3) Reducer (if necessary) deposit: \$10.00.
- (b) In addition, the projected water usage shall be paid for in advance at the schedule rates. The minimum charge for water usage shall be Ten Dollars (\$10.00).
- (c) Refunds of deposits will be made upon return of the utility equipment. Damaged or lost equipment will be repaired or replaced at customer expense.

SEC. 9-1-12 TEMPORARY METERED SUPPLY, METER AND DEPOSITS -- D-1.

- (a) Service charge for setting the valve and furnishing and setting the meter: \$10.00.
- (b) Deposit for valve and meter: \$10.00.
- (c) Water usage shall be billed at present rates.
- (d) Refunds of deposits will be made upon return of the utility equipment. Damage or lost equipment will be repaired or replaced at customer expense.

SEC. 9-1-13 ADDITIONAL METER RENTAL CHARGE -- AM-1.

- (a) If a customer requests the installation of an additional meter to receive credit for clear water not discharged into the sanitary sewer system, or if a sewerage service customer who is not a customer of the Water Utility requests the installation of a meter to determine the volume of sewage discharged into the sanitary sewer system, the utility shall furnish and install this additional meter. This rate shall be applied only to single-family residential and small commercial customers. A rental fee shall be charged for the use of this meter and the following rates shall apply. Billing period same as in Schedule Mg-1:

5/8-inch meter	\$ 6.00 per billing period
3/4-inch meter	\$ 6.00 per billing period
1-inch meter	\$12.00 per billing period
1-1/4-inch meter	\$15.00 per billing period
1-1/2-inch meter	\$18.00 per billing period

- (b) Initial Meter Installation Charge -- Twenty-five Dollars (\$25.00).

SEC. 9-1-14 WATER LATERAL INSTALLATION CHARGE -- CZ-1.

- (a) Subdivision developers shall be responsible, where the main extension has been approved by the utility, for the water service lateral installation costs from the main through the curb stop and box.
- (b) When the cost of a utility main extension is to be collected through assessment by the municipality, the actual average water lateral installation costs from the main through the curb stop and box shall be included in the assessment of the appropriate properties.
- (c) The initial water service lateral(s), not installed as part of a subdivision development or an assessable utility extension, will be installed from the main through the curb stop and box by the utility, for which there will be made a charge as follows:

3/4-inch or 1-inch copper water service	\$750.00
4-inch sewer service	\$750.00
Larger sized service	Actual Cost

SEC. 9-1-15 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 Colfax 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 shall 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 supply pipe and meter desired. (Note particularly any special refrigeration, fire protection, and/or air-conditioning water-consuming appliances.
- (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 utility's filed main extension rule.
 - (2) Property owner has installed or agrees to install a service pipe from the curb line to the point of use, and laid not less than six (6) feet below the surface of an established or proposed grade, and according to Utility's specification, 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 a separate water utility customer for the purpose of the filed rules and regulations.
- (d) No division of the water service of any lot or parcel of land shall be made for the extension and independent meterage of the supply to an adjoining lot or parcel of land. No division of a water supply service shall be made at the curb for separate supplies therefrom for two (2) or more separate premises having frontage on any street or public service strip whether owned by the same or different parties.
- (e) The Utility is hereby empowered to 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 SERVICE CONTRACT.

- (a) The minimum service contract period shall be one (1) year unless otherwise specified by special contract or in the applicable rate schedule. Where the

Utility service has been disconnected at the customer's request prior to expiration of the minimum contract period, a reconnection charge shall be made, payable in advance, when the customer requests reconnection of service. (See Schedule R-1 for applicable rate.) The minimum contract period is renewed with each reconnection.

- (b) A reconnection charge shall also be required from consumers whose services are disconnected (shut off at curb stop) because of non-payment of bills when due (not including disconnection for failure to comply with deposit or guarantee rules). (See Schedule R-1 for applicable rate.)
- (c) A consumer shall be considered as the same consumer provided the reconnection is requested for the same location by any member of the same family, or if a place of business, by any partner of the same business.

SEC. 9-1-23 TEMPORARY METERED SUPPLY, METER AND DEPOSITS.

An applicant for temporary water supply 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 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 therefor shall be made to the Utility, in writing, upon application provided for that purpose in the Utility's office, 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 shall be made in advance at the scheduled rates. The service pipe must be installed inside the building from where the water must be drawn. No connection with the service pipe at the curb shall be made without special permission from the Utility.
- (b) In no case will any employee of the Utility turn on water for construction work unless the contractor first presents a permit. Upon completion of the construction work, the contractor must return the original permit to the Utility.
- (c) Consumers shall not allow contractors, masons or other persons to take water from their premises without first showing a permit from the Department. Any consumer failing to comply with this provision will have water service discontinued.

SEC. 9-1-25 USE OF HYDRANTS.

- (a) In cases where no other supply is available, permission may be granted by the Utility to use a hydrant. No hydrant shall be used until it is equipped with a sprinkling valve. In no case shall any valve be moved except by a member of the 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 Utility to that effect.

- (c) In the use of a hydrant supply, the hydrant valve will be set at the proper opening by the Utility when the sprinkling valve is set, and the flow of water must be regulated by means of the sprinkling valve. If the water is to be used through iron pipe connections, all such pipe installations shall have the swing joint to facilitate quick disconnection from the fire hydrant.

SEC. 9-1-26 OPERATION OF VALVES AND HYDRANTS; UNAUTHORIZED USE OF WATER; PENALTY.

Any person who shall, without authority of the 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 ordinances. Permits for the use of hydrants apply only to such hydrants as are designated for the specific use.

SEC. 9-1-27 REFUNDS OF MONETARY DEPOSITS.

All moneys deposited as security for payment of charges arising from the use of temporary water supply on a metered basis, or for the return of a sprinkling valve wheel or reducer, 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 wheel and reducer.

SEC. 9-1-28 SERVICE CONNECTIONS (OR WATER LATERALS).

- (a) No water service 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 pipe, unless adequate means of protection are provided by sand filling or such other insulation as may be approved by the Utility. Service pipes 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 pipe 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 pipe must be protected against injury by carefully hand tamping the ground filling, free from hard lumps, rocks, stones, or other injurious material, around and at least six (6) inches over the pipe.
- (c) All water supplies 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.

- (a) 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. Where it is possible to set meters in the basement, or other suitable place within the building, a short nipple shall be inserted after the stop and waste cock, then a union, and then another nipple and coupling of the proper length. The nipple attached to the union and coupling shall be cut to a standard length provided by the plans of the Utility (it may require a horizontal run of eighteen (18) inches in such pipe line) which may later be removed for the insertion of the meter into the supply line.
- (b) No permit will be given to change from metered to flat rate service.

SEC. 9-1-30 TURNING ON WATER.

The water cannot be turned on for a consumer except by a duly authorized employee of the Utility. The plumber must leave the water turned off after completing the job. This does not prevent the plumber from testing the work.

SEC. 9-1-31 FAILURE TO READ METERS.

- (a) Where the utility is unable to read a meter after two (2) successive attempts, 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 quarter 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 minimum bill paid the preceding month. Only in unusual cases, or when approval is obtained from the customer shall more than three (3) consecutive estimated bills be rendered where billed are rendered monthly and there shall be not more than two (2) consecutive estimated bills where the billing period is two (2) months or more.
- (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 employed, the bill will be estimated by some equitable method.

SEC. 9-1-32 COMPLAINT METER TESTS.

See Wis. Adm. Code, Chapter PSC 185.

