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SUBCHAPTER I: GENERAL PROVISIONS

18.01 MANAGEMENT. The Darlington Water and Sewer Utilities shall be managed by the Director of Public Works under the general direction of the Darlington Water and Sewer Utility Committee and in accordance with this chapter.

18.02 BUDGETS. The Committee shall, annually, be responsible for the preparation of separate budgets for each utility.

18.03 AUDIT. The funds and accounts of each Utility shall be audited annually by a certified public accountant and shall be open to public inspection.

18.04 JOINT LIABILITY FOR UTILITY BILLS. The owner of the premises, the occupant thereof and the user of the service shall be jointly and severally liable to pay for the service to such premises and the service is furnished to the premises by each Utility only upon the condition that the owner of the premises, occupant and user of the services are jointly and severally liable therefor to each Utility.

18.05 COLLECTION OP UTILITY BILLS IN ARREARS. (1) **AUTHORITY.** All water and sewer service charges unpaid and in arrears on October 1 of each year shall be collected in accordance with the procedure hereinafter provided, pursuant to the authority granted in §§66.069 and 66.076, Wis. Stats., respectively.

(2) **PROCEDURE.** (a) On or about October 1 of each year, the Billing Clerk of the Darlington Water and Sewer Utilities shall furnish the Clerk-Treasurer a list of all unpaid utility bills, including penalties, which are in arrears.

(b) On October 15 of each year, the Clerk-Treasurer shall mail a notice of such arrearages by first class mail to the occupant and to the owner of the premises receiving such utility service.

(c) In the event any such utility bill is not paid by November 1 thereafter, the Clerk-Treasurer shall add a penalty of 10%.

(d) In the event any such utility bill is not paid on or before November 15 thereafter, the Clerk-Treasurer, on November 16, shall place the amount of such arrearages, together with penalty, on the tax roll as a tax against the lot or parcel of real estate for which water and sewer services were provided.

18.06 OUTSIDE WATER AND SEWER SERVICE. No additional water or sewer service shall be extended outside the City limits, except:

(1) For such outside service provided on January 1, 1987; or

(2) For such outside service provided directly to premises owned by other municipal or governmental entities upon application pursuant to Section 18.07 of this code and a determination by the Council of the feasibility of such proposed extension.

18.07 SEWER AND WATER MAIN EXTENSION. (1) APPLICATION FOR. The owners of property which is not served by City sewer or water may apply to the Council for sewer or water main extensions. The Council shall determine the feasibility of such proposed extensions.

(2) CONSTRUCTION. The City shall construct all water and sewer main extension. Water and 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 against the abutting property, the procedure set forth under Sec. 66.60 of the Wisconsin Statutes will apply, and no additional customer contributions to the utility are 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 (a).

2. Part of the contribution required in (1) will be refundable. When additional customers are connected to the extended main within 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 (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 (a) nor will it exceed the total assessable cost of the original extension.

(c) When a new customer(s) is connected to an existing main, not financed by customer contribution, it shall not be considered as a main extension and no contribution may be collected from the customer(s). This applies only to main extensions constructed after the effective date of this rule.

(3) COST OF CONSTRUCTION. (a) If the property benefited by such extension is exclusively that of the requesting property owner or owners, the extension may be financed as follows:

1. The property owner or owners shall pay the City 100% of the estimated cost of the projected prior to construction and final settlement shall be made immediately after construction is completed; or

2. The City shall levy a special assessment for such extension and provide for installment payments, together with interest.

(b) If it is necessary to traverse other land, the requesting property owners may finance the cost of the benefit to their property, as provided in par. (a) above, and the City shall levy a special assessment upon other benefiting properties. However, if the Council determines that the special assessment upon such other land should be deferred, the requesting property owners shall pay to the City the estimated amount of such deferred assessments prior to construction. The City shall reimburse such payment when said deferred special assessments are activated.

18.08 SEWER AND WATER CONNECTIONS. (1) REQUIRED. To assure the preservation of public health, comfort and safety, the Council, in accordance with §144.06, Wis. Stats., hereby requires that any building used for human habitation and located adjacent to a City sewer or water main, or in a block through which such a sewer or water main extends, to be connected with said sewer or water by means of direct laterals.

(2) PENALTY. Any person failing to comply for more than 10 days after notice in writing of their failure to make the appropriate connection shall be subject to a forfeiture of not less than \$10 nor more than \$200 for said violation. Each day of violation shall constitute a separate offense.

(3) CONNECTION BY CITY. As an alternative to the penalty provided in sub. (2) above, the Council may cause the necessary connections to be made and the expense thereof shall be assessed as a special tax against the property in question. The owner may then, within 30 days after the completion of the work, file a written option with the Clerk-Treasurer stating that he cannot pay such amount in one sum and asking that it be levied in not to exceed 5 equal annual installments and that amount shall be so collected with interest at the current municipal rate per annum from the completion of the work, the unpaid balance to be a special tax lien.

18.09 (Reserved)

SUBCHAPTER II: DARLINGTON WATER UTILITY

18.10 RULES AND REGULATIONS. (1) **GENERAL.** The rates and rules and regulations governing the operation of the Darlington Water Utility shall be those on file with and approved by the Wisconsin Public Service Commission. A violation of any such rules and regulations shall be a violation of this subchapter.

(2) **OPERATING RULES.** (a) Compliance With Rules. All persons now receiving water service from the Utility, or who may hereafter make application therefor shall be considered as having agreed to be bound by all rules and regulations as filed with the Public Service Commission of Wisconsin.

(b) Public Service Commission Rules Adopted. The following provisions of Wis. Adm. Code PSC 185 are adopted by reference and made a part of these rules as if set forth in full. A violation of any such rules shall constitute a violation of this section and shall be punishable as provided in sec. 18.24 of this subchapter.

185.11	Authorization For and Application of Rules
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185.17	Interference With Public Service Structures
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185.21	Schedules to be Filed With the Commission
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185.31	Metered Service
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- 185.75 Required Tests of Customer Meters
- 185.751 Alternate Sample-Testing Plan for "Before Use"
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18.11 WATER SERVICE CHARGES. (Am. Ord. #2-95; #02-2004; #02-2006; #7-2008; #05-2015). (1) GENERAL WATER SERVICE, METERED. Each customer shall be charged a quarterly demand charge as follows:

(a) Quarterly Service Charge.

