

**LAKE COMO SANITARY DISTRICT NO. 1
PUBLIC WATER SYSTEM ORDINANCE**

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Section 1: Purposes

The purposes of the Ordinance are to establish rules and regulations for the use of the public water system owned, operated and maintained by Lake Como Sanitary District No. 1 (hereafter "the District"); provide penalties for violation thereof; and establish charges and rates for water service. All persons now receiving water supply or who request water service in the future from the District are deemed to have agreed to be bound by the provisions of this Ordinance, and any subsequent amendment hereof.

adopted 10/20/2010

Section 2: Establishment of Service

- A. Application for water service shall be made by obtaining a plumbing permit from the Town of Geneva Building Inspector and a connection permit from the District. The application for the District connection permit shall be on a form therefor provided by the District, and shall contain the legal description or address of the property to be served, name of the owner, the exact use to be made of the service, and the size of the supply pipe and meter desired. (Note particularly any special refrigeration, fire protection or air-conditioning water consuming appliances).
- B. Service will be furnished only if (1) premises have a frontage on a properly platted street or public easement in which water main has been laid, or where property owner has agreed to and complied with the provisions of the District's water main extension rule, (2) property owner has installed or agrees to install a service pipe from the existing water main to the point of use, laid not less than six feet below the surface of an established or proposed grade, and according to District's specifications, (3) the property owner has paid to the Town of Geneva the appropriate plumbing permit fee and has paid to the District a connection fee as set forth in the attached connection fee schedule for each service lateral, (4) premises have been inspected and have adequate piping beyond metering points, and (5) in the case of a second or subsequent meter issued with respect to the same property, that the property owner has paid to the District the applicable multiple meter fee as established by the District from time to time.
- C. If a single metered water service serves jointly two (2) or more rental dwelling units, the District shall maintain the account for water service in the name of the owner or in the name of the agent responsible for the collection of rent and the management of the rental dwelling units. 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 acceptable meter locations to provide 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.
- D. No division of the water service for any lot or parcel of land shall be made for the extension and independent metering of the supply to an adjoining lot or parcel of land, or for two or more separate premises having frontage on any street or public service strip whether owned by the same or different parties.
- E. The District and/or the Town of Geneva may withhold approval of any plumbing permit application wherein full information as to the purpose of such supply is not clearly indicated and set forth by the applicant property owner.

- F. A reconnection charge shall be required from consumers whose services are disconnected (shut off at curb stop box) at the applicable rate set forth in the current rate schedule approved by the Public Service Commission and on file with the District.
- G. A consumer shall be considered as the same consumer provided the reconnection is requested for the same location by any member of the same household, or if a place of business, by or on behalf of any person having an ownership interest in the same business.
- H. No water service shall be installed or connection made to the public water supply system except by a master plumber licensed in the State of Wisconsin who has first obtained the necessary permit hereunder.
- I. No permit shall be issued to a plumber for connection of a service lateral to the public water supply system unless he shall have filed with the Town of Geneva a bond or other surety in the amount of \$5,000, conditioned that he will indemnify the District or the Town of Geneva for any damages arising from his work and will restore any public property disturbed during installation to as good a condition as it was prior to the commencement of the work.

adopted 10/20/2010

Section 3: Temporary Metered Supply, Meter and Deposits

An applicant for temporary water supply on a metered basis shall make and maintain a monetary deposit for each meter installed, as security for payment for use of water and for such other charges which may arise from the use of the supply. A charge shall be made for furnishing and setting the valve and meter at the applicable rate set forth in the current rate schedule approved by the Public Service Commission and on file with the District.

adopted 10/20/2010

Section 4: Water for Construction

- A. When water is requested for construction purposes, or for filling swimming pools, tanks or other such uses, an application therefor shall be made to the District, in writing, upon application provided for that purpose in the District's office, giving a statement of the approximate volume of water required, or the size of the swimming pool or tank to be filled, etc. Payment for the water for construction may be required in advance at the scheduled rates. Water for construction shall be drawn from hydrants pursuant to the procedure set forth in Section 5, whenever feasible. No connection with the service pipe at the curb shall be made without special permission from the District. In no case, will any employee of the District turn on water for construction work or other uses unless the contractor first presents a permit.

adopted 10/20/2010

Section 5: Use and Protection of Hydrants

- A. In cases where no other supply is available, permission may be granted by the District to use a hydrant. No hydrant shall be used until it is equipped with a plug valve and meter. In no case, shall any valve or meter be installed or moved except by an employee or agent of the District.
- B. Before a meter and valve are set, a security deposit must be made for its setting and for the water to be used at the scheduled rates. Deposits and charges shall be at the applicable rate set forth in the current rate schedule approved by the Public Service Commission and on file with the District. Upon completing use of the hydrant, the customer must notify the District to that effect.
- C. In the use of a hydrant supply, the hydrant valve will be set at the proper opening by the District. When the plug valve is set, the flow of water must be regulated by means of the plug valve.
- D. No person or entity shall do any of the following:
 - 1. Obstruct a fire hydrant or access to a fire hydrant in any way, including but not limited to the dumping or piling of material or storing of personal property within five feet of the hydrant;
 - 2. Erect any fence or other structure within five feet of the hydrant;
 - 3. Plant any trees or bushes within five feet of a fire hydrant;
 - 4. Open any fire hydrant connected with the distribution system except for the purpose of extinguishing a fire; or
 - 5. Intentionally or recklessly damage or impair any fire hydrant.
 - 6. Shovel, plow, blow, grade or otherwise pile snow in such a manner as to obstruct a fire hydrant or access to a fire hydrant.
- E. The owner or occupant of any property which abuts a fire hydrant shall remove all snow from an area at least four feet around the hydrant within twenty-four (24) hours after snow ceases to fall. Responsibility for removal of snow from around a fire hydrant which is located on a dividing line between two properties shall fall upon the property owner with the lower house number as assigned by the Town of Geneva in even numbered years, and upon the property owner with the higher assigned house number in odd numbered years. In the event that the responsible party fails to remove snow accumulations from around a fire hydrant as required in this section within twenty-four (24) hours after snow ceases to fall, the District shall cause the snow to be removed and shall assess the cost of such removal as a special charge against the abutting real estate.

Section 6: Operation of Valves and Hydrants, and Unauthorized Use of Water - Penalty

Any person who shall, without authority of the District, 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 intentionally or recklessly damage or impair the same shall be subject to a forfeiture as provided in Section 34 of this Ordinance. Permits for the use of hydrants apply only to such hydrants as are designated for the specific use.

adopted 10/20/2010

Section 7: Refunds of Monetary Deposits

All monies deposited as security for payment of charges arising from the use of temporary water supply 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 any miscellaneous equipment owned by the District.

adopted 10/20/2010

Section 8: Service Connections

- A. No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb any public water main or appurtenance thereof without first obtaining a written connection permit issued by the District. No water service shall be laid through any trench having cinders, rubbish, rock, 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 District. 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 mastic cement or other resilient material, and made impervious to moisture.
- B. In backfilling the pipe trench, the service pipe must be protected against injury by carefully hand tamping the cover material, which shall be free from hard lumps, rocks, stones or other injurious material, around and at least six (6) inches over the pipe.
- C. The minimum water service size shall be one inch. All water supplies shall be of undiminished size from the street main into 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.
- D. Any person intending to make a connection to the public water main shall make application on a form furnished by the District. The Connection Permit Application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgement of the building inspector and the District. A connection and inspection fee as established by the District and the Town of Geneva shall be paid to the District and the Town, respectively, at the time of application for such permits.
- E. All costs and expense incident to the installation and connection of the water service shall be borne by the property owner. The property owner shall indemnify the District from any loss or damage that may directly or indirectly be occasioned by the installation of the water service.
- F. The connection of the water service into the public water main shall conform to the requirements of the State of Wisconsin building and plumbing code or other applicable rules and regulations.
- G. The applicant for a water service connection permit shall notify the building inspector when the water service is ready for inspection and connection to the public water main. The connection shall be made under the supervision of the District's representative. In the event that any water service connection is made

without the required permit and inspection by the District or the District's representative, the person making such connection shall, at his sole expense, expose the connection for inspection by the District's representative upon request.

- H. All excavations for water service installation shall be adequately guarded by the property owner 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 District at the property owner's expense.

- I. Before any permit is issued, the person or contractor who is to perform the work shall file with the District a certificate of insurance for general liability in the amount of Three Hundred Thousand Dollars (\$300,000), with sufficient sureties, indemnifying the District and its officers and agents and holding them harmless against all damages, injuries and costs, arising out of the work to be performed including restoration and replacement of the premises to as good a condition as they were in before such work was commenced and guaranteeing the faithful performance of all work with proper care and skill. Such insurance shall remain in force until the final expiration of the permit except that on expiration it shall remain in full force as to all penalties, claims and demands that have accrued thereunder prior to expiration.

Section 9: Replacement and Repair of Service Pipe

- A. The service pipe from the main to the curb stop will be maintained and kept in repair and when worn out replaced at the expense of the District. The property owners shall maintain the curb stop and the service pipe from the curb stop to the point of use.

- B. If an owner fails to repair a leaking or broken curb stop or service pipe from curb stop to point of metering within such time as may appear reasonable to the District, but in no event more than thirty (30) days after notification has been served on the owner by the District, the water will be shut off until the necessary repairs have been completed. If water service is shut off, the owner will be subject to the applicable reconnection fee.

adopted 10/20/2010

Section 10: Charges for Water Wasted Due to Leaks

Subject to the District's rules setting forth the method of determining a reduced rate herein authorized, if a leak unknown to the customer is found in an appliance or the plumbing, the District may estimate the water so wasted and bill for it at a reduced rate not less than the District's cost thereof. No such adjustment shall be made for water supplied after the customer has been notified and has had an opportunity to correct the condition.

adopted 10/20/2010

Section 11: Thawing Frozen Services

- A. Frozen services shall be thawed by and at the entire expense of the District up to the curb box, except where the customer has been notified in advance of a corrective measure to follow or the freezing was caused by contributory fault or negligence on the part of the customer, such as reduction of the cover or undue exposure of the piping in the building or on the customer's property, or failure to comply with this Ordinance setting forth various requirements as to depth of service, sufficient backfill, etc.

adopted 10/20/2010

Section 12: Curb Stop Boxes

- A. The owner shall protect the curb stop box in the terrace and shall keep the same free from dirt and other obstruction for at least two and one-half (2.5) feet in any direction.
- B. The owner shall report any damage to the curb stop box serving owner*s property to the District as soon as is reasonably practicable and shall repair the same promptly, or the option of the owner, direct the District to repair the same at owner*s expense.
- C. If an owner fails to repair a damaged curb stop box within such time as may appear reasonable to the District after notification has been served on the owner by the District, the District shall repair the damaged curb stop box and shall assess the cost of repair against the owner as a special charge pursuant to Section 66.0627, Wis. Stats.
- D. The District shall not be liable for failure to locate curb stop box and shut off water in case of leak on the owner*s premises.

adopted 10/20/2010

Section 13: Installation of Meters

Meters and remote readers will be furnished and placed by the District and are not to be disconnected or tampered with by the consumer. All meters shall be so located that they are not subject to freezing, protected from obstructions and permit ready access thereto for inspection and servicing, such location to be designated or approved by the District. Remote readers shall be located on the outside of buildings and be readily accessible to District personnel. All piping within the building must be supplied by the owner. Where additional meters are desired by the owner, the owner shall pay for all piping and an additional amount sufficient to cover the cost of maintenance and depreciation at the applicable rate set forth in the current rate schedule approved by the Public Service Commission and on file with the District. The owner shall install or cause to be installed 22 gauge three stranded wire encased in one-half inch (1/2") conduit from the meter to the exterior front or side of the building.

adopted 10/20/2010

Section 14: Repairs to Meters

- A. Meters will be repaired by the District and the cost of such repairs caused by ordinary wear and tear will be borne by the District.
- B. The consumer and owner of the premises shall be jointly liable to the District for the cost to repair any damage to a meter resulting from the intentional act or negligence of the owner or consumer or their tenants, agents and employees, including, but not limited to, damage resulting from the failure to properly secure or protect the meter, permitting the meter to freeze or to be damaged by the presence of hot water or steam.

adopted 10/20/2010

Section 15: Service Piping for Meter Settings

- A. Where the original service piping is installed for a new metered customer; where existing service piping is changed for the customer's convenience; or where a new meter is installed for an existing unmetered customer, the owner of the premises at his/her expense shall provide a suitable location and the proper connections for the meter. The type and size of meter setting shall comply with specifications established by the District. Where it is possible to set meters in the basement, or other suitable place within the building a suitably sized meter horn shall be installed to accommodate the installation of the meter. Meter horns may be obtained from the District.