SEC. 9-1-33 THAWING FROZEN SERVICES.

See Wis. Adm. Code, Chapter PSC 185.

SEC. 9-1-34 CURB STOP BOXES.

The consumer shall protect the curb stop box in the terrace and shall keep the same free from dirt and other obstructions. The 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 consumer's premises.

SEC. 9-1-35 INSTALLATION OF METERS.

Meters will be furnished and placed by the Utility and are not to be disconnected or tampered with by the consumer. All meters shall be so located that they shall be protected from obstructions and permit ready access thereto for reading, inspection, and servicing, such location to be designated or approved by the Utility. All piping within the building must be supplied by the owner. Where additional meters are desired by the consumer, he shall pay for all piping and an additional amount sufficient to cover the cost of maintenance and depreciation. Where applicable, see Schedule Am-1 for rate.

SEC. 9-1-36 REPAIRS TO METERS.

- (a) Meters will be repaired by the Utility and the cost of such repairs caused by ordinary wear and tear will be borne by the Utility.
- (b) Repair of any damage to a meter resulting from the carelessness of the owner of the premises, 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 injured from the presence of hot water or steam in the meter, shall be paid for by the consumer or the owner of the premises.

SEC. 9-1-37 REPLACEMENT AND REPAIR OF SERVICE PIPE.

- (a) Where the property owner requests that a larger service lateral be installed to replace an existing smaller diameter pipe, an allowance of Fifteen Dollars (\$15.00) will be made as a deduction in the cost, providing the new service is to be installed in the same ditch as the existing service pipe.
- (b) The service pipe 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 Utility. The property owner shall maintain the service pipe from the curb stop to the point of use.
- (c) If the owner fails to repair a leaking or broken service pipe from curb to point of metering or use within such time as may appear reasonable to the Utility after notification has been served on the owner by the Utility, the water will be shut off and will not be turned on again until the repairs have been completed.

SEC. 9-1-38 CHARGES FOR WATER WASTED DUE TO LEAKS.

See Wis. Adm. Code, Chapter PSC 185.

SEC. 9-1-39 INSPECTION OF PREMISES.

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

SEC. 9-1-40 CUSTOMER'S DEPOSIT.

See Wis. Adm. Code, Chapter PSC 185.

SEC. 9-1-41 CONDITIONS OF DEPOSIT.

See Wis. Adm. Code, Chapter PSC 185.

SEC. 9-1-42 GUARANTEE CONTRACTS.

See Wis. Adm. Code, Chapter 185.

SEC. 9-1-43 DEFERRED PAYMENT AGREEMENT.

See Wis. Adm. Code, Chapter 185.

SEC. 9-1-44 DISCONNECTION AND REFUSAL OF SERVICE.

- (a) **Disconnection.** See Wis. Adm. Code Chapter PSC 185.
- (b) **Disconnection Notice.** The form of disconnection notice to be used is as follows:

DISCONNECTION NOTICE

Dear Customer:

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

You have 8 days to pay the 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 8 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 8 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 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 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 utility service arrears on your bill, you may contact the 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 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.

(UTILITY NAME)

SEC. 9-1-45 COLLECTION OF OVERDUE BILLS.

An amount owed by the customer may be levied as a tax as provided in Sec. 66.069, Wis. Stats. 66.0519(3)

SEC. 9-1-46 SURREPTITIOUS USE OF WATER.

- (a) When the Utility has reasonable evidence that a consumer is obtaining water, in whole or in part, by means of devices or methods used to stop or interfere with the proper metering of the utility service being delivered, the 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. When the Utility shall have disconnected the consumer for any such reason, the Utility will reconnect the consumer upon the following conditions:
- (1) The consumer will be required to deposit with the Utility an amount sufficient to guarantee the payment of the consumer's bills for utility service to the Utility.
 - (2) The consumer will be required to pay the Utility for any and all damages to its equipment on the consumer's premises due to such stoppage or interference with its metering.
 - (3) The consumer 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. 9-1-47 VACATION OF PREMISES.

When premises are to be vacated, the Utility shall be notified in writing at once, so that it may remove the meter and shut off the supply at the curb valve. The owner of the premises shall be liable to prosecution for any damage to the property of the water department by reason of failure to notify the Utility of vacancy.

SEC. 9-1-48 REPAIRS TO MAINS.

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

**SEC. 9-1-49 DUTY OF UTILITY WITH RESPECT TO
SAFETY OF THE PUBLIC.**

It shall be the duty of the Utility to see that all open ditches for water mains, hydrants, and service pipes are properly guarded to prevent accident to any person or vehicle and at night there shall be displayed amber signal light in such manner as will, so far as possible, insure the safety of the public.

**SEC. 9-1-50 HANDLING WATER MAINS AND SERVICE PIPES IN
EXCAVATION TRENCHES.**

Contractors must ascertain for themselves the existence and location of all water mains and service pipes. Where removed, cut or damaged during trench excavation,

contractors must, at their own expense, cause them to be replaced or repaired at once. Contractors must not shut off the water service pipes to any consumer for a period exceeding six (6) hours.

SEC. 9-1-51 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 thereof, 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 pressure safety cutout devices. There shall likewise 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 either in the top tapping or the upper side tapping of the hot water tank, or on the hot water distributing pipe connection at the tank. No stop valve shall be placed between the hot water tank and the relief valve or on the drain pipe. (See applicable Village 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 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. 9-1-52 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 Municipal Clerk and shall set forth the following information:
 - (1) Name of subdivision.
 - (2) Legal description.
 - (3) Map showing streets, lots and sizes of proposed mains and hydrants, and street laterals.
 - (4) Date of approval of subdivision plan by State Department of Development.
 - (5) Date of approval of proposed mains by State Department of Natural Resources.
 - (6) Number of houses presently under construction.
- (b) Upon receipt of the application, the water utility will prepare detailed estimates of the cost of extending water mains and hydrants of the size deemed necessary in the subdivision and submit same to the municipal governing body for approval of the extension as it pertains to public fire-protection service requirements.
- (c) The applicant for water service to be supplied to a subdivision shall be required to advance to the 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 overpayment will be made by the water utility.

- (d) If the developer, or a contractor employed by the developer, is to install the water mains (with approval of the utility), the developer shall be responsible for the total cost of construction.

SEC. 9-1-53 WATER MAIN EXTENSION RULE.

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 Village against the abutting property, the procedure set forth under Sec. 66.60, Wis. Stats., will apply, and no additional customer contribution to the Utility will be required.
- (b) Where the Village 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 twenty (20) 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 (a) 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 Utility expense within twenty (20) 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 CROSS CONNECTION CONTROL.

- (a) **Definition.** A cross connection shall be defined as any physical connection or arrangement between two otherwise separate systems, one of which contains potable water from the Village water system, and the other, water from a private source, water of unknown or questionable safety, or steam, gases, or chemicals, whereby there may be a flow from one system to the other, the direction of flow depending on the pressure differential between the two systems.
- (b) **Cross Connections Prohibited.** No person, firm or corporation shall establish or permit to be established or maintain or permit to be maintained any cross connection. No interconnection shall be established whereby potable water from a private, auxiliary or emergency water supply other than the regular public water supply of the Village may enter the supply or distribution system of said municipality, unless such private, auxiliary or emergency water supply and the method of connection and use of such supply shall have been approved by the

Colfax Water and Sewer System Utility and by the Wisconsin Department of Natural Resources in accordance with Section NR 111.25(3), Wisconsin Administrative Code.