5/8-inch meter - \$ 21.01	3-inch meter - \$ 185.40
3/4-inch meter - \$ 21.01	4-inch meter - \$ 312.09
1-inch meter - \$ 37.08	6-inch meter - \$ 485.13
1¼-inch meter - \$ 52.53	8-inch meter - \$ 580.92
1½-inch meter - \$ 71.07	10-inch meter - \$ 787.95
2-inch meter - \$105.06	12-inch meter - \$1,032.06

(b) Additional Volume Charge. In addition to the quarterly demand charge, as provided in sub. (1)(a) above, each customer will be charged a quarterly volume charge as follows:

First 25,000 gallons used each quarter-\$3.47/1,000 gal.
Next 275,000 gallons used each quarter-\$2.61/1,000 gal.
Over 300,000 gallons used each quarter-\$2.04/1,000 gal.

(c) Fire Protection Charge. In addition to the quarterly demand charge as provided in sub. (1)(a) above and the quarterly volume charge as provided in sub. (1)(b) above, each customer will be charged a quarterly fire protection charge as follows:

5/8-inch meter - \$24.10	3-inch meter - \$ 95.79
3/4-inch meter - \$24.10	4-inch meter - \$120.51
1-inch meter - \$31.21	6-inch meter - \$145.23
1¼-inch meter - \$40.79	8-inch meter - \$166.86
1½-inch meter - \$47.90	10-inch meter - \$191.58
2-inch meter - \$72.00	12-inch meter - \$216.30

(d) Billing. Bills for water service are rendered quarterly and become due and payable upon issuance following the period for which service is rendered. A late payment charge of 3 percent but not less than 50 cents will be added to bills not paid within 20 days of issuance. This ONE-TIME 3 percent 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 20 days after the bill is issued and unless payment or satisfactory arrangement for payment is made within the next 10 days, service may be disconnected pursuant to Wis. Admin. Code ch. PSC 185.

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

(f) Non-Sufficient Funds Charge. (Ord. #7-2008) A \$25.00 charge shall apply to the customer's account when a check rendered for utility service is returned for non-sufficient funds. This charge may not be in addition to, but may be inclusive of, other non-sufficient funds charges when the check was for payment of multiple services.

(2) GENERAL WATER SERVICE, UNMETERED. (Ord. #7-2008)

(a) Quarterly Service Charge. 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 \$54.10 per billing period. This rate shall be applied only to single-family residential and small commercial customers and approximates the cost of 10,000 gallons of water per quarter as provided in sub. (1)(b) above. If it is determined by the utility that usage is in excess of 10,000 gallons per billing period, an additional charge as provided in sub.(1)(b) above shall be made for the estimated additional usage.

(b) Billing. Same as provided in sub. (1)(d) above.

18.12 WATER LATERAL INSTALLATION CHARGE. (1) WORK AUTHORIZED. 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.

(2) MAIN EXTENSION. 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.

(3) INITIAL WATER LATERAL COST (Ord. #7-2008). 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 the actual cost will be charges.

18.13 CROSS-CONNECTIONS. (1) DEFINITION. A cross-connection shall be defined as any physical connection or arrangement between 2 otherwise separate water systems, one of which contains potable water from the City 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 2 systems.

(2) PURITY OF SUPPLY NOT TO BE IMPAIRED BY CROSS-CONNECTIONS. Every person owning or occupying a premise receiving municipal water supply shall maintain such municipal water supply free from any connection, either of a direct or of an indirect nature, with a water supply from a foreign source, or of any manner of connection with any fixture of appliance, whereby water from a foreign supply or the waste from any fixture, appliance, waste or soil pipe may flow, by siphoned or pumped into the piping of the City water system.

(3) PROHIBITED. No person 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 City may enter the supply or distribution system of the City.

(4) DUTY TO INSPECT. It shall be the duty of the Director of Public Works 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 Director of Public Works and as approved by the Wisconsin Department of Natural Resources.

(5) ENTRY FOR INSPECTION. Upon presentation of credentials, the Director of Public Works or his representative 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 City for cross-connections. If entry is refused, the Director or such representative shall obtain a special inspection warrant under §66.122, Wis. Stats. On request, the owner, lessee or occupant of any property so served shall furnish to the Director or his representative any pertinent information regarding the piping system or systems on such property.

(6) DISCONNECTION OF WATER SERVICE. The Director of Public Works is hereby authorized and directed to discontinue water service of 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 Ch. 68, Wis. Stats., except as provided in sub. (6) below. Water service to such property shall not be restored until the cross-connection has been eliminated in compliance with the provisions of this section.

(7) EMERGENCY DISCONNECTION. If it is determined by the Director of Public Works that any cross-connection constitutes an emergency endangering public health, safety or welfare and thereby requires immediate action, a written finding to that effect shall be filed with the Clerk-Treasurer and delivered to the customer's premises, and service shall be immediately discontinued. The customer shall have an opportunity for hearing under Ch. 68, Wis. Stats., within 10 days of such emergency discontinuance.

(8) STATE CODE ADOPTED BY REFERENCE. The City adopts, by reference, the State Plumbing Code of Wisconsin, Wis. Adm. Code ILHR 82.

18.14 WELL ABANDONMENT AND WELL OPERATION PERMIT. (Ord. #03-2012)

(1) AUTHORITIES. This Ordinance is adopted under the authority granted to the City by NR 810.16, Wisconsin Administrative Code.

(2) PURPOSE. To protect public health, safety and welfare and to prevent contamination of groundwater by assuring that unused, unsafe or noncomplying wells or wells which may act as conduits for contamination of groundwater or wells which may be illegally cross-connected to the municipal water system, are properly maintained or abandoned.

(3) APPLICABILITY. This ordinance applies to all wells located on premises served by the Darlington municipal water system. Utility customers outside the jurisdiction of the municipal system may be required under contract agreement or utility rule to adopt and enforce equivalent ordinances within their jurisdictions for purposes stated in Section 2 above.

(4) DEFINITIONS. (a) Municipal Water System. A community water system owned by a city, village, county, town, town sanitary district, utility district, public inland lake and rehabilitation district, municipal water district or a federal, state, county or municipal owned institution for congregate care or correction, or a privately owned water utility serving the foregoing.

(b) Noncomplying. A well or pump installation which does not comply with s. NR812.42, Wisconsin Administrative Code, Standards for Existing Installations, and which has not been granted a variance pursuant to s. NR 812.43, Wisconsin Administrative Code.

