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CHAPTER 9 PUBLIC UTILITIES

SECTION 9.01 Definitions.

For the purpose of this Chapter, the following definitions shall be used. Words used in the present tense include the future; the singular number includes the plural number; and the plural number includes the singular number. The word “shall” is mandatory and not directory, while the word “may” is permissive:

- (a) **Accrued Reserves.** A method of keeping accounts of the segregated resources over several years to determine the funds available to offset capital expenditures to maintain an on-going, on-line waste treatment facility.
- (b) **Additional Service.** Any subscriber service provided by the Grantee for which a special charge is made in addition to the regular monthly charge paid by all subscribers.
- (c) **Annual Gross Subscriber Revenues.** All monthly service revenues received by the Grantee from subscribers in connection with the operation of the cable system in the Village of Arlington, including revenues from data transmission and per-program charges.
- (d) **Audit.** An audit as a separate report from other funds and shall cover the following:
 - (1) To determine that financial operations are properly conducted;
 - (2) Financial reports are presented fairly;
 - (3) Applicable laws and regulations have been complied with;
 - (4) Resources are managed and used in an economical and efficient manner; and,
 - (5) Desired results and objectives are being achieved in a financially effective manner.
- (e) **Authorized Expenditures.** Those expenditures authorized by the Village Board of Trustees and made payable from the accounts kept for the expenditures of the user charge. Expenditures from the reserve funds shall be limited to those for which the fund was created.
- (f) **Backflow.** The undesirable flow of water or mixtures of water and other liquids, solids, gases or other substances under positive or reduced pressure into the Utility potable supply of water from any source.
- (g) **Backflow Prevention.** A means designed to prevent backflow caused by back pressure or backsiphonage, most commonly categorized as air gap, reduced-pressure-principle backflow assembly, double check valve assembly, pressure vacuum breaker assembly, backsiphonage backflow vacuum breaker (spill-resistant pressure vacuum breaker) assembly, pipe-applied atmospheric vacuum breaker, flush tank ballcock, laboratory faucet backflow preventer, backflow preventer for carbonated beverage machine, vacuum breaker wall hydrants (freeze-resistant automatic draining type), chemical dispensing machine, hose connection vacuum breaker, hose connection backflow preventer, and backflow

- preventer with intermediate atmospheric vent and barometric loop.
- (h) **Back Pressure.** An elevation of pressure in the downstream piping system (i.e., pump, elevation of piping, or steam and/or air pressure) above the Utility supply pressure which would cause or tend a reversal of the normal direction of flow.
 - (i) **Backsiphonage.** The flow of water or other liquids, mixtures or substances into the Utility's potable water system from any source caused by the sudden reduction of pressure in the Utility's potable water supply system.
 - (j) **Basic Subscriber Service.** The tier of service regularly provided to all subscribers that includes the retransmission of all must-carry broadcast television signals as defined in and the public, educational and governmental channels, if required by the Board.
 - (k) **Billable Biochemical Oxygen Demand.** A user's loading in pounds of BOD calculated using the billable flow and concentration of BOD in the waste as determined by the Village Engineer. Minimum waste strength of BOD shall be the domestic waste concentration of 200 milligrams per liter for the purpose of billing for user charges.
 - (l) **Billable Flow.** A user's recorded quarterly water usage as metered by the appropriate water utility, plus metered water from wells and other sources, and less any sewer-exempt metered data, times the Village approved percentage factor for wastewater entering the sewer system outside of the metered water. Residential users on unmetered wells and users with no history of billable flow shall have their billable flow estimated by averaging the billable flow of other residential users of the same class.
 - (m) **Billable Total Suspended Solids (TSS).** A user's loading in pounds of TSS calculated using the billable flow and concentration of TSS in the waste as determined by the Village Engineer. Minimum waste strength of TSS shall be the domestic waste concentration of 250 milligrams per liter for the purpose of billing for user charges.
 - (n) **Biochemical Oxygen Demand (BOD).** The quantity of oxygen, expressed in milligrams per liter (mg/l), utilized in the biochemical oxidation of organic matter under standard laboratory procedures in five days at 20° Centigrade.
 - (o) **Board.** The Village of Arlington Board of Trustees.
 - (p) **Building Drain – Sanitary.** That part of the lowest horizontal piping of a drainage system which receives sanitary or industrial sewage only and is located inside the walls of a building and conveys the sewage to the building sewer, which begins three feet outside the building wall.
 - (q) **Building Drain – Storm.** That part of the lowest horizontal piping of a drainage system which receives stormwater or other clearwater discharge, but receives no wastewater from sewage or other drainage pipes, and is located inside the walls of a building and conveys the sewage to the building sewer, which begins three feet outside the building wall.
 - (r) **Building Sewer – Sanitary.** The extension from the building drain to the public sewer or other place of disposal and conveys only sanitary or industrial sewage. This is also known as a house connection.
 - (s) **Building Sewer – Storm.** The extension from the building drain to the public sewer or other place of disposal and conveys stormwater or other clearwater

- drainage, but no sanitary or industrial sewage. This is also known as a house connection.
- (t) **Cable System.** A system of antennas and other receiving equipment, cables, wires, lines, towers, waveguides or any other conductors, converters, equipment or facilities, designed or constructed for the purpose of producing, receiving, amplifying and distributing by audio, video and other forms of electronic or electrical signals to and/or from locations in and outside the Village of Arlington.
 - (u) **CATV Distribution Plant.** Those portions of the cable television system commonly known as “trunk” and “feeder”, but excluding “drop” cable.
 - (v) **Class of Users.** The division of wastewater treatment customers by waste characteristics and process discharge similarities or function, such as residential, commercial, institutional, industrial, or governmental.
 - (w) **Collection Sewer.** A sewer whose primary purpose is to collect wastewaters from individual point source discharges.
 - (x) **Combined Sewage.** A combination of both wastewater and storm or surface water.
 - (y) **Combined Sewer.** A sewer intended to receive both wastewater and storm or surface water.
 - (z) **Commercial User.** For the purpose of the user charge system, a user engaged in the purchase or sale of goods, or in a transaction or business, or who otherwise renders a service.
 - (aa) **Commission.** The Public Service Commission of Wisconsin.
 - (bb) **Compatible Pollutant.** BOD, suspended solids (SS), pH, and fecal coliform bacterial, plus additional pollutants identified in the NPDES permit; if the publicly-owned treatment works was designed to treat such pollutants and, in fact, does remove them to a substantial degree.
 - (cc) **Cross-connection.** Any physical connection or arrangement between two otherwise separate systems, one of which contains potable water from the municipal water system and the other water from a private source, water of unknown or questionable safety, or steam, gases, or chemicals, whereby there may be a flow from one system to the other, the direction of flow depending on the pressure differential between the two systems.
 - (dd) **Customer(s).** Any person(s) provided water by the Utility.
 - (ee) **Day.** A twenty-four-hour (24) period or any portion thereof.
 - (ff) **Department.** The Department of Natural Resources.
 - (gg) **Deposited.** Placing funds in control of the Village and, if said deposit is in the form of a bank check, deposit shall not be deemed collected within this definition until the applicable rules of the bank’s collection procedures are fulfilled.
 - (hh) **Depreciation.** An annual operating cost reflecting capital consumption and obsolescence (reduction of future service potential) of real and personal properties.
 - (ii) **Director.** The Superintendent of Public Works.
 - (jj) **Dissolved Solids.** That concentration of matter in the sewage consisting of colloidal particulate matter one micron in diameter or less, and both organic and inorganic molecules and ions present in solution.