- (c) **Inspections.** It shall be the duty of the Colfax Water and Sewer System Utility to cause inspections to be made of all properties served by the public water system where cross connections with the public water system is deemed possible. The frequency of inspections and re-inspections based on potential health hazards involved shall be as established by the Colfax Water and Sewer System Utility and as approved by the Wisconsin Department of Natural Resources.
- (d) **Right to Inspect.** Upon presentation of credentials, the representative of the Colfax Water and Sewer System Utility shall have the right to request entry at any reasonable time to examine any property served by a connection to the public water system of the Village for cross connections. If entry is refused, such representative shall obtain a special inspection warrant under Sec. 66.122, Wis. Stats. On request the owner, lessee or occupant of any property so served shall furnish to the inspection agency any pertinent information regarding the piping system or systems on such property.
- (e) **Discontinuation of Service.** The Colfax Water and Sewer System Utility is hereby authorized and directed to discontinue water service to any property wherein any connection in violation of this Section exists, and to take such other precautionary measures deemed necessary to eliminate any danger of contamination of the public water system. Water service shall be discontinued only after reasonable notice and opportunity for hearing under Chapter 68, Wis. Stats., except as provided in Subsection (f). Water service to such property shall not be restored until the cross connection(s) has been eliminated in compliance with the provisions of this Section.
- (f) **Immediate Discontinuation.** If it is determined by the Colfax Water and Sewer System Utility that a cross connection or an emergency endangers public health, safety or welfare and requires immediate action, and a written finding to that effect is filed with the Village Clerk-Treasurer and delivered to the customer's premises, service may be immediately discontinued. The customer shall have an opportunity for hearing under Chapter 68, Wis. Stats., within ten (10) days of such emergency discontinuance.
- (g) **State Code Adopted.** The Village adopts by reference the State Plumbing Code of Wisconsin being Chapter H 82, Wisconsin Administrative Code.
- (h) **Section Not to Supersede Other Ordinances.** This Section does not supersede the State Plumbing Code and any Village plumbing ordinances but it supplementary to them.

SEC. 9-1-55 PRIVATE WELL ABANDONMENT.

- (a) **Purpose.** The purpose of this Section is to prevent unused and/or improperly constructed wells from serving as a passage for contaminated surface or near-surface waters or other materials to reach the usable ground water. These wells must be properly filled and sealed.
- (b) **Coverage.** All private wells located on any premises which is served by the public water system of the Village shall be properly filled by June 30, 1983. Only those wells for which a well operation permit has been granted by the Village Clerk-Treasurer may be exempted from this requirement; subject to conditions of maintenance and operation.

- (c) **Well Operation Permits.** A permit may be granted to a well owner to operate a well for a period not to exceed one (1) year if the following requirements are met. (Applications shall be made on forms provided by the Village Clerk.)
 - (1) The well and pump installation meet the requirements of Ch. NR 112, Wis. Adm. Code, and a well constructor's report is on file with the Department of Natural Resources, or certification of the acceptability of the well has been granted by the Private Water Supply Section of the Department of Natural Resources.
 - (2) The well has a history of producing safe water and presently produces bacteriologically safe water as evidenced by three (3) samplings two (2) weeks apart.
 - (3) The proposed use of the well can be justified as being necessary in addition to water provided by the public water system.
 - (4) No physical connection shall exist between the piping of the public water system and the private well.
- (d) **Methods.** Wells to be abandoned shall be filled according to the procedures outlined in Ch. NR 112, Wis. Adm. Code. The pump and piping must be removed and the well checked for obstructions prior to plugging. Any obstruction or liner must be removed.
- (e) **Reports and Inspection.** A well abandonment report must be submitted by the well owner to the Department of Natural Resources on forms provided by the agency (available at the office of the Village Clerk-Treasurer). The report shall be submitted immediately upon completion of the filling of the well. The filling must be observed by a representative of this Village.

CHAPTER 2

Sewer Utility Regulations and Rates

<u>Article A</u>	<u>User Regulations</u>
9-2-1	Compliance With Rules
9-2-2	Definitions
9-2-3	Use of the Public Sewers
9-2-4	Control of Industrial Wastes Directed to Public Sewers
9-2-5	Classes of Service
9-2-6	Right-of-Entry, Identification and Safety
9-2-7	Sewer Construction
9-2-8	Violations and Penalties
9-2-9	Credit for Water Not Discharged to Sewer
9-2-10	Sewer Main Extension Rule
9-2-11 through	
9-2-19	Reserved for Future Use
 <u>Article B</u>	 <u>Rate Schedule</u>
9-2-20	General Sewer Service Charge -- Smg-1
9-2-21	Commercial and Industrial Sewer Service -- Metered -- Smg-2
9-2-22	General Sewer Service -- Unmetered -- Sum-1
9-2-23	Water and Sewer Lateral Installation Charge -- Cz-1

ARTICLE A

User Regulations

SEC. 9-2-1 COMPLIANCE WITH RULES.

- (a) All persons now receiving sewer service from the Colfax Water and Sewer Utility, or who may hereafter make application therefore, shall be considered as having agreed to be bound by the rules and regulations as filed with the Public Service Commission of Wisconsin.
- (b) Application for sewer service shall be made in writing on a form furnished by the sewer 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 connection.

SEC. 9-2-2 DEFINITIONS.

- (a) The following definitions are applicable to this Chapter:
 - (1) Approving Authority. The superintendent of the utility, Board of Public Works, or other designated official of the municipality, or their duly authorized deputy, agent, or representative.
 - (2) Biochemical Oxygen Demand (BOD). The quantity of oxygen utilized in the biochemical oxidation of organic matter in five (5) days at twenty degrees Centigrade (20°C), expressed as milligrams per liter. Quantitative determination of BOD shall be made in accordance with procedures set forth in "Standard Methods".
 - (3) Combined Sewer. A sewer receiving both surface runoff and sewage.
 - (4) Chlorine Requirement. The amount of chlorine in milligrams per liter which must be added to sewage to produce a residual as specified in the Wisconsin Pollutant Discharge Elimination System.
 - (5) Garbage. The residue from the preparation, cooking, and dispensing of food, and from the handling, storage, and sale of food products and produce.
 - (6) Ground Garbage. The residue from the preparation, cooking, and dispensing of food that has been shredded to such a degree that all particles will be carried freely in suspension under the flow conditions normally prevailing in public sewers with no particle greater than one-half (1/2) inch in any dimension.
 - (7) Industrial Waste. The wastewater from industrial process, trade, or business, as distinct from sanitary sewage, including cooling water and the discharge from sewage pretreatment facilities.
 - (8) Natural Outlet. Any outlet, including storm sewers and combined sewer overflows, into a watercourse, pond, ditch, lake, or other body of surface water or ground waters.
 - (9) Parts Per Million. A weight-to-weight ratio. The parts per million value multiplied by the factor 8.34 is equivalent to pounds per million gallons of water.
 - (10) Person. Any and all persons, including any individual, firm, company, municipal or private corporation, association, society, institution, enterprise, governmental agency, or other entity.

