

CHAPTER 3 SEWER, WATER AND STREETS

3.01 INTRODUCTION AND GENERAL PROVISIONS

This Ordinance regulates the use of public and private sewers and drains, discharge of septage into the public sewerage system, and the discharge of waters and wastes into the public sewerage systems within the Village of Stoddard. It provides for and explains the method used for levying and collecting wastewater treatment service charges, sets uniform requirements for discharges into the wastewater collection and treatment systems and enables the Village to comply with administrative provisions, and other discharge criteria that are required or authorized by the State of Wisconsin or Federal law. Its intent is to derive the maximum public benefit by regulating the characteristics of wastewater discharged into the Village of Stoddard sewerage system.

This Ordinance provides a means for determining wastewater and septage volumes, constituents and characteristics, the setting of charges and fees, and the issuing of permits to certain users. Revenues derived from the application of this Ordinance shall be used to defray the costs of operating and maintaining adequate wastewater collection and treatment systems and to provide sufficient funds for capital outlay, debt service costs and capital improvements. The charges and fees herein have been established pursuant to requirements of the Wisconsin Statutes. This Ordinance shall supersede any previous Ordinance, Rules or Regulations; and shall repeal all parts thereof that may be inconsistent with this Ordinance. If there is any conflict between this Ordinance and any applicable Statute, the State Statute shall be controlling.

3.02 SEWER AND WASTEWATER TREATMENT

(A) This section regulates the use of public and private sewers and drains, private sewage disposal, the installation and connection of building sewers, the discharge of water and waste into the public sewer system, and the levying and collection of wastewater treatment charges in the Village.

(B) DEFINITIONS

- (1) Approving Authority – Water and Sewer Commission Acting with Village Board approval
- (2) Biochemical Oxygen Demand (BOD) shall mean the quantity of oxygen, expressed in milligrams per liter (mg/l), utilized in the biochemical oxidation of organic matter under standard laboratory procedures in five (5) days at 20 degrees centigrade. Quantitative determination of BOD shall be in accordance with procedures set forth in “Standard Methods”.
- (3) Building Drain – Sanitary shall mean that part of the lowest horizontal piping of a drainage system which receives sanitary or industrial sewage only and is located inside the walls of a building and conveys the sewage to the building sewer, which begins five (5) feet outside the building wall.
- (4) Building Drain – Storm shall mean that part of the lowest horizontal piping of a drainage system which receives storm water or other clear water discharge, but receives no wastewater from sewage or other drainage pipes, and is located inside the walls of a building and conveys the water to the building sewer, which begins five (5) feet outside the building wall.
- (5) Building Sewer – Sanitary shall mean the extension from the building drain to the public sewer or other place of disposal and conveys only sanitary or industrial sewage. This is also known and a house connection.
- (6) Building Sewer – Storm shall mean the extension from the building drain to the public sewer or other place of disposal and conveys stormwater or other clearwater drainage, but no sanitary or industrial sewage. This is also known as a house connection.
- (7) Classes of Users – Means the division of wastewater treatment customers by waste characteristics and process discharge similarities or function, such as residential, commercial, institutional, industrial or governmental.
- (8) Combined Sewer – Shall mean a sewer intended to receive both wastewater and storm or surface water.

- (9) Chlorine Requirement – Shall mean the amount of chlorine in milligrams per liter, which must be added to sewage to produce specified residual chlorine content in accordance with procedures set forth in “Standard Methods”.
- (10) Garbage – Shall mean solid waste from the domestic and commercial preparation, cooking and dispensing of food, and from the commercial handling, storage and sale of produce.
- (11) Ground Garbage – Shall mean the solid waste from the domestic and commercial preparation, cooking and dispensing of food that has been shredded to such degree that all particles will be carried freely in suspension under the flow conditions normally prevailing in public sewers with no particle greater than one-half (1/2) inch in any dimension.
- (12) Holding Tank Waste – Shall mean any untreated wastewater from holding tanks such as vessels, chemical toilets, campers, trailers, and vacuum pump tank trucks.
- (13) Incompatible Pollutants – shall mean any non-treatable waste product including non-biodegradable dissolved solids that will adversely affect the quality of wastewater treatment if discharged to a wastewater treatment facility.
- (14) Industrial Waste – Shall mean the wastewater from industrial or manufacturing processes, trades or businesses, as distinct from domestic or sanitary waste.
- (15) Infiltration – shall mean the water unintentionally entering the public sewerage system, including sanitary building drains and sewers, from the ground through such means as, but not limited to, defective pipes, pipe joints, connection, or manhole walls. Infiltration does not include and is distinguished from inflow.
- (16) Infiltration/Inflow – Shall mean the total quantity of water from both infiltration and inflow without distinguishing the source.
- (17) Inflow – Shall mean the water discharged into a sanitary sewer system, including building drains and sewers, from such sources as but not limited to: roof leaders, cellar, yard and area drains; foundation drains; unpolluted cooling water discharges; drains from springs and swampy areas; manhole covers, cross connections between sanitary sewers and storm sewers and/or catch basins, combined sewers, cooling towers, storm waters, surface runoff, street wash, waters or drainage. Inflow does not include, and is distinguishable from infiltration.
- (18) Natural Outlet – Shall mean any outlet, including storm sewers and combined sewer overflows, into a watercourse, pond, ditch, lake or other body of surface or ground water.
- (19) Normal Domestic Strength Sewage – As defined for the purposes of the ordinance, shall mean wastewater or sewage having an average daily BOD of not more than two hundred and twenty (220) milligrams per liter and an average daily suspended solids (SS) of not more than two hundred and fifty (250) milligrams per liter.
- (20) Operation and Maintenance Cost – Shall include all cost, direct and indirect, not including debt service but inclusive of expenditures attributable to administration, replacement of equipment and treatment and collection of wastewaters, necessary to insure adequate wastewater collection and treatment on a continuing basis which conforms to applicable regulations and assures optimal long term facility management.
- (21) Parts Per Million – Shall be 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.
- (22) Person – Shall mean any and all persons including any individual, firm, company, municipal or private corporation, association, society, institution, enterprise, governmental agency or other entity.
- (23) PH – Shall mean the term used to express the intensity of the acid or base condition of a solution, calculated by taking the logarithm of the reciprocal of the hydrogen ion concentration. The concentration is the weight of hydrogen ions in grams per liter of solution.
- (24) Public Sewer – Shall mean any sewer provided by or subject to the jurisdiction of the Village of Stoddard. It shall also include sewers within or outside the Village boundaries that serve one or more persons and ultimately discharge into the Village sanitary or combined sewer system, even though those sewers may not have been constructed with Village funds.

- (25) Sanitary Sewage – Shall mean a combination of water carried waste from residences, business buildings, institutions and industrial plants (other than industrial waste from such plants) together with such ground, surface and stormwaters as may be present.
- (26) Sanitary Sewer – Shall mean a sewer which carries only sanitary or sanitary and industrial waste waters from residences, commercial buildings, industrial plants, and institutions and to which storm, surface and ground waters or unpolluted industrial waters are not intentionally admitted.
- (27) Sewage Disposal Works – Shall mean all facilities for collection, pumping, treating, and disposing of sewage and industrial waste, and it includes sewerage as well as the wastewater treatment facilities.
- (28) Sewerage – Shall mean the system of sewers and appurtenances for the collection, transportation and pumping of sewage and industrial waste.
- (29) Shall – is mandatory; may is permissible.
- (30) Slug – Shall mean any discharge of water or wastewater in concentration of any given constituent or in any quantity of flow which exceeds for any period of duration longer than fifteen (15) minutes more than five (5) times the allowable concentration or flows during a normal working day and shall adversely affect the collection system and/or performance of the wastewater treatment works.
- (31) Standard Methods – Shall mean the laboratory procedures set forth in the most recent edition of the following sources: “Standard Method for the Examination of Water and Wastewater”, published by the American Public Health Association, American Water Works Association, and Water Pollution Control Federation; “Methods for Chemical Analysis of Water And Waste 1971”, prepared and published by the Analytical Quality Control Laboratory, U. S. Environmental Protection Agency; “Guidelines Establishing Test Procedures for the Analysis of Pollutants”, enumerated in 40 CFR and/or any other procedures recognized by the U.S. Environmental Protection Agency and the State of Wisconsin, Department of Natural Resources.
- (32) Storm Sewer – Shall mean a sewer that carries only storm waters, surface run-off, street wash and drainage and to which sanitary and/or industrial waste are not intentionally admitted.
- (33) Stormwater Runoff – Shall mean that portion of the rainfall that is drained into the sewers.
- (34) Suspended Solids (SS) or Total Suspended Solids (TSS) – Shall mean total suspended matter that either floats on the surface of, or is in suspension in, water, wastewater, or other liquids and is removable by laboratory filtration as prescribed in “Standard Methods”.
- (35) Total Solids – Shall mean the sum of suspended and dissolved solids.
- (36) Toxic Amount – Shall mean concentration of any pollutant or combination of pollutants which upon exposure to or assimilation into any organism will create adverse effects, such as cancer, genetic mutations, and physiological manifestations, as defined in standards issued pursuant to Section 307 (a) of Public law 92-500 as amended.
- (37) Unpolluted Water – Is water of a quality equal to or better than the effluent criteria in effect, or water that is of sufficient quality that it would not be in violation of federal or state water quality standards if such water were discharged into navigable waters of the state. Unpolluted water would not be benefited by discharge to the sanitary sewers and wastewater treatment facilities provided.
- (38) Useful Life – Shall mean the anticipated term in years of physical and/or functional productivity of elements and/or the whole of the wastewater treatment system which can be re-evaluated as a result of preventive maintenance, renewal which offsets physical and/or functional obsolescence, renewal of capital elements due to consumption, and physical and/or functional betterments direct or indirect.
- (39) User Charge System – Shall mean the system of charges levied on users for the cost of operations and maintenance, including replacement reserve requirements on new and old wastewater treatment facilities.
- (40) Volatile Organic Matter – Shall mean the material in the sewage solids transformed to gases or vapors when heated at five hundred (500) degrees centigrade for fifteen (15) minutes.

- (41) Wastewater – Shall be synonymous with sewage and shall mean the spent water of a community. From the standpoint of source, it may be a combination of the liquid and water-carried waste from residents, commercial buildings, industrial plants, and institutions, together with any groundwater, surface water and stormwater that may be present.
- (42) Wastewater Treatment Works – Shall mean structures, equipment and processes required to collect, transport, and treat domestic and industrial waste and to dispose of the effluent and accumulated residual solids.
- (43) Watercourse – Shall mean a natural or artificial channel for the passage of water, either continuously or intermittently.