- (kk) **Domestic Level User or Residential User.** For the purpose of the user charge system, a user whose premises or building is used primarily as a domicile for one or more persons and whose wastes originate from the normal living activities of its inhabitants. Each unit of a multifamily residential housing complex shall be considered as a separate entity for purposes of this definition.
- (ll) **Easement.** An acquired legal right, less than fee simple, for the specific use of land owned by others.
- (mm) **Fecal Coliform.** Any number of organisms common to the intestinal tract of humans and animals whose presence in sanitary sewage is an indicator of pollution.
- (nn) **Floatable Oil.** Oil, fat, or grease in a physical state such that it will separate by gravity from wastewater by treatment in a pretreatment facility approved by the Village.
- (oo) **Force Main.** A pipe in which wastewater is carried under pressure.
- (pp) **Full Network Service.** All “basic services” and “additional services” offered by the Grantee.
- (qq) **Functional Betterment.** A process improvement in the increased size facilities or a process improvement in existing facilities that is directly anticipated to preclude physical betterments or is an indirect improvement to the process as a result of renewal on a cost effective basis.
- (rr) **Functional Obsolescence.** The process deficiency of a functional element of a plant beyond the capacity of a preventive maintenance program to such extent that a new process device or piece of equipment would be more cost-effective.
- (ss) **Garbage.** Solid wastes from the domestic and commercial preparation, cooking and dispensing of food, and from the commercial handling storage and sale of produce.
- (tt) **Grantee.** Any entity provided a franchise by the State of Wisconsin pursuant to § 66.0420, Wis. Stat.
- (uu) **Health Hazard.** A condition which constitutes:
 - (1) A violation of Ch. NR 812, Wis. Adm. Code, regarding the installation, construction, operation or maintenance of a private well; or
 - (2) Confirmed bacteriologically unsafe well water quality.
- (vv) **Incompatible Pollutant.** Any non-treatable waste product, including non-biodegradable dissolved solids.
- (ww) **Industrial User.** Manufacturing activities involving the mechanical or chemical transformation of materials or substances into other products. These activities occur in establishments usually described as plants, factories, or mills characteristically using power-driven machines or material handling equipment.
- (xx) **Infiltration.** The water unintentionally entering the public sewer system, including sanitary building drains and sewers, from the ground through such means as, but not limited to, defective pipes, pipe joints, connections, or manhole walls. Infiltration does not include, and is distinguished from, inflow.
- (yy) **Infiltration/Inflow.** The total quantity of water from both infiltration and inflow without distinguishing the source.
- (zz) **Inflow.** The water discharge into a sanitary sewer system, including building drains and sewers, from such sources as, but not limited to: roof leaders, cellar,

yard, and area drains; foundation drains; unpolluted cooling water discharges; drains from springs and swampy areas; manhole covers; cross connections from storm sewers and/or combined sewers; catch basins; storm waters; surface runoff; street wash waters, or drainage. Inflow does not include, and is distinguishable from, infiltration.

- (aaa) **Interceptor Sewer.** A sewer whose primary purpose is to transport wastewater from collection sewers to a treatment facility.
- (bbb) **Municipal Water System.** The water system owned and operated by the Village of Arlington.
- (ccc) **Natural Outlet.** Any outlet, including storm sewers and combined sewer overflows, into a watercourse, pond, ditch, lake or other body of surface or ground water.
- (ddd) **Normal Domestic Strength Sewage.** Wastewater or sewage having an average daily suspended solids (SS) concentration of not more than two hundred fifty (250) milligrams per liter and an average daily BOD of not more than two hundred (200) milligrams per liter.
- (eee) **Operation and Maintenance Costs.** All costs, direct and indirect, not including debt service, but inclusive of expenditures attributable to administration, replacement of equipment, and treatment and collection of wastewaters, necessary to insure adequate wastewater collection and treatment on a continuing basis which conforms to applicable regulations and assures optimal long- term facility management. This definition shall also include replacement costs.
- (fff) **Person.** An individual, occupant, property owner, firm, cooperation, company, association, cooperative, organization, trust, institution, partnership, governmental agency, municipality or political entity.
- (ggg) **Personal Property.** For the purpose of the user charge system, all equipment owned by the Village, and used in the transport and treatment of sewage. Such equipment must be mechanical, electronic, or electrical, or have movable parts.
- (hhh) **pH.** The term used to express the intensity of the acid or base condition of a solution, calculated by taking the logarithm of the reciprocal of the hydrogen ion concentration. The concentration is the weight of hydrogen ions in grams per liter of solution.
- (iii) **Physical Betterment.** The expansion of a physical facility to increase capacity of the treatment works.
- (jjj) **Physical Obsolescence.** The material deficiency of a functional element of a treatment plant to a point that repair is normal or preventative maintenance is not cost-benefit effective.
- (kkk) **Pretreatment.** The treatment of industrial sewage from privately-owned industrial sources by the generator of that source prior to introduction of the waste effluent into a publicly-owned treatment works.
- (lll) **Private Sewer.** A sewer which is not owned by the Village.
- (mmm) **Public Sewer.** A sewer which is owned and controlled by the Village and is separate from and does not include sewers owned by other governmental units.
- (nnn) **Pumping Station.** A station positioned in the public sewer system at which wastewater is pumped to a higher level.

- (ooo) **Real Property.** For the purpose of the user charge, all fixed physical facilities owned by the Village and used in the transport and treatment of sewage which do not have movable parts, such as buildings, tanks, sewers, structures and the like.
- (ppp) **Renewal Costs.** The expenditures from reserve funds or other funds to overcome physical and/or functional consumption of plant capacity or function or obsolescence of same, in order that the equivalent in function of plant is present at the end of the anticipated useful life.
- (qqq) **Replacement Costs.** The expenditures for obtaining and installing equipment; accessories, or appurtenances necessary during the service life of the treatment works to maintain the capacity and performance for which such works were designed and constructed.
- (rrr) **Replacement Reserve.** An account for the segregation of resources to meet capital consumption of personal or real property.
- (sss) **Sanitary Sewer.** A sewer which carries only sanitary or sanitary and industrial waste waters from residences, commercial buildings, industrial plants, and institutions, and to which storm, surface, and ground water are not intentionally admitted.
- (ttt) **Sewage.** The combination of liquid and water-carried wastes from residences, commercial buildings, industrial plants, and institutions, including polluted cooling water and unintentionally admitted infiltration/inflow.
- (1) **Combined Sewage.** Wastes, including sanitary sewage, industrial sewage, storm water, infiltration, and inflow carried to the wastewater treatment facilities by a combined sewer.
- (2) **Industrial Sewage.** A combination of liquid and water-carried wastes discharged from any industrial establishment and resulting from any trade or process carried on in that establishment and shall include the wastes from pretreatment facilities and polluted cooling water.
- (3) **Sanitary Sewage.** The combination of liquid and water- carried wastes discharged from toilet and other sanitary plumbing facilities.
- (uuu) **Shredded Garbage.** Garbage that has been shredded to 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 inch (1.25 centimeters) in any dimension.
- (vvv) **Significant Industry.** Any industry that will contribute greater than 10% of the design flow and/or design pollutant loading of the treatment works.
- (www) **Slug.** Any discharge of water or wastewater in concentration of any given constituent or in any quantity of flow which exceeds for any period of duration longer than fifteen (15) minutes more than five (5) times the allowable concentration of flows during a normal working day (i.e., 1, 2, or 3 shift operation) and shall adversely affect the collection system and/or performance of the wastewater treatment works.
- (xxx) **Standard Methods.** The laboratory procedures set forth in the following sources: *Standard Method for the Examination of Water and Wastewater*, 14th Edition, as amended, prepared and published jointly by the American Public Health Association, American Water Works Association, and Water Pollution

Control Federation; *Methods of Chemical Analysis of Water and Wastes*, 1975, prepared and published by the Analytical Quality Control Laboratory, U.S. Environmental Protection Agency; *Guidelines Establishing Test Procedures for the Analysis of Pollutants*, enumerated in 40 C.F.R. § 136.1 et. seq. (1975), and amended; and/or any other procedures recognized by the U.S. Environmental Protection Agency and the State of Wisconsin Department of Natural Resources.

- (yyy) **Storm Sewer.** A sewer that carries only storm waters, surface run-off, street wash, and drainage, and to which sanitary and/or industrial wastes are not intentionally admitted.
- (zzz) **Suspended Solids (SS) or Total Suspended Solids (TSS).** Total suspended matter that either floats on the surface of; or is in suspension in water, wastewater, or other liquids, and is removable by laboratory filtration as prescribed in the "Standard Methods".
- (aaaa) **Subscriber.** A purchaser of any service delivered by Grantee pursuant to this franchise, and "subscriber" shall also include all persons who are not required to pay any fee but receive any service delivered by Grantee pursuant to this franchise.
- (bbbb) **Total Amount.** Concentration of any pollutant or combination of pollutants which upon exposure to or assimilation into any organism will cause adverse effects, such as cancer, genetic mutations, and physiological manifestations, as defined in standards issued pursuant to § 307(a) of Public Law 92-500 as amended.
- (cccc) **Total Solids.** The sum of suspended and dissolved solids.
- (dddd) **Utility.** The Village of Arlington Water Utility.
- (eeee) **Unpolluted Water.** Water of a quality equal to or better than the effluent criteria in effect; or water that is of sufficient quality that it would not be in violation of federal or state water quality standards if such water were discharged into navigable waters of the state. Unpolluted water would not be benefited by discharge to the sanitary sewers and wastewater treatment facilities provided.
- (ffff) **Useful Life.** The anticipated term in years of physical and/or functional productivity of elements and/or the whole of the wastewater treatment system which can be re-evaluated as a result of preventive maintenance, renewal which offsets physical and/or functional obsolescence, renewal or capital elements due to consumption, and physical and/or functional betterments, direct or indirect.
- (gggg) **User Charge System.** The system of charges levied on users for the cost of operation and maintenance, including replacement reserve requirements on new and old wastewater collection and treatment facilities.
- (hhhh) **Village Engineer.** The Village Engineer of the Village of Arlington, Columbia County, Wisconsin.
- (iiii) **Volatile Organic Matter.** The material in the sewage solids transformed to gasses or vapors when heated at 500° Centigrade for fifteen (15) minutes.
- (jjjj) **Wastewater Treatment Works.** The structures, equipment; and processes required to collect, transport, and treat domestic and industrial wastes and to dispose of the effluent and accumulated residual solids.
- (kkkk) **Watercourse.** A natural or artificial channel for the passage of water, either continuously or intermittently.
- (llll) **Water Service Lateral.** The piping from the main to the curb stop.