- (11) Sanitary Sewage. A combination of water-carried wastes from residences, business buildings, institutions, and industrial plants (other than industrial wastes from such plants); together with such ground, surface, and storm waters as may be present.
- (12) Sanitary Sewer. A sewer that conveys wastewater, industrial wastes or a combination of both, and into which storm, surface, and ground waters or unpolluted industrial wastes are not intentionally admitted.
- (13) Sewage. The spent water of a community. The preferred term is "wastewater".
- (14) Sewer. A pipe or conduit for conveying sewage or any other waste liquids, including storm, surface, and ground water drainage.
- (15) "Shall" is mandatory; "May" is permissible.
- (16) Slug. Any discharge of sewage or industrial waste which in concentration of any given constituent exceeds more than five (5) times the average twenty-four (24) hour concentration during normal operation, or the discharge of any volume of liquid waste which exceeds more than five (5) times in quantity of flow for a period of fifteen (15) minutes or more, the normal twenty-four (24) hour average discharge and shall adversely affect the collection system and/or performance of the wastewater treatment plant.
- (17) 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 Federation of Sewage and Industrial Wastes Associations.
- (18) Storm Sewer. A sewer that carries storm, surface, and ground water drainage but excludes sewage and industrial wastes.
- (19) Suspended Solids. Solids that either float on the surface of, or are in suspension in, water, wastewater, or industrial waste, and which are removable by a laboratory filtration device. Quantitative determination of suspended solids shall be made in accordance with procedures set forth in "Standard Methods".
- (20) Wastewater. A combination of the liquid and water-carried wastes from residences, commercial buildings, industrial plants, and institutions, together with any ground water, surface water, and storm water that may be present.
- (21) Wastewater Collection System. The system of sewers and appurtenances for the collection, transportation and pumping of wastewater and industrial wastes.
- (22) Wastewater Treatment Plant. An assemblage of devices, structures, and equipment for treating and disposing of wastewater and industrial wastes.

SEC. 9-2-3 USE OF THE PUBLIC SEWERS.

- (a) **Sanitary Sewers**. No person shall cause to be discharged any storm water, surface drainage, subsurface drainage, ground water, roof runoff, cooling water, or unpolluted water into any sanitary sewer.
- (b) **Prohibitions and Limitations**. Except as hereinafter provided, no person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewer.

- (1) Any gasoline, benzine, naphtha, fuel oil, or other flammable or explosive liquid, solid, or gas.
- (2) Any waters or wastes containing toxic or poisonous solids, liquids, or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any wastewater treatment process, or constitute a hazard to humans or animals or create any hazard in the receiving waters of the wastewater treatment plant.
- (3) Any waters or wastes having a pH lower than five (5.0) or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the wastewater treatment plant.
- (4) Any waters or wastes having a pH in excess of ten (10.0).
- (5) Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operations of the wastewater collection and treatment facilities such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshings, entrails, and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.
- (6) No persons shall discharge or cause to be discharged the following described substances, materials, waters or wastes if it appears likely in the opinion of the Approving Authority that such wastes can harm either the sewers, wastewater treatment plant or equipment, have an adverse affect on the receiving stream, or can otherwise endanger life, limb, property, or constitute a nuisance. In forming their opinion as to the acceptability of these wastes, the Approving Authority will give consideration to the sewers, nature of the wastewater treatment process, capacity of the wastewater treatment plant, and other pertinent factors. The substances prohibited are:
 - a. Any liquid or vapor having a temperature higher than one hundred fifty degrees Fahrenheit (150°F).
 - b. Any water or waste containing fats, wax, grease, or oils, whether emulsified or not which will or may cause obstruction to the flow in a sewer or other interference with the operation of the wastewater system.
 - c. Any commercial garbage that has not been properly shredded. The installation and operation of any commercial grinder equipped with a motor of one (1) horsepower or greater shall be subject to the review and approval of the Approving Authority.
 - d. Any waters or wastes containing iron, chromium, copper, zinc, mercury, and similar objectionable or toxic substances; or wastes exerting an excessive chlorine requirement, to such a degree that any such material received in the composite wastewater at the wastewater treatment plant exceeds the limits established by the Approving Authority for such materials.
 - e. Any waters or wastes containing phenols or other taste or odor producing substances in such concentrations exceeding limits which may be established by the Approving Authority as necessary after treatment of the composite wastewater, to meet the requirements of the State, Federal or other public agencies of jurisdiction for such discharge to the receiving waters.

- f. Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Approving Authority in compliance with State or Federal Regulations.
 - g. Any water or wastes which, by interaction with other water or wastes in the sanitary sewer system, release obnoxious gases, for suspended solids which interfere with the collection system or create a condition deleterious to structures and treatment process.
 - h. Materials which exert or cause:
 - 1. Unusual B.O.D. chemical oxygen demand, or chlorine requirements in such quantities as to constitute a significant load on the wastewater treatment plant.
 - 2. Unusual volume of flow or concentration of wastes constituting "slugs" as defined herein.
 - 3. Unusual concentrations of inert suspended solids (such as, but not limited to, fuller's earth, lime slurries, and lime residues) or of dissolved solids (such as, but not limited to, sodium sulfate).
 - 4. Excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions).
 - 5. Waters or wastes containing substances which are not amenable to treatment or reduction by the wastewater treatment processes employed, or are amenable to treatment only to such degree that the wastewater treatment plant effluent cannot meet the requirements of the Department of Natural Resources, Division of Environmental Protection of the State of Wisconsin.
- (c) **Special Arrangements.** No statement contained in this Article shall be construed as prohibiting any special agreement between the Approving Authority and any person whereby an industrial waste of unusual strength or character may be admitted to the sewage disposal works, 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 utility without recompense by the person.

SEC. 9-2-4 CONTROL OF INDUSTRIAL WASTES DIRECTED TO PUBLIC SEWERS.

- (a) **Industrial Discharges.** If any waters or wastes are discharged, or proposed to be discharged to the public sewers, which waters or wastes contain substances or possess the characteristics enumerated in Section 9-2-3(b), and which in the judgment of the Approving Authority, have a deleterious effect upon the wastewater collection or treatment facilities, processes, equipment, or receiving waters, or which otherwise create a hazard to life, health, or constitute a public nuisance, the Approving Authority may:
- (1) Reject the wastes.
 - (2) Require treatment to an acceptable condition for discharge to the public sewers.
 - (3) Require control over the quantities and rates of discharge.
- (b) **Control Manholes.**
- (1) Each person discharging industrial wastes into a public sewer shall construct and maintain one (1) or more control manholes or access points to facilitate observation, measurement, and sampling of his 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 and/or sampling 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 and at the expense of the person discharging the waste, and shall be maintained by that person 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 industrial waste collection and treatment charges shall be the metered water consumption of the person as shown in the records of meter reading maintained by the Utility's water department.
- (d) **Metering of Waste.** Devices for measuring the volume of waste discharged may be required by the Approving Authority if the volume cannot otherwise be determined from the metered water consumption records. Metering devices for determining the volume of waste shall be installed, owned, and maintained by the person to accuracy standards acceptable to the Approving Authority and the Public Service Commission. Following approval and installation, such meters may not be removed without the consent of the Approving Authority.
- (e) **Provision for Deductions.** In the event that a person discharging industrial waste into the public sewers produces evidence satisfactory to the Approving Authority 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 Approving Authority and the person.
- (f) **Waste Sampling.**
 - (1) Industrial wastes discharged into the public sewers shall be subject to periodic inspection and a determination of character and concentration of said wastes. The determinations shall be made by the industry as often as may be deemed necessary by the Approving Authority.
 - (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 Approving Authority.
 - (3) Installation, operation and maintenance of the sampling facilities shall be the responsibility of the person discharging the waste and shall be subject to the approval of the Approving Authority or its duly authorized representative at all times. Every care shall be exercised in the collection of samples to insure their preservation in a state comparable to that at the time the sample was taken.
- (g) **Pretreatment.** Where required, in the opinion of the Approving Authority, to modify or eliminate wastes that are harmful to the structures, processes or operation of the wastewater collection or treatment plant, the person shall provide, at his/her expense, such preliminary treatment or processing facilities as may be determined required to render his wastes acceptable for admission to the public sewers.
- (h) **Grease, Oil and Sand Interceptors.** Grease, oil and sand interceptors shall be provided when, in the opinion of the Approving Authority, they are necessary for

the proper handling of liquid wastes containing grease in excessive amounts or any flammable wastes, and/or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type readily accessible for cleaning and inspection. In maintaining these interceptors, the owner(s) shall be responsible for the proper removal and disposal by appropriate means of the captured material and shall maintain records of the dates and means of disposal which are subject to review by the Approving Authority. Disposal of the collected materials performed by owner's (s') personnel or currently licensed waste disposal firms must be in accordance with currently acceptable Wisconsin Department of Natural Resources rules and regulations.

