

Chapter 54

UTILITIES*

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***Cross reference** - Any ordinance providing for local improvements, assessing taxes therefor and prescribing utility rates and fees saved from repeal, § 1-9(11); any ordinance regarding water, sewer, solid waste, and electric rates, rules and regulations and sewer and water main construction saved from repeal, § 1-9(25); administration, ch. 2; buildings and building regulations, ch. 10; floods, ch. 14; health and sanitation, ch. 18; underground utilities regulated, § 38-143; solid waste, ch. 42; required improvements for subdivisions and platting, § 46-81 et seq.

SPRING VALLEY CODE

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ARTICLE I. IN GENERAL**Sec. 54-1. Extension of sewer and water mains.**

Sewer and water mains will be extended for new customers on the following basis:

- (1) The procedure set forth under statute will apply where the costs of the extension are to be immediately collected through assessment by the village against the abutting property, and no additional customer contribution to the utility will be required.
- (2) Where the village is unwilling or unable to make a special assessment, the extension will be made on a customer-financed basis, as follows:
 - a. The applicant 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 (1) of this section.
 - b. Part of the contribution required by subsection (2)a of this section will be refundable. When additional customers are connected to the extended main within 20 years of the date of completion of such main, contributions in aid of construction will be collected equal to the amount which would have been assessed under subsection (1) of this section for the abutting property being served. Such amount will be refunded to the original contributor. In no case will the contributions received from additional customers exceed the proportionate amount which would have been required under subsection (1) of this section, nor will it exceed the total assessable cost of the original extension.
- (3) When a new customer is connected to an existing main not financed by customer contributions, it shall not be considered as a main extension, and no contribution may be collected from the customer. This provision applies to mains installed after the effective date of the ordinance from which this section is derived.
- (4) Any building or premises to be supplied with new water service or new sewer service regardless of who installs such service, shall also be subject to the following:
 - a. Connection fees: In addition to any installation charges required to be paid by the customer under this section, a customer shall pay a connection fee of \$2,000.00 for a sewer service unit.
 - b. Each residential dwelling unit shall be required to have a separate water lateral line and separate sewer lateral line.
 - c. Multiple dwelling buildings, including condominiums, consisting of 3 or more individual residential units, may have one water lateral and one sewer lateral installed from main to the property line provided that:
 1. Water Service: A separate water line with shut-off valve shall be installed to each individual dwelling unit. The size of the water lateral service shall be determined by the

Public Works Director.

- 2. Sewer Service: A separate is to be installed to each individual dwelling unit, which flows into a manhole installed at the property line. The size of the sewer lateral service shall be determined by the Public Works Director.

- d. The cost to install water lateral, sewer laterals, sewer manholes and all other associated installation costs shall be paid by the customer.

(Code 1988, § 5-1-50; Ord. of 3-23-2004)

Sec. 54-2. Sewer and water main installations in platted subdivisions.

(a) Applications for the installation of sewer and water mains in regularly platted real estate development subdivisions shall be filed with the village administrator and shall set forth the following information:

- (1) Name of the subdivision.
- (2) Legal description.
- (3) Map showing the streets, lots and sizes of proposed mains and hydrants, and street laterals.
- (4) Date of approval of the subdivision plan by the state department of development.
- (5) Date of approval of the proposed mains by the state department of natural resources.
- (6) Number of houses presently under construction.

(b) Upon receipt of the application, the water and sewer utility will prepare detailed estimates of the cost of extending sewer mains of the size deemed necessary in the subdivision, and submit such estimates to the village board for approval of the extension. The applicant for sewer or 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 costs of the extension. If the final costs exceed estimated costs, an additional billing will be made for the balance of the costs due, with the balance to be paid within 30 days. If final costs are less than estimated, a refund of the overpayment will be made by the utility. If the developer, or a contractor employed by the developer, is to install the sewer mains (with the approval of the utility), the developer shall be responsible for the total costs of construction.

(Code 1988, § 5-1-51)

Cross reference – Subdivisions and platting, ch. 46.

Secs. 54-3--54-30. Reserved.

ARTICLE II. WATER

Sec. 54-31. Public fire protection service.

(a) The annual charge for public fire protection service to the village shall be \$8,900.00 to cover the use of mains and hydrants up to and including the terminal hydrant and connection on each main existing for the 1980 test year.

(b) For all extensions of fire protection service, a charge as set by the village board from time to time per lineal foot of main shall be charged per annum on the basis of the length of the main put into use between hydrants placed, plus a charge as set by the village board from time to time per hydrant added to the system after the base period.

(c) Such 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 village boundary only. 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 base annual charge of \$8,900.00 includes an estimated 19,072 feet of four-inch and larger distribution main, and 33 hydrants.

(Code 1988, § 5-1-1)

Cross reference – Fire prevention, § 38-71 et seq.

Sec. 54-32. Hookup required.

(a) The owner of any parcel of land adjacent to a water main, upon which there exists a need for a water supply, whether now or in the future, and for whatever reason, or in a block through which such system is extended, shall connect the available water main/system within 180 days of notice in writing from the village to connect. Upon failure to do make such connection, the village may cause such connection to be made and bill the property owner for such costs. Such costs may include, without limitation, the cost of disconnecting any private wells to provide for adequate cross connection controls within the village water system. If such costs are not paid within 30 days of billing to the property owner by the village, such costs shall be assessed as a special tax lien against the property; however, within 30 days after the completion of the work, the owner may file a written option with the village administrator stating that he cannot pay such amount in one sum and ask that such amount be levied in not to exceed five equal installments, and the amount shall be so collected with interest at the rate of 12 percent per annum from the completion of the work, and the unpaid balance shall be a special tax lien, all pursuant to Wis. Stats. § 281.45.

(b) In lieu of subsection (a) of this section, after ten days' written notice to any owner failing to make a connection to the village water system as required under this section, at its sole option, the village may impose a penalty in the following amount for the period that a violation continues, based upon the diameter of the pipe which services the property required to make such connection:

Diameter of Service Pipe

(inches)

5/8

3/4

1

1 1/4

Penalty

As set by the village board from time to time and on file in the village offices.

- 1 ½
- 2
- 2 ½
- 3
- 4
- 6
- 8

Unmetered or unmeasured services
 (Ord. of 7-23-1992, § 5-1-53)

Sec. 54-33. Combined metering.

When a consumer's premises has several buildings, each supplied with service and metered separately, the full service charge will be separately billed for each meter, and the readings will not be cumulated. If such buildings are all used in the same business and are connected by the consumer, they can be metered on one place. If the utility, for its own convenience, installs more than one meter, the readings will be cumulated for billing.

(Code 1988, § 5-1-2(d))

Sec. 54-34. Establishment of service.

(a) Applications 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, the name of the owner, the exact use to be made of the service and the size of the supply pipe and meter desired. (Any special refrigeration and/or air-conditioning water-consuming appliances shall be particularly noted.)

(b) Service will be furnished only if the:

- (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 the 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 curblineline to the point of use, and laid not less than six feet below the surface of an established or proposed grade, in accordance with the utility's specification; and
- (3) Premises have adequate piping beyond the metering point.

(c) The owner of a multiunit dwelling has the option of being served by individual metered water service to each unit. The owner, by selecting such option, is required to provide interior plumbing and meter connections 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 to 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 or separate supplies therefrom for two 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 empowered to withhold approval of any application in which full information of the purpose of such supply is not clearly indicated and set forth by the applicant property owner.
(Code 1988, § 5-1-21)

Sec. 54-35. Service contract.