(c) Pump Installation. The pump and related equipment used for withdrawing water from a well, including the discharge piping, the underground connections, pit less adapters, pressure tanks, pits, sampling faucets and well seals or caps.

(d) Unsafe Well or Pump Installation. One which produces water which is bacteriologically contaminated or contaminated with substances which exceed the drinking water standards of Chs. NR 140 or 809, Wisconsin Administrative Code, or for which a Health Advisory has been issued by the Department of Natural Resources.

(e) Unused Well or Pump Installation. One which is not used or does not have a functional pumping system.

(f) Well. A drill hole or other excavation or opening deeper than it is wide that extends more than 10 feet below the ground surface constructed for the purpose of obtaining groundwater.

(g) Well Abandonment. The proper filling and sealing of a well according to the provisions of S. NR 812.26, Wisconsin Administrative Code.

(5) ABANDONMENT REQUIRED. All wells on premises served by the municipal water system shall be properly abandoned in accordance with Section 6 of this ordinance no later than 90 days from the date of connection to the municipal water system, unless a valid well operation permit has been issued to the well owner by the City of Darlington under the terms of Section 6 of this ordinance.

(6) WELL OPERATION PERMIT. (a) Owners of wells on premises served by the municipal water system wishing to retain their wells for any use shall make application for a well operation permit for each well no later than 90 days after connection to the municipal water system. The City of Darlington shall grant a permit to a well owner to operate a well for a period not to exceed 5 years providing all conditions of this section are met. The City of Darlington or its agent, may conduct inspections and water quality tests or require inspections and water quality tests to be conducted at the applicant's expense to obtain or verify information necessary for consideration of a permit application or renewal. Permit applications and renewals shall be made on forms provided by the Clerk. All initial and renewal applications must be accompanied by a fee of \$25.00.

(b) The following conditions must be met for issuance or renewal of a well operation permit:

1. The well and pump installation shall meet the Standards for Existing installations described in S. NR 812.42, Wisconsin Administrative Code.

2. The well and pump shall have a history of producing safe water evidenced by at least 1 coliform bacteria sample. In areas where the Department of Natural Resources has determined that groundwater aquifers are contaminated with substances other than bacteria, additional chemical test may be required to document the safety of the water.
3. There shall be no cross-connections between the well's pump installation or distribution piping and the municipal water system.
4. The water from the private well shall not discharge into a drain leading directly to a public sewer utility unless properly metered and authorized by the sewer utility.
5. The private well shall have a functional pumping system.
6. The proposed use of the private well shall be justified as reasonable in addition to water provided by the municipal water system.

(7) ABANDONMENT PROCEDURES. (a) All wells abandoned under the jurisdiction of this ordinance shall be done according to the procedures and methods of S. NR 812.26, Wisconsin Administrative Code. All debris, pumps, piping, unsealed liners and any other obstructions which may interfere with sealing operations shall be removed prior to abandonment.

(b) The owner of the well, or the owner's agent, shall be required to obtain a well abandonment permit prior to any well abandonment and shall notify the Director of Public Works at least 48 hours in advance of any well abandonment activities. The abandonment of the well may be observed or verified by personnel of the municipal system.

(c) An abandonment report form, supplied by the Department of Natural Resources, shall be submitted by the well owner to the Director of Public Works and the Department of Natural Resources within 30 days of the completion of the well abandonment.

(8) PENALTIES. Any well owner violating any provision of this ordinance shall upon conviction be punished by forfeiture of not more than \$500.00 and the cost of prosecution. Each day of violation is a separate offense. If any person fails to comply with this ordinance for more than 30 days after receiving written notice of the violation, the municipality may impose a penalty and cause the well abandonment to be performed and the expense to be assessed as a special tax against the property.

18.15 FLUORIDATION OF WATER SUPPLY. Approximately one to 1.5 parts of fluoride to every million parts of water, by distribution, shall be introduced into the City's water supply.

18.16 CUSTOMERS' DEPOSITS. (1) NEW RESIDENTIAL SERVICE. Utility shall not require a cash deposit or other guarantee as a condition of new service unless a customer has an outstanding account balance with any Wisconsin water utility which accrued within the last 6 years, and which at the time of the request for new service remains outstanding and not in dispute. (See Wisc. Adm. Code, Ch. PSC 185.39.)

(2) EXISTING RESIDENTIAL SERVICE. A utility shall not require a cash deposit or other guarantee as a condition of continued service unless either or both the following circumstances apply:

(a) The Utility has shut off or discontinued the service of the customer within the last 12-month period for violation of the utility's filed rules or for non-payment of a delinquent service account not currently in dispute.

(b) Subsequent credit information indicates that the initial application for service was falsified or incomplete to the extent that a deposit would be required under this section.

(3) NON-RESIDENTIAL SERVICE. (a) In the case of non-residential service if the credit of an applicant for water service has not been established satisfactory to the utility, he may be required to deposit a sum not exceeding the estimated gross bills for all water service, both billed and unbilled, which can be supplied before the Utility's filed disconnect rule becomes applicable. The amount to be deposited may be a minimum of \$1 per month for each class of water furnished.

(b) The deposit shall be refunded after 24 consecutive months of prompt payment. In no case, however, will a deposit be refunded if the customer's credit standing is not satisfactory to the Utility.

(c) Payment shall be considered "prompt" if it is made prior to notice of disconnection for nonpayment not in dispute.

(4) CONDITIONS OF DEPOSIT. The maximum deposit for a new or existing residential account shall not exceed the estimated gross bills for all water service, both billed and unbilled, which can be supplied before the Utility's filed disconnect rule becomes applicable. The amount to be deposited may be a minimum of \$1 per month for each class of water service furnished.

(5) INTEREST; ARREARAGES; REVIEW. See Wisc. Adm. Code, Ch. PSC 185.36.

(6) REFUND. Any deposit or portion thereof refunded to a customer shall be refunded by check unless both the customer and the Utility agree to a credit on the regular billing or unless 18.16(7) below applies.

(7) ACCRUED INTEREST. Upon termination of service, the deposit, with accrued interest shall be credited to the final bill and the balance shall be returned promptly to the customer.

(8) GUARANTEE. (a) The Utility shall not require any customer to pay a deposit or establish a guarantee in lieu of deposit without explaining in writing if requested, why that deposit is being required.