- (mmmm) **Water Service Pipe.** The piping from the curb stop and the box to the point of use.
- (nnnn) **Waters of the Village.** All wells, reservoirs, surface water or groundwater, natural or artificial, public or private, within the Village.
- (oooo) **Water System.** The water collection, storage, and treatment facilities and all structures, piping and appurtenances by which water is delivered to customers, except piping and fixtures inside buildings served, and service pipes from building to street main.
- (pppp) **Water Works.** All facilities for water supply, treatment, storage reservoirs, water lines, and services and booster stations for obtaining, treating, and distributing potable water.
- (qqqq) **Wisconsin Pollutant Discharge Elimination Permit.** A permit issued under the Wisconsin Pollutant Discharge Elimination System (WPDES) for discharge of wastewaters to the navigable waters of Wisconsin pursuant to § 283.31, Wis. Stats.

SECTION 9.02 Authority.

This Chapter is adopted under the authority granted by §61.34, Wis. Stats.

SECTION 9.03 Purpose.

The purpose of this Chapter is to establish uniform standards and methods to procure, protect, maintain and improve the quality and management of all waters of the Village, to protect the public health, safety and welfare of the residents of the Village.

SECTION 9.04 Abrogation and Greater Restrictions.

This Chapter is not intended to repeal, abrogate, annul, impair, or interfere with the need for compliance with any existing easements, covenants, deed restrictions, agreements, rules, regulations, ordinances or permits previously adopted or issued pursuant to law. However, wherever this Chapter imposes greater restrictions, the provisions of this Chapter shall govern.

SECTION 9.05 Applicability.

This Chapter shall apply to all new and existing waters of the Village, except as otherwise provided by state law.

SECTION 9.06 Interpretation.

In its interpretation and application, the provisions of this Chapter shall be held to be minimum requirements liberally construed in favor of the Village and for the utmost protection of the public health and shall not be deemed a limitation on or repeal of any other power granted by state law.

SECTION 9.07 Conflicts with Other Regulations.

In any case where a provision of this Chapter is found to be in conflict with a provision of any other regulation of the Village, the County of Columbia or the State of Wisconsin, the provision which establishes the higher standard for the promotion and protection of the health and safety of the people shall prevail.

SECTION 9.08 Prior Contracts, Claims and Rates.

All agreements and contracts entered into, made and performed in part; all matters, claims, rights, privileges, obligations, violations, and penalties pending; and all rates on file with the Commission and effective under ordinances hereby repealed and all claims for service rendered in conformity therewith shall have the same force and effect under this chapter as under the ordinances hereby repealed, and the Village Board shall proceed in all respects as though such ordinances had not been repealed.

SECTION 9.09 Municipal Contracts for Public Works.

- (a) The letting of Village contracts shall be made pursuant to the provisions of § 62.15, Wis. Stats.
- (b) All or any part of public work in any of the following classes may be done by the Village directly and without submitting the same for bids:
 - (1) Work in maintaining, repairing, or improving the existing sewer plant or system of the Village.
 - (2) Work in maintaining repairing and improving the existing water plant or system of the Village.
 - (3) Work in extending or adding to the present sewer plant or system of the Village.
 - (4) Work in extending or adding to the present water plant or system in the Village.
- (c) The Village, when directly performing public work in the classes above enumerated, shall have the right to purchase all necessary materials and supplies, hire labor and machines, and incur any other expense necessary to perform and complete the work.
- (d) The Village Board shall by resolution specifically designate when and what public work within the above classes shall be done directly by the Village without submitting the same for bids.
- (e) The Village hereby delegates to the Village Clerk of the Village of Arlington the authority and duty to direct and supervise any such work authorized by the Village Board.
- (f) An accurate account shall be kept by the Village Clerk of any work done pursuant to Section (b), including the necessary overhead expense. Upon the completion of any such authorized work, the Village Clerk shall make a complete report to the Village Board stating in detail the items of cost and the total cost of doing such work, and such report shall be published by the Village Clerk, as part of the proceedings of the Village Board meeting at which such report is submitted.

SECTION 9.10 Compliance Required.

No new use or change in use of any waters of the Village shall commence without full compliance with the terms of this Chapter.

SECTION 9.11 Disclaimer of Liability.

The Village does not guarantee, warrant or represent the safe and proper operation of water supply systems located, constructed and maintained in accordance with this Chapter and hereby asserts that there is no liability on the part of, or a cause of action against, the Village, the Utility or any officer or employee thereof for any hazards or damages that may occur as a result of reliance upon and compliance with this Chapter.

SECTION 9.12 State Statutes and Regulations Adopted by Reference.

- (a) **Wisconsin Statutes.** All provisions of the Wisconsin Statutes as they now exist or as they may hereinafter be amended applicable to the same subjects as regulated by this Chapter are incorporated herein by reference and made a part of this chapter as if fully set forth herein.
- (b) **Wisconsin Administrative Code.** All provisions of the Wisconsin Administrative Code as they now exist or as they may hereinafter be amended applicable to the same subjects as regulated by this chapter are incorporated herein by reference and made a part of this chapter as if fully set forth herein.

WATER UTILITY

SECTION 9.13 Municipal Water System.

- (a) **General.** The Village will operate and maintain a water system which shall comply with the terms of this Chapter.
- (b) **Service Area.** The municipal water system service area is defined to include all lands within the corporate limits of the Village; provided, however, that the Village Board may, after public hearing and after considering the Plan Commission's recommendation thereon, determine that the water service area shall not include certain lands which, due to topography, elevation, or other inconsistency with the Village Comprehensive Plan, are deemed not suitable by the Village Board for the extension or provision of municipal water services at the time.
- (c) **Management.** The Director shall have general charge and supervision of the operation, construction, extension and improvements to the municipal water system and all matters connected therewith, shall carry out the lawful orders of the Village Board, and shall comply with the terms of this Chapter.
- (d) **Rules and Regulations.** The rules and regulations governing water service shall be those on file with and approved by the Commission conforming to the requirements of Ch. PSC 185, Wis. Adm. Code. In addition, the Village Board may adopt further rules governing the provision of water service, the

consumption of water and the installation of and connection to water mains subject to the approval of the Public Service Commission, if so required. However, nothing contained herein shall prohibit the Village Board, without the approval of any other body, from creating and imposing such emergency rules and regulations as may be required to protect the water supply or the public health, safety, and welfare, which shall be effective upon such notice to the public as may be appropriate under the circumstances. In the event of a temporary water shortage, water use restrictions may be imposed by the Director.

- (e) **Rates and Charges.** The rates and charges shall be based upon flat fees or meter readings covering such periods of time as are designated by the Village Board, as filed with and authorized by the Public Service Commission. Copies of the rates and charges shall be kept on file at the office of the Village Clerk and shall be made available to the public for inspection and copying upon request. Past due charges shall be collected in accordance with the provisions of § 66.0809, Wis. Stats.
- (f) **Connections Required.**
 - (1) **New Construction.** Any newly constructed dwelling or other building located within the Village for which a building permit is issued and which is to be used for human occupancy, employment, or recreation shall connect to the municipal water system, and the property owner shall install, at his expense, suitable plumbing facilities which comply with the terms of this chapter.
 - a) Any water softener installed within the Village of Arlington after May 1, 2014, must be rated to have a salt efficiency of at least 4000 grains of hardness removed per pound of salt used.
 - b) All water softeners installed after May 1, 2014 must be approved and inspected by a representative of the Village of Arlington.
 - c) Any water softener installed after May 1, 2014, must regenerate on demand only. Water softeners which estimate water usage based on time are prohibited.
 - d) All outside water must be un-softened for all new construction.
 - (2) **Health Hazard.** Any property served by a private well which is determined to be a health hazard shall connect to the municipal water system, and the property owner shall install, at his expense, suitable plumbing facilities which comply with the terms of this chapter.
- (g) **Approval required.** Approval to connect to or to use water from the municipal water system shall be obtained from the Director by the property owner, and all applicable deposits and fees shall be submitted prior to connection as part of the building permit process. Approval from the Director shall constitute an agreement under which the property owner will receive service in accordance with the terms of this chapter.
- (h) **Construction; Contractor's Responsibilities.**
 - (1) **Water Mains.** Where excavating machines are used in digging any underground facilities, all water mains shall be maintained at the expense of the contractor.