(a) The minimum service contract period shall be one 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 his minimum contract period, a reconnection charge as set by the village board from time to time and on file in the village offices shall be made, payable in advance, when the customer requests reconnection of service. The minimum contract period is renewed with each reconnection.

(b) A reconnection charge as set by the village board from time to time and on file in the village offices shall also be required from consumers whose services are disconnected (shut off at the curb stop) because of nonpayment of bills when due, not including disconnection for failure to comply with deposit or guarantee rules.

(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 or employee of the same business.
(Code 1988, § 5-1-22)

Sec. 54-36. Temporary supply, meter and deposits.

An applicant for temporary water supply on a metered basis shall make and maintain a monetary deposit as set by the village board from time to time and on file in the village offices 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 water supply. A charge as set by the village board from time to time and on file in the village offices shall be made for setting the valve and furnishing and setting the meter.
(Code 1988, § 5-1-23)

Sec. 54-37. Construction purposes.

(a) When water is requested for construction purposes, or for filling tanks or other such uses, an application shall be made in writing to the utility, upon an application provided for such purpose in the water department 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 purposes 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, together with a statement of the actual amount of construction work

performed.

(c) Consumers shall not allow contractors, masons or other persons to take water from their premises without first showing a permit from the water department. Any consumer failing to comply with such provision will have their water service discontinued.

(Code 1988, § 5-1-24)

Sec. 54-38. Use of hydrants.

(a) Permission may be granted by the utility to use a hydrant in cases where no other supply is available. 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 such setting and for the water to be used at the scheduled rates as set by the village board from time to time and on file in the village offices. The customer must notify the utility upon completing use of the hydrant.

(c) In the use of a hydrant supply, the hydrant valve will be set by the utility at the proper opening 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.

(Code 1988, § 5-1-25)

Sec. 54-39. Unauthorized operation of valves, mains and hydrants; 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 fires, or who shall wantonly damage or impair such valves and hydrants shall be subject to a fine as provided by section 1-27. Permits for the use of hydrants apply only to hydrants designated for such specific use.

(Code 1988, § 5-1-26)

Sec. 54-40. Monetary deposit refunds.

All monies deposited as security for payment of charges arising from the use of a 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.

(Code 1988, § 5-1-27)

Sec. 54-41. Service connections and supplies.

(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 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. All such service shall comply with the provisions of the state plumbing code and shall be inspected by the building inspector.

(Code 1988, § 5-1-28)

Sec. 54-42. Service piping for meter settings; change from metered to flat rate service.

(a) In cases where a new customer whose service is to be metered installs the original service piping, or where an existing metered customer changes his service piping for his own convenience, or where an existing flat rate customer requests to be metered, the customer shall, at his expense, 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 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 issued to change from metered to flat rate service.

(Code 1988, § 5-1-29)

Sec. 54-43. Authority to turn on water; testing work.

The water cannot be turned on for a consumer except by a duly authorized employee of the utility. When a plumber has completed a job, he must leave the water turned off, but such requirement does not prevent the plumber from testing the work.

(Code 1988, § 5-1-30)

Sec. 54-44. Inability read meters; damaged meters.

(a) Where the utility is unable to read a meter after two successive attempts, such 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, and 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 the bill for the amount of the minimum bill paid the preceding month. Only in unusual cases or where approval is obtained from the customer shall more than two consecutive estimated bills be rendered.

(b) If the meter is damaged (see section 54-55 pertaining to surreptitious use) or fails to operate, the bill will be based on the average use during the past year, unless there is a reason why the use is not normal. If the average use cannot be properly employed, the bill will be estimated by an equitable method.

(Code 1988, § 5-1-31)

Sec. 54-45. Complaint meter tests.

Complaint meter tests shall be conducted pursuant to Wis. Admin. Code § PSC 185.77.

(Code 1988, § 5-1-32)

Sec. 54-46. Thawing frozen services.

Frozen services shall be thawed in accordance with Wis. Admin. Code § PSC 185.88.

(Code 1988, § 5-1-33)

Sec. 54-47. Stop boxes.

The consumer shall protect the stop box in the terrace, and shall keep it free from dirt and other obstructions. The utility shall not be liable for failure to locate the stop box and shut off the water in case of a leak on the consumer's premises.

(Code 1988, § 5-1-34)

Sec. 54-48. Meter installations.

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 located so that they shall be protected from obstructions and permit ready access for reading, inspection and servicing, and such location shall be designated or approved by the utility. All piping within the building must be supplied by the consumer. Where additional meters are desired by the consumer, the consumer shall pay for all piping and an additional amount sufficient to cover the costs of maintenance and depreciation.

(Code 1988, § 5-1-35)

Sec. 54-49. Meter repairs.

(a) Meters will be repaired by the water department, 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, his agent or tenant, or from the negligence of any such persons to properly secure and protect the meter, 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.

(Code 1988, § 5-1-36)

Sec. 54-50. Replacement, repair and maintenance of service pipes.

(a) Where the property owner requests that a larger service lateral be installed to replace an existing smaller diameter pipe, an allowance of \$15.00 will be made as a deduction in the cost, provided 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 it becomes worn out, it shall be 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 a consumer fails to repair a leaking or broken service pipe from the curb to the point of metering or use within such time as may appear reasonable to the utility after notification has been served on the consumer by the utility, the water will be shut off and will not be turned on again until the repair has been completed.

(Code 1988, § 5-1-37)

Sec. 54-51. Charges for water wasted due to leaks.

The charges for water which is wasted due to leaks shall be in accordance with Wis. Admin. Code § PSC 185.35(6).

(Code 1988, § 5-1-38)

Sec. 54-52. Inspections of premises.

During reasonable hours, any officer or authorized employee of the utility shall have the right of access to a premises supplied with service for the purpose of inspection or for the enforcement of the utility's rules and regulations. At least once every 12 months, the utility will make a systematic inspection of all unmetered water taps for the purpose of checking waste and unnecessary use of water.

(Code 1988, § 5-1-39)

Sec. 54-53. Customer's deposits.

(a) *New residential service.* The utility may require a cash deposit or other guarantee as a condition of new residential service only if the customer has an outstanding account balance with the utility which accrued within the last six years, and which, at the time of the request for new service, remains outstanding and not in dispute.

(b) *Existing residential service.* The utility may require a cash deposit or other guarantee as a condition of continued service only if either or both of the following circumstances apply:

- (1) Service has been shut off or discontinued within the last 12 months for a violation of the rules and regulations set forth in this article or for nonpayment of a delinquent bill for service which is not in dispute.
- (2) Credit information obtained by the company subsequent to the initial application indicates that the initial application for service was falsified or incomplete to the extent that a deposit would be required under the rules and regulations set forth in this article.

(c) *Commercial and industrial service.* If the credit for an applicant for commercial or industrial

service has not been established to the satisfaction of the utility, such service may be required to make a deposit or otherwise guarantee to the utility payment of bills for service.

(d) *Conditions.* Deposit conditions shall be as set forth in Wis. Admin. Code § PSC 185.36(4).

(e) *Refunds.* The utility shall review the payment record of each residential customer with a deposit on file at not less than 12-month intervals, and shall not require, or continue to require, a deposit, unless a deposit could be required under the conditions set forth in subsection (d) of this section. In the case of a commercial or industrial customer, the utility shall refund the deposit after 24 consecutive months of prompt payment if the customer's credit standing is satisfactory to the utility. Payment shall be considered to be prompt if it is made prior to notice of disconnection for nonpayment of a bill not in dispute. Any deposit, or portion thereof, refunded to a customer shall be refunded by check, unless both the customer and the utility agree to credit the regular bill or service is terminated, in which case the deposit, with accrued interest, shall be applied to the final bill and any balance shall be promptly returned to the customer.