(9) SERVICE REFUSAL. Service may be refused or disconnected for failure to pay a deposit request subject to the rules pertaining to disconnection and refusal of service. (See sec. 18.07.)

(10) GUARANTEE TERMS AND CONDITIONS. (a) The Utility may accept, in lieu of a cash deposit, a contract signed by a guarantor satisfactory to the Utility, whereby payment of a specified sum not exceeding the cash deposit requirement is guaranteed. The term of such contract shall be no longer than 2 years, but shall automatically terminate after the customer has closed his account with the Utility, or at the guarantor's request upon 30 days' written notice to the Utility.

(b) Upon termination of a guarantee contract or whenever the Utility deems the same insufficient as to amount or surety, a cash deposit or a new or additional guarantee may be required upon reasonable written notice to the customer. The service of any customer who fails to comply with these requirements may be disconnected upon 8 days' written notice.

(c) The Utility shall mail the guarantor copies of all disconnect notices sent to the customer whose account he has guaranteed unless the guarantor waives such notice in writing.

(11) DEFERRED PAYMENT. In lieu of cash deposit or guarantee, an applicant for new service who has an outstanding account accrued within the last 6 years with the Utility shall have the right to receive service from the Utility under a deferred payment agreement as provided in these rules and regulations for the outstanding account balance.

18.17 DISCONNECTION AND REFUSAL OF SERVICE. (See also Wis. Adm. Code, Chapter 185.37.) (1) REASONS FOR DISCONNECTION. Service may be disconnected or refused for any of the following reasons:

(a) Failure to pay a delinquent account or failure to comply with the terms of a deferred payment agreement.

(b) Violation of the Utility's rules and regulations pertaining to the use of service in a manner which interferes with the service of others or to the operation of nonstandard equipment if the customer has first been notified and provided with reasonable opportunity to remedy the situation.

(c) Failure to comply with deposit or guarantee arrangements as provided for in these rules and regulations.

(d) Diversion of service around the meter.

(2) DISCONNECTION FOR DELINQUENT ACCOUNTS. (a) A bill for service is delinquent if unpaid after the due date shown on the bill. The Utility may disconnect service for a delinquent bill by giving the customer, at least 8 calendar days prior to disconnection, a written disconnect notice which may be included with the bill for service. For purposes of this rule, the due date shall not be less than 20 days after issuance. The Utility shall make a reasonable effort to contact the customer by telephone or personally prior to any disconnection. No disconnection shall be made on a day, or a day immediately preceding a day, when the business office of the Utility is not available to the public for the purpose of transacting all business matters.

(b) The Utility may disconnect without notice where a dangerous condition exists for as long as the condition exists. Service may be denied to any customer for failure to comply with the applicable requirements of the rules and regulations of the Public Service Commission or of these rules and regulations, or if a dangerous or unsafe condition exists on the customer's premises.

(c) The Utility shall notify the Lafayette County Human Services at least 5 calendar days prior to any scheduled disconnection of residential service if the customer or responsible person has made a written request for this procedure. The Utility shall apprise customers of this right upon application for service. If service to a residential customer which has been disconnected has not been restored within 24 hours after disconnection, the Utility shall notify the Lafayette County Sheriff's Department of the billing name and service address and that a threat to health and life might exist to persons occupying the premises.

(d) There is no charge for disconnection. A reconnection charge will be made as follows (Ord. #7-2008):

	<u>During Normal Business Hours</u>	<u>After Normal Business Hours</u>
Reinstallation of meter, including		
Valving at curb stop	\$35.00	\$50.00
Valve turning on at curb stop	\$30.00	\$45.00

(e) Billing for reconnection charges will be the same as provided in sub. 18.11(1)(d).

(3) DEFERRED PAYMENT AGREEMENT. The Utility shall offer deferred payment agreements to residential customers.

(a) Every deferred payment agreement entered into due to the customer's inability to pay the outstanding bill in full shall provide that service will not be discontinued if the customer pays a stated reasonable amount of the outstanding bill and agrees to pay a stated reasonable portion of the remaining outstanding balance in installments until the bill is paid.

(b) For purposes of determining reasonableness under these rules, the parties shall consider the:

1. Size of the delinquent account.
2. Customer's ability to pay.
3. Customer's payment history.
4. Time that the debt has been outstanding.
5. Reasons why the debt has been outstanding.
6. Any other relevant factors concerning the circumstances

of the customer.

(c) A deferred payment agreement offered by the Utility shall state immediately preceding the space provided for the customer's signature and in bold face print at least 2 sizes larger than any other used thereon that:

"IF YOU ARE NOT SATISFIED WITH THIS AGREEMENT, DO NOT SIGN. IF YOU DO SIGN THIS AGREEMENT, YOU GIVE UP YOUR RIGHT TO DISPUTE THE AMOUNT DUE UNDER THE AGREEMENT EXCEPT FOR THE UTILITY'S FAILURE OR REFUSAL TO FOLLOW THE TERMS OF THIS AGREEMENT."

(d) A deferred payment agreement shall not include a finance charge.

(e) If an applicant for service has not fulfilled terms of a deferred payment agreement, the Utility shall have the right to disconnect in accordance with these rules, pursuant to disconnection of service rules (PSC 185.37); and under such circumstances, it shall not be required to offer subsequent negotiation of a deferred payment agreement prior to disconnection.

(f) Any payments made by the customer in compliance with a deferred payment agreement, or otherwise, shall first be considered made in payment of the previous account balance with any remainder credited to the current bill.

(4) DISPUTE PROCEDURES. (a) Whenever the customer advises the Utility's designated office prior to the disconnection of service that all or part of any billing as rendered is in dispute, or that any matter related to the disconnection or refusal of service is in dispute, the Utility shall

1. Investigate the dispute promptly and completely.
2. Advise the customer of the results of the investigation.
3. Attempt to resolve the dispute.
4. Provide the opportunity for the customer to enter into a deferred payment agreement, when applicable, in order to settle the dispute.

(b) After the customer has pursued the available remedies with the Utility, he may request that the Public Service omission's staff informally review the disputed issue and recommend terms of settlement as specified in Wis. Adm. Code PSC 185.39(2).