- (2) **Service Pipes.** Contractors shall ascertain for themselves, with the assistance of the Utility, the existence and location of all service pipes. Where service pipes are removed, cut or damaged during construction, the contractor shall, at his own expense, at once cause the service pipes to be replaced or repaired. The contractor shall not shut off the water service pipes to any customer for a period exceeding six hours without first obtaining permission from the Director and providing at least twenty-four (24) hours advance notice of the shutoff to the customer.
- (3) **Safety of the Public.** The contractor shall take all necessary precautions in such manner as will, so far as possible, ensure the safety of the public by properly guarding open ditches and trenches for water mains, hydrants and service pipes so as to prevent accident to any person or vehicle and shall at night display amber signal lights.
- (i) **Installation and Repair of Water Service Lateral.** The Utility shall install, maintain and keep in repair, at the expense of the Village, the initial service lateral from the main up to and including to the curb stop and box in accordance with the rates, rules and regulations filed with and authorized by the Commission and in accordance with the terms of this Chapter.
- (j) **Installation and Repair of Water Service Pipe.** After receiving the necessary approval as required in (g) above, the property owner shall install and maintain a service pipe and appurtenances from the curb stop to the point of use in accordance with the terms of this chapter and shall protect said service pipes and appurtenances from frost and other damage. If the property owner fails to repair a leaking or broken service pipe from the curb stop to point of metering or use within such time as may appear reasonable to the Director, after notification has been served on the property owner by the Director, the water shall be shut off and shall not be turned on again until the necessary repairs have been completed.
- (k) **Stop Box and Curb Stop Inspection.** The Utility shall inspect the stop box and curb stop prior to setting of the water meter to ascertain if any damages occurred during construction of improvements on a given lot. If at that inspection or any prior inspection it is found that the stop box and curb stop have been damaged as a result of construction, they shall be repaired by the Utility and the full cost of said repair shall be paid by the property owner.
- (l) **Installation and Repair of Meters and Reading Devices.**
 - (1) **Installation of Reading Device.** Meters and reading devices shall be furnished, installed, maintained and tested by the Utility in accordance with the terms of this chapter; the Utility reserves the right to specify at any time the size and type of meters, reading devices and appurtenance required and the amount of open space necessary for access. All meters and reading devices shall be so located that they shall be protected from obstructions and allow easy access thereto for reading, inspection and servicing, such location to be designated by the Director. The property owner shall, at his expense, provide the proper connections for the meter and any required reading device or devices, which shall be constructed and installed pursuant to the terms of this chapter.

- (2) **Reading Devices.** At the time of setting the meter, the Utility may install a reading device or devices connected to the water meter to enable the reading of the meter without entering the building. The location of the reading device shall be designated by the Director. The Utility shall furnish, maintain and test the reading device along with and under the same conditions as meters. All structures requiring a meter reading device are required as part of the reading system to include in that construction an RJ-11 telephone connector jack located within five feet of the water meter, remote touchpads, and meter interface units, or similar and additional devices as approved by the Director, so as to allow reading of the meter by a telephone system approved by the Utility.
- (3) **Repairs.** Meters shall be repaired by the Utility and the cost of such repairs caused by ordinary wear and tear shall be borne by the Utility. Repair of any damage to a meter resulting from the carelessness or negligence of the customer to properly secure and protect the same, including any damage that may result from allowing a water meter to become frozen or to be injured from the presence of hot water or steam in the meter, shall be paid for by the customer.
- (m) **Construction, Installation and Extension of Water Mains.** Water mains shall be constructed, installed and extended in accordance with the terms set forth in Chapter 15 of this Code.

SECTION 9.14 Flouridation of Water Supply.

The water supply shall introduce approximately 1 to 1.5 parts of fluoride to every million parts of water being distributed in the Village water supply system.

SECTION 9.15 Responsibilities of Customers.

- (a) **Compliance.** All persons now receiving a water supply from the Utility or who may hereafter obtain approval therefore shall be considered as having agreed to be bound by the terms of this chapter, subject to applicable fees, charges and deposits, and shall be responsible for payment of all water passing through the meter.
- (b) **Protection of Stop Boxes.** Customers shall protect the stop box in their terrace and shall keep the same free from dirt and other obstructions. The Utility shall not be liable for failure to locate stop box and shut off water in case of a leak on the customer's premises.
- (c) **Access to Premises; Special Inspection Warrants.** Pursuant to §196.171, Wis. Stats., the Director or his designee shall have access to customers' premises during reasonable hours to make necessary inspections. In the event any customer shall refuse entry for inspection purposes, a special inspection warrant under § 66.0119, Wis. Stats., may be obtained.
- (d) **Maintenance of Premises.** Customers shall be responsible for maintaining their premises in as safe, clean and sanitary a condition as the nature of the premises shall reasonably permit so as to protect Utility employees from harm and hazards

- when entering said premises in the performance of their duties.
- (e) **Vacation of Premises.** Customers shall notify the Utility at once when premises are to be vacated so that the Utility may remove the meter and shut off the supply at the curb stop. Customers shall be liable for any damage to the property of the Utility by reason of failure to notify the Utility of vacancy.
 - (f) **Disconnection of Service Prior to Razing or Moving Buildings.** Customers shall, prior to razing or moving any building, or portion thereof, request the Utility to remove the meter and shall cause the service to be disconnected and capped at the front property line.
 - (g) **Thawing Frozen Services.** Frozen services shall be thawed pursuant to Section PSC 185.88 Wis. Adm. Code. However, if a lateral freeze-up occurs after a public announcement by the Utility encouraging customers to open a water faucet, customers shall be charged to have the pipes thawed unless it is determined the freeze-up could not be prevented. Following the freezing of a service, the Utility shall take such steps and issue such instructions as may be necessary to prevent the refreezing of the same service. No charge shall be made for re-thawing if the instructions are followed. In case it is necessary to allow the water to flow to prevent refreezing, the customer shall make provision for proper disposal of the wastewater and the customer shall be billed according to meter readings, but in no event to exceed the average usage.
 - (h) **Interruption of Service.** The Utility reserves the right to shut off the water in the mains temporarily to make repairs, alterations or additions to the water system. When circumstances permit, the Utility shall give notification, by newspaper publication or otherwise, of the interruption of service. No rebate or damages shall be allowed to a customer for such temporary suspension of supply.
 - (i) **Responsibility for Damages and Water Loss.** The Utility shall not be responsible for any damages or the cost of any water loss arising out of a broken or defective water main service pipe or appurtenance thereto where the installation thereof was performed in a good and workmanlike manner and where the customer is responsible for the maintenance thereof, or from damages arising from variation in water pressure from the mains or from the collapse of any water fixture.
 - (j) **Claims for Damages.** No claim shall be entered or allowed for damages against the Village, the Utility or any officer or employee thereof for damage to any pipe fixtures or appurtenances by reason of interruption or discontinuance of water supply, or variation in water pressure, or for damages of any nature whatsoever caused by the breakage of any pipe or machinery, or by stoppage for repairs due to fire or other emergency, or for the extension, alteration or repair of any water main.
 - (k) **Approved Rates and Rules.** Customers shall comply with all current applicable rates and rules approved by the Commission for the Village.
 - (l) **Delinquent Bills.**
 - a. Any bill not paid four weeks after date of billing shall be declared delinquent and a disconnection notice issued to the billed party. The notice shall contain an additional handling charge to offset all costs incurred for generating and issuing the notice. Additional notices

containing their respective handling charges shall be issued, if necessary, six (6) weeks after date of billing.

- b. Should a bill still be delinquent sixty (60) days after the date of billing, the delinquent bill may be placed on the tax roll.
- c. Non-receipt of any bill shall not release the user of liability for any of those charges. In any case where the user is responsible for the non-receipt of the bill, the conditions herein described for late payment and penalties shall apply. In those instances where the Village is responsible for the non-receipt of the bill, the Village may, at its discretion, grant the user an extension of the discount period and late payment conditions described herein.

SECTION 9.16 Prohibited Acts.