- B. No permit will be given to change from metered to flat rate service.

adopted 10/20/2010

Section 16: Turning on Water

The water cannot be turned on for a consumer except by a duly authorized employee of the District, except that a licensed master plumber making the initial connection may turn on the water services for short periods to test the connection for leakage, provided that service is turned off immediately upon completion of the test. Following the test, the plumber shall call the Building Inspector to witness the required pressure test and approve the same.

adopted 10/20/2010

Section 17: Failure to Read Meters

- A. Where the District 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 billing period will be computed with the gallons in each block of the rate schedule doubled and credit will be given on that bill for the amount of the bill paid the preceding period. Only in unusual cases or when approval is obtained from the customer shall more than three consecutive estimated bills be rendered.

- B. If the meter is damaged or fails to operate, the bill will be based on the average use during the past year unless there is some reason why the use is not normal. If the average use cannot be properly determined, the bill will be estimated by some equitable method.

adopted 10/20/2010

Section 18: Complaint Meter Tests

the District shall promptly make an accuracy test without charge of any metering installation upon request of the customer if 24 months or more have elapsed since the last complaint test of the meter in the same location. If less than 24 months have elapsed, an amount equal to one-half the estimated cost of the meter test shall be advanced to the District by the customer. Said amount shall be refunded if the test shows the meter to be over registering by more than 2 percent. A report giving the results of such test shall be made to the customer and a complete original test record shall be kept on file in the office of the District. Upon request, the test shall be made in the presence of the customer during normal business hours.

adopted 10/20/2010

Section 19: Inspection of Premises; Right of Access

During reasonable hours, any officer or authorized employee of the District shall have the right of access to the premises supplied with service, for the purpose of inspection, servicing or for the enforcement of the District's rules and regulations. Any officer or authorized employee of the District shall have the right of access to the premises supplied with service upon 30 days written notice for purposes of removing and replacing any water meter in conjunction with a District meter testing and maintenance program pursuant to Wisconsin Administrative Code Section PSC 185.76.

adopted 10/20/2010

Section 20: Customer*s Deposits

A. New Residential Service.

1. the District shall not require a cash deposit or other guarantee as a condition of new service unless a customer has an outstanding account balance with any Wisconsin water utility which accrued within the last six (6) years, and which at the time of the request for new service remains outstanding and not in dispute.
2. In lieu of cash deposit or guarantee, an applicant for new service who has an outstanding account accrued within the last six (6) years with the District shall have the right to receive service from the District under a deferred payment agreement as defined in Section 23 for the outstanding account.

B. Existing Residential Service. the District shall not require a cash deposit or other guarantee as a condition of continued service unless either or both of the following circumstances apply:

1. the District has shut off or discontinued the service of the customer within the last twelve (12) month period for violation of the District*s filed rules or for nonpayment of a delinquent service account not currently in dispute.

Section 21: Conditions of Deposit

- A. The maximum deposit for a new or existing residential account shall not exceed the estimated gross bills for all water service, both billed and unbilled, which can be supplied before the District's filed disconnect rule becomes applicable. The amount to be deposited may be a minimum of \$10.00 per month for each class of water service furnished.
- B. Interest.
1. Deposits shall bear interest payable from the date of deposit to the date it is applied to an account balance or is refunded.
 2. The interest rate to be paid shall be subject to change annually on a calendar year basis. The Public Service Commission shall determine the rate of interest to be paid on deposits held during the following calendar year and notify utilities of that rate by December 15 of each year. The rate shall be equal to the weekly average of one (1) year United States treasury securities, adjusted for constant maturity, for the week ending on or after December 1, as made available by the federal reserve board, rounded to the nearest tenth of one percent.
 3. The rate of interest set by the Public Service Commission shall be payable on all deposits. Utilities shall calculate the interest earned on each deposit at the time of refund and at the end of each calendar year. The interest rate in a calendar year shall apply to the amount of the deposit, and all interest accrued during the previous year(s), for the fraction of the calendar year that the deposit was held by the District.
- C. Arrearages. An arrearage owed by a customer may be deducted from the customer's deposit under the following conditions:
1. A deposit may be used by the District to satisfy an arrearage occurring after the deposit was made.
 2. If the District deducts an arrearage from a customer deposit, it may require the customer to bring the deposit up to its original amount. Failure of the customer to do so within twenty (20) days of mailing a written request for payment is a basis for disconnection.
 3. When a deposit is refunded to the customer, the District may first deduct any arrearage owed by the customer, whether the arrearage arose prior to or after the date of the deposit.
- D. Review. the District shall review the payment record of each residential utility customer with a deposit on file at twelve (12) month intervals. the District shall not require or continue to require a cash deposit unless a deposit is required under the provisions of Section 20 B.

- E. Refund. Any deposit or portion thereof refunded to a customer shall be refunded by check unless both the customer and the District agree to a credit on the regular billing unless Subsection F. applies.
- F. Accrued Interest. Upon termination of service, the deposit, with accrued interest shall be credited to the final bill and the balance shall be returned promptly to the customer.
- C. Guarantee. the District shall not require any customer to pay a deposit or establish a guarantee in lieu of deposit-without explaining, in writing if requested, why that deposit is being required.
- H. Service Refusal. Service may be refused or disconnected for failure to pay a deposit request subject to the rules pertaining to disconnection and refusal of service.

adopted 10/20/2010

Section 22: Guarantee Terms and Conditions

- A. the District may accept, in lieu of a cash deposit, a contract signed by a guarantor satisfactory to the District, whereby payment of a specified sum not exceeding the cash deposit requirement is guaranteed. The term of such contract shall be no longer than two (2) years, but shall automatically terminate after the customer has closed his account with the District, or at the guarantor*s request upon thirty (30) days* written notice.
- B. Upon termination of a guarantee contract or whenever the District 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. The service of any customer who fails to comply with these requirements may be disconnected upon eight (8) days* written notice.
- C. the District shall mail the guarantor copies of all disconnect notices sent to the customer whose account he has guaranteed unless the guarantor waives such notice in writing.

adopted 10/20/2010

Section 23: Deferred Payment Agreement

- A. the District is required to offer deferred payment agreements only to residential accounts. Every deferred payment agreement entered into due to the customer's inability to pay the outstanding bill in full shall provide that service will not be discontinued if the customer pays a reasonable amount of the outstanding bill and agrees to pay a reasonable portion of the remaining outstanding balance in installments until the bill is paid.
- B. For purposes of determining reasonableness under these rules the parties shall consider the:
1. Size of delinquent account.
 2. Customer's ability to pay.
 3. Customer's payment history.
 4. Time that the debt has been outstanding.
 5. Reasons why debt has been outstanding.
 6. Any other relevant factors concerning the customer's circumstances.
 7. A deferred payment agreement offered by the District shall state immediately preceding the space provided for the customer's signature and in bold face print at least two (2) sizes larger than any other used thereon, that "IF YOU ARE NOT SATISFIED WITH THIS AGREEMENT, DO NOT SIGN. IF YOU DO SIGN THIS AGREEMENT YOU GIVE UP YOUR RIGHT TO DISPUTE THE AMOUNT DUE UNDER THE AGREEMENT EXCEPT FOR the District'S FAILURE OR REFUSAL TO FOLLOW THE TERMS OF THIS AGREEMENT."
- C. A deferred payment agreement shall not include a finance charge.
- D. If an applicant for utility service has not fulfilled terms of a deferred payment agreement, the District shall have the right to disconnect pursuant to disconnection of service rules and under such circumstances, it shall not be required to offer subsequent negotiation of a deferred payment agreement prior to disconnection.
- E. Any payments made by a customer in compliance with a deferred payment agreement or otherwise shall first be considered made in payment of the previous account balance with any remainder credited to the current bill.

Section 24: Disconnection and Refusal of Service

- A.
1. In no circumstances will the cumulative time before notice of disconnection be less than twenty (20) days after the date of issuance of the bill and an account may be deemed delinquent for the purpose of disconnection after such period has elapsed.
 2. At least ten (10) calendar days prior to disconnection, the District shall give a written disconnection notice upon a form which must be in the tariff of the District filed with the Public service commission and which conforms to the requirements of sub. H. unless excepted elsewhere.
 3. When a customer, either directly or through the public service commission, disputes a disconnection notice, the District shall investigate any disputed issue and shall attempt to resolve that issue by negotiation. During this investigation and negotiation, utility service shall not be disconnected over this matter.
 4. If a disputed issue cannot be resolved pursuant to sec. PSC 185.39 (1) of the Wisconsin Administrative Code, the District shall inform the customer of the right to contact the public service commission.
- B. Utility service may be disconnected or refused for any of the following reasons:
1. Failure to pay a delinquent account or failure to comply with the terms of a deferred payment agreement.
 2. Failure to comply with deposit or guarantee arrangements as specified in Sections 20 through 22.
 3. Diversion of service around the meter.
 4. Refusal or failure to permit authorized District personnel to read the meter at least once every three (3) months where the District bills monthly or bimonthly, or at least once every nine (9) months where the District bills quarterly or less frequently than quarterly. The three (3) period begins with the date of the last meter reading.
 5. Refusal or failure to permit authorized utility personnel access to the base meter;
 6. Violation of the utility*s rules pertaining to the use of service in a manner which interferes with the service of others or to the operation of nonstandard equipment, if the customer has first been notified and provided with reasonable opportunity to remedy the situation;
 7. Failure to comply with Wisconsin statutes, commission rules, or commission orders pertaining to utility service;

8. Failure to pay costs or fees incurred by and awarded to the utility by a court of law, for pursuit of collection of bills, or failure to pay extraordinary collection charges as allowed and specified in the utility*s tariffs filed with the commission;
 9. Failure to comply with the utility*s rules or if the customer uses a device that unreasonably interferes with communications or signal services used for reading meters;
 10. Failure of an applicant for utility service to provide adequate verification of identity and residency, as provided in sub. (5) (a);
 11. Failure of an applicant for utility service to provide the information necessary to establish new service or evaluate the need for a deposit or deferred payment agreement.
- C. The District may disconnect utility service without notice where a dangerous condition exists for as long as the condition exists.
- D. Service may be discontinued with a written twenty-four (24) hour notice for nonpayment of a bill covering surreptitious use of water if so provided in the filed tariff of the District.
- E. Utility service may not be disconnected or refused for any of the following reasons:
1. Nonpayment of a delinquent account over 6 months old where collection efforts have not been made within that period of time unless the passage of additional time results from other provisions of this chapter or from good faith negotiations or arrangements made with the customer;
 2. Failure to pay for merchandise or charges for nonutility service billed by the utility, except where authorized by law as in sec. PSC 185.33 (1) (h) of the Wisconsin Administrative Code;
 3. Failure to pay for a different type or class of utility service, except as provided by sec. PSC 185.37 (7)(c) of the Wisconsin Administrative Code;
 4. Failure to pay the account of another customer as guarantor of that account;
 5. Failure to pay charges arising from any underbilling occurring more than one year prior to the current billing;
 6. Failure to pay an estimated bill other than a bill rendered pursuant to an approved billing tariff or the customer upon request refuses to permit the reading of the meter during normal business hours;
 7. For the intentional removal or eviction of a tenant from rental property;