(c) Any party to the dispute after informal review may make a written request for formal review by the Commission. If the Commission decides to conduct a formal hearing on the dispute, the customer must pay 50% of the bill in dispute or post a bond for that amount on or before the hearing date. Failure to pay the amount or post the bond will constitute a waiver of the right to a hearing. Utility service shall not be disconnected because of any disputed matter while the disputed matter is being pursued under the dispute's procedure. In no way does this relieve the customer from the obligation of paying charges which are not disputed.

(5) DISCONNECTION NOTICE. The form of the disconnection notice to be used is as follows:

DISCONNECTION OF SERVICE NOTICE

FROM: ACCOUNT NO. DATE NOTIFIED AMOUNT DUE
TO:

DEAR CUSTOMER:

(1) NOTICE: It has now been twenty (20) days since the issuance of your last utility service bill which dated _____. We are obligated to forward this Notice of Disconnection to you eight(8)calendar days prior to the contemplated date of disconnection.

(2) REASON(S) FOR DISCONNECTION: (Note asterisks opposite reason(s) for disconnection of your service).

- *(a) Failure to pay delinquent account and/or failure to comply with terms of a deferred payment agreement.
- (b) Violation of utility rules.
- (c) Failure to comply with deposit or guarantee arrangements.
- (d) Diversion of your service around meter.

(3) DATE OF DISCONNECTION - _____. Your service will be disconnected on this date unless the account is paid in full or if arrangements are not made to pay the account under a deferred agreement or other arrangement or if equipment changes are not made in keeping with the reason(s) for disconnection listed in paragraph(2). To avoid the inconvenience of service interruption, we urge you to pay the full arrears immediately. A minimum reconnection charge of \$_____ applies during regular office hours and after regular office hours overtime labor costs also apply to a maximum total charge of \$_____.

(4) DISCONNECTION FOR DEFAULT OF DEFERRED PAYMENT AGREEMENT: Explanation of acts of default (where applicable).

(5) IMMEDIATELY contact your utility office.

- (a) If you dispute the Notice of Delinquent Account.
- (b) If you wish to negotiate a deferred payment agreement as an alternative to disconnection.
- (c) If any resident at the address of customer is seriously ill, or
- (d) If there are other extenuating circumstances such as: infants, young children, aged, or handicapped residents, residents on life support systems or equipment residents who have mental retardation or other developmental or mental disabilities.

(6) SERIOUS ILLNESS - SERVICE WILL BE CONTINUED OR RESTORED: If you submit a statement from a licensed Wisconsin physician or notice from a public health or social service official identifying the serious illness of a resident and the period of time during which disconnection would aggravate the illness, service will be continued or restored for twenty-one (21) days.

(7) APPEAL TO THE PUBLIC SERVICE COMMISSION STAFF: You may appeal to the staff of the Public Service Commission, if you cannot reach agreement with your utility office regarding the grounds for disconnection or the amount of the utility service bill.

Signed:

(6) COLLECTION OF OVERDUE BILLS. In the event the Utility is not able to collect any bill for water service even though Deposit and Guarantee Rules are on file, the bill may be put upon the tax roll as provided in §66.069, Wis. Stats.

18.18 SURREPTITIOUS USE OF WATER. (Ord. #05-2011) 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 24-hour disconnection of service. Breaking the meter seal on the meter is to be considered a surreptitious use of water. The owner is responsible for the meter and shall be held liable for unauthorized cutting of the seal or any removal of said seal or meter, when the water meter is installed for billing purposes on the property. 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.

(4) Sections 98.26 and 943.20, Wis. Stats. as relating to water service, are hereby adopted and made a part of these rules.

18.19 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.

18.20 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.

18.21 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.

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

18.23 PROTECTIVE DEVICES. (1) **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 user of the water supply. Particularly, such owner or occupant must protect water cooled compressors for refrigeration systems by means of high and/or low pressure safety cutout devices. There shall 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.

(2) **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 plumbing codes.

(3) **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.

18.24 PENALTY. Any person who shall violate any provision of this subchapter or any order, rule or regulation thereunder shall be subject to a penalty as provided in sec. 25.04 of this Code.

SUBCHAPTER III: DARLINGTON SEWER UTILITY

18.25 OPERATING RULES. All persons now receiving sewer service from the Darlington Sewer Utility, or who may hereafter make application therefor, shall be considered as having agreed to be bound by the rules and regulations as filed with the Public Service Commission of Wisconsin.

18.26 APPLICATION FOR SERVICE. Application for sewer service shall be made in writing on a form furnished by the Utility. The application shall contain the legal description of the property to be served, the name of the owner, the exact use to be made of the service, and the size of the service connection. (See also sec. 18.07 of this chapter)

18.27 DEFINITIONS. The terms used herein shall be defined as follows.

(1) APPROVING AUTHORITY. The Director of Public Works or the duly authorized deputy, agent or representative of the Utility Commission.

(2) BIOCHEMICAL OXYGEN DEMAND (BOD). The quantity of oxygen utilized in the biochemical oxidation of organic matter in 5 days at 20° C., expressed as milligrams per liter. Quantitative determination of BOD shall be made in accordance with procedures set forth in "Standard Methods."

(3) BUILDING DRAIN. That part of the lowest horizontal piping of a drainage system which receives the discharge from waste and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning approximately 5 feet outside the inner face of the building wall.

(4) BUILDING SEWER. The extension from the building drain to the public sewer or other place of disposal; also called house connection or lateral. Except as provided in this section, building sewers shall not be subject to the jurisdiction of the City and the City shall not be responsible for the construction and/or maintenance of such sewers.

(5) COMBINED SEWER. Any sewer intended to serve as a sanitary sewer and a storm sewer.

(6) CHLORINE REQUIREMENT. The amount of chlorine, in milligrams per liter, which must be added to sewage to produce a specified residual chlorine content in accordance with procedures set forth in "Standard Methods."

(7) GARBAGE. The residue from the preparation, cooking and dispensing of food and from the handling, storage and sale of food products and produce.

(8) GROUND GARBAGE. The residue from the preparation, cooking and dispensing of food that has been shredded to such 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 inch (1/2") in any dimension.

(9) 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.

(10) NATURAL OUTLET. Any outlet, including storm sewers and combined sewer overflows, into a water course, pond, ditch, lake or other body of surface water or ground waters.

(11) 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.

(12) 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.

(13) SANITARY SEWER. A sewer that conveys wastewater, industrial wastes or a combination of both, and into which storm, surface water, and ground waters or unpolluted industrial wastes are not intentionally admitted.