(C) USE OF THE PUBLIC SEWERS

- (1) Sanitary Sewers – No person(s) shall discharge or cause to be discharged any unpolluted waters such as stormwater, groundwater, roof runoff, subsurface drainage or cooling water to any sanitary sewer.
- (2) Storm Sewers – Stormwater and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as storm sewers or to a natural outlet approved by the Approving Authority and other regulatory agencies. Unpolluted industrial cooling water or process waters may be discharged, on approval of the Approving Authority, to a storm sewer, or natural outlet.
- (3) Prohibitions and Limitations – Except as hereinafter provided no person shall discharge or cause to be discharged any of the following described waters or waste to any public sewer
 - (a) Any gasoline, benzene, naphtha, fuel oil, other flammable or explosive liquid, solid or gas.
 - (b) Any waters or waste containing any toxic or poisonous substance in sufficient quantity either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process or that would constitute a hazard to humans or animals, or create any hazard or public nuisance in the receiving waters of the wastewater treatment facility.
 - (c) Any waters or waste having a pH lower than 5.5 or higher than 9.0 or having any other corrosive properties capable of causing damage or hazard to sewers, structures, equipment or personnel of the wastewater treatment works.
 - (d) Solid or viscous substances in quantities or of such size capable or 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, paunch manure, ground garbage, whole blood, hair and fleshings, entrails, paper dishes, cups, milk containers, or any other solid or viscous substance capable of causing obstruction to the flow in sewer or other interference with the proper operation of the sewage works.
 - (e) The following described substance, materials, waters or waste shall be limited in discharges to municipal systems to concentrations or quantities which will not harm the sewers, wastewater treatment process or equipment, will not have an adverse effect on the receiving stream, or will not otherwise endanger lives, limb, and public property or constitute a nuisance. The Approving Authority in the regulations below, if in their opinion such more severe limitations are necessary to meet the above objectives. In forming their opinion as to the acceptability, the Approving Authority will give consideration to such factors as the quality of subject waste in relation to flows and velocities in the sewers, materials of construction of the sewers, the wastewater treatment process employed, capacity of the wastewater treatment facility, degree of treatability of the waste in the wastewater treatment facility, and other pertinent factors.

No person(s) shall exceed the limitations or violate the restrictions on materials or characteristics of waste or wastewaters discharged into the sanitary sewer in the manners set forth below without previous approval of the Approving Authority.

- (1) Any liquid or vapor having a temperature higher than 150 degrees Fahrenheit (65 degrees Celsius).

- (2) Any water or waste containing fats, wax, grease, or oils, whether emulsified or not, in excess of 100mg/l or containing substances which may solidify or become viscous at temperatures between 32 and 150 degrees Fahrenheit.
 - (3) Any garbage that has not been properly shredded. Garbage grinders may be connected to sanitary sewer 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.
 - (4) Any waters or waste containing iron, chromium, copper, zinc, and similar objectionable or toxic substances to such degree that any such material received in the composite wastewater to the sewers exceeds limits established by the Approving Authority for such materials.
 - (5) Incompatible pollutants containing substances which are not amenable to treatment or reduction by the treatment processes employed, or are amenable to treatment only to such a degree that the wastewater treatment facility effluent does not meet the requirements of other regulatory agencies having jurisdiction over discharge to the receiving waters.
 - (6) Any waters or waste containing BOD or suspended solids of such character and quantity that unusual attention or expense is required to handle such materials at the wastewater treatment facility, except as may be permitted by specific, written agreement in the Approving Authority, which agreement may provide for special charges, payments, or provisions for treating and testing equipment.
 - (7) Any radioactive waste 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.
 - (8) Material which exert or cause:
 - (a) Unusual BOD, chemical oxygen demand, or chlorine requirements in such quantities as to constitute a significant load on the wastewater treatment facility.
 - (b) Unusual volume of flow or concentration of waste constituting "slugs" as defined herein.
 - (c) Unusual concentrations of inert suspended solids (such as, but not limited to, fuller's earth, lime slurries and lime residues) or of dissolved solids (such as, but not limited to, sodium sulfate).
 - (d) Excessive discoloration (such as, but not limited to dye waste and vegetable tanning solutions).
- (4) Special Arrangements – No statement contained in this article shall be construed as prohibiting any special agreement between the Approving Authority and any person whereby an industrial waste of unusual strength or character may be admitted to the 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 waste, and no extra costs are incurred by the municipality without recompense by the person provided that all rates and provisions set forth in the ordinance are recognized and adhered to.

(D) CONTROL OF INDUSTRIAL WASTE DIRECTED TO PUBLIC SEWERS

- (1) Submission of Basic Data – Within three (3) months (December 31 1982) after passage of the ordinance, firms that discharge industrial waste 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 waste discharged to the wastewater treatment works. Similarly, each person desiring to make a new connection to public sewer for the purpose of discharging industrial waste 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 waste to be discharged.

- (2) Extension of Time – when it can be demonstrated that circumstance exist which would create an unreasonable burden on the person to comply with the schedule imposed by Subsection (D) (1), a request for extension of time may be presented, stating reasons for extensions, for consideration of the Approving authority.
- (3) Industrial Discharges – If any waters or waste are discharged, or proposed to be discharged, to the public sewers, which waters or waste contains substances of possesses the characteristics enumerated in Subsection (C) (3), and which in the judgment of the approving Authority may have deleterious effects on the wastewater treatment works, processes, equipment or receiving waters, or which otherwise create a hazard to life, health, or constitute a public nuisance, the Approving Authority may:
 - (a) Reject the waste.
 - (b) Require pretreatment to normal domestic strength wastewater for discharge to the public sewers.
 - (c) Require control over the quantity and rates of discharge.
 - (d) Require payment to cover the added cost of handling and treating the waste not covered by existing taxes or sewer charges under the provisions of Subsection (C) (4).
- (4) Control Manholes – Each person discharging industrial wastewater into a public sewer shall construct and maintain one or more control manholes or access points to facilitate observation, measurements and sampling of the industrial wastewater, including domestic sewage.

Control manholes shall be located and constructed in a manner acceptable to the Approving Authority. If measuring devises are to be permanently installed, they shall be of a type acceptable to the Approving Authority.

Control manholes, access facilities and related equipment shall be installed by the person discharging the wastewater at his expense, and shall be maintained by him so as to be in safe condition, accessible and in proper operating condition at all times. Plans for installation of the control manholes or access facilities and related equipment shall be approved by the Approving Authority prior to the beginning of construction.

- (5) Measurement of Flow – The volume of flow used for computing the Sewer User Charges shall be the metered water consumption of the person as shown in the records of meter readings maintained by the Water Department.
- (6) Metering of Wastewater – Devices for measuring the volume of wastewater discharged may be required by the Approving Authority if this volume cannot otherwise be determined from the metered water consumption records. Metering devices for determining the volume of wastewater shall be installed, owned and maintained by the person. Following approval and installation, such meters may not be removed without consent of the Approving Authority.
- (7) Provisions for Deductions – In the event that a person discharging industrial wastewater to the public sewers produces evidence satisfactory to the Approving Authority that some 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 wastewater volume discharged into the public sewer may be made a matter of agreement between the Approving authority and the person.
- (8) Wastewater Sampling – Industrial wastewater discharged into the public sewers shall be subject to periodic inspection and a determination of character and concentration of said waste. The determinations shall be made by the industry as often as may be deemed necessary by the Approving Authority. The Approving Authority shall also maintain the prerogative to sample the industrial waste discharge.

Samples shall be collected in such a manner as to be representative of the composition of the wastewater. The sampling may be accomplished either manually or by the use of mechanical equipment acceptable to the Approving Authority.

Installation, operation and maintenance of the sampling facilities shall be the responsibility of the person discharging the wastewater and shall be subject to the approval of the Approving Authority. Access to the sampling locations shall be granted to the Approving authority or its duly authorized representative at all times. Every care shall be exercised in the collection of samples to insure their preservation in a state comparable to that at the time the sample was taken.

- (9) Analysis – All measurements, tests and analysis of the characteristics of water and waste to which reference is made in this ordinance shall be determined in accordance with the latest edition of “Standard Methods”. However, alternate methods for certain analysis of industrial waste may be used subject to agreement by and between the Approving Authority and the person. Determination of the character and concentration of the industrial waste shall be made by the person discharging them, or his agent, as designated and required by the Approving Authority. The Village of Stoddard may also make its own analysis on the waste and such determinations shall be binding as a basis for charges.
- (10) Submission of Information – Plans, specifications and other pertinent information relating to proposed flow equalizations, 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.
- (11) Pretreatment – where required, in the opinion of the Approving Authority, to modify or eliminate incompatible wastes that are harmful to the structures, processes or operations of the wastewater treatment works, the person shall provide at his expense such preliminary treatment or processing facilities as may be necessary to render his waste acceptable for admission to the public sewer.
- (12) Grease and/or sand Separators – Grease, oil and sand interceptors shall be provided when, in the opinion of the Approving Authority, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable waste, sand or other harmful ingredients, except that such interceptor shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the Approving Authority, and shall be located so as to be readily and easily accessible for cleaning and inspection. Grease and oil interceptors shall be constructed of impervious materials capable of withstanding abrupt and extreme changes in temperature and shall be located as to be readily and easily accessible for cleaning and inspection. In the maintaining of these interceptors, the owner(s) shall be responsible for the proper removal and disposal by appropriate means of the captured 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 owner(s) personnel must be performed by currently licensed waste disposal firms.

(E) BASIS FOR SEWER USE CHARGE

- (1) Sewer Users Served by Water Utility Water Meter – There is hereby levied and assessed upon each lot, parcel of land, building or premises having a connection with the wastewater system and being served with water solely by the water utility, a wastewater treatment service charge based in, on the quantity of water used as measured by the water utility water meter used upon the premises. For the purpose of determining the volume of water discharged into the wastewater treatment system during the summer quarter, the quantity of water used will be as measured during one of the other three quarters.
- (2) Sewer User Served by private Wells – If any person discharging wastewater in the public sanitary sewer system procures any part or all of his water sources from other than the water utility, all or part of which is discharged into the public sanitary sewer system, the person shall be required to have water meters installed for the purpose of determining the volume of water obtained from these other sources. Where sewage meters are already installed, the water meters will not be required. The water meters shall be furnished by the water utility and installed under its supervision, all cost being at the

expense of the person requiring the meter. For the purpose of determining the volume of water discharged into the wastewater treatment system the following method will be applied:

- (a) For commercial and public authority users, the quantity of water will be as measured each quarter.
 - (b) For residential users, each quarter will be based on the water meter reading during the winter quarter (January, February, and March).
- (3) Multiple Units – Where multiple units exist such as duplex, apartment buildings, or trailer court serving more than one living unit with a single meter, the customer charge shall be levied for each separate unit.

(F) USER CHARGE SYSTEM

- (1) Budget and Appropriation – A user charge shall be assessed to all users by the Approving Authority in accordance with the provisions of this ordinance. The Approving Authority shall annually prepare an estimate of anticipated cost for each category of user charge, as outlined hereinafter, for the forthcoming fiscal year. These estimates shall be made in the form of a rate ordinance and shall be proposed to the Approving Authority by December 31 of each year. The Approving Authority will apply excess revenues collected from a class of users to the cost of operation and maintenance attributable to that class for the next year and adjust the rate accordingly. The Approving Authority shall notify each user, at least annually, in conjunction with a regular bill, of the rate and that portion of the user charges which are attributable to wastewater treatment services.
- (2) Operation and Maintenance Charges – there shall be a biennial review of operation and maintenance charges. The Approving Authority shall review, not less often than every two years, the wastewater contribution of users and user classes, the total cost of operation and maintenance of the treatment works, and its approved user charge system.