8. The utility may not disconnect service in affected counties when a heat advisory, heat warning, or heat emergency issued by the national weather service is in effect. A utility shall make reasonable attempts to reconnect service to an occupied dwelling that has been disconnected when an occupant states that there is a potential threat to health or life that results from the combination of the heat and loss of service. The utility may require that an occupant produce a licensed physician's statement or notice from a public health, social services, or law enforcement official which identifies the medical emergency for the occupant. Upon expiration of the heat advisory, heat warning, or heat emergency, the utility may disconnect service to a property that was reconnected during this period without further notice if an appropriate payment arrangement has not been established.
- F. The District shall not disconnect any residential service without notifying the county department of health and social services at least five (5) calendar days prior to the scheduled disconnection, if the customer or responsible person has made a written request for this procedure to the District. The customer shall be apprized of this right upon application for service.
- G. Notwithstanding any other provision of this section, the District may not disconnect service to a residential customer if disconnection will aggravate an existent medical emergency of the customer, a member of his family or other permanent resident of the premises where service is rendered and if the customer conforms to the procedures described in par. (1) below.
1. the District shall postpone the disconnection of service for twenty-one (21) days to enable the customer to arrange for payment, if the customer produces a licensed Wisconsin physician's statement or notice from a public health or social service official which identifies the medical emergency and specifies the period of time during which disconnection will aggravate the circumstances. The postponement may be extended once by renewal of the certificate or notice. No further extension of time shall be granted except upon a showing by the customer of the existence of extraordinary circumstances and further that he has exercised due diligence in meeting the emergency as evidenced in part by close and continuous communication with the District.
 2. During the period service is continued under the provisions of this subsection, the customer shall be responsible for the cost of residential utility service. However, no action to disconnect that service will be undertaken until expiration of the period of continued service.
 3. If there is a dispute concerning an alleged existent medical emergency, either party shall have the right to an informal review by the public service commission staff. Pending a decision after informal review, residential utility service shall be continued, provided that the resident has submitted a statement or notice as set forth in paragraph (1).

- H.
 - 1. The District shall not disconnect service unless written notice by first class mail is sent to the customer or personally served at least ten (10) calendar days prior to the first date of the proposed disconnection. If the billing address is different from the service address, notice shall be posted at each individual dwelling unit of the service address not less than five (5) days before disconnection. If access is not possible, this notice shall be posted, at a minimum, at all entrances to the building and in the lobby. If disconnection is not accomplished on or before the 20th day after the first notice date, a subsequent notice shall be left on the premises not less than twenty-four (24) hours nor more than forty-eight (48) hours prior to the disconnection.
 - 2. The District shall make a reasonable effort to have a personal or telephone contact with the customer prior to disconnection.
 - 3. Disconnection notice shall be given upon the form on file in the office of the District.
- I. Service shall not be disconnected on a day, or on a day immediately preceding a day, when the business offices of the District are not available to the public for the purpose of transacting all business matters unless the District provides personnel which are readily available to the customer twenty-four (24) hours per day to evaluate, negotiate or otherwise consider the customer's objection to the disconnection as provided under s. PSC 185.39, and proper service personnel are readily available to restore service twenty-four (24) hours per day.
- J. Notwithstanding any other provision of this Ordinance, utility service may not be refused because of a delinquent account if the customer or applicant provides as a condition of future service a deposit or guarantee, as provided in Sections 20 through 22 of the Ordinance or a voucher agreement.

Section 25: Collection of Overdue Bills

An amount owed by the customer shall be subject to collection as provided in Section 66.0809, Wisconsin Statutes, which provides as follows:

66.0809 66.0809 Municipal public utility charges.

66.0809(1) Except as provided in sub. (2), the governing body of a town, village or city operating a public utility may, by ordinance, fix the initial rates and shall provide for this collection monthly, bimonthly or quarterly in advance or otherwise. The rates shall be uniform for like service in all parts of the municipality and shall include the cost of fluorinating the water. The rates may include standby charges to property not connected but for which public utility facilities have been made available. The charges shall be collected by the treasurer or other officer or employee designated by the city, village or town.

66.0809(2) If, on June 21, 1996, it is the practice of a governing body of a town, village or city operating a public utility to collect utility service charges using a billing period other than one permitted under sub. (1), the governing body may continue to collect utility service charges using that billing period.

66.0809(3) Except as provided in subs. (4) and (5), on October 15 in each year notice shall be given to the owner or occupant of all lots or parcels of real estate to which utility service has been furnished prior to October 1 by a public utility operated by a town, city or village and payment for which is owing and in arrears at the time of giving the notice. The department in charge of the utility shall furnish the treasurer with a list of the lots or parcels of real estate for which utility service charges are in arrears, and the notice shall be given by the treasurer, unless the governing body of the city, village or town authorizes notice to be given directly by the department. The notice shall be in writing and shall state the amount of arrears, including any penalty assessed pursuant to the rules of the utility; that unless the amount is paid by November 1 a penalty of 10 percent of the amount of arrears will be added; and that unless the arrears, with any added penalty, are paid by November 15, the arrears and penalty will be levied as a tax against the lot or parcel of real estate to which utility service was furnished and for which payment is delinquent. The notice may be served by delivery to either the owner or occupant personally, or by letter addressed to the owner or occupant at the post-office address of the lot or parcel of real estate. On November 16 the officer or department issuing the notice shall certify and file with the clerk a list of all lots or parcels of real estate, giving the legal description, for which notice of arrears was given and for which arrears remain unpaid, stating the amount of arrears and penalty. Each delinquent amount, including the penalty, becomes a lien upon the lot or parcel of real estate to which the utility service was furnished and payment for which is delinquent, and the clerk shall insert the delinquent amount and penalty as a tax against the lot or parcel of real estate. All proceedings in relation to the collection of general property taxes and to the return and sale of property for delinquent taxes apply to the tax if it is not paid within the time required by law for payment of taxes upon real estate. Under

this subsection, if an arrearage is for utility service furnished and metered by the utility directly to a manufactured home or mobile home unit in a licensed manufactured and mobile home community, the notice shall be given to the owner of the manufactured home or mobile home unit and the delinquent amount becomes a lien on the manufactured home or mobile home unit rather than a lien on the parcel of real estate on which the manufactured home or mobile home unit is located. A lien on a manufactured home or mobile home unit may be enforced using the procedures under s. 779.48 (2). This subsection does not apply to arrearages collected using the procedure under s. 66.0627. In this subsection, "metered" means the use of any method to ascertain the amount of service used or the use of a flat rate billing method.

66.0809(4) A municipal utility may use the procedures under sub. (3) to collect arrearages for electric service only if one of the following applies:

66.0809(4)(a) The municipality has enacted an ordinance that authorizes the use of the procedures under sub. (3) for the collection of arrearages for electric service provided by the municipal utility.

66.0809(4)(b) In 1996, the municipality collected arrearages for electric service provided by the municipal utility using the procedures under s. 66.60 (16), 1993 stats.

66.0809(5)(a) This subsection applies only if all of the following conditions are met:

66.0809(5)(a)1. Water or electric utility service is provided to a rental dwelling unit.

66.0809(5)(a)1m. The water or electric utility service is provided by a town sanitary district created under subch. IX of ch. 60 that has sewerage connections serving more than 700 service addresses, by a public inland lake protection and rehabilitation district under subch. IV of ch. 33 that has sewerage connections serving more than 700 service addresses or by a municipal public utility.

66.0809(5)(a)2. The owner of the rental dwelling unit notifies the utility in writing of the name and address of the owner.

66.0809(5)(a)3. The owner of the rental dwelling unit notifies the utility in writing of the name and address of the tenant who is responsible for payment of the utility charges.

66.0809(5)(a)4. If requested by the utility, the owner of the rental dwelling unit provides the utility with a copy of the rental or lease agreement in which the tenant assumes responsibility for the payment of the utility charges.

66.0809(5)(b) If this subsection applies, a municipal public utility may use sub. (3) to collect arrearages incurred after the owner of a rental dwelling unit has provided the utility with written notice under par. (a) only if the municipality complies with at least one of the following:

66.0809(5)(b)1. In order to comply with this subdivision, a municipal public utility

shall send bills for water or electric service to a customer who is a tenant in the tenant's own name. Each time that a municipal public utility notifies a customer who is a tenant that charges for water or electric service provided by the utility to the customer are past due for more than one billing cycle, the utility shall also serve a copy of the notice on the owner of the rental dwelling unit in the manner provided in s. 801.14 (2). If a customer who is a tenant vacates his or her rental dwelling unit, and the owner of the rental dwelling unit provides the municipal public utility, no later than 21 days after the date on which the tenant vacates the rental dwelling unit, with a written notice that contains a forwarding address for the tenant and the date that the tenant vacated the rental dwelling unit, the utility shall continue to send past-due notices to the customer at his or her forwarding address until the past-due charges are paid or until notice has been provided under sub. (3).

66.0809(5)(b)2. In order to comply with this subdivision, if a customer who is a tenant has charges for water or electric service provided by the utility that are past due, the municipal public utility shall serve notice of the past-due charges on the owner of the rental dwelling unit within 14 days of the date on which the tenant's charges became past due. The municipal public utility shall serve notice in the manner provided in s. 801.14 (2).

66.0809(5)(c) A municipal public utility may demonstrate compliance with the notice requirements of par. (b) 1. or 2. by providing evidence of having sent the notice by U.S. mail.

66.0809(5)(d) If this subsection applies and a municipal public utility is permitted to collect arrearages under sub. (3), the municipal public utility shall provide all notices under sub. (3) to the owner of the property.

Section 26: Surreptitious Use of Water

- A. When the District has reasonable evidence that a consumer is obtaining water, in whole or in part, by means of devices or methods used to stop or interfere with the proper metering of the District service being delivered, the District 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.

- B. When the District shall have disconnected the consumer for any such reason, the District will reconnect the consumer upon the following conditions:
 - 1. The consumer will be required to deposit with the District, an amount sufficient to guarantee the payment of the consumer's bills for utility service to the District.
 - 2. The consumer will be required to pay the District for any and all damages to its equipment on the consumer's premises due to such stoppage or interference with its metering.
 - 3. The consumer must further agree to comply with reasonable requirements to protect the District against further losses.

- C. Sections 98.26 and 943.20, Wis. Stats., as relating to water service, are hereby adopted and incorporated herein by reference.