- (a) **Protection of Municipal Water System.** No person shall connect to, tamper with, modify, injure, deface, damage or in any manner interfere with the municipal water system or any part thereof, including water meters installed by the Utility, or said meters' electrical and mechanical connections or apparatus or water pipes leading to said meters, unless authorized to do so by the Director or a designee thereof.
- (b) **Valves and Hydrants.** No person shall, without authority of the Director or the Chief of the Fire Department, operate any valve connected with a street or supply main or open any fire hydrant connected with the municipal water system or wantonly injure or impair the same, except for the purpose of extinguishing fire.
- (c) **Damages to Hydrants by Motor Vehicles.** Owners or operators of motor vehicles shall be responsible for the cost of repair to any hydrant damaged by said motor vehicle, and neither the Village nor the Utility shall be held responsible for any damages to any motor vehicle resulting therefrom.
- (d) **Breaking Seals.** No person shall break any seal upon any meter, valve, private fire hydrant, hydrant or other fixtures sealed by the Utility.
- (e) **Sale of Water.** No person shall sell or resell any water obtained from the Utility without the authority of the Director. Further, no person shall give away such water for the purpose of evading this chapter.
- (f) **Waste of Water.** No person shall waste any water obtained from the municipal water system. "Waste" is herein defined as the nonproductive and nonefficient use of water.
- (g) **Falsifying information.** No person shall knowingly falsify any statement, representation, record, report, plan, or other document filed with the Village, the Commission, the Directory or the Utility.

SECTION 9.17 Cross-connection Control and Backflow Prevention.

- (a) **Purpose.** The purpose of this Section is to:
 - (1) Protect the health and welfare of users of the public potable water supply of the Village from the possibility of contamination or pollution of the potable water system(s) under the direct authority of the Utility.

- (2) Promote the control and/or elimination of existing cross-connections (actual or potential) between the customer's potable water system(s) and other environment(s) containing substances which may contaminate or pollute the water supply.
 - (3) Provide for the maintenance of a continuing comprehensive 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 Utility.
- (b) **Cross-connection Prohibited.** No person shall establish or permit to be established or maintain or permit to be maintained any cross-connection. No interconnection shall be established whereby potable water from a private, auxiliary or emergency water supply, other than the public water supply of the Utility, may enter the supply or distribution system of such Utility unless such private, auxiliary or emergency water supply and the method of connection and use of such supply have been approved by the Utility and the Wisconsin Department of Natural Resources.
 - (c) **Responsibility.** The Utility shall be responsible for the protection of the public potable water distribution system from contamination or pollution due to backflow of contaminants or pollutants.
 - (d) **Owner Responsibility.** The property owner shall be responsible for the protection of the customer's potable water system. The responsibilities include the elimination of or protection from all cross-connections on his premises. The owner shall, at his own expense, install, maintain and test any and all backflow preventers on his premises in compliance with the Department of Commerce requirements, Section Comm. 82.21, Wis. Adm. Code, and the Utility's Cross-Connection Control Manual. The property owner shall have corrected any malfunction revealed by periodic testing of any backflow preventer on his premises. The property owner shall inform the Utility of any proposed or modified cross-connections and also any existing cross-connections that are not protected by an approved backflow prevention means. The property owner shall not install a bypass around any backflow preventer unless there is a backflow preventer of the same type in the bypass. Property owners who cannot shut down operation for testing of the backflow prevention assembly must supply additional assemblies necessary to allow testing and maintenance to take place. In the event the property owner installs potable water using fixtures, equipment or appurtenances upstream of a backflow preventer, they must have their own approved backflow prevention means. The property owner is required to follow the protection practices described in the American Water Works Association publication AWWA N-14, titled "Recommended Backflow Prevention and Cross-Connection Control," the United States Environmental Protection Agency publication titled "Cross-Connection Control Manual," the Wisconsin Department of Commerce Plumbing Code, Chs. Comm. 82 to 84, Wis. Adm. Code, unless the Utility requires or authorizes other means of protecting the potable water supply system. These requirements or authorizations will be at the discretion of the Utility.
 - (e) **Inspections.** It shall be the duty of the Utility to cause surveys to be made of all

properties serviced by the Utility where cross-connection with the public water system is deemed possible.

- (1) Residential properties serviced by the Utility shall be surveyed on a ten-year interval. The Utility may, but is not required to, perform the cross-connection survey of the customer's property. If, in the opinion of the Utility, the Utility is not able to perform the survey, the property owner must, at his own expense, have the water system piping surveyed for cross-connections by a person who has been properly trained in accordance with the American Society of Sanitary Engineers (ASSE) Standard Number 5120 as a cross-connection control surveyor.
 - (2) All nonresidential properties serviced by the Utility shall be surveyed on an interval not exceeding two (2) years. The Utility may, but is not required to, perform the cross-connection control survey of the customer's property. If, in the opinion of the Utility, the Utility is not able to perform the survey, the property owner must, at his own expense, have the water piping system surveyed for cross-connections by a person who has been properly trained in accordance with the American Society of Sanitary Engineers (ASSE) Standard Number 5120 as a cross-connection control surveyor.
 - (3) The frequency of required surveys and resurveys, based upon the potential health hazards, may be shortened by the Utility.
- (f) **Right of Entry.** Upon presentation of credentials, representatives of the Utility shall have the right to request entry at any reasonable time to examine property served by a connection to the public potable water system of the Utility for cross-connections. If entry is refused, such representatives shall obtain a special inspection warrant under § 66.0119, Wis. Stats. The Utility shall charge the property owner a fee as set by the Village Board per day for refusal to allow entry to examine any property. Upon request, the owner, lessee or occupant of any property served shall furnish to the inspection agency any pertinent information regarding the piping system on such property.
- (g) **Authority to Discontinue Service.** The Utility is hereby authorized and directed to discontinue water service to any property wherein any connection in violation of this section exists and to take such other precautionary measures deemed necessary to eliminate any damage or contamination of the potable water system. Water service shall be discontinued if the means of backflow prevention required by the Utility is not installed, tested, maintained and/or repaired in compliance with this section, the Department of Commerce Plumbing Code, Chs. Comm. 82 to 84, Wis. Adm. Code, or if it is found that the means of backflow prevention required by this section has been removed or bypassed. Water service shall be discontinued only after reasonable notice and opportunity for hearing under Ch. 68, Wis. Stats., except as provided in Subsection I of this section.
- (h) **Reconnection of Service.** Water service to any property disconnected under provisions of this Section shall not be restored until the cross-connection has been eliminated or a backflow prevention means approved by the Utility has been installed in compliance with the provisions of this Section.

- (i) **Emergency Discontinuance of Service.** If it is determined by the Utility that a cross-connection or an emergency endangers public health, safety or welfare and requires immediate action, service may be immediately discontinued. The owner, lessee or occupant shall have an opportunity for hearing under Ch. 68, Wis. Stats., within ten (10) days of such emergency discontinuance. Such hearing shall be before the Public Facilities Committee and shall conform to all existing due process requirements.
- (j) **Additional Protection.** In the case of premises having cross-connections that cannot be permanently corrected or controlled or intricate plumbing and piping arrangements or where entry to all portions of the premises is not readily accessible for surveying purposes, making it impractical or impossible to ascertain whether or not dangerous cross-connections exist, the public water supply system shall be protected in the service line. In the case of any premises where there is any material dangerous to health that is handled in such a manner that, in the opinion of the Utility, could create an actual or potential hazard to the public water supply system, an approved air gap separation or an approved reduced-pressure-principle backflow assembly shall protect the public water supply system. Examples of premises where these conditions will exist include premises with auxiliary water supplies either interconnected or not interconnected with the public water supply system, premises where inspection is restricted, hospitals, mortuaries, clinics, laboratories, piers, docks, and other waterfront facilities, sewage treatment plants, sewage lift stations, food and beverage processing plants, chemical plants using a water process, metal processing plants or nuclear reactors, car washing facilities and premises with reclaimed water systems. In the case of any presence of toxic substances, the Utility may require an approved air gap or reduced-pressure-principle backflow assembly at the service connection to protect the public water supply system. This requirement will be at the discretion of the Utility.
- (k) **Public Water Supplies.** This Section does not supersede Ch. NR 811, Wis. Adm. Code, but is supplementary to it.
- (l) **Plumbing Code.** The Village Board adopts by reference the Wisconsin Uniform Plumbing Code, being Chs. Comm. 82 to 84, Wis. Adm. Code. This section does not supersede the Wisconsin Uniform Plumbing Code but is supplementary to it.

SECTION 9.18 Private Well Abandonment.