Operation and maintenance cost shall be separated in accordance with their applicability for flow, BOD, TSS and toxic and non toxic sampling/analysis.

Operation and maintenance costs for flow, BOD, TSS are totaled for each. The unit charges for each are obtained by dividing the total cost by the previous year's total billable flow in millions gallons, billable pounds of BOD and billable pounds of TSS.

- (3) Toxic charges – To determine the toxic unit charges, the total cost attributable to all the toxics shall be divided by the number of toxics assigned to be monitored by the Approving Authority for all industries monitoring for toxics. The monitoring unit charge is obtained by dividing the total nontoxic sampling/analysis cost for all classes of industrial users by the number of industrial users in the user class times the number of sampling analysis per year for that user class. For each user discharging toxics, the unit charge for toxics shall be multiplied by the number of toxics assigned to be monitored by the Approving Authority.
- (4) Replacement Charges – the replacement charge shall be sufficient to replace any equipment in the sewers or sewage works owned by the village as required in order to assure the continued peak performance of the equipment and to maintain the capacity for which the sewers and sewage works are designed and constructed.

Yearly replacement cost for each piece of equipment shall be separated in accordance to their applicability for flow, BOD, and TSS. The breakdown shall be reviewed not less often than every two years.

The yearly replacement cost attributable to flow, BOD and TSS shall be divided by the previous year's total billable flow in million gallons, billable pounds of BOD, and billable pounds of TSS, respectively, and totaled to obtain unit replacement charges. All user charges specifically collected for replacement shall be deposited in a separate and distinct fund which shall be used exclusively for replacement.

- (5) Handling and Sampling charges – A unit handling charge per bill to cover the cost of billing and collection shall be assessed against each user. The total administrative and overhead cost associated with billing and collection shall be determined by the Approving authority. To determine the charge to be assessed against each user, the total administrative and overhead cost shall be divided by the forthcoming year’s estimated number of bills to be issued. Industrial users shall be charged an additional amount to cover the cost of wastewater monitoring proportionate to the number of times per year their user class is sampled. The additional amount shall be determined as described in Subsection (F) (1).
- (6) Additional Charges – Additional charges shall be billed, as required, For the following:
 - (a) Actual cost incurred for the user requested samplings and analysis.
 - (b) Actual cost incurred for water meter inspection required by the user or as required because of improper maintenance.
 - (c) Actual cost incurred for special handling not provided for elsewhere in this ordinance.
 - (d) Actual cost incurred for handling a user’s check returned because of insufficient funds.
 - (e) Cost for administering an industrial cost recovery system.

(G) AMOUNT OF SERVICE CHARGES

- (1) Domestic – Normal and domestic wastewater is defined as having organic concentration of biochemical oxygen demand (BOD) and suspended solid (SS) no greater than 220 and 250 milligrams per liter (mg/l), respectively. The basic wastewater treatment bill to be paid by users shall consist of charges for debt retirement and operation, maintenance, replacement, handling and sampling charges using unit charges for Subsection (F) herein. The unit charges shall be applied to the user’s billable flow, BOD and TSS, respectively.
- (2) Commercial – those commercial establishments which discharge waste of approximately the same polluttional strength as domestic sewage will be billed at the domestic rate as set forth in Subsection (1) above. Commercial firms which discharge wastes exceeding domestic sewage in strength will be billed at the industrial rate as set forth in Subsection (3) below.

The decisions to sample the commercial establishments shall be determined by the Approving Authority. Should the analysis of the sampling program indicate that the firm discharges as waste with strength less than domestic sewage, the firm will be billed at the domestic rate and all cost of the sampling and analysis shall be borne by the Approving Authority. However, if the firm sampled is determined to discharge a waste greater in strength than domestic sewage the firm shall be billed at the industrial rate and shall also defray all cost incurred in sampling and analyzing its wastewater.

- (3) Industrial – All industries discharging water and waste into the public sanitary sewer system shall be billed in accordance with the Industrial Wastewater Service Charge if their wastewater has organic loading and suspended solid concentrations greater than that of the normal and domestic concentrations as defined in Subsection (G)(1) above. The volume of flow used for computing the wastewater surcharge shall be metered water consumption as shown in records maintained by the water utility, subject to adjustments as herein provided, or the actual volume of wastewater as determined by a waste metering installation. The industrial charge shall be determined as per determination to be made by the Approving Authority.

The industrial charges for BOD and suspended solids shall be computed in accordance with the following formula:

$$C = (B \times V \times C \times 8.34) + (S \times V \times C \times 8.34) = 7 + V C$$

where:

C = industrial user charge for collecting and treating BOD and suspended solids

B = concentration of BOD in milligrams per liter (mg/l) in the industrial wastewater

S = concentration of SS in milligrams per liter (mg/l) in the industrial wastewater

V = industrial wastewater volume in million gallons for billing period

C = Cost per pound of BOD

C = Cost per pound of SS

C = Cost per million gallons of industrial wastewater

8.34 = Conversion factor

(H) WASTEWATER TREATMENT BILL

- (1) Billing Period – A bill shall be produced and submitted to each user once every quarter on a billing cycle established by the Approving Authority.
- (2) Payment – domestic and industrial wastewater treatment service charges shall be payable within fifteen (15) days of the billing date. Payment for water service shall not be accepted without payment of the wastewater treatment service charge.
- (3) Penalties – such surcharges levied in accordance with the ordinance shall be a debt to the Village and shall be a lien against the property. If this debt is not paid within twenty (20) days after it shall be deemed delinquent and may be recovered by civil action in the name of the village against the property owner, the person or both. If delinquent payments are not received by November 1 of the calendar year, a ten percent (10%) charge shall be added to delinquent bills. Thereafter, if payment is not received prior to November 15, the delinquent bill will be placed on the succeeding tax roll.

In the event of failure to pay sewer user charge after they become delinquent, the Village shall have the right to remove or close sewer connections and enter upon the property for accomplishing such purpose.

The expense of such removal or closing, as well as the expense of restoring service, shall likewise be a debt to the village and a lien against the property and may be recovered by civil action in the name of the Village against the property owner, the person, or both.

Sewer service shall not be restored until all charges including the expense of removal, closing and restoration shall have been paid.

Change of ownership or occupancy of premises found delinquent shall not be cause for reducing or eliminating these penalties.

(I) RIGHT OF ENTRY, SAFETY AND IDENTIFICATION

- (1) Right of entry – The Village engineer, Superintendent of the Wastewater Treatment Facility, Plumbing Inspector or other duly authorized employee of the Village bearing proper credentials and identification shall be permitted to enter all properties for the purpose of inspection, observation, testing, all in accordance with the provisions of this ordinance and Section 196.171, Wisconsin Statutes. The Village Engineer or the Superintendent of the Wastewater Treatment Plant, Plumbing Inspector, or other duly authorized employee of the village shall have no authority to inquire into any process beyond that point having a direct bearing on the kind and source of discharge to the sewers or waterways or facilities for wastewater treatment.

- (2) Safety – While performing the necessary work on private premises referred to in Subsection (1), the duly authorized Village employees shall observe all safety rules applicable to the premises established by the company, and the Village shall indemnify the company against loss or damage to its property by Village employees and against the liability claims and demands for personal injury or property damage asserted against company and growing out of gauging and sampling operations, and indemnify the company against loss or damage to its property by Village employees, except as such may be caused by negligence or failure of the company to maintain safe conditions.
- (3) Identification right to enter Easements – The Village engineer, Superintendent of the Wastewater Treatment Facility and their duly authorized employees of the Village bearing proper credentials and identification shall be permitted to enter all private properties through which the village holds a duly negotiated easement for the purpose of, but not limited to, inspection, observation, measurement, sampling, repair, and maintenance of any portion of the sewage works lying within said easement, all subject to the terms, if any, of the agreement.

(J) SEWER CONSTRUCTION

- (1) Work Authorized – No unauthorized person shall uncover, dig into or open a street for the purpose of making any connections with or opening into, use, alter or disturb any public sewer or appurtenance thereof without applying for and receiving a written permit from the Approving Authority
- (2) Cost of Sewer construction – All costs incident to the installation and connection of the building sewer shall be borne by the Owner. The Owner shall indemnify the village from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.
- (3) Use of Old Building Sewers – Old building sewers may be used in connection with new buildings only when they are found on examination and test by the Approving Authority to meet all requirements for this Ordinance.
- (4) Materials and Method of Construction – The size, slope, alignment, materials of construction of building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing and back filling the trench shall all conform to the requirements of the building and plumbing code or other applicable rules and regulations of the Approving Authority. In the absence of code provisions or the amplification thereof, the materials and procedures set forth in appropriate specifications of the ASTM and WPCF Manual of Practice No. 9 shall apply.
- (5) Building Sewer Grade – Whenever possible the building sewer shall be brought to the building at an elevation below the basement floor in all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drains shall be lifted by an approved means and discharged to the building sewer.
- (6) Storm and Groundwater Drains – No person shall make connection of roof downspouts, exterior foundation drains, areaways, drains or other sources of surface runoff or groundwater to a building drain which is connected directly or indirectly to a public sanitary sewer.
- (7) Conformance to Plumbing codes – the connection of the building sewer into the public sewer shall conform to the requirements of the building and plumbing code or other applicable rules and regulations of the approving Authority of the procedures set forth I the appropriate specifications of the ASTM and the WPCF Manual of Practice no. 9. All such connections shall be made gastight and watertight. Any deviation from the prescribed procedures and materials must be approved by the Approving authority before installation.
- (8) Inspection of Connection – The applicant for the building sewer permit shall notify the Approving Authority when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the Approving Authority.
- (9) Barricades; Restoration – All excavations for the building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the Village.

- (10) Damage or Tampering with Sewage Facilities, Willful, Negligent or Malicious Damage – No unauthorized person shall maliciously, willfully or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is a part of the sewage facilities. Any person violating this provision shall be subject to immediate arrest under a charge of disorderly conduct.

(K) ANNUAL AUDIT

The Village shall perform an audit annually, the purpose of which shall be re re-establish the equity and adequacy of the user charges relative to increasing system operation and maintenance cost.

(L) USER CHARGE

The Village will generate sufficient revenues to pay the total operation, maintenance and replacement cost, and will maintain proportionate distribution of the operation, maintenance and replacement cost among user classes. Each customer will be charged a minimum charge of \$60.00 per quarter for taxable and non-taxable property.