(i) **Analyses.**

- (1) Laboratory procedures used in the examination of industrial wastes shall be those set forth in "Standard Methods". However, alternate methods for certain analyses of industrial wastes may be used subject to mutual agreement between the Approving Authority and the person.
- (2) Determination of the character and concentration of the industrial wastes shall be made by the person discharging the wastes or by the person's agent, as designated and required by the Approving Authority. The Utility may also make its own analyses on the wastes and these determinations shall be binding as a basis for charges.

(j) **Submission of Information.** Plans, specifications and any other pertinent information relating to proposed preliminary treatment of processing facilities shall be submitted for 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 sewers.

SEC. 9-2-5 CLASSES OF SERVICE.

- (a) **General Service.** Normal or domestic wastewater is defined as having the organic concentration of Biochemical Oxygen Demand (B.O.D.) and Suspended Solids (S.S.) specified in Schedule Smg-1 of the rate file.
- (b) **High-Strength Standards.** All establishments discharging high-strength wastes into the public sanitary sewer system shall be billed in accordance with the High-Strength Service Charge specified in Schedule Smg-2 of the rate file. The volume of flow used for computing the wastewater surcharge shall be metered water consumption as shown in records maintained by the water utility subject to adjustment as otherwise herein provided, or the actual volume of wastewater as determined by a waste metering installation.

SEC. 9-2-6 RIGHT-OF-ENTRY, IDENTIFICATION AND SAFETY.

Superintendent of the utility or other duly authorized employee of the Village or Utility bearing proper credentials and identification shall be permitted to enter all properties for the purpose of inspection, observation, testing, all in accordance with the provisions of these rules and regulations and Sec. 196.171, Wis. Stats. The superintendent of the Utility shall have no authority to inquire into any process beyond that point having a direct bearing on the kind and source of discharge to the sewers or waterways or facilities for wastewater treatment. While performing the necessary work, the authorized person shall observe all safety rules applicable to the premises established by the property owner.

SEC. 9-2-7 SEWER CONSTRUCTION.

- (a) **Work Authorized.** No unauthorized person shall uncover, make any connections with or opening into, use, alter or disturb any public sewer or appurtenance thereof, without first obtaining a written permit from the Approving Authority.
- (b) **Cost of Sewer Connection.** All costs and expense incident to the installation and connection of the building sewer shall be borne by the owner.
- (c) **Use of Old Building Sewers.** Old building sewers may be used in connection with new buildings only when they are found, on examination and tests by the Approving Authority, to meet all requirements of this Chapter.
- (d) **Materials and Methods of Construction.** The size, slope, alignment, materials of construction of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing and backfilling the trench, shall all conform to the requirements of the building and plumbing code or other applicable rules and regulations of the Village. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the A.S.T.M. and W.P.C.F. Manual of Practice No. 9 shall apply.
- (e) **Building Sewer Grade.** Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer.
- (f) **Storm and Ground Water Drains.** No person shall make connection of roof downspouts, exterior foundation drains, area-way drains or other sources of surface runoff or ground water to a building sewer or building drain which is connected directly or indirectly to a public sanitary sewer.
- (g) **Conformance to Plumbing Codes.** The connection of the building sewer into the public sewer shall conform to the requirements of the building and plumbing code or other applicable rules and regulations of the Village, or the procedures set forth in appropriate specifications of the A.S.T.M. and the W.P.C.F. Manual of Practice No. 9. All such connections shall be made gas tight and water tight. Any deviation from the prescribed procedures and materials must be approved by the Approving Authority before installation.
- (h) **Inspection of Connection.** The applicant for the building sewer permit shall notify the Approving Authority when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the Approving Authority.
- (i) **Barricades; Restoration.** All excavations for the building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the Village.

SEC. 9-2-8 VIOLATIONS AND PENALTIES.

- (a) **Written Notice of Violation.** Any person found to be violating any provision of these rules and regulations 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 violations.

- (b) **Accidental Discharge.** Any person found to be responsible for accidentally allowing a deleterious discharge into the sewer which causes damage to the treatment facilities, receiving body of water and/or downstream waters shall, in addition to a forfeiture, pay the amount to cover damages, both values to be established by the Approving Authority.

SEC. 9-2-9 CREDIT FOR WATER NOT DISCHARGED TO SEWER.

If a portion of the water furnished to any customer is not discharged into the sewer system, the quantity of such water will be deducted in computing the charge for sewer service, provided a meter has been installed to measure such water. The customer must, at his/her own expense, make necessary changes in the water piping and install couplings so that a meter can be set. See rate Schedule Am-1 for applicable charges.

SEC. 9-2-10 SEWER MAIN EXTENSION RULE.

Sewer 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. 66.60, Wis. Stats., will apply, and no additional customer contribution to the 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 twenty (20) 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 (a) 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 an existing main installed at utility expense within twenty (20) 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. 9-2-11 THROUGH SEC. 9-2-19 RESERVED FOR FUTURE USE.

SEC. 9-2-11 MISCELLANEOUS RULES & REGULATIONS

- (a) The utility shall maintain the sewer service within the limits of the Village of Colfax. The property owner shall maintain the sewer lateral from the public sewer main to the structure or building on the owner's property, which maintenance shall include payment of all expenses associated with replacement, cleaning and maintenance of the lateral line. The utility shall be responsible for replacement cost of the curb, gutter, and any street repairs, except that the property owner shall be charged a street-opening fee of \$1,000.00. The property owner must notify the Village prior to initiating work on any lateral maintenance. It shall be the property owner's obligation to keep the sewer service lateral free of defective conditions at all times.
- (b) 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 extended, shall connect to such system within thirty (30) days of notice in writing from the Village Board. Upon failure to so do the Board 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 costs shall be assessed as a special tax lien against the property, all pursuant to Sec. 281.45, Wis. Stats.; provided, however, that the owner may within thirty (30) days after the completion of the work file a written opinion with the Village Clerk stating that he cannot pay such amount in one (1) sum and ask that there be levied in not to exceed five (5) equal installments and that the amount shall be so collected with interest at the rate of twelve percent (12%) annum from the completion of the work, the unpaid balance being a special tax lien, all pursuant to Sec. 281.45, Wis. Stats.

In lieu of the above the Village Board 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 an amount equal to one hundred fifty percent (150%) of the minimum quarterly charge for sewer service payable quarterly for the period in which the failure to connect continues, and upon failure to make such payment said charge shall be assessed as a special tax lien against the property, all pursuant to Sec. 281.45, Wis. Stats.

This Section ordains that the failure to connect to the sewer system is contrary to the minimum health standards of said Village of Colfax and fails to assure preservation of public health, comfort, and safety of said Village.