Section 27: Vacation of Premises

When premises are to be vacated for more than two (2) consecutive months, the property owner shall notify the District in writing of the date of vacation, the anticipated return date and the address where interim billings should be sent. If vacation of the premises is anticipated at any time during the winter months (October through April) the customer shall make provisions for the water system and the water meter to be completely drained in accordance with Section 31 :D. of this ordinance. The owner of the premises and the customer shall be liable to the District for any damage to the property of the District due to freezing of service piping or damage to water meters.

adopted 10/20/2010

Section 28: Repairs to Mains

the District reserves the right to shut off the water in the mains temporarily, to make repairs, alterations or additions to the plant or system. When the circumstances will permit, the District 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.

adopted 10/20/2010

Section 29: Authority of the District with Respect to Safety of the Public

The District shall have the authority to see that all open trenches or 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 reasonably possible, insure the safety of the public. Compliance with all applicable safety procedures shall be a requirement for the issuance of any permit for service connection.

adopted 10/20/2010

Section 30: Protection of District Facilities

- A. The District, upon receipt of written notice as required by s. 66.0831, Stats., from the property owner or from a contractor of work which may affect its facilities used for serving the public:
 - 1. Shall investigate and decide what action, if any, may reasonably be taken to protect or alter utility facilities in order to protect service to the public and to avoid unnecessary damage, such as identifying in a suitable manner the location of any underground utility facilities which may be affected by the work.
 - 2. Shall take such action as is reasonably and legally necessary to protect, remove, alter, or reconstruct its facilities, and shall perform this work with reasonable dispatch taking into account the conditions to be met, provided that nothing in this section shall be deemed to affect any right which the utility may have to require advance payment or adequate assurance of payment of the reasonable cost to the utility by the property owner or contractor.
 - 3. May, in order to protect its interests, require that the owner or contractor perform certain work upon or removal of that part of the service piping from the property upon which the excavating, building, or wrecking operations are being performed.
- B. Contractors or property owners performing trench excavation or similar activities shall ascertain for themselves, the existence and location of all water mains and service pipes using the “diggers hotline” system establish under section 182.0175(1m), Wis. Stats.
- C. When any water main or service pipe is removed, cut or damaged during trench excavation, the contractor must, at contractor’s own expense, cause them to be replaced or repaired at once.

Section 31: Protective Devices

- A. Protective Devices in General: The owner or occupant of premises receiving water supply shall apply and maintain suitable means of protection of the water supply, and all appliances thereof, against damage arising in any manner from the use of the water supply, variation of water pressure, or any interruption of water supply. Particularly, such owner or occupant must protect water cooled compressors for refrigeration systems by means of high and/or low pressure safety cutout devices. There shall likewise be provided, means for the prevention of the transmission of water ram or noise of operation of any valve or appliance through the piping of their own or adjacent premises.
- B. Relief Valves: On all "closed systems" (i.e., systems having a check valve, pressure regulator, or reducing valve, water filter or softener), an effective pressure relief valve shall be installed either in the top tapping or the upper side tapping of the hot water tank, or on the hot water distributing pipe connection at the tank. No stop valve shall be placed between the hot water tank and the relief valve or on the drain pipe.
- C. Air Chambers: An air chamber or approved shock absorber shall be installed at the terminus of each riser, fixture branch, or hydraulic elevator main for the prevention of undue water hammer. The air chamber shall be sized in conformance with local plumbing codes. Where possible, the air chamber should be provided at its base with a valve for water drainage and replenishment of air.
- D. Weatherization: Seasonal users shall make provision for the water system to be drained to avoid freezing of service pipes by installing a valve stem or quick couple air line fitting and appropriate valves and draining the system as is necessary to prevent freezing. Such installation shall conform in all material respects to specifications on file with the District.

Section 32: Cross Connection Control

A. Purposes. The purposes of this section are:

1. To protect the public health, safety and welfare and to prevent contamination of the public water system by providing for the inspection of properties to assure compliance with cross-connection requirements.
2. To provide for the maintenance of a continuing Program of Cross Connection Control which will systematically and effectively prevent the contamination or pollution of all potable water systems under the direct authority of the Lake Como Sanitary District.

B. Definitions.

1. "Back-pressure" means a pressure greater than the supply pressure which may cause backflow.
2. "Backflow" means the undesirable flow of water or mixtures of water and other liquids, gases or other substances under positive or reduced pressure into the potable supply of water from any source.
3. "Backsiphonage" means the flow of water or other liquids, mixtures or substances into the District's potable water supply system from any source caused by the sudden reduction of pressure in the District's potable water supply system.
4. "Cross-connection" means a connection or potential connection between any part of a water supply system, and another environment containing any substance in a manner that; under any circumstances, would allow the substance to enter the water supply system by means of backsiphonage or back pressure.
5. "Cross-connection control device" means a mechanical device that automatically prevents backflow from a contaminated source into a potable water supply system.
6. "Person" means a natural person, sole proprietorship, partnership, limited liability company, corporation or association.
7. "Potable water" means water which is:
 - a. Safe for drinking, personal or culinary use;
 - b. Free from impurities present in amounts sufficient to cause disease or harmful physiological effects and conforming in its bacteriological and chemical quality to the requirements specified in Chapter NR

809, Wisconsin Administrative Code.

C. Prohibitions.

1. No person shall establish or permit to be established or maintain or permit to be maintained any cross-connection.
2. No person shall remove or permit to be removed a cross-connection control device.
3. No person shall establish an interconnection whereby potable water from a private, auxiliary or emergency water supply other than the regular public water supply of Lake Como Sanitary District No. 1 may enter the supply or distribution system of said municipality, unless such private, auxiliary or emergency water supply and the method of connection and use of such supply shall have been approved by the Lake Como Sanitary District No. 1 and by the Wisconsin Department of Natural Resources in accordance with Section NR 811.09, Wisconsin Administrative Code.

D. The property owner shall be responsible for the protection of the potable water supply by the elimination of or protection from all cross connections on the property. The property owner, at property owner*s expense, shall install, maintain and test any and all backflow protection devices on the property in compliance with the provisions of this section. The property owner shall inform the District of any proposed or modified cross connections.

E. Inspection. Lake Como Sanitary District No. 1 shall have the power and authority at all reasonable times to inspect all properties served by a connection to the public water system of Lake Como Sanitary District No. 1 for cross-connections. The frequency of inspections and reinspections based on potential health hazards involved shall be as established by Lake Como Sanitary District No. 1 and shall be in accordance with Section NR 811.09, Wisconsin Administrative Code. If entry is refused, such representative may obtain a special inspection warrant under Section 66.0119, Wisconsin Statutes. A copy of any testing conducted on any backflow prevention device shall be provided to the Lake Como Sanitary District No. 1. Upon request by a representative of Lake Como Sanitary District No. 1, the owner, lessee or occupant of any property so served shall furnish to the inspection agency any additional pertinent information regarding the piping system or systems on such property if such information is known to such owner, lessee or occupant.

F. Inspection Fees. Each customer shall be assessed a fee for each inspection pursuant to the provisions of this section at the rate set forth in a schedule adopted by the District from time to time. A fee may be assessed when a representative of the Water Utility appears for an inspection or reinspection by appointment and fails to gain entry to conduct the inspection or reinspection at the rate set forth in a schedule adopted by the District from time to time. The fee for each such inspection shall be added as an additional charge on the next regular monthly billing following the inspection.

- G. Discontinuance of Water Service. Lake Como Sanitary District No. 1 is hereby authorized and directed to discontinue water service to any property wherein any connection in violation of this section exists, and to take such other precautionary measures deemed necessary to eliminate any danger of contamination of the public water system. Water service may be discontinued only after reasonable notice and opportunity for a hearing pursuant to the provisions of this ordinance, except as provided in Subsection F. Water service to such property shall not be restored until the cross-connection(s) has been eliminated or a backflow prevention means approved by the District has been installed in compliance with the provisions of this section.

- H. Emergency Action. If it is determined by Lake Como Sanitary District No. 1 that a cross-connection or an emergency causes imminent danger to the public health, safety or welfare and requires immediate action, service may be immediately discontinued or ordered disconnected. The person aggrieved shall receive notice of the disconnection and shall have the right to appeal the action pursuant to the provisions of this ordinance.

- I. The provisions of Section Comm 82.41 of the Wisconsin Administrative Code, as amended from time to time, relating to cross connection control are hereby incorporated by reference as though fully set forth herein.

adopted 10/20/2010

Section 33: Private Well Abandonment; Permits

A. Definitions.

1. “Non-complying” means a well or pump installation which does not comply with Section NR 812.42 of the Wisconsin Administrative Code, Standards for Existing Installations, and which has not been granted a variance pursuant to Section NR 812.43 of the Wisconsin Administrative Code.
2. “Pump Installation” means the pump and related equipment used for withdrawing water from a well, including the discharge piping, the underground connections, pitless adapters, pressure tanks, pits, sampling faucets and well seals or caps.
3. “Unsafe well or pump installation” means one which poses a threat to health or safety, produces water which is bacteriologically contaminated or contaminated with substances which exceed the drinking water standards of Chapters NR 140 or 809 of the Wisconsin Administrative Code, or for which a Health Advisory has been issued by the Department of Natural Resources.
4. “Unused Well or Pump Installation” means one which is not used or does not have a functional pumping system.
5. “Well” means a drilled hole or other excavation or opening deeper than it is wide that extends more than 10 feet below the ground*s surface constructed for the purpose of obtaining ground water.
6. “Well Abandonment” means the proper filling and sealing of a well by a licensed well driller or pump installer pursuant to provisions of NR 812 of the Wisconsin Administrative Code.

B. All wells on premises served by the municipal water system shall be properly abandoned in accordance with this section, not more than thirty (30) 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 District under the terms of this Ordinance.

C. 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 10 days after connection to the municipal water system. the District shall grant a permit to a well owner to operate a well for a period not to exceed five (5) years, providing all conditions of this section are met. A well operation permit may be renewed by submitting an application verifying that the conditions of this section are met. the District, or its agent, may conduct inspections and water quality tests or require that inspections and water quality tests be conducted at the applicant*s expense to obtain or verify information

necessary for consideration of a permit application or renewal. Permit applications and renewals shall be made on forms provided by the District. All initial and renewal applications must be accompanied by the fee established by the District. The following conditions must be met for issuance or renewal of a well operation permit:

1. The well and pump installation shall meet the Standards for Existing Installations set forth in Section NR 812, Subchapter IV as certified by a licensed well driller or pump installer following evaluation and re-certified not less than every ten years thereafter.
2. The property owner must provide to the District proof at the owner's expense that the well and pump have a history of producing safe water as evidenced by the result of a test performed by a laboratory approved by the State of Wisconsin on a coliform bacteria sample drawn by a licensed plumber or well driller from the private well. In the event that the Department of Natural Resources determines that the ground water aquifers are contaminated by substances other than bacteria, additional chemical tests may be required to document the safety of the well.
3. There shall be no cross connection between the well, pump installation or distribution piping and the municipal water system.
4. The owner or occupant of each building used or intended to be used for human habitation or occupancy is required to connect the interior plumbing system providing a potable water supply for such building to the municipal water system. Use of a private well under this section as a source of potable water for buildings used or intended to be used for human habitation or occupancy is prohibited.
5. Water from the private well shall not discharge into a drain leading directly to a public sewer owned, operated or maintained by the District unless properly metered and authorized by the District.
6. The private well shall have a functional pumping system.
7. The proposed use of the private well shall be justified as reasonable in addition to water provided by the municipal water system.

D. Abandonment of Unsafe or Unused Wells Required.

1. Any unsafe well or pump installation or unused well or pump installation located within the District shall be properly abandoned by a licensed well driller or pump installer in accordance with this section not more than thirty (30) days from the date of the District's written Notice to do so.
2. Said Notice shall be conspicuously posted on the real estate and served personally or by certified mail, on both the owner and occupant of the property if they can be found. In the event that the owner and/or occupant

of the property cannot be found in the exercise of reasonable diligence, the posting of the Notice in a conspicuous place on the subject premises as provided herein shall constitute sufficient notice of the violation under the provisions of this ordinance.

3. The notice shall also state that if the violation is not so abated or remedied, the District may cause the same to be abated or remedied, in which case the costs thereof shall be collected as a debt from the owner of the real estate and shall be assessed against the real estate as a special charge.