- (a) **Abandonment Required.** Any private well which is unsafe, unused, improperly constructed or fails to comply with the provisions of Ch. NR 812, Wis. Adm. Code, and which is located on premises served or to be served by the municipal water system shall be permanently abandoned to prevent the well from acting as a channel for contaminated surface or near-surface waters or other materials to reach the usable groundwater. Only those wells for which a well operation permit has been granted by the Director or his designee pursuant to the provisions of Subsection B below may be exempted from this requirement subject to conditions of maintenance and operation.
- (b) **Well Operation Permits.** A permit may be granted by the Director or his

designee to a well owner to continue to operate a well for a period not to exceed five years after municipal water service is available if application is made on forms provided by the Director and the following requirements are met:

- (1) The well and pump installation meet the requirements of Ch. NR 812, Wis. Adm. Code, and a well constructor's report is on file with the Department, or certification of the acceptability of the well has been granted by the Private Water Supply Section of the Department.
 - (2) The well has a history of producing safe water and presently produces bacteriologically safe water as evidenced by three samplings two weeks apart.
 - (3) The well owner has a continuing duty to provide the Director with written reports showing the well has been tested for bacteria, nitrates, and is safe for human consumption. This documentation shall be provided to the Director at least every three months following the issuance of a permit.
 - (4) The proposed use of the well can be justified as being necessary in addition to water provided by the municipal water system.
 - (5) No physical connection shall exist between the piping of the municipal water system and the private well.
- (c) **Notice and Inspection.** The owner of any well to be abandoned shall provide notice to the Director of the intent to abandon such well at least ninety-six (96) hours before the well is sealed. The Director or his designee shall observe and inspect the filling and sealing of all wells to be abandoned to ensure the abandonment methods utilized conform to the requirements of Subsection D below.
- (d) **Abandonment Methods.** Wells to be abandoned shall be filled pursuant to the provisions of Ch. NR 812, Wis. Adm. Code, within five days from the date of the connection to the municipal water system.
- (e) **Report to Department.** A well abandonment report on forms provided by the Director shall be submitted by the well owner to the Department pursuant to the provisions of Ch. NR 812, Wis. Adm. Code. A completed copy of the report shall be submitted to the Director.

SECTION 9.19 Appeals.

- (a) **Appeal to the Director.** Any person who objects to any action or decision of the Director or its designee shall first appeal to the Director for reconsideration.
- (1) **Notice of Appeal.** A written notice of appeal specifying the reasons for the appeal shall be filed with the Director within thirty (30) days of the date of the action or decision appealed from.
 - (2) **Notice of Meeting.** Within thirty (30) days of the filing of the notice of appeal, the Director shall fix a reasonable time and place for a meeting, open to the public. Notice of the time, place and purpose of such meeting shall be sent to the appellant at least ten (10) days prior to the hearing.
 - (3) **Decision.** The Director shall render a decision on the appeal and either affirm, modify, or reverse the action or decision within thirty (30) days of the appeal hearing. Notice of the decision of the Director shall be sent to

the appellant.

- (b) **Appeal to the Village Board.** Any person who objects to any final decision of the Director after appeal may appeal to the Village Board.
 - (1) **Notice of Appeal.** A written notice of appeal specifying the reasons stated by the Director for taking such action, and why the appellant believes said action was inappropriate, shall be filed with the Village Clerk within fourteen (14) days of the date the Director notice of the final decision was sent to the appellant.
 - (2) **Notice of Meeting.** Within forty-five (45) days of the filing of the notice of appeal, the Village Clerk shall file the notice of appeal with the Village Board and shall fix a reasonable time and place for a meeting open to the public. Notice of the time, place and purpose of such meeting shall be sent to the appellant and to the Director at least ten (10) days prior to the hearing.
 - (3) **Decision.** The Village Board shall either affirm, modify, or reverse the action of the Director or shall refer the matter back to the Director for further consideration within thirty (30) days of the appeal hearing. Notice of the decision of the Village Board shall be sent to the appellant and the Director.
- (c) **Application of Ch. 68, Wis. Stats.** The provision of Ch. 68, Wis. Stats., shall not be applicable to any determination made pursuant to the provisions of this Chapter.

SECTION 9.20 Violations and Penalties.

- (a) **Violations.** Any violation of the provisions of Sections 9.13 through 9.19 of this Chapter or of any prohibition, limitation, or requirement contained therein by any person or his agent shall be served by the Director with a written notice stating the nature of the violation and issuing a special order for the appropriate remedy thereof. Every violation of this chapter is a public nuisance and the creation thereof may be enjoined and the maintenance may be abated by action at suit of the Village, the state or any citizen thereof.
- (b) **Citations for Violations.** The Village Board is authorized to issue citations for violations of Sections 9.13 through 9.19 of this Chapter and may pursue the abatement provisions of Chapter 11 of this Code in addition to pursuing the remedies provided in this chapter.
- (c) **Penalties.** Any person or his agent who violates or fails to comply with the provisions of Sections 9.13 through 9.19 of this Chapter shall, upon conviction thereof, forfeit not less than ten dollars (\$10.00) nor more than one thousand dollars (\$1,000.00) and costs of prosecution for each violation. In addition to said forfeiture, the remedial provisions in Ch. 823, Wis. Stats., relating to public nuisances are incorporated and adopted herein by reference and shall be enforced when applicable.
- (d) **Other Methods Not Excluded.** Nothing in this Chapter shall be construed as prohibiting the abatement of public nuisances by the Village or its officials in accordance with the laws of the State of Wisconsin.

- (e) **Each Day a Separate Offense.** Each day a violation exists or continues shall constitute a separate offense.

SEWER UTILITY

SECTION 9.21 Sewer Utility; User Charge System and Regulations.

- (a) **Authority.** This Chapter is adopted under the authority granted by § 61.39 of the Wisconsin Statutes.
- (b) **Findings and Declaration of Policy.** The Board of Trustees of the Village of Arlington, Columbia County, Wisconsin, hereby finds that the requirements for the issuance of State grants and the acceptance of such grants by the Village of Arlington under The Wisconsin Grant Fund Program, and the regulations of the Wisconsin Department of Natural Resources as set forth in Chapter NR128, Wisconsin Administrative Code, for the construction of waste treatment works to improve the quality of effluent discharges from the Village of Arlington. Therefore it is necessary to:
 - (1) Adopt a User Charge System that would be proportionate to all classes of users and produce the revenue required to sustain the sewage collection and waste treatment system;
 - (2) Enact regulations that control the use and inflow into wastewater treatment works.
- (c) **Purpose and Intent.** The purpose of the Chapter is to promote the public health, safety, prosperity, aesthetics, and general welfare of the citizens of the Village of Arlington, Columbia County, Wisconsin, and is designed to provide the legislative enactments required under §281.57(8)(c) Stats. And NR128.20(5), Administrative Code, and applicable regulations for the acceptance of construction grants to improve the quality of effluent discharges from the wastewater treatment works. It is further intended to provide for administration and enforcement of the Ordinance and to provide penalties for its violations.
- (d) **Interpretation.** In the interpretation and application of this Chapter, the provisions of this Chapter shall be held to be minimum requirements and shall be liberally construed in favor of the Village and shall not be deemed a limitation or repeal of any other power granted by the Statutes of the State of Wisconsin.

SECTION 9.22 Revenue.

- (a) **Establishment of Revenue System.** A user charge shall be assessed to all users by the Village in accordance with the provisions of the Chapter.
- (b) **User Charge System.**
 - (1) **Budget and Appropriation.** The Village shall annually prepare an estimate of the anticipated costs for each category of user charge, as outlined hereafter, for the forthcoming year. These estimates shall be in the form of a rate ordinance and shall be proposed to the Village Board for enactment prior to the enactment of the budget for the ensuing year.
 - (2) **Operation and Maintenance Charges.**

- a. Operation and maintenance costs shall be separated in accordance with their applicability to flow, BOD, TSS, and monitoring sampling/analysis. The percentage breakdown shall be reviewed biennially by the Village and approved by the Village Board.
 - b. Operation and maintenance costs for flow, BOD, and TSS are totaled for each. The unit charges for each are obtained by dividing the total costs of the previous year's total billable flow in 1,000 gallons, billable pounds of BOD, and billable pounds of TSS. The monitoring unit charge is obtained by dividing the total monitoring sampling/analysis costs for each industrial user by the number of samplings/analyses per year for that user class.
- (3) **Replacement Charges.**
- a. The replacement charge shall be sufficient to replace any equipment in the sewers or sewage works owned by the Village as required, in order to assure the continued peak performance of the equipment and to maintain the capacity for which the sewers and sewage works were designed and constructed. The service life for real and personal property shall be established by the Village Engineer. Each piece of equipment shall be evaluated biennially to determine if its useful life has been extended as a result of preventative maintenance programs or repairs.
 - b. Yearly replacement costs for each piece of equipment shall be separated in accordance with their applicability to flow, BOD, and TSS. This breakdown shall be reviewed biennially by the Village Engineer and approved by the Village.
 - c. The yearly replacement costs attributable to flow, BOD, and TSS shall be divided by the previous year's total billable flow in 1,000 gallons, billable pounds of BOD, and billable pounds of TSS, respectively, and totaled to obtain unit replacement charges.
- (4) **Administrative and Sampling Charges.**
- a. The total administrative and overhead costs associated with billing, collection, and record keeping shall be determined by the Village and assessed against users.
 - b. Industrial users shall be charged an additional amount to cover the cost of wastewater monitoring, proportionate to the number of samples and the unit sampling costs for their user class. This additional amount shall be determined as described in § 9.22(c)(2) of this Chapter.
- (5) **Additional Charges.** Additional charges shall be billed, as required, for the following:
- a. Actual costs incurred for user-requested samplings and analyses.
 - b. Actual costs incurred for water meter inspection requested by the user.
 - c. Actual costs incurred for special handling not provided for elsewhere in this Ordinance.