- (c) When any sewer service is to be re-laid, and there are two or more buildings on said service, each building shall be disconnected from said service, and a new sewer service shall be installed for each building.
- (d) A quarterly wastewater system maintenance fee of \$10.00 is hereby established, and will be applied to all classes of wastewater system users.

SEC. 9-2-12 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 system must be notified in writing. The owner of the premises shall be liable for any damages to the property or such damage which may be discovered having occurred to the property of the system other than through the fault of the system or its employees, representatives, or agents.

SEC. 9-2-13 CHARGES ARE A LIEN ON PROPERTY.

All sewer services, charges, and special assessments shall be a lien on a lot, part of a lot, or land on which sewer services were supplied. All sums which have accrued during the preceding year and which are unpaid by the first day of October and any year, shall be certified to the Village Clerk-Treasurer to be placed on the taxroll for collection as provided by Wisconsin Statutes.

SEC. 9-2-14 UNIT OF SERVICE DEFINITION.

- (a) A "unit of service" shall consist of any residential, commercial, industrial, or charitable aggregation of space or area occupied for a distinct purpose such as a residence, apartment, flat, store, office, industrial plant, church, or school. Each unit of service shall be regarded as one (1) consumer. Suites in houses, or apartments with complete housekeeping functions (such as cooking), shall be classed as apartment houses; thus houses and apartments having suites of one (1), two (2), or more rooms with toilet facilities, but without kitchen for cooking, are classed as rooming houses.
- (b) When a consumer's premises has several buildings, for which services are eligible and such buildings are used in the same business and connected by the user, the Village shall set a separate rate for such complex.

SEC. 9-2-15 ADOPTION OF OTHER RULES.

There is hereby adopted all the rules and regulations of the State Plumbing and State Building Codes and the building rules of the Department of Industry, Labor and Human Relations; and the Department of Natural Resources of the State of Wisconsin insofar as the same are applicable to the Village of Colfax. All extensions of the system will comply with administrative rules NR 103 and NR 110 of the Department of Natural Resources.

SEC. 9-2-16 THROUGH SEC. 9-2-19 RESERVED FOR FUTURE USE.

ARTICLE B

Rate Schedule

SEC. 9-2-20 GENERAL SEWER SERVICE – METERED – SMG-1.

(a) **Quarterly Service Charge.**

5/8-inch water meter		\$ 21.80
3/4 –inch water meter		\$ 21.80
1-inch water meter		\$ 24.91
1-1/4-inch water meter		\$ 28.03
1-1/2-inch water meter		\$ 31.14
2-inch water meter		\$ 37.37
3-inch water meter		\$ 56.05
4-inch water meter		\$ 77.85
6-inch water meter		\$ 130.79
8-inch water meter		\$ 202.41

(b) **Plus Volume Charge.** For each one thousand (1,000) gallons domestic strength sewage discharged to the sanitary sewer system – Two and 77/100 Dollars (\$2.77) per one thousand (1,000) gallons.

(c) **Water Not Discharged to Sewer.** If a portion of the water furnished to any customer is not discharged into the sewer system, the amount of such water will be deducted in computing the sewer service charge, provided a separate meter is installed. The customer must, at his/her own expense, make necessary changes in the water piping and install couplings so that a meter can be set. See Schedule AM-1 for charges.

(d) **Lawn Sprinkling.** Where water is used for lawn sprinkling, the sewer bill for the months of July, August and September in each year shall be based on water consumption during the preceding billing period unless consumption during each preceding quarter was greater than in the summer quarter.

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

SEC. 9-2-21 COMMERCIAL AND INDUSTRIAL SEWER SERVICE – METERED – SMG-2.

(a) **Calculation of Bill.** When the sewage from any contributor does not exceed the strength limitations of two hundred fifty (250) mg/1 for B.O.D. and for Suspended Solids, the sewer bill shall be calculated under Schedule Smg-1. Where the waste of any contributor exceeds the above strength, a periodic sampling shall be taken and the sewage analyzed to determine the strength of said waste, which will be billed at the following rates:

(b) **Quarterly Service Charge.** Same as Schedule SMg-1.

(c) **Volume Charge.** Charge shall be comprised as follows:

Volume -- \$2.77 per 1,000 gallons.

Bio-Chemical Oxygen Demand (B.O.D.) -- \$.16.1 per pound in excess of 250 mg/1.

Suspended Solids (S.S.) -- \$.16.4 per pound in excess of 250 mg/1.

(d) **Billing.** Same as Schedule Smg-1.

SEC. 9-2-22 GENERAL SEWER SERVICE – UNMETERED – SUM-1.

(a) **Applicability.** Service shall be billed at the rate of Fifty-seven and 81/100 Dollars (\$57.81) per quarter. This rate shall be applied only to single-family residential and small commercial customers and approximates the cost for thirteen thousand (13,000) gallons per quarter discharged to the sewer system. If it is determined by the utility that the user discharges more than thirteen thousand (13,000) gallons per quarter to the system, an additional charge of Two and 77/100 Dollars (2.77) per one thousand (1,000) gallons will be made for estimated additional usage.

(b) **Billing.** Same as Schedule Mg-1.

SEC. 9-2-23 WATER AND SEWER LATERAL INSTALLATION CHARGE – CZ-1

The initial water service lateral will be installed from the main through the curb stop and box and the initial sewer service lateral will be installed from the main to the property line by the utility, for which there will be made a charge as follows:

(a) 1-inch copper water service		Actual Cost
(b) 4-inch sewer service		Actual Cost
(c) Larger sized services		Actual Cost

CHAPTER 3

Cable Television

9-3-1	Grant of Franchise
9-3-2	Liability of Operator
9-3-3	Local Representative
9-3-4	Federal Communications Commission Rules to Apply
9-3-5	Miscellaneous Provisions
9-3-6	Transfer of Franchise

SEC. 9-3-1 GRANT OF FRANCHISE.

- (a) The Village of Colfax, Dunn County, Wisconsin, hereinafter call the "Village", does hereby grant to Scott and Krenz Cable TV Systems, owned by Randall A. Scott and Thomas M. Krenz, Ladysmith, Wisconsin, hereinafter called the "Company", its successors and assigns, the right, privilege and franchise to construct, operate and maintain lines of coaxial television cable, including poles, wires and fixtures where necessary, upon, along, over, and under the public streets and alleys of the Village, subject to the terms and conditions herein.
- (b) The Company shall build its aerial portion of the television distribution plant using existing poles such as those directed and maintained by Northern States Power and General Telephone Company. Any new poles that may have to be installed by the Company shall first be approved by the Director of Public Works.
- (c) The Company will build its underground portion of the television distribution plant only after it has received permission from the Village. All streets and sidewalks disturbed or damaged in the construction or maintenance of said cable lines shall be promptly repaired by the Company at its expense, to the satisfaction of the Village.
- (d) All coaxial cable erected in the Village by the Company shall at all times meet with the applicable minimum standards of the Village, as provided by ordinance or code.
- (e) The Company shall be subject to all ordinances now in effect or that may be hereinafter enacted relative to the use by it of the streets and alleys of the Village.
- (f) The Company shall hold the Village harmless from all claims for damages arising out of the construction, maintenance, or operation for said cable.
- (g) The franchise is hereby granted for the term of fifteen (15) years from the original adoption date of this Chapter (September 1, 1983). This franchise is conditional upon the Company to start construction within twelve (12) months and to complete construction within eighteen (18) months of the adoption and publication of this Chapter as provided by law. If the Company fails to comply with the aforementioned conditions, then the Village may terminate this franchise.