(f) *Other conditions.* A new or additional deposit may be required upon reasonable written notice of the need therefor if such new or additional deposit could have been required under the circumstances when the initial deposit was made. Service may be refused or disconnected for failure to pay a deposit request as provided in this section. When service has been disconnected for failure to make a deposit, pay a delinquent bill or comply with the terms of a deferred payment agreement, and satisfactory arrangements have been made to have service restored, a reconnection charge, as otherwise specified in this article, shall be paid by the customer as a condition to restoration of service.

(g) *Guarantee contracts.*

(1) In lieu of a cash deposit, the utility may accept 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 a guarantee contract shall be two years, but shall automatically terminate after the customer has closed his account, or at the guarantor's request, upon 30 days' written notice to the utility.

(2) Upon termination of a guarantee contract or whenever the utility deems such contract insufficient as to the amount or surety, a cash deposit or a new or additional guarantee may be required upon reasonable written notice to the customer. Service to any customer who fails to comply with such requirements may be refused, or upon eight days' written notice, disconnected.

(3) 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.

(4) In lieu of a cash deposit or guarantee, an applicant for new service who has an outstanding account accrued within the last six years with the utility shall have the right to receive service from the utility under a deferred payment agreement, as provided in section 54-54(c), for the outstanding account balance.

(Code 1988, § 5-1-40)

Sec. 54-54. Disconnection and refusal of service.

- (a) *Reasons.* Service may be disconnected or refused for any of the following reasons:
- (1) Failure to pay a delinquent account or to comply with the terms of a deferred payment agreement.
 - (2) 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 a reasonable opportunity to remedy the situation.
 - (3) Failure to comply with deposit or guarantee arrangements as provided for in section 54-53.
 - (4) Diversion of service around the meter.
- (b) *Delinquent accounts.*
- (1) 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 a written disconnect notice at least ten calendar days prior to disconnection, which notice may be included with the bill for service. For purposes of this subsection, the due date shall not be less than 20 days after issuance of such bill for service.
 - (2) 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 this article, or if a dangerous or unsafe condition exists on the customer's premises.
 - (3) The utility shall notify the county department of health and social services at least five calendar days prior to any scheduled disconnection of residential service if the customer or responsible person has made a written request for such procedure. The utility shall apprise customers of such 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 appropriate county sheriff's department of the billing name and service, and that a threat to health and life might exist to persons occupying the premises.
- (c) *Deferred payment agreement.*
- (1) The utility shall offer deferred payment agreements to residential customers. The deferred payment agreement shall provide that service will not be discontinued for the outstanding bill 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. In determining what amounts are reasonable, the parties shall consider the:
 - a. Size of the delinquent account.
 - b. Customer's ability to pay.
 - c. Customer's payment history.

- d. Time that the debt has been outstanding.
 - e. Reasons why the debt has been outstanding.
 - f. Other relevant factors concerning the circumstances of the customer.
- (2) The following shall be stated in the deferred payment agreement immediately preceding the space provided for the customer's signature and in boldface print at least two sizes larger than any other print used on such agreement:
- a. You have the right to suggest a different payment agreement;
 - b. If you believe the terms of this agreement are unreasonable, do not sign it;
 - c. If you and the utility cannot agree on terms, you may ask the public service commission to review the disputed issues;
 - d. If you sign this agreement, you agree that you owe the amount due under the agreement;
 - e. Signing this agreement does not affect your responsibility to pay for your current service. Allowing any bill for current service to become delinquent places you in default of this agreement.
- (3) A deferred payment agreement shall not include a finance charge.
- (4) If an applicant for service has not fulfilled the terms of a deferred payment agreement, the utility shall have the right to disconnect or refuse service in accordance with this section and, under such circumstances, it shall not be required to offer subsequent negotiation of a deferred payment agreement prior to disconnection of service.
- (5) Any payments made by the customer in compliance with a deferred payment agreement, or otherwise, shall be first considered made in payment of the previous account balance, with any remainder credited to the current bill.
- (d) *Dispute procedures.*
- (1) Prior to the disconnection of service, whenever the customer advises the utility's designated office that all or part of any billing as rendered is in dispute, or that any matter related to the disconnection is in dispute, the utility shall investigate the dispute promptly and completely, advise the customer of the results of the investigation, attempt to resolve the dispute and provide the opportunity for the customer to enter into a deferred payment agreement, when applicable, in order to settle the dispute.
 - (2) After the customer has pursued the available remedies with the utility, he may request that the public service commission's staff informally review the disputed issue and recommend terms of settlement.

- (3) After informal review, any party to the dispute may make a written request for a formal review by the public service commission. To avoid disconnection pending a formal review, the customer shall request a formal review by the public service commission, in writing, within seven calendar days of the issuance of the informal determination. All other requests for a formal review shall be made within 30 calendar days of the date the public service commission staff telephones or provides written notice of terms of the settlement after informal review. If written confirmation is requested, the 30-day period begins from the date of such mailing.
- (4) The form of disconnection notice that may 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 ten 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 ten 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) for 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 ten 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 have a question about your utility service arrears.
2. You are unable to pay the full amount of the bill and are willing to enter into a time payment agreement with us.
3. There are any circumstances you think should be taken into consideration before service is discontinued.
4. 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 State of 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, 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)

- (5) If 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 Wis. Stats. § 66.0809.
(Code 1988, § 5-1-41)

Sec. 54-55. Surreptitious use.

(a) When the utility has reasonable evidence that a consumer is obtaining his supply of water, in whole or in part, by means of devices or methods used to stop or interfere with the proper metering of the utility service being delivered to his equipment, the utility reserves the right to estimate and immediately present 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. When the utility shall have disconnected the consumer's service for any such reason, the utility will reconnect the consumer's service upon the following conditions:

- (1) The consumer will be required to deposit with the utility an amount sufficient to guarantee to the utility the payment of the consumer's bills for utility service.
- (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) The provisions of Wis. Stats. §§ 98.26 and 943.20, relating to water service, are adopted and made a part of this article.
(Code 1988, § 5-1-42)

Sec. 54-56. 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 cock. 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 such vacancy.
(Code 1988, § 5-1-43)

Sec. 54-57. Temporary suspension of supply.

The utility reserves the right to temporarily shut off the water in the mains to make repairs, alterations or additions to the plant or system. When the circumstances will permit sufficient delay, the company 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.
(Code 1988, § 5-1-44)

Sec. 54-58. Duty to ensure 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 an accident to any person or vehicle, and amber signal lights shall be displayed at night in such manner as will, as far as possible, ensure the safety of the public.
(Code 1988, § 5-1-45)

Sec. 54-59. Handling of mains and service pipes in sewers or trenches by contractors.

(a) All water mains shall be maintained at the expense of the contractor where excavating machines are used in digging sewers.

(b) Contractors must ascertain for themselves the existence and location of all service pipes. Where service pipes are removed, cut or damaged in the construction of a sewer, the contractor must cause such pipes to be replaced or repaired at once, at his expense. The contractor must not shut off the water service pipes from any consumer for a period exceeding six hours.
(Code 1988, § 5-1-46)

Sec. 54-60. Settling main and service trenches.

Trenches in unpaved streets shall be refilled with moist, damp earth, or by means of water tamping. When water tamping is used, the water shall be turned into the trench after the first 12 inches of backfill has been placed, and the trench shall then be kept flooded until the remainder of the backfill has been put in.
(Code 1988, § 5-1-47)

Sec. 54-61. Protective devices.