- d. Actual costs incurred for handling a user's check returned because of insufficient funds.
- e. Costs for revenue bond amortization.
- f. Each user which discharges toxic pollutants which cause an increase in the cost of managing the effluent or the sludge of the treatment works shall pay for such increased costs and toxics monitoring.

(c) **Wastewater Treatment Charges.**

- (1) **All Users.** The basic wastewater treatment bill to be paid by all users shall consist of user charges for operation, maintenance, and replacement; using the unit charges from § 9.220(b)(2) and (3) of this Chapter, and user charges for billing and collection as described in § 9.22(b)(5) of this Chapter. The unit charges shall be applied to the user's billable flow, BOD, and TSS respectively.
- (2) **Industrial and Commercial Users.**
 - a. In addition to the basic wastewater treatment bill described in § 9.22(c)(4) of this Chapter for the user charge system, wastewater treatment bills for industrial and commercial users shall consist of industrial waste monitoring charges as described in § 9.22(b)(4)b of this Chapter.
 - b. The Village shall periodically sample and analyze wastes from selected users in each industrial and commercial user classification to determine the BOD and TSS strengths of the wastes and these results shall be used as representative of wastes from all users in that classification for billing purposes unless the user's waste is classified by the Village Engineer as having special problems. At the request of the user, samples shall be made and analyzed on the same frequency as samples of the user's classification, and that analysis shall be used as typical of that particular user's waste for billing purposes. Industries with wastes classified by the Village Engineer as having special problems shall, if directed by the Village Engineer, install at the industry's own cost and in a structure located on the building service line, whatever sampling devices are required by the Village Engineer to obtain exact information about the waste.
- (3) **Additional Charges.** Additional charges as described in § 9.22(b)(5) of this Chapter shall, if required, be listed on the wastewater treatment bill.
- (4) **Sewer Use Charge System.**
 - a. The sewer use charge per quarter and the per gallon volume charge shall be established by Resolution of the Village Board, at a regular meeting of the Board, duly noticed and held.
 - b. For users not in the corporate limits of the Village, the rate shall be the same as above, but the surcharge on debt amortization shall be fifteen dollars (\$15.00) per quarter.
- (5) **Wastewater Surcharge.**

- a. A surcharge shall be imposed on the rates charged to users for the treatment of high strength waste. The surcharge shall be based on the volume, strength, and character of the high strength waste treated as compared to volume, strength and character of normal domestic sewage experienced by the Village.
 - b. High strength waste is defined as any sewage having waste characteristics greater than normal domestic sewage (250 mg/1 BOD, 300 mg/1 suspended solids, 700 mg/1 chlorides and 6 to 9 PH).
 - c. The surcharge for high strength wastes' BOD and TSS shall be charged at a rate set by Resolution of the Village Board, at a meeting duly noticed and held.
- (6) **Sewer Connection Fee.**
- a. **Domestic or Residential User.** There shall be a connection fee as established by Resolution of the Village Board for each domestic level user or residential user lot connected to the sewer utility.
 - b. **Commercial or Industrial User.** Commercial or industrial users shall be charged a connection fee established by Resolution by the Village Board.
- (d) **Debt Service.** Revenues to pay for debt service shall be collected as required for revenue bond amortization.

SECTION 9.23 Accounting.

- (a) **User Charges.**
- (1) **Money.** All user charge payments shall be placed in the general fund. Such money shall be used only to cover the costs of operation and maintenance, replacement, toxics, handling and sampling, and other costs as outlined in § 9.23 of this Chapter.
 - (2) **Expenditures.** Expenditures shall be made from the user charge monies by the Village in accordance with the detailed annual budget authorized by the Village Board.
 - (3) **Replacement Reserve Expenditures.** Expenditures from the accrued replacement reserve on facilities shall be for making renewals to accommodate wear of physical elements and/or movable property that would result in an extended useful life or meet the anticipated useful life of the present plant and not for plant expansion or additions.
 - (4) **Renewals.** Renewals to accommodate wear of physical elements and/or movable property shall be capital expenditures that cause the annual estimate for accrued reserves from replacement to be evaluated in terms of extended useful life as a result of preventative maintenance programs or of such renewals. The expenditures to overcome physical and/or functional obsolescence shall be capitalized against the element of the facility and charged to the fixed assets groups of accounts as an improvement to such element. Future estimates of accrued reserve

requirements shall be evaluated and reflected in the replacement reserve requirements.

- (5) **Audit.** An audit shall be performed biennially at the same time that the other books of account of the Village are audited and in the same manner.
- (6) **Excess Revenues.** The Village will apply excess revenues collected to equipment replacement and other operating and maintenance costs for the next year.
- (7) **User Notification.** The Village shall publish the annual budget of the Sewer utility showing the utility revenue and expenses.

SECTION 9.24 Sewage Collection and Treatment Regulations.

(a) Conditions for Discharge into Treatment System.

- (1) Public wastewater collection facilities are required to be used for the deposit of human wastes, garbage, or other liquid wastes that cannot be discharged into a receiving stream or disposal of in any other manner in accordance with federal and state statutes and state administrative regulations and approved by the Wisconsin Department of Natural Resources.
- (2) No building or facility shall be connected to any sewer unless the entire property on which the building or facility is situated is located within the corporate limits of the Village, except as provided in § 9.24(e) of this Chapter.
- (3) No person shall place, deposit, or discharge, or cause to be placed, deposited, or discharged, upon public or privately-owned property any wastewater within the corporate limits of the Village unless done so within adequately sized holding facilities approved by all applicable federal, state, and local agencies.
- (4) No person shall deposit or discharge, or cause to be deposited or discharged, to any wastewater collection facilities, any solid, liquid, or gaseous waste unless through a connection approved under the terms of this Chapter.
- (5) No person shall discharge any sewage, waste or material, industrial waste, or any polluted water into a stream, the air, or onto the land, except where the person has made and provided for treatment of such wastes which will render the content of such wastes' discharge in accordance with applicable Village, state and federal laws, ordinances and regulations.
- (6) In case of natural outlet discharges, at the time construction of the waste treatment works is commenced, each owner or operator shall furnish the Village an approved Wisconsin Pollutant Discharge Elimination System (WPDES) permit setting forth the effluent limits to be achieved by such pretreatment facilities and a schedule for achieving compliance with such limits by the required date. The WPDES permit shall be kept on file with the Village Engineer and updated by such information as periodically required by the Village, local, state and/or federal agencies.

- (7) Any person who owns property within the corporate limits of the Village of Arlington, which property is improved with one or more residences, houses, buildings, or structures for, or intended for, human use, occupancy, employment, or any other similar purpose whatsoever, and which property abuts on any street, alley or right-of-way in which there is located a sewer within one hundred (100) feet from the nearest property line shall within ninety (90) days after such sewer is in service, at his expense install suitable toilet and waste disposal facilities in the residences, houses, buildings or structures and connect the facilities with the sewer in accordance with the terms and provisions of this Chapter; provided, however, that in the event compliance with the section of this Chapter causes economic hardship to the person, he may apply to the Village for exemption. Any connection to the sewer under this Chapter shall be made only if the Village determines that there is capacity, including BOD and TSS capacity, available in all downstream sewer lift stations and sewer lines and in the treatment plant.
 - (8) An application for exemption shall state in detail the circumstances which are claimed to cause the economic hardship. Exemptions shall only be granted to residential users and shall not apply to commercial and industrial users. Persons described in (7) above shall not avoid connection to the sewer by reason of the actual distance between the building or structure and the connecting point of the sewer line.
- (b) **Limitations on Discharge.**
- (1) No person shall discharge, or cause to be discharged, any stormwater, groundwater, surface drainage or unpolluted industrial cooling waters to any sewer connected to the Village's waste treatment plant. New connections from inflow sources into the sanitary sewer portions of the sewer system shall be prohibited. Basement drainage entering the sewer as of October 1, 1999, shall be permitted to continue, but no new connections emptying roof runoff or basement drainage into the sewer shall be permitted after October 1, 1999.
 - (2) Except as hereinafter provided, no person shall discharge, or cause to be discharged, any of the following material to any sewer connected to the Village's treatment plant:
 - a. Any liquid or vapor having a temperature higher than 150° Fahrenheit.
 - b. Any water or wastes which may contain more than 100 milligrams per liter of mat, oil, grease, or hexane extractable material, or substances which may solidify or become viscous at temperatures between 32° and 150° Fahrenheit.
 - c. Gasoline, benzene, naphtha, fuel oil, or other combustible, flammable, or explosive liquid, solid, or gas of whatever kind or nature.
 - d. Any garbage that has not been properly shredded.
 - e. Any gasses, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, paunch manure, or any

other solid or viscous substance capable of causing obstruction to the flow in sewers or other interference with the proper operation of the sewage works.