- (1) The unit charges for operation, maintenance, replacement and debt service shall be as follows:

\$4.10 per 1,000 gallons of metered water
\$4.10 per 1,000 gallons of clear water
\$4.10 per 1,000 on tax rate on all taxable property

- (2) The unit charges of toxics shall be defined in Subsection (F) (3) of this section.
(3) The unit charges for wastewater monitoring shall be as defined in Subsection (F) (6) of the Section.

3.03 SANITARY SEWER MAIN EXTENSION RULES

- (A) Where the cost of the extension is to immediately be collected through assessment against the abutting property, the procedure set forth under Section 66.60 of the Wisconsin Statutes will apply, and no customer contribution to the utility will be required.
- (B) Where the municipality is unwilling or unable to make a special assessment, the extension will be make on a customer-financed basis as follows:
- (1) The applicant(s) will advance as a contribution in aid of construction, the total amount equivalent to that which would have been assessed for all property under (A).
 - (2) Part of the said contribution required will be refundable. When additional customers are connected to the extended main within twenty (20) years of the date of completion, contributions in aid of construction will be collected equal to the amount which would have been assessed under (A) for the abutting property being served, together with interest at the legal rate from the time of completion to the time of connection plus any expense incurred by the Village in connection therewith to arrive at a fair connection charge. In the event the running foot frontage of the lot to be connected is less than seventy-five (75) feet, the running foot frontage shall be computed as if the lot were seventy-five (75) feet. In no case will the contributions received from additional customers exceed the amount which would have been required under (A) currently, nor will it exceed the total assessable cost of the original extension plus interest at the legal rate.
- (C) When a new customer(s) 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(s). This provision applies to mains installed after May 5, 1981.

3.04 STODDARD WATER UTILITY – RULES AND RATES

All Village Water Utility Rules and Rates shall be approved by the Public Service Commission of Wisconsin and currently are as set forth in this Section.

- (A) BULK WATER: All bulk water supplied to fill tank trucks or swimming pools from the water system through hydrants or other connections shall be metered. Utility personnel shall supervise the delivery of the water. Service Charge - \$20.00, plus volume charge - \$1.89 per 1,000 gallons.
- (B) PUBLIC FIRE-PROTECTION-SUBURBAN: Water used for extinguishing fires outside the immediate service area of the utility may consist of three types of service:
- (1) Water supplied to tank trucks from utility hydrants.
 - (2) Water supplied directly from hydrants located within the corporate limits, or on its borders, by means of hose lines.
 - (3) Water supplied to tank truck from any other utility water source.

A record of the measured or estimated volume of water uses shall be submitted to the water utility after each use for fire protection outside the utility's immediate service area. If measuring or estimating is impossible, the water utility superintendent shall be furnished such data as size of orifice used, pressure and time water was permitted to flow, in order to determine volume used.

A charge for the volume of water used, for each fire either through a tank supply or from hydrants, will be billed to the township or fire department using water at \$0.65 per 1,000 gallons. A service charge, in addition to the water charge shall be \$8.00 per hydrant used.

(C) RULES AND REGULATIONS

- (1) Compliance with Rules. All persons now receiving a water supply from the Stoddard water utility, or who may request service in the future, shall be considered as having agreed to be bound by the rules and regulations as filed with the Public Service Commission of Wisconsin.
- (2) Establishment of Service. Application for water service shall be made in writing on a form furnished by the water utility. The application will contain the legal description of the property to be served, name of the owner, the exact use to be made of the service, and the size of the supply pipe and meter desired. (Note particularly any special refrigeration and /or air-conditioning water consuming appliances.)

Service will be furnished only if (1) premises have a frontage on a property platted street or public strip in which a cast iron or other long life water main has been laid, or where property owner has agreed to and complied with the provisions of the utility's filed main extension rule, (2) property owner has installed or agrees to install a service pipe from the curb line to the point of use, and laid not less than six feet below the surface of an established or proposed grade, and according to utility's specifications, and (3) premises have adequate piping beyond metering point.

The owner of a multi-unit dwelling has the option of being served by individual metered water service to each unit. The owner, by selecting this option, is required to provide interior plumbing and meter settings to enable individual metered service to each unit and individual disconnection without affecting service to other units. Each meter and meter connection will be a separate water utility customer for the purpose of the filed rules and regulations.

No division of the water service of any lot or parcel of land shall be made for the extension and independent meterage of the supply to an adjoining lot or parcel of land. No division of a water supply service shall be made at the curb for separate supplies therefrom for two or more separate premises having frontage on any street or public service strip whether owned by the same or different parties.

The utility may withhold approval of any application wherein full information of the purpose of such supply is not clearly indicated and set forth by the applicant property owner.

- (3) Service Contract. The minimum service contract period shall be one year unless otherwise specified by special contract or in the applicable rate schedule. Where a customer, at his request, has been disconnected prior to expiration of his minimum contract period and his account is not delinquent and where thereafter he requests the reconnection of service in the same or some other location, a reconnection charge of as per schedule R-1, Public Service Commission of Wisconsin, payable in advance, shall be collected. The minimum contract period is renewed with each reconnection.

A reconnection charge of R-1 Public Service Commission of Wisconsin shall also be required from consumers whose services are disconnected because on nonpayment of bills when due (not including disconnection for failure to comply with deposit or guarantee rules).

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.

- (4) Temporary Metered Supply, Meter and Deposits. An applicant for temporary water supply on a metered basis shall make and maintain a monetary deposit of for each meter installed, as security for payment for use of water and for such other charges which may arise from the use of the supply. A charge shall be made for setting the valve and furnishing and setting the meter. See Schedule BW-1 for applicable rate. Public Service Commission of Wisconsin.
- (5) Water for Construction. When water is wanted for construction purposes, or for filling tanks or other such uses, an application therefore shall be made to the utility, in writing, upon application provided for that purpose in the utility's office, giving a statement of the amount of construction work to be done, or the size of the tank to be filled. Payment for the water for construction may 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.

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 Water Department, together with a statement of the actual amount of construction work performed.

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

- (6) Use of Hydrants for Construction. In cases where no other supply is available, permission may be granted by the superintendent to use a hydrant. No hydrant shall be used until it is equipped with a sprinkling valve. In no case shall any valve be moved except by a member of the Water Department.

Before a valve is set, payment must be made for its setting and for the water to be used to the scheduled rates. Where applicable, see Schedule SW=1 for deposits and charges. Upon completing use of the hydrant, the customer must notify the utility to that effect.

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

- (7) Operation of Valves and Hydrants and Unauthorized Use of Water Penalty. Any person who shall, without authority of the utility, allow contractors, masons, or other unauthorized persons to take water from their premises, operate any valve connected with the street or supply mains, or open any fire hydrant connected with the distribution system, except for the purpose of extinguishing fire, or who shall wantonly injure or impair the same shall be subject to a fine of not less than \$10.00 nor more than \$100.00 if provided for by municipal ordinance. Permits for the use of hydrants apply only to such hydrants as are designated for the specific use.
- (8) Refunds of Monetary Deposits. All monies deposited as security for payment of charges arising from the use of temporary water supply on a metered basis, or for the return of a sprinkling valve wheel or reducer, if the water is used on an unmetered basis, will be refunded to the depositor on the termination of the use of water, the payment of all charges levied against the depositor and the return of the wheel and reducer.
- (9) Service Connections (or Water Laterals). 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 oakum, mastic cement, or other resilient material, and made impervious to moisture.

In backfilling the pipe trench, the service pipe must be protected against injury by carefully hand tamping the ground filling, free from hard lumps, rocks, stones, or other injurious material, around and at least six (6) inches over the pipe.

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.

- (10) Replacement and Repair of Service Pipe. 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, providing the new service is to be installed in the same ditch as the existing service pipe.

The service pipe from the main to and through the curb stop will be maintained and kept in repair and when worn out replaced at the expense of the utility. The property owner shall maintain the service pipe from the curb stop to the point of use and can be billed for any water which has not passed through the meter and has been wasted by leakage or defective pipes and fixtures, as estimated by the utility.

If an owner fails to repair a leaking or broken service pipe from curb to point of metering or use within such time as may appear reasonable to the utility after notification has been served on the consumer by the utility, the water will be shut off and will not be turned on again until the repairs have been completed.

- (11) Charges for Water Wasted Due to Leaks. Charges for Water Wasted Due to Leaks. When the meter registers losses due to pipe leaks the utility shall determine whether or not the defect in the piping or equipment was known to the customer or, being known, he had used his best efforts to correct the conditions. If the superintendent determines that the loss occurred without the consumer's knowledge, or having known about it he had tried to correct the condition, the utility may determine as nearly as possible what is the amount of the loss by comparison with the use of the water during a like period,

and the excess may be billed at the lowest step in the rates. If, however, the consumer knew of the leak and failed to give proper attention to it, the utility will bill for the total consumption shown by the meter at regular rates.

- (12) Thawing Frozen Services. Frozen services shall be thawed out by and at the expense of the utility except where the freezing was caused by contributory fault or negligence on the part of the consumer such as reduction of the grade or undue exposure of the piping in the building or on consumer's property, or failure to comply with water department specifications and requirements as to depth of service, lack of sufficient backfill, etc.

Following the freezing of a service, the utility shall take such steps and issue such instructions as may be necessary to prevent the refreezing of the same service. No charge will be made for rethawings if the instructions are followed. In case it is necessary to allow the water to flow to prevent refreezing, the consumer must make provision for proper disposal of the wastewater.

For the period in which the water is allowed to run the consumer will be billed according to his meter readings, but in no event to exceed the average amount paid in the corresponding billing periods of the previous two years. A new consumer will be charged the average bill for other consumers of the same class receiving service under the comparable conditions.

- (13) Stop Boxes. The consumer shall protect the stop box in his terrace and shall keep the same free from dirt and other obstructions. The Utility shall not be liable for failure to locate stop box and shut off the water in case of a leak on the consumer's premises.
- (14) Installation of Meters. Meters will be furnished and placed by the utility and are not to be disconnected or tampered with by the consumer. All meters shall be so located that they shall be protected from obstructions and permit ready access thereto for reading, inspection, and servicing, such location to be designated or approved by the utility. All piping within the building must be supplied by the consumer. Where additional meters are desired by the owner, the owner shall pay for all piping and an additional amount sufficient to cover the cost of maintenance and depreciation. Where applicable, see Schedule AM-1 for rate.
- (15) Repairs to Meters. 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.

Repair or 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 one of them to properly secure and protect same, including any damage that may result from allowing a water meter to become frozen or to be injured by the presence of hot water or steam in the meter, shall be paid for by the consumer or the owner of the premises.

- (16) Service Piping for Meter Settings. Where the original service piping is installed for a new metered customer, where existing service piping is changed for the customer's convenience, or where a new meter is installed for an existing unmetered customer, the owner of the premises. 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 (the utility 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. No permit will be given to change from metered to flat rate service.
- (17) Turning on Water. 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 after completing the job. This does not prevent him from testing his work.
- (18) Failure to Read Meters. Where the utility is unable to read a meter after two successive attempts, the fact will be plainly indicated on the bill, and either an estimated bill will be computed, or the

minimum charge applied. The difference shall be adjusted when the meter is again read, that is, the bill for the succeeding quarter will be computed with the gallons or cubic feet in each block of the rate schedule doubled and credit will be given on that bill for the amount of the minimum bill paid the preceding month. Only in unusual cases or where approval is obtained from the customer shall more than two consecutive estimated bills be rendered.