(a) *Generally.* The owner or occupant of every premises receiving a water supply shall apply and maintain suitable means of protection of the premises' 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 premises 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. A one-half-inch drain pipe shall be connected to the relief valve for discharge on the floor or into a sink or open drain through an air gap. No stop valve shall be placed between the hot water tank and the relief valve or on the drain pipe.

(c) *Air chambers and shock absorbers.* 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 have a diameter not less than that of the pipe it serves, and a length not less than 15 diameters of such supply pipe. Where possible, the air chamber should be provided at its base with a valve and rain cock for water drainage and the replenishment of air.

(Code 1988, § 5-1-48)

Sec. 54-62. Cross connections.

(a) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Cross connection means any physical connection or arrangement between two otherwise separate systems, one of which contains potable water from the village water system, and the other of which contains water from a private source, water of unknown or questionable safety or steam, gases or chemicals, whereby there may be a flow from one system to the other, and the direction of the flow shall depend on the pressure differential between the two systems.

(b) *Prohibited.* No person shall establish or maintain, or permit to be established or 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 the village, unless such private, auxiliary or emergency water supply, and the method of connection and use of such supply, shall have been approved by the water utility and by the state department of natural resources in accordance with the Wisconsin Administrative Code.

(c) *Inspections.* It shall be the duty of the water utility to cause inspections to be made of all properties served by the public water system where cross connections with the public water system are deemed possible. The frequency of inspections and reinspections, based on potential health hazards involved, shall be as established by the water utility and as approved by the state department of natural resources.

(d) *Right to inspect.* Upon presentation of credentials, the representative of the water 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 such entry is refused, such representative shall obtain a special inspection warrant under Wis. Stats. § 66.0119. Upon request, the owner, lessee or occupant of any property so served shall furnish to the inspection agency any pertinent information regarding the piping systems on such property.

(e) *Discontinuation of service.* The water utility is 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 Wis. Stats. ch. 68, except as provided in subsection (f) of this section. Water service to such property shall not be restored until the cross connection has been eliminated in compliance with the provisions of this article.

(f) *Immediate discontinuation.* If it is determined by the water utility that a cross connection or an emergency endangers public health, safety or welfare and requires immediate action, and a written finding to such effect is filed with the village administrator and delivered to the customer's premises, service may be immediately discontinued. The customer shall have an opportunity for a hearing under Wis. Stats. ch. 68, within ten days of such emergency discontinuance.

(g) *State code adopted.* The village adopts by reference the state plumbing code, Wis. Admin. Code chs. Comm 81--87.

(h) *Section not to supercede other ordinances.* This section does not supercede the state plumbing code and any village plumbing ordinances, but is supplementary thereto.
(Code 1988, § 5-1-49)

Sec. 54-63. Private wells.

(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 groundwater. Such wells must be properly filled and sealed.

(b) *Filling required; exemption.* All private wells located on any premises which is served by the public water system of the village shall be properly filled by November 1, 1987. Only wells for which a well operation permit has been granted by the village administrator may be exempted from the requirement of this subsection, subject to conditions of maintenance and operation.

(c) *Operation permits.* A permit may be granted to a well owner to operate a well for a period not to exceed 36 months if the requirements set forth in this subsection are met. Application for such permit shall be made on forms provided by the village administrator.

- (1) The well and pump installation meet the requirements of Wis. Admin. Code ch. NR 112, and a well constructor's report is on file with the department of natural resources, or a 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 samplings taken two 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 of abandonment.* Wells to be abandoned shall be filled according to the procedures outlined in Wis. Admin. Code ch. NR 812. The pump and piping must be removed, and the well checked for obstructions prior to plugging. Any obstruction or liner must be removed.

(e) *Abandonment report and observation.* A well abandonment report must be submitted by the well owner to the department of natural resources on forms provided by such department, and which are available at the office of the village administrator. The report shall be submitted immediately upon completion of the filling of the well. The filling must be observed by a representative of the village. (Code 1988, § 5-1-52)

Secs. 54-64--54-90. Reserved.

ARTICLE III. SEWERS

Sec. 54-91. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Approving authority means the village board or its duly authorized committee, agent or representative.

Biochemical oxygen demand (BOD) means the quantity of oxygen utilized in the biochemical oxidation of organic matter in five days at 20 degrees Celsius, expressed as milligrams per liter. Quantitative determination of BOD shall be made in accordance with procedures set forth in Standard Methods.

Building drain means the part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste and other drainage pipes inside the walls of the building and conveys it to the building sewer.

Building sewer means the extension from the public sewer or other place of disposal beginning outside the inner face of the building wall.

Chlorine requirement means 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.

Compatible pollutant means the biochemical oxygen demand, suspended solids, phosphorus, pH or fecal coliform bacteria, plus additional pollutants identified in the Wisconsin Pollutant Discharge Elimination System (WPDES) permit for the publicly owned treatment works receiving the pollutants if such works were designed to treat such additional pollutants to a substantial degree.

Floatable oil means oil, fat or grease in a physical state so that it will separate by gravity from wastewater by treatment in an approved pretreatment facility. A wastewater shall be considered free of floatable fat if it is properly pretreated and the wastewater does not interfere with the collection system.

Garbage means the residue from the preparation, cooking and dispensing of food and the handling, storage and sale of food products and produce.

Ground garbage means 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, to public sewers, with no particle greater than one-half inch in any dimension. Incompatible pollutant means wastewater with pollutants that will adversely affect or disrupt the quality of wastewater treatment if discharged to a wastewater treatment facility.

Industrial waste means the wastewater from industrial process, trade or business, as distinct from sanitary sewage, including cooling water and the discharge from sewage pretreatment facilities.

Natural outlet means any outlet, including storm sewers and combined sewer overflows, into a watercourse, pond, ditch, lake or other body of surface water or groundwater.

Parts per million (ppm) means a weight-to-weight ratio. The parts per million value multiplied by the factor 8.34 shall be equivalent to pounds per million gallons of water.

Person means any and all persons, including any individual, firm, company, municipal or private corporation, association, society, institution, enterprise, government agency or other entity.

pH means the logarithm of the reciprocal of the hydrogen ion concentration. The concentration is the weight of hydrogen ions in grams per liter of solution. Neutral water, for example, has a pH value of seven and a hydrogen ion concentration of 10^{-7} .

Public sewer means any sewer provided by or subject to the jurisdiction of the village. Such term also include sewers within or outside the corporate boundaries that serve one or more persons and ultimately discharge into the village sanitary sewer system, even though such sewers may not have been constructed with village funds.

Sanitary sewage means a combination of liquid and water-carried wastes discharged from toilets and/or sanitary plumbing facilities, together with such groundwater, surface water and stormwater as may be present.

Sanitary sewer means a sewer that carries liquid and water-carried wastes from residences, commercial buildings, industrial plants and institutions, together with minor quantities of groundwater, stormwater and surface water that are not intentionally admitted.

Sewage means the spent water of the village. The preferred term is "wastewater."

Sewer service charge means a service charge levied on users of the wastewater collection and treatment facilities for payment of use-related capital expenses as well as the operation and maintenance costs, including replacement of such facilities.

Shall is mandatory; *may* is permissible.

Shock means any discharge of water or wastewater which, in concentration of any given constituent, or in quantity of flow, exceeds for any period of duration longer than 15 minutes more than five times the average 24-hour concentration of flows during normal operation and adversely affects the system and/or performance of the wastewater treatment works.

Standard Methods means 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 Environment Federation.

Storm drain and storm sewer means a drain or sewer for conveying water, groundwater, subsurface water or unpolluted water from any source.