(14) SEWAGE. The spent water of a community. The preferred term is "wastewater".

(15) SEWER. A pipe or conduit for conveying sewage or any other waste liquids, including storm, surface and ground water drainage.

(16) "Shall" is mandatory; "May" is permissible.

(17) SLUG. Any discharge sewage or industrial waste which in concentration of any given constituent exceeds more than five times the average 24 hour concentration of flows during normal operation, or the discharge of any volume of liquid waste which exceeds more than five times in quantity of flow for a period of 15 minutes or more, the normal 24-hour average discharge and shall adversely affect the collection system and/or performance of the wastewater treatment plant.

(18) STANDARD METHODS. The examination and analytical procedures set forth in the most recent edition of "Standard Methods for the Examination of Water, Sewage and Industrial Wastes," published jointly by the American Public Health Association, the American Water Works Association and the Water Pollution Control Federation.

(19) STORM SEWER. A sewer that carries storm, surface and ground water drainage but excludes sewage and industrial wastes.

(20) SUSPENDED SOLIDS (SS). Solids that either float on the surface of, (or are in suspension in, water, wastewater or industrial waste, and which are removable by laboratory filtration device. Quantitative determination of suspended solids shall be made in accordance with procedures set forth in "Standard Methods".

(21) 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.

(22) WASTEWATER COLLECTION SYSTEM. The system of sewers and appurtenances for the collection, transportation and pumping of wastewater and industrial wastes.

(23) WASTEWATER TREATMENT PLANT. An assemblage of devices, structures and equipment for treating and disposing of wastewater and industrial wastes.

18.28 SEWER SERVICE CHARGES (Am. Ord. #99-4; Am. Ord. #4-2000; Am. Ord. #3-2004; Am. Ord. #06-2013; Am. Ord. #03-2014). (1) GENERAL SEWER SERVICE, METERED. Available for sewage contributors discharging domestic strength sewage up to 250 mg/l BOD and 250 mg/l suspended solids.

(a) Quarterly Service Charge.

5/8	inch water meter	.	.	.	.	\$	65.79
3/4	inch water meter	.	.	.	.		65.79
1	inch water meter	.	.	.	.		82.62
1-1/4	inch water meter	.	.	.	.		98.81
1-1/2	inch water meter	.	.	.	.		118.22
2	inch water meter	.	.	.	.		153.82
3	inch water meter	.	.	.	.		237.97
4	inch water meter	.	.	.	.		370.65
6	inch water meter	.	.	.	.		551.89

(b) Additional Volume Charge. For each 1,000 gallons domestic strength sewage discharged to the sanitary sewer system, \$9.50 per 1,000 gallons.

(c) Billing. Bills for sewer service are rendered quarterly and become due and payable on the first of the month following the period for which service is rendered. A late payment charge of 3%, but not less than \$.50, shall be added to bills not paid within 20 days of issuance. This late payment charge is applicable to all customers.

(2) GENERAL SEWER SERVICE, SUBURBAN (Am. Ord. #6-96). Available for sewage contributors residing outside the corporate limits of the City shall be billed at the regular rates set forth in sub(1) above.

(3) GENERAL SEWER SERVICE, UNMETERED. (Am. Ord. #99-4; Am. Ord. #4-2000; Am. Ord. #3-2004; Am. Ord. #06-2013; Am. Ord. #03-2014) Service shall be billed at the rate of \$208.29 per quarter for customers who are unmetered. This rate shall be applied only to single-family residential and small commercial customers and approximates the cost for 15,000 gallons per quarter discharged to the sewer system. If it is determined by the Utility that the user discharges more than 15,000 gallons per quarter to the system, an additional charge of \$9.50 per 1,000 gallons will be charged.

(4) COMMERCIAL AND INDUSTRIAL SEWER SERVICE, METERED. (Am. Ord. #99-4; Am. Ord. #3-2004; Am. Ord. #03-2006; Am. Ord. #06-2013; Am. Ord. #03-2014) When the sewage from any contributor does not exceed the strength limitations of 250 mg/l for BOD and 250 mg/l for suspended solids, the sewer bills shall be calculated under sub. (1) above. 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 shall be billed at the following rates:

(a) Quarterly Service Charge. Same as sub. (1)(a) above.

(b) Volume Charge. Charge shall be comprised as follows:

1. Volume. \$9.50 per 1,000 gallons.
2. Bio-Chemical Oxygen Demand (BOD). 81.0¢ per pound in excess of 250 mg/l.
3. Suspended Solids (SS). 95.0¢ per pound in excess of 250 mg/l.

(c) Nursing Homes. Nursing homes shall be subject to a flat rate for excessive loading of BODs and Suspended Solids as follows:

- | | | |
|---------------------------|---------|------------|
| 1. 90 to 100 Residents | | \$3,700.00 |
| 2. 80 to 89 Residents | | \$3,333.00 |
| 3. Less than 80 Residents | | \$3,000.00 |

(5) BILLING. Same as sub. (1)(c) above.

18.29 USE OF THE PUBLIC SEWERS. (1) 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.

(2) 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.

(a) Any gasoline, benzine, naphtha, fuel oil or other flammable or explosive liquid, solid or gas.

(b) 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.

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(c) Any waters or wastes having a pH lower than 5.0 or having any other corrosive property capable of causing damage or hazard to structures, equipment and personnel of the wastewater treatment plant.

(d) Any waters or wastes having a pH in excess of 10.0.

(e) 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.

(f) 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 as follows:

1. Any liquid or vapor having a temperature higher than 150° F.

2. 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.

3. Any commercial garbage that has not been properly shredded. The installation and operation of any commercial grinder equipped with a motor of one horsepower or greater shall be subject to the review and approval of the Approving Authority.

4. 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.

5. 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

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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.

6. 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.

7. Any water or wastes which, by interaction with other water or wastes in the sanitary sewer system, release obnoxious gases, form suspended solids which interfere with the collection system, or create a condition deleterious to structures and treatment processes.

8. Materials which exert or cause:

a. Unusual BOD, chemical oxygen demand or chlorine requirements in such quantities as to constitute a significant load on the wastewater treatment plant.

b. Unusual volume of flow or concentration of wastes constituting "slugs", as defined herein.

c. 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).

d. Excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions).

e. 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.