If the meter is damaged (see Surreptitious Use of Water) or fails to operate, the bill will be based on the average use during the past year unless there is some reason why the use is not normal. If the average use cannot be properly employed, the bill will be estimated by some equitable method.

- (19) Complaint Meter Tests. If a customer requests, the utility shall promptly make an accurate test in addition to the periodic or installation test if 24 months or more has elapsed since the last complaint test of the same meter in the same location. If less than 24 months has expired, there will be a charge of \$2.00 per inch of normal size or fraction thereof, payable in advance. If the meter is found fast in excess of two percent, any payment that was made for the test will be refunded and there will be an adjustment for past billings. See Wisconsin Administrative Code PSC Sections 185.61 through 185.78.
- (20) Inspection of Premises. During reasonable hours any officer or authorized employee of the utility shall have the right of access to the premises supplied with service, for the purpose of inspection or for the enforcement of the utility's rules and regulations. Whenever appropriate, the utility will make a systematic inspection of all unmetered water taps for the purpose of checking waste and unnecessary use of water.
- (21) Billing Procedure.
 - (a) Unit of Service. Applicable only if provided for in the rate schedule. A unit of service shall consist of any residential or small commercial aggregation of space or area occupied for a distinct purpose, such a residence, apartment, flat, store, or office, which is equipped with one or more fixtures rendering water service, separate and distinct from other users. For each unit of service above one, where more than one unit is served through one meter, the surcharge for additional units shall apply.
- (22) Deposit. The amount of deposit required may be a sum not exceeding the estimated gross bills for all water service, both billed and unbilled, which can be supplied before the utility's filed disconnect rule becomes applicable. The amount to be deposited may be a minimum of \$1.00 per month for each class of water service furnished. The deposit shall be refunded upon request of the customer after two years' service with payments within the prompt payment period, and, without such request, shall be refunded voluntarily by the utility after three years' service with payments within the prompt payment period. In no case, however, will a deposit be refunded if the customer's credit standing is not satisfactory to the utility.

Deposits shall bear simple interest at the rate of five percent per annum payable from the date of the deposit to the date of refund or discontinuance of service, whichever is earlier. See Wisconsin Administrative Code PSC Section 185.36.

If the rules of the utility permit a customer to pay the net rate after the discount date once within a limited number of consecutive billing periods, such payment shall be regarded as a "prompt payment" in the application of the above paragraph.

A new or additional deposit may be required upon reasonable written notice of the need for such a requirement in any case where a deposit has been refunded or is found to be inadequate, or where the customer's credit standing is not satisfactory to the utility. The water service of any customer who fails to comply with these requirements may be disconnected upon five days' written notice. Suites in houses, or apartments where complete housekeeping functions (such as cooking) are not exercised, shall be classed as rooming houses. Thus, houses and apartments having suites of one, two or more rooms with toilet facilities, but without kitchen for cooking are classed as rooming houses.

Where a meter larger than $\frac{3}{4}$ inch has been installed for domestic or small commercial use only, a table will be listed in schedule Mg-1, indicating the number of additional units permissible before the charge for additional units will be applied.

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

(23) Deposit and Guarantee Rules.

- (a) For Property Owners. A deposit may be required if the credit of the consumer has not been established satisfactorily to the utility.
- (b) For Renters. Either of the following alternatives to be used:
 - (1) A deposit may be required of all renters using water service to guarantee the payment of the water bill by the renter.
 - (2) A deposit may be required of renters if property owners have notified the utility in writing that they prefer to have the water bills paid by the renter.

(24) Guarantee. The utility may accept, in lieu of a cash deposit, a contract signed by the guarantor satisfactory to the utility, whereby payment of a specified sum not exceeding the cash deposit requirement is guaranteed. The term of such contract shall be indeterminate, but it shall automatically terminate when the customer gives notice to the utility of discontinuance of service at the location covered by the guarantee agreement or six months after discontinuance of service, or at the guarantor's request upon thirty days' written notice to the utility.

Upon termination of a guarantee contract or whenever the utility deems same insufficient as to amount or surety, a cash deposit or a new or additional guarantee may be required upon reasonable written notice to the customer who fails to comply with these requirements may be disconnected upon five days' written notice.

The guarantor shall receive copies of all final disconnect notices sent to the customer whose account he has guaranteed.

In the event the utility is not able to collect any bill for water service even though Deposit and Guarantee Rules are on file, the bill may be put upon the tax roll as provided in Section 66.069, Wisconsin Statutes.

(25) Surreptitious Use of Water. 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 present immediately a bill for service unmetered as a result of such interference and such bill shall be payable subject to a 24-hour disconnection of service. When the utility shall have disconnected the consumer for any such reason, the utility will reconnect the consumer upon the following conditions:

- (a) The consumer will be required to deposit with the utility an amount sufficient to guarantee the payment of the consumer's bills for utility service to the utility.
- (b) 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.
- (c) The consumer must further agree to comply with reasonable requirements to protect the utility against further losses.

Sections 98.26 and 943.20, Wisconsin Statutes, as relating to water service, are hereby adopted and made a part of these rules.

- (26) 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 vacancy.
- (27) Repairs to Mains. The utility reserves the right to shut off the water in the mains temporarily, to make repairs, alterations or additions to the plant or system. When the circumstances will permit of 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.
- (28) Duty of Utility with Respect to Safety of the Public. It shall be the duty of the utility to see that all open ditches for water mains, hydrants, and service pipes are properly guarded to prevent accident to any person or vehicle and at night there shall be displayed amber signal light in such manner as will, so far as possible, insure the safety of the public.
- (29) Handling Water Mains and Service Pipes in Excavation Trenches. Where excavating machines are used in digging sewers, all water mains shall be maintained at the expense of the contractor.

Contractors must ascertain for themselves the existence and location of all water mains and service pipes. Where removed, cut or damaged during trench excavation, the contractor must at his own expense cause them to be replaced or repaired at once. Contractors must not shut off the water service pipes from any consumer for a period exceeding six hours.

- (30) Settling Main or 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 twelve inches of backfill has been placed and then the trench shall be kept flooded until the remainder of the backfill has been put in.
- (31) Protective Devices.
 - (a) Protective Devices in General. The owner or occupant of every premise receiving water supply shall apply and maintain suitable means of protection of the premise supply, and all appliances thereof, against damage arising in any manner from the use of the water supply, variation of water pressure, or any interruption of water supply. Particularly, must such owner or occupant protect water cooled compressors for refrigeration systems by means of high pressure safety cutout devices. There shall likewise be provided means for the prevention of the transmission of water ram or noise of operation of any valve or appliance through the piping of their own or adjacent premises.
 - (b) Relief Valves. On all "closed systems" (i.e. systems having a check valve, pressure regulator, or reducing valve, water filter or softener) an effective pressure relief valve shall be installed either in the top tapping or the upper side tapping of the hot water tank, or on the hot water distributing pipe connection at the tank. 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. 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 of not less than fifteen diameters of said supply pipe. Where possible, the air chamber should be provided at its base with a valve a drain cock for water drainage and replenishment of air.
- (32) Purity of Supply Not To Be Impaired by Cross Connections. Every person owning or occupying a premise receiving city or village water supply shall maintain such village of city water supply free from any connection, either of a direct or of an indirect nature, with a water supply from a foreign source, or of any manner of connection with any fixture or appliance, whereby water from a foreign

supply or the waste from any fixture, appliance, waste or soil pipe may flow, be siphoned or pumped into the piping of the city or village water system.

- (D) **WATER MAIN EXTENSION RULE (SPECIAL ASSESSMENT BASIS):** The Stoddard Water Utility will extend water mains for new customers on the following basis:
- (1) Where the cost of the extension is to immediately be collected through assessment by the municipality against the abutting property, the procedure set forth under Section 66.60 of the Wisconsin Statutes will apply, and no additional customer contribution to the utility will be required.
 - (2) Where the municipality is unwilling or unable to make a special assessment, the extensions will be made on a customer-financed basis as follows:
 - (a) **Definitions.**
 - (1) **Customer.** The word “customer” as used in this rule means the owner of premises to which water is now or is to be furnished unless specific written agreements specify otherwise. The customer at all times means the property owner at the time a contribution is to be made or a refund becomes available.
 - (2) **Contributor.** “Contributor” means the owner of property at time of a contribution or refund unless otherwise specified by written agreement.
 - (b) **Basis for Determining Contributions from Original Customer(s).** The applicant (or applicants) will advance the amount that would have been assessed under (31) (a) above. The contribution must be paid in advance of Construction.
 - (c) **Additional Customers and Refunds.**
 - (1) When additional customers are connected to a water main that was originally financed in part by customers, the utility will require a contribution from each new customer equal to the existing average contribution. When the amount of customer contribution computed under (31) (b) is less than would have been assessed under (31) (a) above, the applicant for service shall pay an amount equivalent to the assessment. This amount shall then be refunded to all contributors along the extension whose remaining contribution still exceeds what would have been assessed under (31) (a) above.

When refunds have reduced the contribution of any contributor to the applicable assessment per front foot, no further refund will be made to that individual. After all refunds have been made, the remaining premises that may connect will be charge at the rate per front foot established for the extension.
 - (2) As a alternative to the above stated rule relating to additional customers the utility may by written agreement with the original contributor(s) require additional customers to contribute the amount that would have been assessed (31)(a) against the premises. Such amounts will be refunded pro rata to the original contributor(s) only. In no case will there be further refunds after the remaining contribution is reduced to the amount that would have been assessed against property owned by the original contributor(s).
 - (d) **Limit of Extension.** When an extension beyond an existing extension is required to serve a new customer, and the cost for a customer exceed the average remaining contribution in the original extension, then the new extension will be considered as an entirely new project, without refunds, or other connection with the original extension.
 - (e) When customers connection to a transmission main or connecting loops laid at utility expense, there will be a contribution of an amount equivalent to the applicable assessment as determined in (31)(a) above.
 - (f) The development period during which refunds shall be made will be limited to twenty years.
- (E) **PUBLIC FIRE PROTECTION SERVICE.** For public fire protection service to the Village of Stoddard, the annual charge shall be \$62,095.00 to cover the use of mains and hydrants up to and including the terminal hydrant and connection to each main existing on December 31.

For all extensions of fire protection service, a charge of \$0.18 per lineal foot of main shall be charge per annum on the basis of the length of main put into use between hydrants place, plus a charge of \$505.00 per net hydrant added to the system in excess of 41 hydrants.

This service shall include the use of hydrants for fire protection service only and such quantities of water as may be demanded for the purposes of extinguishing fires within the municipal boundary only. For all other purposes, the metered or other rates set forth, or as may be filed with the Public Service Commission shall apply.