Stormwater runoff means the portion of the rainfall that is drained into the sewers.

Suspended solids means solids that either float on the surface of, or are in suspension in, water, wastewater or other liquids, and that are removable by laboratory filtering as prescribed in the Standard Methods for Examination of Water and Wastewater, and is referred to as nonfilterable residue.

Unpolluted water means water of a quality equal to or better than the effluent criteria in effect or water that would not cause violation of receiving water quality standards and would not be benefited by discharge to the sanitary sewers and wastewater treatment facilities provided.

Wastewater means the spent water of the village. From the standpoint of source, wastewater may be a combination of the liquid and water-carried wastes from residences, commercial buildings, industrial plants and institutions, together with any groundwater, surface water and stormwater that may be present.

Wastewater facilities means the structures, equipment and processes required to collect, carry away and treat domestic and industrial wastes and dispose of the effluent.

Wastewater treatment works means an arrangement of devices and structures for treating wastewater, industrial wastes and sludge. Such term is sometimes used as being synonymous with waste treatment.

Watercourse means a natural or artificial channel for the passage of water, either continuously or intermittently.

Wisconsin Pollutant Discharge Elimination Systems (WPDES) permit means a document issued by the state department of natural resources which establishes effluent limitations and monitoring requirements

for the village wastewater treatment facility.
(Code 1988, § 5-2-1)

Cross reference - Definitions generally, § 1-2.

Sec. 54-92. Management, operation and control.

(a) *Vestment; records, minutes and written proceedings.* The management, operation and control of the sewer system for the village is vested in the president of the village. All records, minutes and written proceedings thereof shall be kept by the village administrator, and the utility clerk shall keep all of the financial records.

(b) *Construction; power to enter upon land and purchase and acquire property.* The sewer utility shall have the authority to construct sewer lines for public use and shall have the authority to lay sewer pipes in and through the alleys, streets and public grounds of the village and, generally, to do all such work as may be found necessary or convenient in the management of the sewer system. The village shall have power by itself, its officers, agents and servants, to enter upon any land for the purpose of making an examination or to supervise in the performance of its duties under this article without liability therefor; and the village board shall have power to purchase and acquire all real and personal property for the village which may be necessary for construction of the sewer system or for any repair, remodeling or additions thereto.

(c) *Maintenance.* The owner shall maintain sewer service from the street main to the house, including all controls between them, without expense to the village, except when they are damaged as a result of negligence or carelessness on the part of the village. All sewer services must be maintained free of defective conditions, by and at the expense of the owner or occupant of the property. When any sewer service is to be relayed and there are two or more buildings on such service, each building shall be disconnected from such service and a new sewer service shall be installed for each building.

(d) *Taking real estate by condemnation.* Whenever any real estate or any easement therein, or use thereof, shall, in the judgment of the village, be necessary to the sewer system and, for any cause, an agreement for the purchase thereof cannot be made with the owner, the village shall proceed with all necessary steps to take such real estate easement or use by condemnation in accordance with statute and the Uniform Relocation and Real Property Acquisition Policy Act of 1970 if federal funds are used.

(e) *Title to real estate and personalty.* All real, personal and mixed property which is acquired for the construction of the sewer system, and all plans, specifications, diagrams, papers, books and records connected with such sewer system, and all buildings, machinery and fixtures pertaining thereto, shall be the property of the village.

(Code 1988, § 5-2-2)

Sec. 54-93. User rules and regulations.

(a) *Generally.* The rules, regulations and sewer rates of the village set forth in this article shall be considered a part of the contract with every person, company or corporation who is connected to the sewer system of the village, and by connecting with the sewer system, every such person, company or corporation shall be considered as expressing their assent to be bound thereby. Whenever any of the rules and regulations set forth in this article, or such other rules and regulations as the village may adopt,

are violated, the service shall be shut off from the building or place of such violation, even though two or more parties are receiving service through the same connection, and shall not be reestablished, except by order of the village, and on payment of all arrears, the expenses and established charges of shutting off and turning on, and such other terms as the village may determine, and a satisfactory understanding by the party that no further cause for complaint shall arise. In case of such violation, the village may declare any payment made for the service by the party committing such violation to be forfeited, and such payment shall thereupon be forfeited. The right is reserved to the village to change the rules, regulations and sewer rates from time to time as they may deem advisable, and to make special rates and contracts in all proper cases.

(b) *Applicability.* The rules and regulations for the government of licensed plumbers, sewer users and others are found in this article.
(Code 1988, § 5-2-3)

Sec. 54-94. Regulation of plumbers and pipefitters.

No plumber, pipefitter or other person will be permitted to do any plumbing or pipefitting work in connection with the sewer system without first receiving a license from the state or obtaining permission from the village. All service connections to the sewer main shall comply with the state plumbing code.
(Code 1988, § 5-2-4)

Sec. 54-95. Regulation of users.

(a) *Hookup required.*

(1) 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 180 days of notice in writing from the village. Upon failure to make such connection, the village may cause such connection to be made and bill the property owner for such costs. If such costs are not paid within 30 days, such costs shall be assessed as a special tax lien against the property; however, within 30 days after the completion of the work, the owner may file a written option with the village clerk stating that he cannot pay such amount in one sum, and ask that such amount be levied in not to exceed five equal installments, and that the amount be collected with interest at the rate of 12 percent per annum from the date of the completion of the work, and the unpaid balance being a special tax lien, all pursuant to Wis. Stats. § 281.45.

(2) In lieu of subsection (a)(1) of this section, after ten days' written notice to any owner failing to make a connection to the sewer system, at its option, the village may impose a penalty for the period that the violation continues in the following amount, based upon the diameter of pipe which services the property required to connect:

*Diameter of Service Pipe
(inches)*

Penalty Amount

5/8

As set by the village board from time to time and on file in the village offices

- 3/4
- 1
- 1 1/4
- 1 1/2
- 2
- 2 1/2
- 3
- 4
- 6
- 8

Unmetered or unmeasured services

Upon any failure to make such payments in the amounts described and charged by the village in the table in this subsection, such charges shall be assessed as a special tax lien against the subject property, all pursuant to Wis. Stats. § 281.45.

- (3) This section ordains that the failure to connect to the sewer system is contrary to the minimum health standards of the village and fails to assure preservation of public health, comfort and safety of the village.

(b) *Septic tanks and private sewage disposal systems.* The maintenance and use of septic tanks and other private sewage disposal systems within the area of the village serviced by its sewer system are declared to be a public nuisance and a health hazard. From and after July 1, 1984, the use of septic tanks or any private sewage disposal system within the area of the village serviced by the sewerage system shall be prohibited.

(c) *Application for service.*

- (1) Every person connecting with the sewer system shall file an application in writing to the village in such form as is prescribed for such purpose. Blanks for such applications will be furnished at the office of the utility clerk. The application must state fully and truly all of the uses which will be allowed, except upon further application and permission regularly obtained from the village. If the applicant is not the owner of the premises, the written consent of the owner must accompany the application. Persons connected to the sewer system of the village are referred to in this article as "users."
- (2) The application may be for service to more than one building or more than one unit of service through one service connection, and, in such case, charges shall be made accordingly.
- (3) If it appears that the service applied for will not provide adequate service for the contemplated use or if the connection will cause downstream capacities to be exceeded, the village may reject the application. If the village approves the application, it shall issue a permit for services as shown on the application.

(d) *Connection charge.* Persons attaching to a main of the sewer utility shall pay a connection charge as set by the village board from time to time and on file in the village offices, plus such persons shall have the lateral from the sewer main installed at their own expense.