(3) SPECIAL ARRANGEMENTS. No statement contained in this section 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.

18.30 CONTROL OF INDUSTRIAL WASTES DIRECTED TO PUBLIC SEWERS. (1)
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 sec. 18.29(2) of this subchapter, and which, in the judgment of the Approving Authority, may have 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:

- (a) Reject the wastes.
- (b) Require pretreatment to an acceptable limit for discharge to the public sewers.
- (c) Require control over the quantities and rates of discharge.

(2) CONTROL MANHOLES. Each user discharging industrial wastes into a public sewer may be required by the Approving Authority to construct and maintain one or more control manholes or access points to facilitate observation, measurement and sampling of his wastes, including domestic sewage.

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.

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.

(3) 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.

(4) METERING OF WASTE. Devices for measuring the volume of waste discharged may be required by the Approving Authority if this 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.

(5) 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 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.

(6) WASTE SAMPLING. Industrial wastes discharged into the public sewers shall be subject to periodic inspection and a determination of character and concentration of said wastes. The determination shall be made by the industry as often as may be deemed necessary by the Approving Authority.

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.

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 ensure their preservation in a state comparable to that at the time the sample was taken.

(7) 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 expense, such preliminary treatment or processing facilities as may be determined required to render his wastes acceptable for admission to the public sewers.

(8) 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, as specified in sec. 18.29(2) of this subchapter, 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 by currently acceptable Department of Natural Resources rules and regulations.

(9) ANALYSES. 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.

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.

(10) 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.

18.31 CLASSES OF SERVICE. (1) 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 sec. 18.28(1) of this subchapter.

(2) 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 sec. 18.28(2) of this subchapter. 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.

18.32 RIGHT OF ENTRY, IDENTIFICATION AND SAFETY. (1) RIGHT-OF-ENTRY. The Director of Public Works or other duly authorized employe of the City or Utility bearing proper credentials and identification shall be permitted to enter all properties for the purpose of inspection, observation and testing, all in accordance with the provisions of this section and §196.171, Wis. Stats. The Director of Public Works or other duly authorized employe of the City and/or 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.

18.33 SEWER CONSTRUCTION. (1) 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.

(a) Service Connections. A service connection charge (tap in fee) shall be paid before any work is commenced for a sewer connection. Before such connection is made, a permit must be obtained from the Director of Public Works and the applicable fee paid to the Clerk-Treasurer.

(b) Connection Charge. The connection charge (tap in fee) required for sewer connections shall be \$250.

(2) COST OF SEWER CONNECTION. All costs and expenses incident to the installation and connection of the building sewer shall be borne by the owner.

(3) USE OF OLD BUILDING SEWERS. Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the Approving Authority, to meet all requirements of this subchapter.

(4) 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, Wisconsin Administrative Code, the State Department of Natural Resources and other rules and regulations of the City. 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.

(5) 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.

(6) STORM AND GROUND WATER DRAINS. No person shall make connection of roof downspouts, exterior foundation drains, areaway 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.

(7) 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 City, 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.

(8) 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.

(9) 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 City.

18.34 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 shall be deducted in computing the charge for sewer service provided a meter has been installed to measure such water. The customer must, at his own expense, make necessary changes in the water piping and install couplings so that a meter can be set. See sec. 18.28(1) of this subchapter.

18.40 VIOLATIONS AND PENALTIES. (1) 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.

(2) 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.

SUBCHAPTER IV: WELL HEAD PROTECTION (WHP) (Ord. #04-2006)

18.50 Purpose, Authority and Application. (1) Residents in the City of Darlington 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 this WHP Ordinance is to institute land use regulations and restrictions to protect the City's Municipal water supply and well fields, and to promote the health, safety and general welfare of the residents of the City of Darlington.

(2) Statutory authority of the City to enact these regulations was established by the Wisconsin Legislature in §62.23(7)(a) and (c), Wis. Stats. Under these statutes, the City has the authority to enact this ordinance, effective in the incorporated areas of the City, to encourage the protection of groundwater resources.

(3) The regulations specified in this WHP Ordinance shall apply within the City's corporate limits.

18.51 Definitions. (1) **AQUIFER.** A saturated, permeable, geologic formation that contains, and will yield, significant quantities of water.

(2) **EXISTING FACILITIES.** Current facilities, practices and activities which may cause or threaten to cause environmental pollution within that portion of the City's wellhead protection area that lies within the corporate limits of the City. 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 which is incorporated herein as if fully set forth.

(3) **RECHARGE AREA.** The land area which contributes water to a well by infiltration of water into the subsurface and movement with groundwater toward the well. This area extends beyond the corporate limits of the City of Darlington.

(4) **GROUNDWATER PROTECTION OVERLAY DISTRICT.** That portion of the recharge area for the city wells that lies within the city limits as shown in the map attached hereto as Exhibit "A" and incorporated herein as if fully set forth.

(5) **WELL FIELD.** A piece of land used primarily for the purpose of supplying a location for construction of wells to supply a municipal water system.

18.52 GROUNDWATER PROTECTION OVERLAY DISTRICT (hereafter DISTRICT).

(1) INTENT. The area to be protected as a District is that portion of the Appealing well fields' recharge areas extending to the groundwater divide contained within the Town boundary limits and shown on the attached map. 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.

(2) 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.

(a) Parks, provided there is no on-site waste disposal or fuel storage tank facilities associated with this use.

(b) Playgrounds.

(c) Wildlife areas.

(d) Non-motorized trails, such as hiking, skiing, nature and fitness trails.

(e) Municipally sewered residential development, free of flammable and combustible liquid underground storage tanks.

(f) Municipally sewered business development zoned B-1, B-2, or B-3, except for the following uses:

1. Above ground storage tanks.
2. Asbestos product sales.
3. Automotive service and repair garages, body shops.
4. Blue printing and photocopying services.
5. Car washes.
6. Equipment repair services.
7. Laundromats and diaper services.
8. Dry cleaning.
9. Gas stations.
10. Holding ponds or lagoons.
11. Infiltration ponds.
12. Nurseries, lawn and garden supply stores.
13. Small engine repair services.
14. Underground storage tanks.
15. Wells, private, production, injection or other.
16. Any other use determined by the Town Zoning Administrator to be similar in nature to the above listed items.

(g) Agricultural uses in accordance with the county soil conservation department's best management practices guidelines.