The above base annual charge of \$62,095.00 includes 18,035 feet of main, four inch and larger. For all extension of fire protection service, there shall be an additional annual charge of \$505 per net hydrant added to the system in excess of 41 hydrants.

- (F) Public Service: Water service supplied to municipal buildings, schools, etc. shall be metered and the regular metered service rates applied.

Water used on an intermittent basis for flushing service, street sprinkling, flooding skating rinks, drinking fountains, etc., shall be metered where meters can be set to measure the service. Where it is impossible to measure the service, the superintendent shall estimate the gallons of water used based on the pressure, size of opening and period of time water is allowed to be drawn. The metered or estimated quantity used shall be billed at the rate of \$1.54 per 1,000 gallons.

(G) GENERAL SERVICE – METERED

- (1) Minimum quarterly charges:

5/8 or ¾ inch meter -	\$26.40	3 inch meter -	\$111.00	12 inch meter -	\$888.00
1 inch meter	\$36.00	4 inch meter -	\$165.00		
1 ¼ inch meter	\$45.00	6 inch meter -	\$300.00		
1 ½ inch meter	\$54.00	8 inch meter -	\$462.00		
2 inch meter	\$72.00	10 inch meter -	\$675.00		

- (2) Volume charges:

First	20,000 gallons used each quarter -	\$4.70 per 1,000 gallons
Next	180,000 gallons used each quarter -	\$3.70 per 1,000 gallons
Over	200,000 gallons used each quarter -	\$3.40 per 1,000 gallons

- (3) Billing. Bills for water service are rendered quarterly and become due and payable upon issuance following the period for which service is rendered. A late payment charge of 3 percent but not less than \$0.50 will be added to bills not paid within 20 days of issuance. This late payment charge is applicable to all customers. The utility customer may be given a written notice that the bill is overdue no sooner than twenty days after the bill is issued and unless payment or satisfactory arrangement for payment is make within the next 10 days. Service may be disconnected pursuant to Chapter PSC 185, Wisconsin Administrative Code.
- (4) Combined Metering. When a consumer's premises has several buildings, each supplied with service and metered separately, the full service charge will be billed for each meter separately and the readings will not be cumulated. If these buildings are all used in the same business and are connected by the consumer, they can be metered in one place. If the utility, for its own convenience, installs more than one meter, the readings will be cumulated for billing.

(H) RECONNECTION CHARGE

	<u>During Normal Business Hours</u>	<u>After Normal Business Hours</u>
Reinstallation of meter	\$30.00	\$35.00
Valve turned on at curb stop	\$20.00	\$25.00

(I) GENERAL WATER SERVICE – UNMETERED: Where the utility cannot immediately install its water meter, service may be supplied temporarily on an unmetered basis. Such service shall be billed at the rate \$46.35 each quarter. This rate shall be applied only to single-family residential and small commercial customers and approximates the cost for 15,000 gallons per quarter under Mg-1. If it is determined by the utility that usage is in excess of 15,000 gallons per quarter, and additional charge of \$2.21 per 1,000 gallons will be made for the estimated additional usage. Billing same as Mg-1.

(J) PRIVATE FIRE PROTECTION SERVICE – UNMETERED: This service shall consist of unmetered connections to the main for automatic sprinkler systems, standpipes (where same are connected permanently or continuously to the mains) and private hydrants.

(1) Quarterly demand charges for private fire protection services:

<u>Size of Connection</u>	<u>Quarterly Charge</u>
2- inch	\$ 15.00
3- inch	\$ 28.50
4- inch	\$ 46.50
6- inch	\$ 93.00
8- inch	\$150.00
10 inch	\$225.00
12-inch	\$327.00

(2) Billing. Same provisions as for general service.

(3) Combined Service. Where a four inch or larger connection is made to the main for private fire protection service, such service line may be tapped with a smaller size branch line for general service. This small branch line shall be metered and the water therefrom billed at the regular metered rates, schedule Mg-1. The charge for private fire protection service will be that applicable to the size of connection to the main as stated in the above schedule. Where “X” equals the unmetered private fire protection quarterly charge applicable to the size of connection, and “Y” is the quarterly minimum charge for general service, the quarterly charge for private fire protection service will be $(X - 0.30Y)$.

3.05 CROSS CONNECTION CONTROL *(adopted 9/11/12)*

(A) PURPOSE: To provide a program for protecting the Village of Stoddard’s public water supply system from contamination due to backflow of contaminants through potential water service connections into the Village public water system.

(B) WHEREAS, Chapters NR 810 and SPS 382, Wisconsin Administrative Code, require protection for the public water system from contamination due to backflow of contaminants through the water service connection; and

- (C) WHEREAS, the Wisconsin Department of Natural Resources requires the development and implementation of a comprehensive cross connection control program to effectively prevent the contamination of potable water systems;
- (D) NOW THEREFORE, BE IT ORDAINED by the Village Board of the Village of Stoddard, State of Wisconsin:
- (E) DEFINITION: A cross connection shall be defined as any physical connection or arrangement between two otherwise separate systems, one of which contains potable water from the Village of Stoddard's water system, and the other being water from a private source; water of unknown or questionable safety; or steam, gases, or chemicals, whereby there may be flow from one system to the other, the direction of flow depending on the pressure differential between the two systems.
- (F) APPLICABILITY: No person, firm or corporation shall establish or permit to be established or maintained or permit to be maintained any unprotected cross connection. Cross connections shall be protected as required in ch. SPS 382, Wisconsin Administrative Code.
- (G) INSPECTION:
1. It shall be the duty of the Village of Stoddard's Utility Commission to cause inspections to be made of all properties served by the public water supply system where cross connections with the public water supply system is deemed possible. The frequency of inspections and reinspections based on potential health hazards involved shall be established by the Village of Stoddard's Utility Commission in accordance with Wisconsin Administrative Code.
 2. Upon presentation of credentials, a representative of Village of Stoddard's Utility Commission shall have the right to request entry, at any reasonable time, to examine any property served by a connection to the public water system for the Village of Stoddard for cross connections. If entry is refused, such representative shall obtain a special warrant under s.66.0119, Wisconsin Statutes. On request the owner, lessee or occupant of any property so served shall furnish to the Stoddard Utility Commission any pertinent information regarding the piping system or systems on such property.
- (H) VIOLATIONS:
1. The Village of Stoddard's Utility Commission is hereby authorized 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 may be discontinued, however, only after reasonable notice and opportunity for hearing under Chapter 68, Wisconsin Statutes, except as provided in Subsection "H 2." Water service to such property shall not be restored until the cross connection(s) has been eliminated in compliance with the provisions of this Section.
 2. If it is determined by the Village of Stoddard's Utility Commission that an unprotected cross connection or an emergency endangers public health, safety or welfare and requires immediate action, and if a written finding to that effect is filed with the Village Clerk and delivered to the customer's premises, water service may be immediately discontinued. The customer shall have the opportunity for hearing under chapter 68, Wisconsin Statutes, within 10 days of such emergency discontinuance. Water service to such property shall not be restored until the unprotected cross connection has been eliminated.
- (I) STATE PLUMBING CODE: The Village of Stoddard adopts by reference the State Plumbing Code of Wisconsin being chapter ILHR 82, Wisconsin Administrative Code. This Section does not supersede the State Plumbing Code of Section 2.02 of the Municipal Code for the Village of Stoddard, but is supplementary to them.

3.06 WELL ABANDONMENT AND WELL OPERATION PERMITS

- (A) **PURPOSE:** To protect public health, safety and welfare and to prevent contamination of groundwater by assuring the unused, unsafe or noncomplying wells or wells which may act as conduits for contamination of groundwater or wells which may be illegally cross-connected to the municipal water system, are properly maintained or abandoned.
- (B) **APPLICABILITY:** This section applies to all wells located on premises served by the Village of Stoddard's municipal water system. Utility customers outside the jurisdiction of the municipal system may be required under contract agreement or utility rule to adopt and enforce equivalent regulations within their jurisdictions for the purpose stated in Subsection A above.
- (C) **DEFINITIONS:**
1. "Municipal water system" means a community water system owned by a city, village, county, town, town sanitary district, utility district or a federal, state, county, or municipal owned institution for congregate care or correction, or a privately owned water utility serving the foregoing.
 2. "Noncomplying" means a well or pump installation which does not comply with s. NR812.42, Wisconsin Administrative Code, Standards for Existing Installations, and which has not been granted a variance pursuant to s. NR812.43, Wisconsin Administrative Code.
 3. "pump Installation" means the pump and related equipment used for withdrawing water from a well including the discharge piping, and underground connections, pitless adapters, pressure tanks, pits, sampling faucets and well seals or caps.
 4. "Unsafe" means a well or pump installation which provides water which is bacteriologically contaminated or exceeds the drinking water standards of s. NR812.06, Wisconsin Administrative Code, or for which a Health Advisory has been issued by the Department of natural Resources.
 5. "Unused" means a well or pump installation which is not used or does not have a functional pumping system.
 6. "Well" means an excavation or opening into the ground made by digging, boring, drilling, driving, or other methods for the purpose of obtaining groundwater for consumption or other use.
 7. "Well Abandonment" means the proper filling and sealing of a well according to the provisions of s. NR812.26, Wisconsin Administrative Code.
- (D) **REQUIRED ABANDONMENT:** All wells on premises served by the municipal water system shall be properly abandoned in accordance with Subsection "F" no later than 180 days from the date of connection to the municipal water system, unless a valid well operation permit has been issued to the well owner by the Village of Stoddard's Utility Commission under the terms of Subsection "E".
- (E) **WELL OPERATION PERMIT:** Owners of wells on premises served by the municipal water system wishing to retain their wells for any use shall make application for a well operation permit for each well no later than 90 days after connection to the municipal water system. The Village of Stoddard's Utility Commission shall grant a permit to a well owner to operate a well for a period not to exceed 5 years providing all conditions of this Subsection are met. A well operation permit may be renewed by submitting an application verifying that the conditions of this Subsection are met. The Village of Stoddard's utility Commission or its agent may conduct inspections and water quality tests or require inspections or water quality tests to be conducted at the applicant's expense using independent certified contractors to obtain or verify information necessary for consideration of a permit application or renewal. Permit applications and renewals shall be made of forms provided by the Village of Stoddard's Utility Commission. The following conditions must be met for issuance or renewal of a well operation permit:
1. The well and pump installation shall meet or may be upgraded to meet the Standards for Existing Installations described in s. NR812.42, Wisconsin Administrative Code.

2. The well and pump shall have a history of producing safe water evidenced by at least two coliform bacteria samples taken a minimum of two weeks apart. In areas where the Department of Natural Resources has determined that groundwater aquifers are contaminated with substances other than bacteria additional chemical tests may be required to evidence safety of the water.
3. There shall be no cross-connections between the well's pump installation or distribution piping and the municipal water system.
4. The well water shall not be discharged into a drain leading directly to a public sewer utility unless properly metered and authorized by the sewer utility.
5. The well shall have a functional pumping system and the proposed use of the well water can be justified as reasonable in addition to water provided by the municipal water system.
6. The cost of well operation permits and renewals shall be one-hundred (\$100.00) dollars.