E. Abandonment Procedure.

1. All wells abandoned pursuant to the provisions of this Ordinance shall be abandoned according to the procedures and methods of NR 812 of the 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 shall notify the District at least 48 hours in advance of any well abandonment activities. District personnel may observe or verify the abandonment of the well.
3. An abandonment report form supplied by the Department of Natural Resources shall be submitted by the well owner to the District and to the Department of Natural Resources within 30 days of completion of the well abandonment.

Section 34: Reserved

Section 35: Appeals

Any consumer or property owner affected by any decision, action, or determination, including cease and desist orders, made by the District interpreting or implementing the provisions of this Ordinance or any permit issued hereunder, may file with the District a written request for reconsideration within ten (10) days of the date of such decision, action or determination, setting forth in detail the facts supporting the user*s request for reconsideration. the District shall schedule a hearing regarding such request for reconsideration and shall give written notice to the requesting person at least five (5) days before the hearing. The requesting person shall have the right to present any relevant matters at such hearing. the District shall render a decision on the request for reconsideration to the requesting person in writing within fifteen (15) days of the hearing.

adopted 10/20/2010

Section 36: Rates, Billing and Payment

- A. Water rates will be established by the Public Service Commission and the rates so ordered are adopted as the rates of the District and incorporated herein by reference.
- B. Billing for water service shall be on a monthly basis. The consumer and owner of the premises shall be jointly liable for all water service charges. All water bills and notices relating to water service shall be addressed to the owner of the premises at the last address listed on the property tax records maintained by the Town of Geneva, unless the owner shall notify the District, in writing with a different addressee or address.
- C. Reasonable care shall be exercised in the proper delivery of water bills. Failure to recover any water bill shall not relieve any owner of responsibility for payment of a water bill for that period and shall not exempt any person from any penalty imposed for delinquent payment.

adopted 10/20/2010

Section 37: Use of Public Water System Required; Standby Charge Imposed

- A. The owner of each parcel of land presently occupied and served or capable of being served by the public water system shall make connection to the public water system within twelve (12) months after notification by the District that the system is operational and connections may be made to it. If such parcel is unoccupied, connection shall be made before occupancy of the premises.
- B. There is hereby imposed a minimum charge against each lot or parcel of land with a building capable of being served by the public water system, to which building direct connection with the public water system in accordance with the provisions of this Ordinance has not been made within twelve (12) months after notice is published or given that the system is operational and connections may be made to it. The minimum charge rate shall be at the applicable rate set forth in the current rate schedule approved by the Public Service Commission and on file with the District. The imposition of the minimum charge shall not relieve the owner of such property from the obligation to make proper connection to the public water system as otherwise provided in this ordinance and shall be in addition to any penalty which may be imposed for failure to make timely connection.
- C. There is hereby imposed a standby charge against each vacant lot or parcel of land for which water system facilities are available but are not connected, based on the frontage to the water main at the applicable rate set forth in the current rate schedule approved by the Public Service Commission and on file with the District.

Section 38: Violations and Penalties

- A. Any person found to be violating any provision of this Ordinance shall be served by the District with a written notice stating the nature of the violation and providing a reasonable time for the satisfactory correction thereof. Such notice may be in addition to a citation for violation of this Ordinance.
- B. Any person, partnership, corporation or other entity, or any officer, agent or employee thereof, who shall violate any of the provisions of this Ordinance, except Section 32 or 33 D., shall, upon conviction, forfeit not less than \$50.00 nor more than \$500.00, together with the costs of prosecution.
- C. Any person, partnership, corporation or other entity, or any officer, agent or employee thereof, who shall violate any of the provisions of Section 32 or 33 D. shall, upon conviction, forfeit not less than \$5000.00 nor more than \$7500.00, together with the costs of prosecution, and in addition, shall reimburse the District for the actual costs of flushing mains, laterals or storage tanks; chemical treatment; or other remedial action taken by the District to alleviate contamination or potential contamination caused by the violation.
- D. Each day in which any violation continues shall constitute a separate offense and shall subject the violator to a separate forfeiture therefor.
- E. The penalties provided herein shall be in addition to any other remedy available to the District under the terms of this Ordinance, or any subsequent amendment, including, but not limited to, disconnection of service.

**LAKE COMO SANITARY DISTRICT NO. 1
PUBLIC SEWER SYSTEM ORDINANCE**

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Section 1: Definitions

Unless the context specifically indicates otherwise, the meaning of terms used in this ordinance shall be as follows:

- A. "BOD" (denoting Biochemical Oxygen Demand) shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at 20° +/- 1°C., expressed in milligrams per liter.
- B. "Building Drain" shall mean that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the Building Lateral, beginning five (5) feet outside the inner face of the building wall.
- C. "Building Inspector" shall mean the building inspector authorized to make building inspections or his authorized agent, or representative.
- D. "Building Lateral" shall mean the extension from the building drain to the public sewer or other place of disposal.
- E. "Commercial User" shall mean all private establishments such as restaurants, hotels, multiple family residences, retail and wholesale stores, filling stations and industries with a daily wastewater flow of less than 25,000 gallons per day; all private, nonprofit entities such as churches, schools, hospitals and charitable organizations with a daily wastewater flow less than 25,000 gallons per day; and public facilities such as boat landings and university facilities with a daily wastewater flow less than 25,000 gallons per day.
- F. "Commission" shall mean the duly appointed governing body of the Lake Como Sanitary District No. 1 of the Town of Geneva.
- G. "Connection Permit" shall mean a permit issued by the District after proper application and payment of the required permit fee which allows connection of a Building Lateral to the Public Sewer.
- H. "Connection Charge" shall mean a lump sum payment due upon the availability of sewer and issuance of a Connection Permit, but no later than a date to be set by the Commission.
- I. "Debt Service" shall mean costs to the Sanitary District for the retirement of debts incurred in the provision of wastewater collection and conveyance facilities including both principal and interest.
- J. "District" shall mean Lake Como Sanitary District No. 1 of the Town of Geneva, Walworth County, Wisconsin.
- K. "Floatable Oil" is oil, fat, or grease in a physical state such that it will separate by gravity from wastewater in an approved pretreatment facility. Wastewater shall be considered free of floatable oil if it is properly pretreated and the wastewater does

not interfere with the collection system.

L. "Garbage" shall mean solid wastes from the domestic and commercial preparation, cooking, and dispensing of food, and from the handling, storage, and sale of meat, fish, fowl, fruits, vegetables and other food products.

M. "Industrial User" shall mean:

1. Any non-governmental, non-residential user of a publicly-owned treatment works which discharges more than the equivalent of 25,000 gallons per day (gpd) of sanitary waste and which is identified in the Standard Industrial Classification Manual, 1972, Office of Management and Budget, as amended and supplemented under one of the following divisions:

Division A. Agriculture, Forestry, and Fishing.

Division B. Mining.

Division C. Manufacturing.

Division D. Transportation, Communications, Electric, Gas and Sanitary Services.

Division 1. Services.

- a. In determining the amount of a user's discharge, the District will exclude domestic waste or discharges from sanitary conveniences.

- b. After applying the sanitary waste exclusion in subparagraph a. of this paragraph, discharges in the above divisions that have a volume exceeding 25,000 gpd or the weight of biochemical oxygen demand (BOD) or suspended solids (SS) equivalent to that weight found in 25,000 gpd of sanitary waste are considered industrial users. Sanitary waste, for purposes of this calculation of equivalency, shall be wastes of Normal Concentration as defined in this Ordinance.

2. Any non-governmental user who discharges wastewater to the District's sewers, which wastewater contains toxic pollutants or poisonous solids, liquids, or gases in sufficient quantity either singly or by interaction with other waste, to contaminate the sludge of the municipal sewer systems, or to injure or to interfere with any sewage treatment process, or which constitutes a hazard to humans or animals, creates a public nuisance, or creates any hazard in or has an adverse effect on the waters receiving any discharge from the treatment works.

N. "Industrial Wastes" shall mean wastes discharged by "Industrial Users."

O. "May" is permissive. "Shall" is mandatory.

- P. "Natural Outlet" shall mean any outlet into a watercourse, pond, ditch, lake, or other body of surface or ground water.
- Q. "Normal Concentration" shall mean:
1. 5-day 20°C., BOD of not more than 200 mg/L.
 2. A suspended solids concentration of not more than 250 mg/L.
- R. "Normal Wastewater/Normal Sewage" shall mean wastewater or other wastes in which BOD or suspended solids concentrations do not exceed normal concentrations.
- S. "Operation and Maintenance Costs" shall mean the day-to-day expenses of the sewage works including cost of equipment, materials, energy, and manpower necessary for continued operation and maintenance of the system. Included shall be all expenses of preventative maintenance, repair costs and non-lapsing depreciation (replacement) expenses necessary for continuous operation of the system within its design limits.
- T. "Person" shall mean any individual, firm, company, municipal or private corporation, association, society, institution, enterprise, governmental agency or other entity.
- U. "pH" shall mean the logarithm (base 10) of the reciprocal of the hydrogen ion concentration expressed in moles per liter as determined by "Standard Methods."
- V. "Properly Ground Garbage" shall mean the wastes from the preparation, cooking and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half ($\frac{1}{2}$) inch (1.27 centimeters) in any dimension.
- W. "Public Sewer" shall mean a sewer in which all owners of abutting properties have equal rights, and is controlled by public authority.
- X. "Quarter" shall mean any three consecutive months as determined by the Sanitary District.
- Y. "Replacement" shall mean expenditures for obtaining and installing equipment, accessories, or appurtenances which are necessary to maintain the capacity and performance during the service life of the treatment works for which such works were designed and constructed.
- Z. "Residential User" shall mean all single family dwelling units whose main purpose is to provide housing for individual family units.
- AA. "Revenue Account" shall mean an account in which all receipts and disbursements of the Commission shall be recorded. Revenues in the account shall be apportioned in accordance with the District's accounting system.
- BB. "Sanitary Sewer" shall mean a sewer which carries sewage and to which storm,

surface, and ground waters are not intentionally admitted.

- CC. "Septic Tank" and "Holding Tank" shall mean any POWTS component as defined in section Comm 81.01(12) of the Wis. Admin. Code.
- DD. "Sewage" shall mean a combination of the water-carried wastes from residences, business buildings, institutions, and industrial establishments, together with such ground, surface, and storm waters as may be present.
- EE. "Sewage Treatment Plant" or "Wastewater Treatment Plant" shall mean any arrangement of devices and structures used for treating sewage.
- FF. "Sewage Utility or Utility" shall mean the Lake Como Sanitary District No. 1.
- GG. "Sewage Works" shall mean all facilities for collecting, pumping, conveying, treating and disposing of sewage.
- HH. "Sewer" shall mean a pipe or conduit for carrying sewage.
- II. "Sewer User Charge" shall mean a monthly charge assessed to all users of the system to pay for debt retirement, all Operation and Maintenance Costs and WALCOMET charges. Such charge shall be payable as determined by the Commission in accordance with the terms of this Ordinance.
- JJ. "Slug" shall mean any discharge of water, sewage, or industrial waste which in concentration of any given constituent or in quantity of flow exceeds for any period longer than fifteen (15) minutes more than five (5) times the average twenty-four (24) hour concentration of flows during normal operation.
- KK. "Storm Sewer" shall mean a sewer which carries storm and surface waters, but excludes sewage and industrial wastes, other than unpolluted cooling water.
- LL. "Suspended Solids" shall mean solids that either float on the surface of, or are in suspension in water, sewage, or other liquids, and which are removable by laboratory filtering.
- MM. "WALCOMET" shall mean Walworth County Metropolitan Sewerage District, the regional sewerage district serving Lake Como Sanitary District No. 1.
- NN. "Watercourse" shall mean a natural or artificial channel for the passage of water.