(3) MAPPING. The location and boundaries of the zoning districts established by this Ordinance are set forth on the attached Exhibit "A" which is incorporated herein and hereby made a part of this Ordinance. Said map, together with everything shown thereon and all amendments thereto, shall be as much a part of this Ordinance as though fully set forth and described herein.

18.53 Review of Permit Application. (1) The City of Darlington Water and Sewer Committee shall review all requests for approval of permits for land uses in the Groundwater Protection Overlay District. All determinations shall be made by the City of Darlington Water and Sewer Committee within sixty (60) days of any request for approval, provided however, that this sixty (60) day period of limitation may be extended by the City of Darlington Water and Sewer Committee for "good cause", as determined in the sole and absolute discretion of the City of Darlington Water and Sewer Committee.

(2) Upon reviewing all requests for approval, the City of Darlington Water and Sewer Committee shall consider all of the following factors:

(a) The City's responsibility, as a public water supplier, to protect and preserve the health, safety and welfare of its citizens.

(b) The degree to which the proposed land use practice, activity or facility may seriously threaten or degrade groundwater quality in the City of Darlington or the City's recharge area.

(c) The economic hardship which may be faced by the landowner if the application is denied.

(d) The availability of alternative options to the applicant, and the cost, effect and extent of availability of such alternative options.

(e) The proximity of the applicant's property to other potential sources of contamination.

(f) The then existing condition of the City's groundwater public water wells and well fields, and the vulnerability to further contamination.

(g) The direction of flow of groundwater and other factors in the area of the applicant's property which may affect the speed of the groundwater flow, including topography, depth of soil, extent of aquifer, depth to water table and location of private wells.

(h) Any other hydrogeological data or information which is available from any public or private agency or organization.

(i) The potential benefit, both economic and social, from the approval of the applicant's request for a permit.

(3) Any exemptions granted will be made conditional and may include environmental and/or safety monitoring which indicates whether the facility may be emitting any releases or harmful contaminants to the surrounding environment. The facility will be held financially responsible for all environmental cleanup costs. The City of Darlington Water and Sewer Committee may require that a bond be posted for future monitoring and cleanup costs if deemed necessary at the time of granting an exemption.

(4) The applicant shall be solely and exclusively responsible for any and all costs associated with the application, including all of the following:

(a) The cost of an environmental impact study if so required by the City of Darlington Water and Sewer Committee or its designee.

(b) The cost of ground water monitoring or groundwater wells if required by the City of Darlington Water and Sewer Committee or its designee.

(c) The costs of an appraisal for the property or other property evaluation expense if required by the City of Darlington Water and Sewer Committee or its designee.

(d) The costs of City's employee's time associated in any way with the application based on the hourly rate paid to the employee multiplied by a factor, determined by the City, representing the City's costs for expenses, benefits, insurance, sick leave, holidays, overtime, vacation and other similar benefits.

(e) The cost of City equipment employed.

(f) The cost of mileage reimbursed to the City employees.

18.54 Requirements for Existing Facilities and Land Uses. (1)

Existing facilities shall provide copies of all Federal, State and local facility operation approvals or certificates and ongoing environmental monitoring results to the City of Darlington.

(2) Existing facilities shall provide additional environmental or safety monitoring as deemed necessary by the City of Darlington Water and Sewer Committee, specifically including the production of any and all environmental statements detailing the extent of chemical use and storage on the property.

(3) Existing facilities shall replace equipment or expand in a manner that improves the existing environmental and safety technologies already in existence.

(4) Existing facilities shall have the responsibility of devising and/or filing with the City of Darlington Water and Sewer Committee, a contingency plan satisfactory to the Sewer and Water Committee for the immediate notification of the appropriate City of Darlington Water and Sewer Committee officers in the event of an emergency.

(5) Property owners with an existing agricultural use shall be exempt from requirements of this Ordinance as they relate to restrictions on agricultural uses, provided however, that such exemption shall only apply to the property owners in existence at the time of passage of the Ordinance and this exemption shall not constitute a covenant running with the land.

18.55 Enforcement and penalties. (1) In the event an individual and/or facility causes the release of any contaminants which endanger the Groundwater Protection Overlay District, the individual/facility causing said release shall immediately cease and desist, and provide clean-up satisfactory to the City of Darlington Water and Sewer Committee.

(2) The individual/facility shall be responsible for all costs of cleanup and the City of Darlington Water and Sewer Committee, consultant fees at the invoice amount plus administrative costs for oversight, review and documentation, including all of the following:

(a) The cost of City employees' time associated in any way with the clean-up based on the hourly rate paid to the employee multiplied by a factor determined by the City, representing the City's cost for expenses, benefits, insurance, sick leave, holidays, overtime, vacation, and similar benefits.

(b) The cost of City equipment employed.

(c) The cost of mileage reimbursed to the City employees attributed to the clean-up.

(3) Following any such discharge, the City may require additional test monitoring or other requirements as outlined in Section 18.54 and 18.55 herein.

(4) VIOLATIONS. It shall be unlawful to construct or use any structure, land or water in violation of this Ordinance. Any person who is specifically damaged by such violations may institute appropriate action or proceeding to enjoin a violation of this Ordinance.

(5) PENALTIES. Any person, firm or corporation who fails to comply with the provisions of this Ordinance shall, upon conviction thereof, forfeit not less than One Hundred and 00/100 Dollars (\$100.00) nor more than Five Hundred and 00/100 Dollars (\$500.00) plus the costs of the prosecution for each violation, and in default of payment of such forfeiture and costs, shall be imprisoned in the County Jail until payment thereof, but not exceeding thirty (30) days, or in the alternative, shall have such costs added to their real estate property tax bill as a lien against the property. Each day a violation exists or continues shall constitute a separate offense.

18.56 Severability Clause. If any section, subsection, sentence, clause paragraph or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, or other applicable administrative or governing body, such decision shall not affect the validity of any other section, subsection, sentence, clause, paragraph or phrase or portion thereof. The Common Council of the City of Darlington Water and Sewer Committee hereby declares that they would have passed this Ordinance and each section, subsection, sentence, clause, paragraph or phrase thereof irrespective of the fact that any one or more other sections, subsections, sentences, clauses, paragraphs, or phrases may be declared invalid or unconstitutional.

18.57 All Ordinances in conflict with the foregoing are hereby repealed or amended to read consistent with this Ordinance.