(e) *Tap permits.* After sewer connections have been introduced into any building or upon any premises, no plumber shall make any laterals, extensions or attachments, unless the party ordering such tapping or other work shall exhibit the proper permit from the village for such work.

(f) *Responsibility for repairs and protection from frost.* All users shall keep their own service pipes in good repair and protected from frost, at their own risk and expense, and shall prevent any unnecessary overburdening of the sewer system.

(g) *Unlawful connections.* No user shall allow other persons or services to connect to the sewer system through his lateral.

(h) *Vacating premises and discontinuance of service.* The village must be notified in writing whenever premises served by the sewer system are to be vacated or any person desires to discontinue service from the system. The owner of the premises shall be liable for any damages to the property which may be discovered to have occurred to the property of the system, other than through the fault of the system or its employees, representatives or agents.

(i) *User to permit inspection.* Every user shall permit the village or its duly authorized agent, at all reasonable hours of the day, to enter their premises or building to examine the pipes and fixtures and the manner in which the drains and sewer connections operate; and they must, at all times, frankly and without concealment, answer all questions put to them relative to its use, in accordance with this article and law.

(j) *Utility responsibility.* It is expressly stipulated that no claim shall be made against the village or acting representative by reason of the breaking, clogging, stoppage or freezing of any service pipes, nor from any damage arising from the repairing of mains, making connections or extensions or any other work that may be deemed necessary. The right is reserved to cut off the service at any time for the purpose of repairs or any other necessary purpose, any permit granted or regulation to the contrary notwithstanding. Whenever it shall become necessary to shut off the sewer within any district of the village, the village shall, if practicable, give notice to each and every consumer within the village of the time when such service will be shut off.

(Code 1988, § 5-2-5; Amd. of 7-23-1992)

Sec. 54-96. Excavations.

(a) In making excavations in streets or highways for laying service pipe or making repairs, the paving and earth removed must be deposited in a manner that will cause the least inconvenience to the public.

(b) No person shall leave any such excavation made in any street or highway open at any time without barricades; and during the night, warning lights must be maintained at such excavations.

(c) In refilling an excavation opening, after the service pipes are laid, the earth must be laid in layers of not more than nine inches in depth, and each layer shall be thoroughly compacted to prevent settling. The work, together with the replacing of sidewalks, ballasts and paving, must be done to make the street as good, at least, as before it was disturbed, and satisfactory to the village. No opening of the streets for tapping the pipes will be permitted when the ground is frozen.

(Code 1988, § 5-2-6)

Sec. 54-97. Tapping mains and collection pipes.

(a) No person, except persons having special permission from the village, or persons in the service of the village and approved by it, will be permitted, under any circumstances, to tap the mains or collection pipes. The kind and size of the connection with the pipe shall be as specified in the permits or order from the village to ensure that new sewers and connections to the sewer system are properly designed and constructed.

(b) Pipes should always be tapped on the top and not within six inches (15 centimeters) of the joint, or within 24 inches (60 centimeters) of another lateral connection. All service connections to mains must comply with the state plumbing code. Service connections to an existing sewer main shall be made by means of a saddled wye or specially adapted tee. Connections to existing tees or wyes shall be made with an approved bonded rubber adapted.

(Code 1988, § 5-2-7)

Sec. 54-98. Installation of house laterals.

(a) All service pipes (laterals) on private property will be installed in accordance with Wisconsin Administrative Code provisions pertaining to design, construction, installation, supervision and inspection of plumbing, specifically building sewers.

(b) All laterals will be inspected. The building sewer and/or private interceptor main sewer shall be inspected upon completion of the placement of the pipe and before backfilling, and tested before or after backfilling.

(Code 1988, § 5-2-8)

Sec. 54-99. Extensions to new users.

The sewer utility shall extend sewer mains to a new user in accordance with the following charges and conditions:

- (1) When an extension main is required by the prospective user, such person shall make an application for such an extension in writing to the village board by filing a written application for the extension with the village administrator. After the filing of such application, the village board shall first determine the logical location of the next manholes. The village board shall next determine the length and location of the extension, taking into consideration the future prospective demands for service, the capacity of downstream facilities and the orderly development of the particular area. No extension shall be made for a distance less than the distance to the next manhole. All sewer extensions shall be constructed in compliance with local and state laws, ordinances and regulations.
- (2) The person who requests the extension shall pay the entire costs of the extension, including the manholes that are part of the extension. If more than one user is involved, the entire costs shall be divided among such users.
- (3) After making the decision as to the length and location of the extension, and prior to the time of making the charge to such persons, the village board shall determine the benefits to be received

by any parcel that can be served by the extension. Before making a determination as to the benefits received, the village board shall first divide the area to be served into logical building lots. The village board may consider the recommendations of the landowner in determining such building lots if the landowner, as part of his application, accompanies the application with a proposed division of such land into lots for sale or use. In determining the amount to be paid by the original users, if more than one user is involved, the division of the charge shall be made by considering each building lot owned by one of the original applicants as a separate user.

- (4) Payments are to be considered as contributions to construction, and after the original contribution in any future connection by a user other than to a lot owned by a party making a previous contribution, such user shall be required to pay to the village his pro rata share of the lots owned by the new attaching user in the entire extension cost as if such user had been one of the original contributors.
- (5) When the village receives a future contribution, after receiving the money, it shall pay the money to the previous contributors by paying equal amounts to the previous contributors by counting each previous contributing lot as a separate contributor. The village shall not make payments to a previous contributor if ten years have expired from the date of the original contribution. Such money paid shall be retained by the village.
- (6) The right to contribution shall follow the land and not the contributor, with the reimbursement to go to the person who is the owner of the receiving lot at the time of the reimbursement. If a contributor owns more than one lot at the time of contribution, he shall be required to designate one of the lots as the lot entitled to contribution, and the owner of such a lot at the time of any contribution shall receive the reimbursements for all of the lots owned by the original contributor at the time of the original contribution. Such lot designation shall be filed with the village administrator, and may be filed in the county office of the register of deeds. The owner of such designated lot may, by filing a corrective designation, change such designation to another lot owned by him as long as such new lot is one of the lots to be served by the extension. The total amount of reimbursement that any contributor may receive shall be the total payment made by him, less the benefits conferred upon the lots owned by him at the time of his contribution.
- (7) In addition to the charge made as to each lot as provided in this section, each user shall pay the full cost of the lateral from the main to his building and a connection charge as set by the village board from time to time and on file in the village offices.

(Code 1988, § 5-2-9)

Sec. 54-100. Additional authority.

At any time, the village board may establish specific connection and lateral charges for any main not covered by any other provisions in this article or when the village has made an extension and the village board has failed to provide lateral or connection charges. It is further provided that the village board may amend or alter any connection or lateral charge after its establishment under the terms of this article or previous ordinances or resolutions.

(Code 1988, § 5-2-10)

Sec. 54-101. Use of the public sewers.