Section 2: Connection Charge

- A.
 - 1. Connection Charge: There is hereby imposed upon each future building constructed within the District, a connection charge. Such connection charge shall be payable as herein provided and shall be assessed and collected for each building connected to the Public Sewer as determined by the Commission.
 - 2. Existing and Future Buildings: For the purposes of this Ordinance, buildings in the District shall be classified as existing buildings or future buildings. Existing buildings shall be those in existence and buildings for which a building permit has been issued and construction started as of midnight, October 15, 1998. Future buildings shall be those not in existence as of midnight, October 15, 1998.
- B. The Connection Charge imposed by the District shall consist of two components:
 - 1. WALCOMET Connection fee paid by the District to WALCOMET upon connection of buildings requiring sanitary sewer. The WALCOMET connection fee paid by the District to WALCOMET upon connection of buildings requiring sanitary sewer is as established and published by WALCOMET from time to time.
 - 2. Excess capacity costs incurred by the District in constructing the common elements of the collection system capable of serving future users. The excess capacity charge shall be in accordance with the schedule established and published by the District.

Section 3: Sewer User Charges

- A. 1. Sewer Service Charge: There is hereby levied and assessed upon each lot or parcel of land with a building having a lateral available to discharge normal sewage to the Public Sewer System, a sewer service charge based upon rates established by the Commission. Such sewer service charge shall be payable as herein provided and shall consist of a system charge and a sewer use charge to be determined by the commission as provided herein. Said service charges shall be assessed and collected as determined by the Commission.
- a. System Charge. The system charge component of the sewer service charge shall be calculated on the basis of the number of connections to the system. The monthly system charge shall be equal to one-twelfth (1/12) of the annual system charge per connection.
- b. Sewer Use Charge. The sewer use charge component of the sewer service charge shall be based upon the total water use of system users. The monthly sewer use charge shall be the product of each user's monthly metered water use times the per gallon cost of operation, maintenance and replacement costs.
2. Budget and Sewer Service Charge Approval: Upon completion of preparation of the annual budget and determination of the annual sewer system charge per connection and the sewer use charge, the Commission shall set the annual sewer service charge, and shall record such action in the official minutes.
3. Payments:
- a. Sewer service charges shall be established annually for the year and shall be payable monthly.
- Sewer service charges shall commence with the next full month following connection to the sewer, but in any event, not later than the date of installation of a water meter serving the property.
- b. In the event of late payment after payment is due, a late charge of one percent (1.0%) per month (of the total amount due) shall be added to the sewer user charge and shall be collectible with the normal sewer user charge.
4. Disposition of Revenue: The amounts received from collection of the charges authorized by this Ordinance with the exception of the replacement fund shall be credited to a sewer revenue account which shall show all receipts and expenditures of the District. When appropriated and authorized by the District, credits to said account shall be available for payment of the

costs of operation, maintenance, and repairs of the sewer system. Any surplus in the account shall be applied to the following year's operation and maintenance costs.

5. Replacement Fund: Annual income from the Sewer Service Charge which include funds required for "Replacement" shall be separately accounted for and shall not be utilized for any purposes other than replacement.
 6. Special Rates: The rates set forth above for sewage service shall be for all types of service for collection of normal sewage. The Commission may at any time hereafter set special rates for large commercial service or industrial users.
 7. Notification: Users shall be notified annually of the portion of user charges attributable to wastewater treatment services.
- B.
1. Industrial and Commercial Charges for Other Than Normal Sewage: Charges for sewage other than Normal Sewage shall be based on flow, BOD, suspended solids, and such other constituents which affect the cost of collection, conveyance and treatment. Charges shall be made in accordance with rates established and published by the Commission as set forth in B.2.
 2. All persons discharging wastes into the public sewers shall be subject to a surcharge, in addition to any other service charge, if their sewage has a concentration greater than "normal" concentrations (see Definition.) The volume of Flow used for computing waste surcharges shall be the metered water consumption, subject to adjustments as otherwise herein provided, or the actual volume of waste as determined by a waste metering and monitoring installation.

The amount of surcharge shall reflect the cost incurred by the District in removing BOD, suspended solids, and other constituents.

Rates of Surcharge. The rates of surcharge for each of the aforementioned constituents shall be at the rate as included in the "Sewer Use Ordinance" of the Walworth County Metropolitan Sewerage District multiplied by 101 percent.

In addition to the above surcharges, the District's costs of sampling and analyzing commercial and industrial wastes shall be charged to the applicable industry as provided in Section 7.I.

Where industrial wastes are of such a strength or magnitude or are delivered over such a period of time that the above surcharges do not reflect the cost of treatment to the District, the District reserves the right to establish a special charge for handling the waste. The depreciation portion of the charge shall be based on the design capacity required for the particular waste. In no event shall the charges be less than those charges determined

by applying the above surcharge.

- C. Industrial Waste Pretreatment: In the event the District provides or requires pretreatment of industrial wastes, the entire cost of such pretreatment shall be charged to the person or entity producing the industrial wastes. The costs shall include but are not limited to capital expenditures, operation and maintenance expenses, labor, chemicals, heat and power.
- D. Contract Basis: Nothing in this Ordinance shall prohibit the District from providing sewage services to persons outside the corporate limits of the District under mutually agreeable conditions.
- E. 1. Remedies For Failure to Pay User Charges: Each sewer user charge levied by, or pursuant to this Ordinance, is hereby made a lien upon the corresponding lot, land, or premises served by a connection to the sanitary sewer system of the District and if the same is not paid within the period allotted for such payment, said charge shall constitute a lien on the property served and be inserted in the Town tax roll as provided in 66.0821 of the Wisconsin Statutes in the same manner as water rates are taxed and collected under the provisions of Section 66.0809 or 62.69(2)(f) of the Wisconsin Statutes as same has been, and from time to time may be amended or recreated, so far as applicable.
2. The delinquent sewer user charges, including interest on any delinquencies, taxed or levied pursuant to this Ordinance shall be collected by the Town Treasurer at the time and place indicated on the annual real estate tax bill.
- F. Designation of-Depository: The funds received from said sewage service charges shall be deposited at regular intervals in the depository elected by the Commission. Said funds shall be available for payment of the cost and expense of the management, maintenance, depreciation and repair of the sewage works and to provide funds for the retirement of debt as it matures and interest thereon.
- G. Annual Audit: An audit of the Utility's financial standing shall be made annually on a calendar year basis. This audit will be used to review the adequacy of the then existing rates and said rates shall be adjusted if necessary to provide sufficient revenues to adequately finance the Utility's operation in accordance with the intent of the rate structure.
- The annual audit and review shall also be used to insure that each recipient of sewage service (or class) is charged in proportion to the cost of providing said recipient (or user class) with sewage service.
- H. Standby Charge Imposed: There is hereby imposed a standby charge against each lot or parcel of land abutting on any street, alley, or right-of-way in which there is now located a public sanitary sewer of the District. The standby charge shall be in accordance with the schedules established and published by the District. The imposition of the standby charge shall not relieve the owner of such property from the obligation to make proper connection to the public sewers as otherwise provided

in this ordinance and shall be in addition to any penalty which may be imposed for failure to make timely connection.

adopted 10/20/2010

Section 4: Use of Public Sewers Required

- A. It shall be unlawful for any person to place, deposit, or permit to be deposited any human or animal excrement, garbage or other objectionable waste in an unsanitary manner on any public or private property within the District.
- B. It shall be unlawful to discharge to any natural outlet within the District, or in any area under the jurisdiction of said District, any sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this Ordinance.
- C. Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of sewage.
- D. The owner of each house, building, or property used for human occupancy, employment, recreation, or other purposes, situated within the District and abutting on any street, alley, or right-of-way in which there is now located or may in the future be located a public sanitary sewer of the District, is hereby required at his expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this Ordinance prior to occupancy.
- E. It shall be unlawful to discharge any Holding Tank or Septic Tank waste into the Sewage Works.

Section 5: Private Sewage Disposal

- A. Where a public sanitary sewer is not available under the provision of Section 4, D, any existing Building Lateral shall be connected to a private sewage disposal system complying with the provisions of this Article and all applicable Town, County and State codes and regulations.
- B. Before commencement of the construction of a private sewage disposal system or additions to an existing private sewage disposal system, the owner shall first obtain a sanitary sewer permit from Walworth County, pursuant to Chapter 281 of the Wisconsin Statutes.
- C. The type, capacity, location and layout of a private sewage disposal system shall comply with all requirements of the Laws of the State of Wisconsin.
- D. The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, at no expense to the District.
- E. No statement contained in this Article shall be construed to interfere with any additional requirements that may be imposed by the Health Officer.
- F. At such time as a public sewer becomes available to a property served by a private sewage disposal system, as provided in D of Section 4, the Owners shall obtain the necessary plumbing permits, pay special assessments and connection fees (or make other satisfactory arrangements for payment) and shall cause the Building Lateral to be connected to said sewer within one (1) year and the private sewage disposal system shall be cleaned of sludge and filled with sand, gravel, or similar material and abandoned.

Section 6: Building Laterals and Connections

- A. No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written connection permit issued by the District.
- B. There shall be two (2) classes of Building Lateral connection permits:(a) for residential and commercial service, and (b) for service to establishments producing industrial wastes. In either case, the owner or his agent shall make application on a special form furnished by the Town of Geneva Building Inspector. The Connection Permit Application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgement of the building inspector and the District. A connection and inspection fee as established by the District and the Town of Geneva shall be paid to the District and the Town, respectively, at the time of application for such permits.
- C. All costs and expense incident to the installation and connection of the Building Lateral shall be borne by the property owner. The property owner shall indemnify the District from any loss or damage that may directly or indirectly be occasioned by the installation of the Building Lateral.
- D. A separate and independent Building Lateral shall be provided for every building intended for human habitation or occupancy.
- E. Old Building Laterals may be used in connection with new buildings only when they are found, after examination and testing by the District's representative, to meet all requirements of this Ordinance.
- F. The size, slope, alignment, materials of construction of a Building Lateral, and the methods to be used in excavating, placing of the pipe, jointing, testing, backfilling the trench, and connecting to the District lateral shall all conform to the requirements of the State of Wisconsin or other applicable rules and regulations pertinent to the installation. Service laterals for single family residences shall be four (4) inch minimum. All other service laterals shall be six (6) inch minimum.
- G. Whenever possible, the Building Lateral shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by any means authorized by state codes and discharged to the Building Lateral at the owner's expense.
- H. Roof-leaders, surface drains, groundwater drains, foundations drains, and other clear water drains shall not be connected to a Building Lateral which discharges into a sanitary sewer or private sewage treatment facility. All such connections existing at the time of passage of this Ordinance shall thereafter be illegal. If storm water or clear water is being discharged into a sanitary sewer, the District shall give the offending person fifteen (15) days' notice to disconnect. Failure to disconnect after such notice shall authorize the District to cause disconnection of service lateral and assessment of the costs of such disconnection against the property involved. The

District may, in the alternative, institute action for violation of this subsection.