(F) ABANDONMENT PROCEDURES:

1. All wells abandoned under the jurisdiction of the Section shall be done according to the procedures and methods of s. NR812.26, Wisconsin Administrative Code. All debris, pumps, piping, unsealed liners and any other obstructions which may interfere with sealing operations shall be removed prior to abandonment.
2. The owner of the well, or the owner's agent, may be required to obtain a well abandonment permit prior to any well abandonment and notify the Village of Stoddard's Utility Commission in advance of any well abandonment activities. The abandonment of the well may be observed or verified by inspection by the Village of Stoddard's Utility Commission, or its agent.
3. An abandonment report from, supplied by the Department of Natural Resources, shall be submitted by the well owner to the Village of Stoddard's Utility Commission and the Department of Natural Resources within 30 days of the completion of the well abandonment.

(G) PENALTIES: Any well owner violating any provision of this Section shall upon conviction be punished by forfeiture of not less than \$50.00 nor more than \$500.00 and the cost of prosecution. Each day of violation is a separate offense. If any person fails to comply with this Section for more than 30 days after receiving written notice of violation, the municipality may impose a penalty and cause the well abandonment to be performed and expense to be assessed as a special tax against the property.

3.07 STREETS, CURB AND GUTTER, DRIVEWAYS AND BOULEVARDS

(A) SIDEWALK, CURB AND GUTTER, DRIVEWAY APPROACHES

- (1) Provisions of State Law Adopted by Reference. All provisions of Section 66.615 of the Wisconsin Statutes describing and defining regulations with respect to sidewalks are hereby adopted and by reference made a part of this Ordinance as if fully set forth herein. Any act required or prohibited by 66.615 of the Wisconsin Statutes is required or prohibited by this Ordinance.
- (2) General Specifications. All newly constructed and replaced sidewalks, driveway approaches and curb and gutter in the Village of Stoddard shall be constructed of Portland cement concrete with a six-bag mix.
- (3) Particular Specifications.
 - (a) Sidewalks.
 - (1) All sidewalks shall be a minimum width of six (6) feet unless otherwise specified by the Village Board.
 - (2) The thickness of the sidewalks in residential districts shall be not less than four (4) inches and in business districts not less than five (5) inches. Sidewalks shall be not less than six (6) inches thick where private driveways pass over them.
 - (b) Driveway Approaches.

- (1) All driveway approaches shall be a minimum width of seventeen (17) feet at the curb, and a minimum of thirteen (13) feet to the sidewalk line.
- (2) The thickness of driveway approaches shall be not less than six (6) inches.
- (3) In all instance the radii for driveway approaches shall be two (2) feet to the back of the curb, and the curb opening shall be as specified by the Village Board.
- (c) Curb and Gutter. Curb and gutters shall have a minimum width of two (2) feet.
- (4) Installation of Driveway Approaches.
 - (a) No driveway approach shall be closer than ten (10) feet to the extended street line at an intersection.
 - (b) Drive way approaches shall be placed wherever possible so as not to interfere with utilities in place. All costs of relocation of utilities shall be the responsibility of the property owner with approval of the Water and Sewer Department necessary before any utilities may be relocated and the driveway approach installed.
 - (c) All driveway approaches must be located within the extended property lines except by special agreement with the abutting property owner.
 - (d) Where removal of curb head is required for driveway approach installation, it shall be sawed the full length along the flow line of the gutter.
- (5) Construction or Opening of Driveway or Roadway. *(adopted 12-11-12)*
 - (a) Title/Purpose. The purpose of this Ordinance is as follows: To promote the safety, health and general welfare by regulating the construction or opening of driveways and placement of culverts on roadways in the Village of Stoddard.
 - (b) Adoption of Ordinance. The village board of the Village of Stoddard hereby adopts the following:
 - i. Permit Required. It shall be illegal for any person or entity to commence the construction of, construct or open a driveway onto a public highway, road, street or alley or to excavate or disturb any public highway, road, street or alley in said Village, without first obtaining a permit from the Village of Stoddard. A permit shall also be required for a driveway being widened or reconstructed.
 - ii. Fee. The fee for such permit shall be \$25. The fee shall be doubled upon failure to obtain a permit before construction of a driveway begins.
 - iii. Fraudulent use. Any person who constructs or maintains a driveway across any sidewalk or curbing without first obtaining a permit or who knowingly displays a permit or any facsimile or likeness of a driveway permit in a manner visible to the public without authorization from the village shall be subject to a forfeiture of \$500.
 - iv. Application. An application for the construction or opening of a driveway shall be made in writing on a form created by the Village of Stoddard. In addition, the application shall contain a drawing conforming to the requirements specified in the application.
 - v. Driveways. If the application for a driveway permit pursuant to this Ordinance is approved, the Village of Stoddard shall determine and prescribe the conditions of construction of the driveway, including, but not limited to, the following:
 - a. All residential lots hereafter constructed shall, at the time of said construction, have installed thereon, at the owner's or builder's expense, a hard-surfaced, dustproof, paved driveway meeting the standards and specifications as herein provided within twelve (12) months of occupancy.
 - b. The driveway shall extend from the curb or, in the absence of a curb, from the street surface to a hard-surfaced, dustproof, paved off-street parking area or garage. The off-street parking area and/or garage combined shall be adequate to park the required number of vehicles, consistent with Chapter 10.15, behind the setback line for the zoning in which the construction takes place.
 - c. Driveway is to be located in front of the real property served by the driveway and is not to be placed in front of any part of adjoining real estate or on the right-of-way in front of any adjoining real estate;
 - d. Driveways shall be adjoined onto or intersect with a public highway, road, street or alley at an angle greater than forty-five (45) degrees and as close to ninety (90) degrees as

possible. The angle of the intersection shall follow through the right-of-way of the public highway, road, street or alley;

- e. The location of a driveway's intersection with a public highway, road, street or alley shall be as determined by the Village of Stoddard. Said placement shall be determined so as to allow for the ability to provide public services, including, but not limited to, snow removal and fire protection;
- f. Driveways shall be designed and constructed so as to have a minimum of a twenty-five (25) foot landing area off the public highway, road, street or alley that they intersect. This landing area shall not have a slope greater than three percent (3%). Where applicable, the driveway shall slope downward to the property and not toward the road;
- g. Where applicable, driveway shall be constructed so as not to direct water or debris carried by water onto the public highway, road, street or alley with which the driveway intersects;
- h. The intersection of the driveway of the public highway, road, street or alley shall be in a location that allows adequate sight distance for traffic (both motor vehicle and pedestrian) on the public highway, road, street or alley;
- i. The surface of the driveway shall be a minimum of ten (10) feet in width; maximum width shall be twenty-four (24) feet.
- j. The driveway shall be constructed of an all-weather surface such as asphalt or concrete;
- k. The property owner shall provide for and maintain an open space above the driveway to a minimum height of twelve (12) feet;
- l. The portion of any driveway located on private property shall not be placed on any part of a utility or drainage easement;
- m. The slope of the driveway shall be as specified in the Village of Stoddard, but generally shall not exceed ten percent (10%) in slope;
- n. The Village of Stoddard shall prescribe all drainage and erosion control measures to be utilized in conjunction with the construction, maintenance and use of the driveway, including, but not limited to, the use of culverts;
- o. Not more than one (1) driveway entrance and approach shall be constructed for any lot or premises, except where deemed necessary and feasible without undue impairment of safety, convenience and utility of the street by the Building, Zoning and Land Planning Commission and the Village Board. Any two (2) approaches shall be at least ten (10) feet apart.
- p. Such other requirements and conditions as the Village of Stoddard shall determine necessary to promote the safety, health and general welfare of the Village of Stoddard. The Village Fire Chief may be consulted to determine the adequacy of a driveway for emergency vehicle access. These requirements may be altered by the Building, Zoning and Land Planning Committee or its designee at their discretion, based on each individual circumstance. These requirements are for new driveways and driveways being reconstructed. Reconstructed driveways shall meet as many of the requirements as practical as determined by the Building, Zoning and Land Planning Committee or its designee.

(c) For all houses existing prior to the effective date of this ordinance that have existing driveways, a hard-surfaced driveway shall not be required.

(d) On existing single-family residences located on corner lots where the side yard or the back yard is not adequate to permit access to an off-street parking area located in the back of the building setback line, such parking area adequate park one (1) or two (2) automobiles may be constructed in front of the building setback line at a place farthest from the intersection of the streets, if approved by the Village Board with a recommendation from the Building, Zoning and Land Planning Committee.

(e) On existing single-family residences located on interior lots where the side yard is not adequate to permit access to an off-street parking area located in the back of the building setback line, such parking area adequate park one (1) or two (2) automobiles may be constructed in front of the building setback line, if

approved by the Village Board with a recommendation from the Building, Zoning and Land Planning Committee.

(f) Islands between driveway openings shall be provided with a minimum of six (6) feet between all driveway and three (3) feet at all lot lines. The area between the lot line and adjacent driveway shall be a landscaped area.

(h) Easements. No part of any driveway benefiting a parcel of real estate shall be located on an easement or license across an adjoining parcel of real estate, which is not serviced by said driveway.

(i) Excavation of Roadway. Upon application being made for the excavation or disturbance of a public highway, road, street or alley, the Village of Stoddard shall be provided the following information from such applicant: location, purpose, size of proposed opening, duration of project and description of property to be benefited by such project.

(j) Hazard-Nuisance. If, in the judgment of the Village of Stoddard, the construction or opening of any driveway or excavation of any public highway, road, street or alley shall tend to create a permanent traffic hazard or nuisance to the public, such permit shall be denied.

(k) Cost of Repairs. The holder of any such permit provided hereunder, and the owner of the land benefited, shall be responsible for the total cost of prompt construction or excavation, including the complete cost of repairs to and restoration of any public highway, road, street or alley, equal to or greater than the condition and quality of such public highway, road, street or alley existing prior to such construction or excavation.

(l) Notice-Inspection. It shall be the responsibility of the holder of such permit to notify the Village of Stoddard of the status of the project in accordance with regulation promulgated by the Village of Stoddard in order to permit inspection of any project provide hereunder, including the bedding of culverts or pipe, the compaction of any fill and the complete surfacing of such public highway, road, street or alley in a 35

(m) Non-Performance. Failure of any permit holder or party performing construction or excavation hereunder to comply with this Ordinance, or to pay the necessary costs provided herein, shall permit the Village of Stoddard to arrange for the restoration or repairs thereof and levy the costs against the benefited property on the next succeeding tax roll, as a special tax.

(n) Safety. Any permit holder hereunder, or person constructing or excavating, shall be responsible for all necessary barriers, flags or other warning safety devices, during such period of construction or excavation, and shall indemnify and hold the Village of Stoddard harmless from any damage to person or property resulting therefrom.