(a) Prohibited discharges. No person shall discharge, or cause to be discharged, to any sanitary sewer any of the following liquids or solid wastes:

- (1) Any stormwater, surface water, groundwater, roof runoff, surface drainage or any other connections from inflow sources to the sanitary sewer. Such waters may be discharged to a storm sewer or other waterway with the permission of the village.
- (2) Any gasoline, benzene, naphtha, fuel oil, lubricating oil or other flammable or explosive liquid, solid or gas or other substances which, by themselves or by interaction with other substances, may cause fire or explosion hazards or which, in any other way, may be injurious to persons, property or the operation of the wastewater facilities.
- (3) Any waters or wastes containing a toxic or poisonous substance in sufficient quantity, either singly or by interaction with other wastes, which will injure or interfere with any wastewater treatment process, constitute a hazard to humans or animals, create a public nuisance in the receiving waters of the wastewater treatment plant or interfere with the disposal of sludge.
- (4) Any waters or wastes having a pH lower than six or having any other corrosive property capable of causing damage or hazard to structures, equipment and personnel or the wastewater works.
- (5) Any waters or wastes having a pH in excess of nine.
- (6) 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 operation of the wastewater 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, fleshings, entrails, paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.
- (7) Any discharge that is in violation of the requirements of the WPDES permit and the modifications thereof.
- (8) Wastewater having a temperature higher than 150 degrees Fahrenheit.
- (9) Any waters or wastes which may contain more than 100 parts per million by weight of oil, fat or grease.
- (10) Any garbage that has not been properly shredded. Garbage grinders may be connected to sanitary sewers from homes, hotels, institutions, restaurants, hospitals, catering establishments or similar places where garbage originates from the preparation of food in kitchens for the purpose of consumption on the premises or when served by caterers.
- (11) Any waters or wastes containing iron, chromium, copper, zinc, mercury and similar objectionable or toxic substances to such a degree that any such material received in the composite wastewater at the wastewater treatment works exceeds the limits established by the approving authority for such material.
- (12) Any waters or wastes containing odor-producing substances exceeding limits which may be

established by the approving authority.

- (13) Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the approving authority in compliance with applicable state or federal regulations.
- (14) Quantities of flow or concentrations, or both, which constitute a shock, as defined in section 54-91.
- (15) Incompatible pollutants containing substances which are not amenable to treatment or reduction by the wastewater treatment processes employed or are amenable to treatment only to such a degree that the wastewater treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.
- (16) Any waters or wastes which, by interaction with other waters or wastes in the public sewer system, release obnoxious gases, form suspended solids which interfere with the collection system or create a condition deleterious to structures and treatment processes.
- (17) Materials which exert or cause:
 - a. Unusual BOD, chemical oxygen demand or chlorine requirements, such as, but not limited to, when in such quantities to constitute a significant load on the wastewater treatment plant.
 - b. Unusual volume of flow or concentration of wastes constituting shocks, as defined in section 54-91.
 - 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.

(b) *Septic tank and holding tank disposal.* No person in the business of gathering and disposing of septic tank sludge or holding tank sewage shall transfer such material into any disposal area or sewer manhole located within the village.

(c) *Special agreements.* 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 wastewater treatment works, either before or after pretreatment, provided that there is no impairment of the functioning of the wastewater treatment works by reason of the admission of such wastes, and no extra costs are incurred by the village without recompense by the person, provided that all rates and provisions set forth in this article are complied with.

(d) Permit required. It shall be unlawful to discharge to any natural waterway within the village or in

any area under the jurisdiction of the village any sewage or other polluted waters without first obtaining a Wisconsin Pollutant Discharge Elimination System (WPDES) permit.
(Code 1988, § 5-2-11)

Sec. 54-102. Sewer user charge system.

(a) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Equivalent meter charge includes all costs associated with the repayment of debts incurred for the construction and/or rehabilitation of the wastewater collection system and treatment plant, replacement costs and fixed operation and maintenance costs. Such costs, including costs associated with extraneous (clear water) flows, shall be divided among all sewer users according to the equivalent meter size.

Normal domestic strength wastewater means wastewater with concentrations of BOD and suspended solids of not greater than 250 and 300 milligrams per liter (mg/l), respectively.

Operation and maintenance cost includes all costs associated with the operation and maintenance of the wastewater collection and treatment facilities. Such costs, including costs associated with extraneous (clear water) flows, shall be proportionately divided among the various sewer users.

Replacement cost includes all costs associated with establishing a fund to accumulate the necessary resources to replace equipment, as required, to maintain capacity and performance during the design life of the plant.

User classes means the division of the various users of the sewer system into the following classifications:

- (1) *Commercial user* means a user whose contributions to the wastewater treatment works consist only of normal domestic strength wastewater originating from an office, store or other distinct commercial enterprise.
- (2) *Industrial user* means a user whose contributions to the wastewater treatment works result from a manufacturing, processing or other industrial operation distinct from domestic use.
- (3) *Public user* means a user whose contributions to the wastewater treatment works consist only of normal domestic strength wastewater originating from a public building or institution.
- (4) *Residential user* means a user whose contributions to the wastewater treatment works consist only of normal domestic strength wastewater originating from a house, apartment or other dwelling constituting a distinct household.

Volume charge means a charge levied on users of the wastewater collection and treatment facilities as a part of the sewer service charge for payment of variable operation and maintenance costs.

- (b) *Policy.* It shall be the policy of the village to obtain sufficient revenues to pay the costs of:

- (1) The annual debt retirement payment on any bonded indebtedness associated with the sewer utility;
 - (2) Any required cash reserve account payment; and
 - (3) Operation and maintenance of the sewage collection and treatment facilities through a system of sewer service charges, as defined in this section. The system shall assure that each user of the sewage works pays a proportionate share of the cost of such works.
- (c) Basis for sewer service charges. The sewer service charge shall consist of the following two parts:
- (1) *Equivalent meter charge.*
 - a. An equivalent meter charge is imposed upon each lot, parcel of land, building or premises served by the sewerage system or otherwise discharging sewage into the system, including nondomestic and industrial wastes. Such equivalent meter charge shall be payable as set by the village board from time to time and on file in the village offices, and such charge shall constitute a minimum billing.
 - b. The equivalent meter value shall be determined from the size of the water meter serving the premises. Users with no water meters shall be billed for an assumed meter size based on their estimated water use.
 - c. Where more than one distinct user, as defined in subsection (a) of this section, is served by a single water meter, an additional charge of the minimum meter charge (5/8-inch meter) times the number of additional distinct users shall be imposed on the owners of the building or structure served by the water meter, including all mobile home parks.
 - (2) *Volume charge.*
 - a. A volume charge is imposed upon each lot, parcel of land, building or premises served by the sewerage system based upon the meter water used as calculated by the water utility. Any user whose water usage is not metered shall be billed for an estimated flow. Unmetered residential users shall be billed the minimum meter charge.
 - b. Any refrigeration, air conditioning or industrial cooling water not entering the sewerage system shall be exempt from the volume charge if a separate meter is installed.
 - c. The volume charge shall be payable as set by the village board from time to time and on file in the village offices.
- (Code 1988, § 5-2-12)

Sec. 54-103. Control of industrial wastes.