- I. The connection of the Building Lateral into the public sewer shall conform to the requirements of the State of Wisconsin building and plumbing code or other applicable rules and regulations.
- J. The applicant for the Building Lateral connection permit shall notify the building inspector when the Building Lateral is ready for inspection and connection to the public sewer and shall obtain a permit for connection from the District. Application for such a permit shall be on a form for that purpose provided by the District. The connection shall be made under the supervision of the District's representative. In the event that any Building Lateral connection is made without the required permit and inspection by the District or the District's representative, the person making such connection shall, at his sole expense, expose the connection for inspection by the District's representative upon request.
- K. All excavations for Building Lateral installation shall be adequately guarded by the property owner 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 District at the property owner's expense.
- L. Before any permit is issued, the person or contractor who is to perform the work shall file with the District a certificate of insurance for general liability in the amount of Three Hundred Thousand Dollars (\$300,000), with sufficient sureties, indemnifying the District and its officers and agents and holding them harmless against all damages, injuries and costs, arising out of the work to be performed including restoration and replacement of the premises to as good a condition as they were in before such work was commenced and guaranteeing the faithful performance of all work with proper care and skill. Such insurance shall remain in force until the final expiration of the permit except that on expiration it shall remain in full force as to all penalties, claims and demands that have accrued thereunder prior to expiration.

Section 7: Use of the Public Sewers

- A. No person shall discharge or cause to be discharged any storm water, surface water, groundwater, roof runoff, subsurface drainage, uncontaminated cooling water, or unpolluted industrial process waters to any sanitary sewer.
- B. No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers:
 - 1. Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid, or gas.
 - 2. Any waters or wastes containing toxic or poisonous solids, liquids, or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the wastewater treatment plant.
 - 3. Any waters or wastes having a pH lower than 5.5, or higher than 9.5 or having any other corrosive property capable of causing damage or hazard to structures, equipment and personnel of the sewage works.
 - 4. Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the sewage works such as, but not limited to ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, garbage which has not been properly ground, whole blood, paunch manure, hair and fleshings, entrails and paper dishes, cups, milk containers, sanitary napkins, disposable diapers, etc., either whole or ground by garbage grinders.
- C. No persons shall discharge or cause to be discharged the following described substances, materials, waters, or wastes if it appears likely in the opinion of the District that such wastes can harm either the sewers, sewage treatment process, or equipment, have an adverse effect on the receiving stream, or can otherwise endanger life, limb, public property or constitute a nuisance. In forming an opinion as to the acceptability of these wastes, the District will give consideration to such factors as the quantities of subject wastes in relation to flows and velocities in the sewers, materials of construction of the sewers, nature of the sewage treatment process, capacity of the sewage treatment plant, degree of treatability of wastes in the sewage treatment plant, and other pertinent factors. The substances prohibited are:
 - 1. Any liquid or vapor having a temperature higher than one hundred fifty (150° F). (65° C.).
 - 2. Any water or waste containing fats, wax, grease, or oils, whether emulsified or not, in excess of one hundred (100) mg/L or containing substances which may solidify or become viscous at temperatures between thirty-two (32° F)

and one hundred fifty (150°F).

3. Any garbage that has not been properly ground. The installation and operation of any garbage grinder equipped with a motor of one-half (1/2) horsepower or greater shall be subject to the review and approval of the District.
4. Any waters or wastes containing strong acid iron pickling wastes, or concentrated plating solutions whether neutralized or not.
5. Any waters or wastes containing iron, chromium, cadmium, nickel, copper, zinc, and similar objectionable or toxic substances; or wastes exerting an excessive chlorine requirement, to such degree that any such material received in the composite sewage at the sewage treatment plant exceeds the limits established by the Commission for such materials.
6. Any waters or wastes containing phenols or other taste or odor-producing substances, in such concentrations exceeding limits which may be established by the District as necessary, after treatment of the composite sewage, to meet the requirements of the State, Federal, or other public agencies of jurisdiction for such discharge to the receiving waters.
7. Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the District in compliance with applicable State or Federal regulations.
8. Materials which exert or cause:
 - a. Unusual concentrations of inert suspended solids (such as but not limited to, Fullers earth, lime slurries, lime residues) or of dissolved solids (such as, but not limited to, sodium chloride and sodium sulfate).
 - b. Excessive discoloration (such as, but not limited to, dye wastes and similar solutions).
 - c. BOD, chemical oxygen demand, phosphorus, nitrogen, or chlorine requirements in such quantities as to constitute a significant load on the wastewater treatment facility.
 - d. Unusual volume of flow or concentration of wastes constituting "slugs" as defined herein.
9. Waters or wastes containing substances which are not amenable to treatment or reduction by the wastewater treatment processes employed, or are amenable to treatment only to such degree that the wastewater treatment plant effluent cannot meet the requirements of the agencies having jurisdiction over discharge to the receiving waters.

- D. If any waters or wastes are discharged, or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in C of this Section, and which in the judgement of the District, may have a deleterious effect upon the sewage works, processes, equipment, or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the District shall do one or more of the following:
1. Reject the wastes.
 2. Require pretreatment to an acceptable condition for discharge to the public sewers.
 3. Require control over the quantities and rates of discharge.
 4. Require payment to cover the added cost of handling and treating the wastes not covered by existing sewage service charges or charges under the provision of L of this Article.

If the District permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the District's Engineer and subject to the requirements of all applicable codes, ordinances, and laws.

- E. Grease, oil, and sand interceptors shall be provided as required by the State Plumbing Code for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand, or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the District and shall be located as to be readily and easily accessible for cleaning and inspection.
- F. Where preliminary treatment or flow-equalizing facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his expense.
- G. When required by the District, the owner of any property serviced by a Building Lateral carrying industrial wastes shall install a suitable control manhole together with such necessary meters and other appurtenances in the Building Lateral to facilitate observation, sampling, and measurement of the wastes. Such manhole, when required, shall be accessibly and safely located, and shall be constructed in accordance with plans approved by the District's Engineer. The manhole shall be installed by the property owner at his expense, and shall be maintained by him so as to be safe and accessible at all times.
- H. Waste Meters. Devices for metering the volume of waste discharged may be required by the District if these volumes cannot otherwise be determined by estimating or by the use of water meters. Metering devices for determining the volume of waste shall be purchased, installed, owned and maintained by the

property owner. The type of meter and metering arrangement shall be approved by the District's Engineer before installation and it shall be installed in accordance with approved methods. Following approval and installation, such meters may not be removed without the consent of the District.

- I. Waste Sampling. Industrial wastes discharged into the public sewers shall be subject to periodic inspection and a determination of character and concentration. A determination shall be made as often as deemed necessary by the District. Where samples are taken often enough to produce meaningful averages, charges will be determined based on the average values determined during the billing period after due allowances for values not believed to be representative. Any person may request the District to make new tests, such tests to be at the expense of the person discharging the waste as hereinafter stated, and such tests to be a minimum of 24 hours duration unless otherwise approved. If the District is satisfied that such test was made when the plant was operating under normal conditions, the results of these tests shall be used in computing the subsequent billing in the manner previously described. All costs in connection with waste sampling and analysis shall be paid for by the applicable industry in addition to their normal sewage service charge.
- J. All measurements, tests, and analysis of the characteristics of waters and wastes to which reference is made in this Ordinance shall be determined in accordance with the latest edition of "Standard Methods for the Examination of Water and Wastewater," published jointly by the American Public Health Association, the American Water Works Association and the Water Pollution Control Federation, and shall be determined at the control manhole provided, or upon suitable samples taken at said control manhole. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazards to life, limb, and property.
- K. Accidental Discharges. The accidental discharge of any prohibited waste into any sewer shall be reported to the District by the person responsible for the discharge, or by the owner or occupant of the premises where the discharge occurs, immediately upon obtaining knowledge of the fact of such discharge so that steps may be taken to minimize its effect on the treatment plant.
- L. No statement contained in this Article shall be construed as preventing any special agreement or arrangement between the District and any customer where such agreement is in accordance with this Ordinance and the rate structure herein.

Section 8: Protection From Damage

- A. No unauthorized person shall maliciously, willfully, or intentionally break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment which is a part of the sewage works. Any person violating this provision shall be subject to arrest and all prosecution pursuant to Wisconsin Statutes Sec. 943.01.

adopted 10/20/2010

Section 9: Powers and Authority of Inspectors

- A. Duly authorized employees of the District bearing proper credentials and identification shall be permitted to enter all properties for the purpose of inspection, observation, measurement, sampling, and testing in accordance with the provisions of this Ordinance. Duly authorized employees shall have no authority to inquire into any processes including metallurgical, chemical, oil, refining, ceramic, paper, or other industries beyond that point having a direct bearing on the kind and source of discharge to the sewers or waterways or facilities for waste treatment.
- B. While performing the necessary work on private properties referred to in Section 9, A above, the duly authorized employees or agents of the District shall observe all safety rules applicable to the premises established by the Owner or Company and the Owner or Company shall be held harmless for injury or death to the District Employees and the District shall indemnify the Owner or Company against loss or damage to its property by District Employees and against liability claims and demands for personal injury or property damage asserted against the Owner or Company and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the Owner or Company to maintain safe conditions as required in Section 7, G.
- C. Duly authorized employees of the District bearing proper credentials and identification shall be permitted to enter all private properties through which the District holds a duly negotiated easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair, and maintenance of any portion of the sewage works laying within said easement. All entry and subsequent work, if any, on said easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

Section 10: Future Sewer Main Extension

- A. All future sanitary sewer extensions, whether required by annexations to the District, by future subdivisions or for existing land parcels, shall be designed, planned, constructed and installed by the District in accordance with District policy.
- B. All costs including, without limitation by enumeration, construction, rights of way, land, engineering, inspection, legal, administrative, fees, interest and other items of cost in connection with future sewer main extensions shall be paid for by the District and shall be specially assessed against property benefitted by such sanitary sewer main.
- C. If greater than eight (8) inch diameter sewers are required to handle the contemplated sewage flows from the design tributary area, the cost of such larger sewers shall be prorated in proportion to the ratio which the total area of the proposed subdivision or land being serviced by said sewer main is to the total design tributary area to be served by such larger sewer. The excess cost shall either be borne by the District or assessed against the total design tributary area as the Commission shall determine.
- D. All public sewage pumping stations required for the provision of proper sanitary sewer service shall be designed, constructed and maintained by the District. The total capital cost for installation of sewage pumping stations shall be prorated over the design tributary area and shall be assessed to benefitting property, as the Commission shall determine after due consideration of the evidence and facts.
- E. All requests for extension of future sewer mains shall be in writing to the Commission. Such requests shall include a topographic map with one (1) foot contour interval delineating the area where sewer main is being requested, shall include lot lines, proposed streets and street grades, and such other information as the District's Engineer may require.
- F. Property owners requesting the installation of sewer mains shall provide all perpetual easements and rights of way considered necessary by the Commission for the installation of the system requested at no cost to the District. Perpetual easements and rights-of-way shall be in the name of the District.
- G. When application is made to the Commission for future sewer main extension, the Commission shall attempt to reach agreement with the individual(s) or firm requesting such extension on the method of payment for the extension pursuant to procedures as adopted by the Commission from time to time. If no payment method can be mutually agreed upon, the Commission may refuse to design and construct such extension. If a future sewer main extension is deemed in the best public interest by the Commission, it may assess the costs of such extensions against benefitting property owners in accordance with Section 66.0703 of the Wisconsin Statutes.
- H. The Commission shall, as the need requires, establish standards, design criteria,

procedures and miscellaneous requirements for the installation of future sewer mains. All fees determined to be payable by the Commission shall be collected at the times and places so set by the Commission.

adopted 10/20/2010

Section 11: Penalties

- A. Any person found to be violating any provision of this Ordinance except Section 8 shall be served by the District with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.
- B. Any person who shall continue any violation beyond the time limit provided for in Section 11, A, shall, upon conviction, forfeit not less than \$10.00 nor more than \$500.00 for each violation. Each day in which any such violation shall continue shall be deemed a separate offense.
- C. Any person violating any of the provisions of this Ordinance shall become liable to the District and others, as their interests may appear, for any expense, loss, or damage occasioned the District or others by reason of such violation, including any costs in connection with repairing damages to the sewage works or any downstream user or facilities damaged as a result of a prohibited discharge or any other violation of this Ordinance.

adopted 10/20/2010

APPENDIX A

I. INTRODUCTION

A. Purpose

The purpose of the sewer user charge system is to establish a revenue system that enables the District to generate the monies needed to own, operate and maintain the wastewater collection and conveyance system and to pay the Commission charges for treatment. The sewer user charge system shall comply with guidelines established in the Sewer Use and Service Charge Ordinance.