SEC. 9-3-2 LIABILITY OF OPERATOR.

The Operator shall indemnify and save the Village of Colfax and its agents and employees harmless from all and any claims for personal injuries or property damages and any other claims, costs including attorney's fees, expenses of investigation and litigation of claims and suits thereon which may arise from the installation and/or operation of said system. For this purpose the Operator shall carry and at all times maintain on file with the Village Clerk-Treasurer, and at all times keep in force, a public liability policy of insurance, insuring such Operator and the Village against any and all liability arising from such installation and/or operation with the limits of liability of not less than One Million Dollars (\$1,000,000) property damages, One Million Dollars (\$1,000,000) for any person, personal injury or death, and One Million Dollars (\$1,000,000) for any one (1) accident resulting in personal injury or death. Such policies of insurance or certificate thereof by a company licensed to do business in the State of Wisconsin shall be filed with the Village Clerk-Treasurer prior to commencement of such use.

SEC. 9-3-3 LOCAL REPRESENTATIVE.

The Company will maintain a local pay center and have a local telephone number, so that subscriber payments plus complaints can be handled conveniently.

SEC. 9-3-4 FEDERAL COMMUNICATIONS COMMISSION RULES TO APPLY.

The licensee shall comply fully with all Federal Communication Commission rules and regulations as may be presently in effect or may become effective in the future and all other federal and state rules and regulations applicable to the television distribution system. Any and all modifications of Section 76.31 of the Federal Communications Commission rules resulting from amendment of said rules by the Commission shall be incorporated into this Section within one (1) year of the adoption of the modification by the Federal Communications Commission, or at the time of franchise renewal, whichever event shall first occur. Compliance with all Federal Communications Commission rules or modifications thereof shall be a condition for continuation of any franchise.

SEC. 9-3-5 MISCELLANEOUS PROVISIONS.

- (a) One (1) access channel shall be provided for school system and public service use.
- (b) The Company shall keep repair and maintain all parts of the television system in such a manner that the entire system is in good operating condition throughout the franchise period. In the event that its service to any subscriber is interrupted for forty-eight (48) or more consecutive hours, after the Company is notified of the interruption, except for acts of God, Company shall provide a twenty percent (20%) rebate of the monthly fees to affected subscribers. If service interruption continues over forty-eight (48) hours the Company shall provide refund equal to one-thirtieth (1/30th) of the monthly service charge for each day.
- (c) The Company shall conduct and operate the system so as to provide service to all areas within the Village having a density of at least twenty (20) residential units per lineal mile of system.

- (d) The Company shall file with the Village true and accurate plant maps of the cable television system constructed and shall keep the same current as practical.
- (e) The Company shall pay to the Village of Colfax, annually in February of each year a franchise fee of three percent (3%) of the Company's adjusted gross income (all income received less programming fees paid by Company). The franchise fee shall be in lieu of taxes. The franchise fee shall be reviewed and may be changed by the Village Board every five (5) years. The Village Board has the right to audit company financial records in regard to calculation of the franchise fee.
- (f) The Company agrees to pay the fees for the official printing of this franchise document.

SEC. 9-3-6 TRANSFER OF FRANCHISE.

(a) **Statement of Fact.**

- (1) The cable television franchise in Colfax, Wisconsin, is currently owned and operated by Butler/Cooney Cable Television, ("Franchisee"), pursuant to an ordinance duly adopted by the Board.
- (2) The Village Board has received a request from the Franchisee for approval to assign the franchise and transfer the CATV Ordinance from the Franchisee to Marcus Cable Partners, L.P. ("Marcus").

(b) **Transfer.**

- (1) The sale, transfer and assignment of the rights, responsibilities and benefits of the Franchisee under the CATV Ordinance pursuant to the terms and conditions of a certain Asset Acquisition ("Purchase Agreement") from Franchisee to Marcus, or any affiliated company controlled by Donald G. Jones, is hereby permitted and approved; and
- (2) The CATV Ordinance is in full force and effect without default thereunder by the Franchisee to the date hereof (May 9, 1988) in accordance with its terms and conditions as set forth herein; and
- (3) Marcus, as the assignee and transferee of Franchisee, does from and after the date of the closing of the transactions described in the Purchase Agreement, by accepting the assignment, assume and agree to perform each and every obligation of the Franchisee under the CATV Ordinance; and
- (4) Marcus may, at any time and from time to time, assign or grant a security interest in its rights, obligations and benefits in and to the CATV Ordinance to any lender providing financing to Star, from time to time, subject, however, to each of the terms and conditions of the CATV Ordinance; and
- (5) The consent to transfer herein provided shall be effective upon and only effective concurrent with the closing of the transactions described in the Purchase Agreement and Star and/or Franchisee shall notify promptly upon the closing of such transaction.

CHAPTER 4

Miscellaneous Utilities Regulations

- 9-4-1 Management of Village Waterworks and Sanitary Sewer System
- 9-4-2 Water and Sewer Utilities Combined

SEC. 9-4-1 MANAGEMENT OF VILLAGE WATERWORKS AND SANITARY SEWER SYSTEM.

- (a) **Committee on Public Works to Administer.** The operation of the Village water and sanitary sewer systems shall be under the jurisdiction of the Committee on Public Works of the Village Board.
- (b) **Duties of Committee.**
 - (1) The Committee on Public Works shall have entire charge and management of the waterworks and sanitary and storm sewer systems and the sewage disposal plant of the Village of Colfax under the general control of the Village Board.
 - (2) The Committee shall see that all officials and employees under its jurisdiction perform their duties and shall from time to time report and recommend to the Village Board any repairs, additions or improvements to such systems as they deem necessary.
 - (3) The Committee of Public Works shall exercise general executive supervision over the Village waterworks and sewage disposal plant and the sewer and water utility system.

SEC. 9-4-2 WATER AND SEWER UTILITIES COMBINED.

For the purpose of acquiring economy and convenience, the water and sewer utilities of the Village of Colfax are hereby combined into one (1) public utility pursuant to Sec. 66.077, Wis. Stats., quantities of water as may be demanded for the purpose of extinguishing fires within the Village limits. For all other purposes the metered or other special rates as may be established shall apply.

- (a) **General Public Service.** Water service supplied Village buildings, schools, etc. shall be metered and the regular service rates applied. Water used for flushing sewers, street sprinkling, flooding skating rinks, drinking fountains, etc. shall be metered where meters can be set to measure the service. Where it is impossible to measure such service, the Committee shall estimate the gallons of water used, based on the pressure, size of opening and period of time water is allowed to flow. The estimated quantity shall be billed at twenty cents (20¢) per one thousand (1,000) gallons.
- (b) **General Water Service -- Unmetered.** Where the utility is temporarily unable to install a water meter, general service will be supplied on the following basis: Single-family home or small commercial user -- Three and 75/100 Dollars (\$3.75) per quarter.

9-4-3 WELLHEAD PROTECTION.

(1) CONSTRUCTION OF ORDINANCE

(a) **TITLE** – This chapter shall be known, cited, and referred to as the “Wellhead Protection Ordinance” (hereafter WHP ORDINANCE).