- (a) Deleterious and hazardous discharges. If any waters or wastes are discharged, or proposed to be discharged, to the public sewers, which contain substances or possess the characteristics enumerated in

section 54-101, and which, in the judgment of the approving authority, may have deleterious effects upon the wastewater treatment works, processes, equipment or receiving waters, or which otherwise create a hazard to life or, health or constitute a public nuisance, the approving authority may:

- (1) Reject the wastes.
 - (2) Require pretreatment to an acceptable condition for discharge to the public sewers.
 - (3) Require a control over the quantities and rates of discharge.
 - (4) Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges under the provisions of section 54-102(c).
- (b) *Control manholes.*
- (1) Each person discharging industrial wastes into a public sewer shall construct and maintain one or more control manholes or access points to facilitate observation, measurement and sampling of such wastes, including domestic sewage.
 - (2) Control manholes or access facilities shall be located and built in a manner acceptable to the approving authority. If measuring devices are to be permanently installed, they shall be of a type acceptable to the approving authority.
 - (3) Control manholes, access facilities and related equipment shall be installed by the person discharging the waste, at his expense, and shall be maintained by him in safe condition, accessible and in proper operating condition at all times. Plans for installations of the control manholes or access facilities and related equipment shall be approved by the approving authority prior to the beginning of construction.
- (c) *Measurement of flow.* The volume of flow used for computing the sewer service and the cost recovery charges shall be based upon the water consumption of the person as shown in the records of meter readings maintained by the water utility.
- (d) *Provision for deductions.* If a person discharging industrial wastes into the public sewers produces evidence satisfactory to the approving authority that more than ten percent 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 such person.
- (e) *Metering devices.* Devices for measuring the volume of wastes discharged may be required by the approving authority if the volume cannot otherwise be determined from the meter water consumption records. Metering devices for determining the volume of water shall be installed, owned and maintained by the person discharging such wastes. Following approval and installation, such meters may not be removed without the consent of the approving authority.
- (f) *Sampling.*

- (1) Industrial wastes discharged into the public sewers shall be subject to periodic inspection and a determination of character and concentration of the wastes. Such 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 manner 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) Testing facilities shall be the responsibility of the person discharging the wastes and shall be subject to the approval of the approving authority. Access to sampling locations shall be granted to the approving authority or its duly authorized representatives at all times. Every care shall be exercised in the collection of samples to ensure their preservation in the state comparable to that at the time the sample is taken.
- (g) *Pretreatment.* When 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 treatment works, the person discharging such wastes shall provide, at his expense, such preliminary treatment or processing facilities as may be required to render his wastes acceptable for admission to the public sewers.
- (h) *Grease, oil and/or sand interceptors.*
- (1) 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 floatable grease in excessive amounts, as specified in section 54-101(a), or any flammable wastes, sand or other harmful ingredients.
 - (2) All interceptors shall be of a type and capacity approved by the approving authority and shall be located to be readily and easily accessible for cleaning and inspection. In the maintaining of the interceptors, the owners 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. Any removal and hauling of the collected materials not performed by the owner's personnel must be performed by currently licensed waste disposal firms.
- (i) *Analyses.*
- (1) All measurements, tests and analyses of the characteristics of waters and wastes to which reference is made in this article shall be determined in accordance with the latest edition of Standard Methods for the Examination of Water and Wastewater, published by the American Public Health Association, and Guidelines Establishing Test Procedures for Analysis of Pollutants (40 CFR 136). Sampling methods, locations, times, durations and frequencies are to be determined on an individual basis, subject to approval by the approving authority.
 - (2) Determination of the character and concentration of the industrial wastes shall be made by the person discharging such wastes or his agent, as designated and required by the approving authority. The approving authority may also make its own analyses on the wastes and the

determinations shall be used as a basis for charges. If the person discharging the wastes contests the determination, the approving authority may elect to have an independent laboratory determine the character and concentration of the wastes. Such independent laboratory shall be acceptable to both the village and the person discharging the wastes. All costs incurred by the independent laboratory in making the determination shall be assumed by the discharger.

(j) *Submission of information.* Plans, specifications and any other pertinent information relating to proposed flow equalization, pretreatment or 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.

(k) *Submission of basic data.*

(1) Each person who discharges industrial wastes to a public sewer shall prepare and file with the approving authority a report that shall include pertinent data relating to the quantity and characteristics of the wastes discharged to the wastewater works.

(2) Each person desiring to make a new connection to a public sewer for the purpose of discharging industrial wastes shall prepare and file with the approving authority a report that shall include actual or predicted data relating to the quantity and characteristics of the wastes to be discharged.
(Code 1988, § 5-2-13)

Sec. 54-104. Payment of charges.

(a) *Due date; penalty for late payment.* The sewerage service charge shall be for the corresponding period of the water bills and shall be payable to the utility clerk not later than 20 days after the date of billing. A penalty of three percent shall be added to all bills not paid by the date fixed for final payment.

(b) *Lien.* All sewage charges shall be a lien upon the property served pursuant to Wis. Stats. § 66.0821(4)(d), and shall be collected in the manner provided in such statute.

(c) *Disposition of revenue.* The amounts received from the collection of charges authorized by this article shall be credited to a sanitary sewerage account, which shall show all receipts and expenditures of the sewerage system. When appropriated by the village board, the credits to such account shall be available for the payment of the requirements for operation, maintenance, repair and depreciation of the sewerage system consistent with 40 CFR 35.929. Any surplus outside the purview of 40 CFR 35.929 in such account shall be available for the payment of principal and interest of bonds issued and outstanding, or which may be issued, to provide funds for the sewerage system, or part thereof, and all or a part of the expenses for additions and improvements and other necessary disbursements or indebtedness, and the village board may, by resolution, pledge such surplus, or any part thereof, for any such purpose. All present outstanding sewer system general obligation bonds, including refunding bonds, shall be paid from such funds as to both principal and interest.

(d) *Additional charges.* Additional charges shall be imposed upon each lot, parcel of land, building or premises served by the public sewer and wastewater facilities located outside the boundaries of the approving authority to equalize local capital costs. Such additional charges shall result in a minimum charge equal to the debt charge for each user according to the schedule for debt repayment from utility

revenues. Such additional charges shall be added to the sewer bill for each billing period.
(Code 1988, § 5-2-14)

Sec. 54-105. Annual audit.

The village shall conduct an annual audit to maintain the proportionality between users and user classes of the user charge system and to ensure that adequate revenues are available relative to increasing operation, maintenance and replacement costs.
(Code 1988, § 5-2-15)

Sec. 54-106. Violations; penalties.

(a) *Damages.* No unauthorized person shall maliciously, willfully or negligently break, damage, destroy, uncover, deface or tamper with any structure of pertinence or equipment which is a part of the sewage works. Any person violating such provision shall be subject to immediate arrest under a charge of disorderly conduct.

(b) *Written notice of violation.* Any person found to be violating a provision of this article 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. Within the period of time stated in such notice, the offender shall permanently cease all violations.

(c) *Accidental discharge.* Any person found to be responsible for accidentally allowing a deleterious discharge into the sewer system which causes damage to the treatment facility and/or receiving body of water shall, in addition to a fine, pay the amount to cover the damages, which amounts are to be established by the approving authority.

(d) *Continued violations.* Any person, partnership or corporation, or any officer, agent or employee thereof, who shall continue any violation beyond the time limit provided in the notice as set forth in subsection (b) of this section shall, upon conviction, forfeit not less than \$20.00, nor more than \$400.00, together with the costs of prosecution. In default of payment of such forfeiture and costs, such violator shall be imprisoned in the county jail for a period not to exceed ten days. Each day in which any violation is continued beyond the time limit provided in the notice as set forth in subsection (b) of this section shall be deemed a separate offense.

(e) *Liability for losses.* Any person violating any provision of this article shall become liable to the village for any expense, loss or damage occasioned by reason of such violation which the village may suffer as a result thereof.

(f) *Damage recovery.* The sewerage system shall have the right of recovery from all persons of any expense incurred by such system for the repair or replacement of any sewer pipe damaged, in any manner, by any person, by the performance of any work under their control or any negligent act.

(g) *Penalties.* Any person who shall violate any of the provisions of this article or rules or regulations of the village, or who shall connect a service pipe without first having obtained a permit therefor, or who shall violate any provision of statute, the Wisconsin Administrative Code or any other materials which are incorporated by reference shall, upon conviction, forfeit not less than \$10.00, nor

more than \$200.00, and the costs of prosecution. Such provision, however, shall not bar the village from enforcing the connection duties set forth in section 54-95(a) for mandatory hookup.
(Code 1988, § 5-2-16)

Chapters 55--57

RESERVED