B. Basis of Charges

1. System Charge. The charges for debt service retirement shall be based on the number of connections to the system.
2. Sewer Use Charge. The charges for operation, maintenance and replacement shall be on a cost per gallon basis and shall be based on the total water use of system users. The cost per gallon to be applied is calculated by summing all operation, maintenance and replacement costs and dividing by total flow. The individual users will be billed in proportion to their metered water usage.

II. ANNUAL REVENUE REQUIREMENTS

A. Annual Operation and Maintenance Costs

Commission Salaries	\$ 3,600.00
Engineering Services	5,000.00
Audit Expense and Billing Services	6,000.00
Office Supplies/Expenses	1,750.00
Insurance	4,000.00
Labor - General Manager, clerical, operators	33,800.00
Power	20,000.00
Legal	10,000.00
Wastewater Treatment	<u>177,965.00</u>
TOTAL OPERATION AND MAINTENANCE	\$262,115.00

B. Annual Replacement Costs

A replacement fund to replace equipment shall be established. Table A-1 summarizes the annual contributions.

A-1

C. Annual Debt Service

Table A-2 summarizes the total annual estimated debt service. These values will vary depending on final construction costs.

D. Annual Reserve

The Sanitary District will establish and make annual contributions to a general reserve fund intended to meet extraordinary expenses incurred by the District. The initial annual contribution is \$14, 500.

III. AD VALOREM TAXES

The Sanitary District may fund in part the annual revenue requirements through an ad valorem tax if revenue from other sources does not meet estimates. The Sanitary District does not project the need for an ad valorem tax.

IV. SEWER USER CHARGES

A. Monthly System Charge Component

$$CS = (R+DS)/U/12$$

Where:

R = Annual Contributions to Equipment Replacement Reserve and Annual Reserve

DS = Debt Service

$$= AD - T - CC - BRs - Brd - SA$$

AD	= Total Annual Debt Service
T	= Ad Valorem Tax
CC	= Annual Connection Charges
BRs	= Bond Reserve Fund Interest
Brd	= Bond Redemption Fund Interest
SA	= Special Assessment Revenues

U = Total number of connections to the system

Initial projected monthly system charge component

$$= ((\$52,500 + (\$490,283 - \$0 - \$0 - \$0 - \$0 - \$474,841))/982/12$$

$$= \$5.77/\text{Month}$$

B. Monthly Sewer Use Charge Component

$$CU = OM/G \times GU/12$$

Where:

OM = Annual Operation and Maintenance Costs Excluding Debt Service

G = Total gallons of wastewater
= GU x 982

GU = Gallons per Unit

= 2.53 people per unit x 70 gallons per person per day

= 177 gallons per unit per day x 365

= 64,642 gallons per unit per year

Initial projected monthly system charge component

$$\$262,115/63,478,444 \text{ gd} \times 64,642\text{guy}/12 = \$22.24$$

*Assuming 2.53 persons per unit using 70 gallons per day each, 365 days per year.

C. Monthly Sewer Service Charge Rate (1999)

$$SS = CS + CU = \$5.77 + \$22.24 = \$28.01/\text{unit}/\text{month}$$

adopted 10/20/2010

**APPENDIX A-2
ANNUAL DEBT SERVICE REQUIREMENTS
LAKE COMO SANITARY DISTRICT NO. 1**

<u>YEAR</u>	<u>ANNUAL CONTRIBUTION</u>
1	\$490,283.00
2	\$457,033.00
3	\$450,158.00
4	\$443,283.00
5	\$436,408.00
6	\$429,533.00
7	\$422,658.00
8	\$390,783.00
9	\$385,283.00
10	\$379,783.00
11	\$374,283.00
12	\$368,783.00
13	\$363,283.00
14	\$357,783.00
15	\$352,783.00
16	\$346,783.00
17	\$341,283.00
18	\$335,783.00
19	\$230,283.00
20	\$230,283.00

Total Project Costs	\$17,383,000.00
Clean Water Fund Grants	10,604,930.00
Clean Water Fund Loans (0%)	4,544,970.00
Market Rate Loan	2,233,100.00
Total Assessments	4,870,160.00

1. Based on cost update of February 2, 1998.

2. Total loans =	\$	6,778,070
Less assessments		<u>(4,870,160)</u>
	\$	1,907,910 to be paid from user charges

3. Annual debt service assumes that monthly user charges are used to repay a portion of the 0% Clean Water Fund Loan. Special Assessments will be used to repay the market rate loan and the balance of the 0% loan.

**TABLE A-1
REPLACEMENT FUND¹
LAKE COMO SANITARY DISTRICT NO. 1**

<u>YEAR</u>	<u>ANNUAL CONTRIBUTION</u>
1	38,000.00
2	38,000.00
3	38,000.00
5	38,000.00
6	38,000.00
7	38,000.00
8	38,000.00
9	38,000.00
10	38,000.00
12	38,000.00
13	38,000.00
14	38,000.00
15	38,000.00
16	38,000.00
17	38,000.00
18	38,000.00
19	38,000.00
20	38,000.00

¹Replacement fund contains monies to replace the following items:
Pumps and related equipment at the District's pump station Nos. 1,2,3 and 4, generator and vehicle. The equipment, with the exception of the vehicle, has an average useful life of 20 years and initial cost of \$700,000. It is anticipated that earnings on the replacement fund deposits will offset future cost increases.

APPENDIX B

POLICY #1-98 OF POLICIES AND PROCEDURES OF THE LAKE COMO SANITARY DISTRICT NO. 1 OF THE TOWN OF GENEVA, WALWORTH COUNTY, STATE OF WISCONSIN RELATING TO FUTURE MAIN EXTENSIONS.

POLICY

The policy of the Commission, as established in its Sewer Ordinance, is that all design, planning and construction of future sewer main extensions be done by the District is affirmed. This affirmation is based on a recognition of the Commission's responsibilities in taking into consideration the best interest of the public and all of the potential users of the sewer system. The Commission must develop and maintain a system which is compatible within all of its existing or potential parts. Comprehensive basic engineering and planning data and thorough records will become increasingly important as the District develops and expands. All future sewer main extensions will be owned and maintained by the District. The Commission has the powers and the responsibility to insure that all of the public affected be treated fairly, and it is for that reason that the planning, design, construction and installation of all future sewer extensions be done by the District.

PROCEDURES

- A. Any person requesting an extension of a future sewer main shall make such a request on application forms to be provided by the District. The application shall be accompanied by the following:
1. A preliminary plat substantially in compliance with the requirements of Wis. Stat. Chapter 236 and reasonably anticipated to be approved by the appropriate governmental authorities, or its equivalent in approvable form. It may be desirable from the developer's standpoint to submit a preliminary sketch plan of the proposed development prior to proceeding with the preliminary plat. This will permit early comment by the Sanitary District and could result in cost savings to the developer.
 2. A topographic map of the area affected with one (1) foot contour interval.
 3. An application fee based on the number of lots to be serviced by the extension in accordance with the following schedule.

a.	25 or less lots or parcels	\$1,000
b.	26-50 lots or parcels	\$2,000
c.	51 or more lots or parcels	As Set By Commission

4. The agreement of the applicant to pay all costs for the preliminary design of the sewer main extension including engineering, legal, administrative, soil borings, survey, testing, or any other costs incurred in obtaining information required by the District's Engineer and in the preliminary design of the sewer main extension regardless of whether or not the sewer extension is ever constructed. The application fee shall be a credit against the total costs for the preliminary design, and the balance shall be due and payable in full at the time of submission of the preliminary design to the applicant.
 5. A complete and accurate legal description of the entire area to be included in the design and the names and addresses of all owners of any parcel within and adjacent to the confines of the area effected.
 6. An area map reasonably locating the proposed service area in relationship to the sanitary district and adjoining landowners.
 7. A statement of the proposed uses and zoning of the premise.
 8. Such other information as may be required.
- B. Upon receipt of a copy of the application, the application fee, and accompanying materials, the District's Engineer shall proceed to gather whatever further information may be required for preliminary design. The District's Engineers shall bill the Commission separately for such services as to each application and the Commission shall pay for said services out of the application fee of applicant or shall advance the costs as the appropriate case might be.
1. Upon completion of the preliminary design, the plans shall be submitted to the Commission together with recommendations as to considerations to be made by the Commission, problems to be encountered, and feasibility of the extension.
 2. The engineer shall compute and include in his recommendations to the Commissioners the anticipated total costs of the project, which costs shall include a computation for the Connection Charge for each lot based on the then current Connection Charge rate.
- C. Upon receipt of the preliminary plans, report and recommendations of the District Engineer, the Commission shall prepare a proposed contract with the applicant which shall set forth the rights and obligation of the Commission and the applicant based on the recommendations of the District Engineer and the District's Attorney, and which proposed contract shall specifically include the following:

1. The agreement of the applicant to pay all costs determined allocable to applicant by the Commission. It is anticipated that there may be extensions which will be for the benefit of more property than that included in applicant's application and that some of the costs would therefore be borne by other persons or the Commission. The estimated total cost to applicant as determined by the District's Engineer shall be inserted, which amount shall be increased or reduced when actual costs are finally determined.
2. The agreement of applicant to provide, without cost to the Commission, on forms acceptable to the Commission, all easements or other land rights required for the construction of the extension on lands owned by applicant.
3. The agreement of applicant to execute appropriate documents granting the Commission a lien against all lots in the affected area to guarantee payment of the costs of the sewer extension.
4. Payment of an initial deposit for final design engineering and agreement for payment of further deposits required by the Commission and the balance due as set forth herein.
5. Upon execution of the contract and payment of the initial deposit the District shall proceed with whatever procedures may be necessary under Wisconsin Statutes to procure any land rights required which cannot be provided by applicant, to prepare final plans and specifications, to advertise for bids, to obtain bids, to award the construction contracts (subject to applicant's approval), and to construct the sewer extension.
6. The Commission shall keep accurate and complete records of payments of all monies relating to the project, which costs shall be paid out of the required deposits until said sums have been exhausted.
7. When the required deposits have been exhausted the District shall advance monies for the completion of the project as said costs become due and payable and District's interest costs shall be added to the total cost of the project.
8. When the District notifies applicant that the sewer main is operational and connections can be made, the District shall compute the actual total costs of the project and shall give notice thereof to applicant. Deposits paid by applicant shall be subtracted from the total costs to determine the actual balance due.

9. Thereafter, applicant shall pay interest accrued at the agreed upon rate plus 1/5th of the unpaid balance at the end of each calendar year. A credit shall be given to applicant for any amounts paid during the year by virtue of applicant's sale of lots as set forth in these procedures.
10. The total number of lots in the project shall be divided by two and the result shall be rounded to the next whole number. The difference between the total project cost and the deposits shall next be ascertained and the result shall be divided by the whole number as determined in the proceeding sentence. The result shall be the amount payable as each lot is sold. Said payment shall be a credit against the annual payments of interest and principal required. Upon receipt of each such payment the District shall execute a release of its lien as to the parcel conveyed.

adopted 10/20/2010