(b) PURPOSE AND AUTHORITY

1. The residents of the Village of Colfax (hereafter Village) depend exclusively on groundwater for a safe drinking water supply. Certain land use practices and activities can seriously threaten or degrade groundwater quality. The purpose of the WHP Ordinance is to institute land use regulations and restrictions to protect the Village municipal water supply and well fields, and to promote the public health, safety, and general welfare of the residents of the Village.
2. These regulations are established pursuant to the authority granted to Villages by the Wisconsin Legislature in ss. 62.23(7) Wis. Stats. to adopt ordinances to protect groundwater.

(c) **APPLICABILITY.** The regulations specified in the WHP ORDINANCE shall apply within the Village boundary limits.

(2) DEFINITIONS

- (a) **EXISTING FACILITIES** – “Existing facilities” means current facilities, practices, and activities that may cause or threaten to cause environmental pollution within that portion of the Village’s wellhead protection area that lies within the corporate limits of the Village. Existing facilities include but are not limited to the type listed in the Department of Natural Resources’ form 3300-215, Public Water Supply Potential Contaminant Use Inventory Form.
- (b) **GROUNDWATER DIVIDE** – “Groundwater divide” means a ridge in the water table or the potentiometric surface from which groundwater flows away at right angles in both directions. The line of highest hydraulic head in the water table or potentiometric surface represents a groundwater divide.
- (c) **GROUNDWATER PROTECTION OVERLAY DISTRICT** – “Groundwater protection overlay district” means that area described within the Village’s wellhead protection plan. A copy of the Village’s wellhead protection plan shall be available from the Village Clerk.
- (d) **RECHARGE AREA** – “Recharge area” means the land area that contributes water to a well by infiltration of water into the subsurface and movement of groundwater toward the well.
- (e) **TIME OF TRAVEL** – “Time of travel” means the determined or estimated time required for a contaminant to move in the saturated zone from a specific point to a well.
- (f) **WELL FIELD** – “Well field” means a piece of land used primarily for the purpose of supplying a location for construction of wells to supply a municipal water system.

(3) GROUNDWATER PROTECTION OVERLAY DISTRICT (hereafter DISTRICT).

- (a) **INTENT.** The area to be protected as a District is based on the delineated Source Water Protection Areas in the Colfax Area Source Water Protection Plan (February 2008).

These lands are subject to land use and development restrictions because of their close proximity to the well fields and the corresponding high threat of contamination.

- (b) **PERMITTED USES.** Subject to the exemptions listed in section (3)(e), the following are the only permitted uses within the DISTRICT. Uses not listed are to be considered non-permitted uses.

1. Parks provided there is no on-site waste disposal or fuel storage tank facilities associated with this use.
 2. Playgrounds.
 3. Wildlife areas.
 4. Non-motorized trails, such as biking, skiing, nature and fitness trails.
 5. Municipally sewer residential development, free of flammable and combustible liquid underground storage tanks.
 6. Potential Contaminant Sources in the Protection Area listed in the "Colfax Area Source Water Protection Plan-February-2008" or any subsequent "Colfax Area Source Water Protection Plan" in effect at the time of the petition will be considered on a case by case basis, when the procedure below is followed:
 - (a) Individuals and/or Facilities may request the VILLAGE to permit additional land uses in the DISTRICT.
 - (b) All requests shall be in writing either on or in substantial compliance with forms to be provided by the VILLAGE and shall include an environmental assessment report prepared by a licensed environmental engineer. Said report shall be forwarded to the VILLAGE ENGINEER and/or designee(s) for recommendation and final decision by the VILLAGE BOARD.
 - (c) The Individual/Facility shall reimburse the VILLAGE for all consultant fees associated with this review at the invoiced amount plus administrative costs.
 - (d) Any permitted uses shall be conditional and may include required environmental and safety monitoring consistent with local, state and federal requirements, and/or bonds and/or sureties satisfactory to the VILLAGE, as well as compliance with all requirements of this ordinance.
- (c) **SEPARATION DISTANCES.** The following separation distances as specified in s. NR 811.16(4)(d), Wis. Adm. Code, shall be maintained and shall not be exempted as listed in section (3)(e).
1. Fifty (50) feet between a well and a storm sewer main.
 2. Two hundred (200) feet between a well and any sanitary sewer main, lift station or a single-family residential fuel oil tank. A lesser separation distance may be allowed for sanitary sewer mains where the sanitary sewer main is constructed of water main materials and joints and pressure-tested in place to meet current AWWA C600 specifications. In no case may the separation distance between a well and a sanitary sewer main be less than 50 feet.
 3. Four hundred (400) feet between a well and a septic system, tank, or drain field, and receiving fewer than 8,000 gallons per day, or a cemetery or a storm water drainage pond.
 4. Six hundred (600) feet between a well and any gasoline or fuel oil storage tank installation that has received written approval from the Wisconsin Department of Commerce (hereafter Commerce) or its designated agent under s. Comm 10.10, Wis. Adm. Code.
 5. One thousand (1,000) feet between a well and land application of municipal, commercial or industrial waste; industrial, commercial or municipal wastewater, lagoons or storage structures; manure stacks or storage structure; and septic tanks or soil absorption units receiving 8,000 gallons per day or more.

6. Twelve hundred (1,200) feet between a well and any solid waste storage, transportation, transfer, incineration, air curtain destructor, processing, one-time disposal or small demolition facility; sanitary landfill; coal storage area; gasoline or fuel oil storage tanks that have not received written approval from Commerce or its designated agent under s. Comm 10.10, Wis. Adm. Code; bulk fuel storage facilities and pesticide handling or storage facilities.

(d) REQUIREMENTS FOR EXISTING FACILITIES

1. Upon request by the Village, existing facilities must provide copies of federal, state, and local facility operation approvals or certificate and ongoing environmental monitoring results to the Village.
2. Existing facilities shall provide additional environmental or safety structures/monitoring as deemed necessary the Village, which may include but is not limited to stormwater runoff management and monitoring.
3. Existing facilities shall replace equipment or expand in a manner that improves the environmental and safety technologies already in existence.
4. Existing facilities shall have the responsibility of devising and filing with the Village a contingency plan satisfactory to the Village for the immediate notification of Village officials in the event of an emergency.

(e) EXEMPTIONS AND WAIVERS

1. Individuals and/or facilities may request the Village, in writing, to permit additional land uses in the District.
2. All requests shall be in writing and may require an environmental assessment report prepared by a licensed environmental engineer. Said report shall be forwarded to the Village and/or designee(s) for recommendation and final decision by the Board.
3. The individual/facility shall reimburse the Village for all consultant fees associated with this review at the invoiced amount plus administrative costs.
4. Any exemptions granted shall be conditional and may include required environmental and safety monitoring consistent with local, state and federal requirements, and/or bonds and/or securities satisfactory to the Village.

(4) ENFORCEMENT

- (a) In the event that an individual and/or facility causes the release of any contaminants that endanger the DISTRICT, the individual and/or facility causing said release shall immediately stop the release and clean up the release to the satisfaction of the Village.
- (b) The individual/facility shall be responsible for all costs of clean-up, including the following:
 1. Village consultant fees at the invoice amount plus administrative costs for oversight, review, and documentation.
 2. The cost of Village employees' time associated in any way with clean-up based on the hourly rate paid by the employee multiplied by a factor determined by the Village to represent the Village's cost for expenses, benefits, insurance, sick leave holidays, overtime, vacation and similar benefits.
 3. The cost of Village equipment employed.
 4. The cost of mileage reimbursed to Village employees attributed to the clean-up.
- (c) Following any such discharge the Village may require additional test monitoring and/or bonds/securities.
- (d) Enforcement shall be provided pursuant to section 13-1-154 of the Zoning Ordinance.