(o) No person who has been issued any building permit or any other type of permit by the village or by the building inspector, prior to February 12, 2013, shall construct or maintain any driveway across any sidewalk or curbing without first obtaining a driveway permit from the village.

a. No permit, issued prior to February 12, 2013, shall be interpreted or construed to authorize construction of a driveway or driveway approach within the street right-of-way.

b. Authorization, whether actual or perceived, prior to February 12, 2013, to construct a driveway within the street right-of-way shall be revoked upon adoption and publication of the ordinance from which this amendment is derived.

(p) Enforcement of Penalties. Any person who violates, disobeys or refuses to comply with, or who resists the enforcement of this Ordinance, shall be subject to a forfeiture of One Hundred Dollars (\$100.00) for each such offense, each day of violation constituting a separate offense.

(q) Severability. The provisions of this Ordinance shall be deemed severable, and it is expressly declared that the Village Board would have passed the provision of this Ordinance irrespective of whether one or more provisions may be declare invalid, and if any provision of the Ordinance and the application thereof to any person or circumstance is held invalid, the remainder of the ordinance and the application of such provision to other person or circumstances shall not be affected thereby.

(r) Effective Date. This Ordinance shall take effect upon passage and publication. The provision of this Ordinance shall prevail over any previous ordinances of the Village of Stoddard that are or may be in conflict therewith.

(B) NEWLY CONSTRUCTED STEETS

(1) Specifications.

- (a) All future streets in the Village of Stoddard, before being accepted as such by the Village of Stoddard, shall have a minimum right of way of sixty (60) feet, unless otherwise specified by the Village Board before construction begins.
- (b) The roadway for all new streets shall be a minimum of thirty-six (36) feet, unless otherwise specified by the Village Board before construction of said street begins.
- (c) Where curbing is to be installed along all newly constructed streets, the roadway shall then be a minimum of thirty-seven (37) feet width back to back of the curb.

(2) Compliance with Existing Ordinances. All ordinances in the Village of Stoddard in regard to "streets" shall be complied with except insofar as they are modified by Subsection (B) (1).

(3) When either existing or new streets are seal coated, washed gravel shall be applied immediately to the seal coating.

(C) BOULEVARDS

(1) Cost of Improvements. The cost of improvements of boulevards is the obligation of the abutting property owner.

(2) Trees,

- (a) All trees shall be planted a minimum of three (3) feet from the backside of the curb in the boulevard area.
- (b) Only specified trees are permissible for planting on a boulevard:

Norway Maple (2-21/2" min.)	Columnar Sargent Cherry
Globe Head Norway Maple	Little Leaf Linden
Schwedler Maple	Modesto Ash
Crimson King Maple	Green Ash
Sugar Maple (1 1/4" min.)	Marshall Seedless Ash
Ginko Tree	Hopa Crab
Pin Oak	

(D) VILLAGE BOARD APPROVAL: No person shall construct or reconstruct or make repairs costing more than \$50.00 on any sidewalk, driveway approach, curb and gutter or street unless approval is granted by the Village Board, and where the Village Board deems necessary, additional approval by the Village Engineers as to the proper elevation, grade, and location of sidewalks, driveway approaches, curb and gutter, and streets, to be constructed or reconstructed.

(E) SPECIAL ASSESSMENTS FOR COSTS: Special assessments levied to defray the costs of laying, removing and repairing sidewalks, driveway approaches, and curb and gutter may, when they exceed \$100.00, be paid in three (3) equal annual installments together with interest at the rate determined by the Village Board, uniform with other special assessments.

3.08 SNOW, ICE AND DEBRIS REMOVAL

(A) SNOW AND ICE ON SIDEWALKS: The owner, agent occupant or person in charge of each and every building fronting upon or adjoining any street, and the owner or agent of every unoccupied building or parcel of land fronting as aforesaid, shall clean the sidewalk in front of or adjoining such building or width of such sidewalk within twenty-four (24) hours after it ceases to fall, and cause the same to be kept free from snow or ice; provided, that when ice has so formed on any sidewalk that it cannot be removed, the persons herein referred to shall keep the same sprinkled with ashes, sand or salt; provided also, that in case snow shall continue to fall for some time, then and in that case it shall be removed immediately after it shall cease to fall. The owner, agent, occupant or person in charge of a corner lot shall clear, sand or salt, as set forth herein, to the curb, that portion of the sidewalk commonly referred to as the corner cross walk. A corner lot is defined as a lot abutting upon two or more streets.

(B) **BOARD OF PUBLIC WORKS TO REMOVE:** In any case where any sidewalks in front of or adjoining any lot or parcel of land shall remain covered in any part with snow or ice after 24 hours when it ceased to fall, it shall be the duty of the Village Board to immediately thereafter cause such snow or ice to be removed from the full width of such sidewalk and to report the expense of so doing at its next regular meeting thereafter, with a description of the lot or parcel of land in front of or adjoining which such work has been done, and the Board shall cause such expense to be audited and paid out of the general fund and shall direct the Village Clerk to charge such expense to the lot or parcel of land adjoining which the same shall have been incurred, and the amount of such expense shall be inserted in the tax list next thereafter to be made out as a special tax against such lot or parcel of land and shall be collected as other taxes upon real estate are collected.

(C) **DEBRIS REMOVAL FROM SIDEWALKS, STREETS AND PUBLIC GROUND:** No abutting property owner shall upon any sidewalk, street, alley or public ground so maintain his land or any building situated thereon so that, by erosion or by travel, parts of the soil or any other substances shall be deposited upon the abutting sidewalk, street, alley or any public ground and if such deposit by erosion or otherwise shall take place, the sidewalk, street, alley or public ground shall be cleaned and made passable by such abutting owner within 24 hours after receiving notice thereof from the Village.

3.09 UNUSED

3.10 UNUSED

3.11 **OBSTRUCTION OF VISION CLEARANCE TRIANGLES**

(A) **PURPOSE:** The purpose of this ordinance is to manage and control the streets and highways within the Village of Stoddard for the health, safety, welfare and convenience of the public by maintaining the intersections of the streets, highways, alleys and thoroughfares within the Village of Stoddard safe for vehicle and pedestrian use.

(B) **DEFINITIONS**

- (1) **Obstructions.** Any structure, vegetation or other object or objects which obliterate the view of a driver or a pedestrian approaching an intersection of a street, alley, highway or other thoroughfare.
- (2) **Visual Clearance Triangle.** A triangle bounded by the intersecting street, alley or highway right of way lines at an intersection and a line connecting points on these intersecting right of way lines which points are 20 feet distant from the point of intersection of the right of way lines in the case of the intersection of an alley with any other thoroughfare and 30 feet distant from the point of intersection of these right of way lines in the case of the intersection of two thoroughfares neither of which is an alley.

(C) **OBSTRUCTIONS PROHIBITED IN VISUAL CLEARANCE TRIANGLES:** No obstructions within a visual clearance triangle shall be permitted or maintained if that obstruction exceeds a height of three feet above the highest point of the intersection adjoining said visual clearance triangle.

3.12 UNUSED

3.13 **MANNER OF NUMBER LOTS AND BUILDINGS**

(A) **IN GENERAL:** For the purpose of this section, all streets whose course is Northerly or Southerly shall be considered North and South streets, and all streets having a Westerly or an Easterly course shall be considered East and West streets, and the general work "streets" shall be deemed to include all streets, boulevards, courts or avenues.

- (B) **STREETS:** On all the streets in the Village of Stoddard, the building and lots shall be assigned numbers in accordance with the following plan: Main Street running north and south shall be the east and west dividing line in said Village. Center Street running east and west shall be the north and south dividing line in said Village. The buildings and lots on all east and west streets shall be numbered from Main Street, 100 numbers being assigned to each block. The buildings and lots on all north and south streets shall be numbered from Center Street, 100 numbers being assigned to each block.
- (C) **BUILDING NUMBERS REQUIRED:** The Village Clerk shall cause to be prepared a map of the Village showing the numbering of buildings and lots in accordance with the provisions of this ordinance. It shall be the duty of all owners and occupants to obtain or learn the correct numbers to be placed on their respective buildings, for which no fee shall be charged. The owners and occupants of all houses and buildings shall be required to place correct numbers of the front of their respective buildings in a conspicuous position, open to public view, according to the official map designating the numbers as provided by this subsection; and failure to do so after twenty days from the mailing of a notice by the Village clerk ordering the posting of such numbers in accordance with the notice shall make each occupant or owner liable for penalties as provided herein. The numbers shall be of such size and materials as shall be designated by the Village Board.
- (D) **NUMBERING OF BOAT HOUSES:** The Village Clerk shall cause to be prepared a system of numbering boat houses. After such system has been devised, it shall be the duty of all owners and occupants of boat houses to obtain and learn the correct number to be placed on their respective boat house, for which no fee shall be charged. The owners and occupants of all boat houses shall be required to place the correct number on the front of their respective boat house in a conspicuous place, open to public view, and so placed and of such size that it may readily be seen from the shore. Such numbers shall be in accordance with the system devised by the Village Clerk in accordance with the provisions of this subsection. Failure to place the correct number within twenty days after the mailing of a notice by the Village Clerk ordering the posting of such number in accordance with such provisions shall make such owner or occupant liable for penalties as provided herein. A boat house is defined as a floating structure customarily kept anchored or tied in or near the shore line, and having no means of power to propel the same.

3.14 UNUSED

3.15 VIOLATION NOTICES – LIABILITY FOR DAMAGE

- (A) **WRITTEN NOTICE OF VIOLATION:** Any person found to be violating any provision of Section 3.01 except subsection (H)(2) shall be served by the Village with a written notice stating the nature of the violation and providing a reasonable time for the satisfactory correction thereof. The offender shall within the period of time stated in such notice, permanently cease all violation.
- (B) **ACCIDENTAL DISCHARGE:** Any person found to be responsible for accidentally allowing a deleterious discharge in the sewer system which causes damage to the treatment facility and/or receiving body of water shall in addition to forfeiture, pay the amount to cover damage, both values to be established by the approving Authority.
- (C) **LIABILITY TO VILLAGE FOR LOSSES:** Any person violating any provision of this ordinance shall become liable to the Village for any expense, loss or damage occasioned by reasons of such violation which the village may suffer as a result thereof.

3.16 PENALTIES

Any person violating any provision of this Chapter, except as otherwise provided in this Chapter, including those provisions of the Wisconsin Statutes, Wisconsin Administrative Code or other materials which are incorporated herein by reference, shall upon conviction thereof forfeit not less than \$50.00 not more than \$500.00 and the costs of prosecution, and in default of payment of such forfeiture and the costs of prosecution shall be imprisoned in the County Jail until payment of such forfeiture and costs of prosecution, but not exceeding ninety (90) days for violation, provided, however, that in no case shall the forfeiture imposed for a violation of any provisions of this Section exceed the maximum fine for the same offense under the laws of the State of Wisconsin.