- f. Any waste that discharges paint or any other coloring material that does not settle out from the waste.
- g. Any water or wastes having a pH lower than six (6) or higher than nine (9), or having any other corrosive properties capable of causing damage or hazard to sewers, structures, equipment; or personnel of the waste treatment works.
- h. Any water or waste containing any toxic or poisonous substance in sufficient quantity to injure or interfere with any sewage treatment process or that would constitute a hazard to humans or animals, or that could create any hazard in the receiving waters of the sewage treatment plant.
- i. Any water or waste containing BOD in excess of 250 mg/l or suspended solids in excess of 300 mg/l, and of such character and quantity that unusual attention or expense is required to handle such materials at the sewage treatment plant; except as may be permitted by specific, written agreement with the Village, which agreement may provide for special charges, payments, or provisions for treating and testing equipment.
- j. Any noxious or malodorous gas or substance capable of creating a public nuisance.
- k. Any amount of the following constituents exceeding that listed below:

	<u>mg/l</u>		<u>mg/l</u>
Aluminum	800.0	Fluorides	1.2
Arsenic	.025	Iron, total	56.0
Barium	2.0	Lead	1.5
Boron	1.0	Manganese	1.0
Cadmium	2.0	Mercury	0.0005
Chlorides	700.0	Nickel	6.7
Chromium total	21.8	Phenols	0.3
Chromium (Hexavalent)	3.6	Selenium	1.0
Copper	17.6	Silver	.1
Cyanide	1.2	Zinc	16.5
		Total dissolved solids	1500.0

- l. Ammonia nitrogen in such an amount as would cause the Village to be in noncompliance with regulations of the State of Wisconsin Department of Natural Resources.
- m. No provision of this Section shall be construed to provide lesser discharge standards than are presently or may hereafter be

imposed or required by the United States Environmental Protection Agency or the State of Wisconsin Department of Natural Resources.

(c) **Pretreatment.**

- (1) Grease, oil, and sand interceptors or retainers shall be installed by the user at its own expense when, in the opinion of the Village Engineer, such are necessary for the proper handling of liquid wastes containing grease, oils, or sand in excessive amounts, of any inflammable wastes, and of such other harmful ingredients. Such interceptors shall be of a type and capacity approved by the Village Engineer and shall be located as to be readily and easily accessible for cleaning by the user and for inspection by the Village Engineer.
- (2) Where installed, all grease, oil and sand interceptors shall be maintained by the user, at his own expense, and shall be kept in continuous and efficient operation at all times.
- (3) In the event the Village approves the admission of any materials into its sewers as set forth in § 9.24 of this Chapter, the Village shall direct the user causing admission of any such materials, to, at his own expense, construct, install, and operate such preliminary treatment plants and facilities as may be required in order to:
 - a. Reduce the BOD to three hundred (300) parts per million and the suspended solids to three hundred fifty (350) parts per million by weight.
 - b. Reduce objectionable characteristics or constituents to within the maximum limits provided for in § 9.24(b) of this Chapter.
 - c. Control the quantities and rates of discharge of such waters or wastes.
- (4) No preliminary treatment plant and facility shall be constructed or operated unless all plans, specifications, technical operating data, and other information pertinent to its proposed operation and maintenance shall conform to all Village, State of Wisconsin Department of Natural Resources, and any other local, state, or federal agency regulations, and unless written approval of the plans, specifications, technical operating data, and sludge disposal has been obtained from the State of Wisconsin Department of Natural Resources, and any other local, state or federal agency having regulatory authority with respect thereto.
- (5) All such preliminary treatment facilities as required by this Chapter shall be maintained continuously in satisfactory and effective operating condition by the user or person operating and maintaining the facility served thereby, and at the user's expense.
- (6) No provision contained in the Ordinance shall be construed to prevent or prohibit a separate or special contract or agreement between the Village and any industrial user whereby industrial waste and material of unusual strength, character, or composition may be accepted by the Village for treatment, subject to additional payment therefore by the industrial user;

provided, however, that such contract or agreement shall have the prior approval of the Village.

- (7) The Village reserves the right to reject admission to the system of any waste harmful to the treatment or collection facilities or to the receiving stream.

(d) **Private Sewage Treatment and Disposal.**

- (1) Where a public sewer is not available, the building or structure shall be connected to a private sewer, and a disposal or treatment system shall be constructed in compliance with the terms and provisions of all applicable Village, county, state and federal laws and regulations.
- (2) Within ninety (90) days after a property served by a private sewer or disposal system as described in this section shall become subject to the terms and provisions of this Chapter, a direct connection shall be made to the public sewer according to the terms and provisions of this Chapter, and all private sewers, disposal systems, septic tanks, cesspools, and other appurtenances of such private sewer and disposal system shall be disconnected and abandoned and all openings, tanks, or other containers of human wastes, garbage, and other wastes shall be permanently filled with granular material.
- (3) The Village shall not be responsible in any way for the operation and maintenance of a private sewer or disposal system or facility.
- (4) No provision of this Chapter shall be construed to provide lesser requirements for private sewers and disposal systems than are presently or may hereafter be imposed and required by any other local governmental body or the state or federal government.

(e) **Service to Outlying Territory.**

- (1) The Village, by proper resolution of the Village Board, shall have the right, at its discretion, upon payments, terms, and conditions as may be mutually agreed upon, to contract in writing for the right to use any sewer service property located wholly or partly outside the Village's corporate limits.
- (2) In the event a contract is made pursuant to this Section, a user of any sewer serving property wholly or partly outside the Village's corporate limits shall be subject to all of the terms and provisions of this Chapter, and in addition to all payments and charges, be required to pay all equivalent costs, taxes, charges, and expenses as would be imposed upon and paid by a user situated within the corporate limits of the Village.
- (3) If any property of a person desirous of becoming a user is situated outside the Village and not contiguous thereto so that it may not properly be annexed to and become part of the Village, the Village, at its discretion, may permit such a connection, provided that a contract providing essentially the following be entered into between the Village and the user:
 - a. The user may connect buildings situated on the fully-described tract set forth in the agreement and in accordance with all applicable laws, ordinances, and regulations of the Village, and local, state, and federal governments.

- b. The wastes and material discharge shall meet all present and future standards for content and volume, and the user shall further agree to pay all future connections, user, and treatment or service charges which are applicable to all property and users uniformly. Unmetered connections to individual residential users shall be charged a user fee which is the average of residential user fees paid in the metered system.
- c. The user, his successors and assigns shall, in addition to costs noted previously, pay annually the total of the average rate per Village resident for operation, maintenance and replacement, and the average rate per customer for capital cost recovery, plus a surcharge as determined by the Village Board for that part of the rate which relates to capital cost recovery.
 - i. The amount computed for use shall be prorated from the date of the contract if the user used the sewer system for only a partial year.
 - ii. If the user, or any successor, or assigns thereof shall fail to pay the amount when due, each and every sewer upon the property, or any subdivided tract thereof for which payment is not made shall be disconnected by the owner from any other sewer which was connected under the contract and ultimately attaches to the Village treatment plant. The user shall have caused or required its sewer system to be constructed within the property in order that separate tracts may be so disconnected, and hereby gave and granted the Village an irrevocable easement for the purpose of going upon the same and disconnecting any such sewer if the producer, its successors or assigns, fails to disconnect promptly when such is required.
 - iii. In addition to the right of disconnection, Village shall have a lien upon the property or subdivided portion of it in the amount of any unpaid charges due therefrom. Upon the filing of notice, the lien shall be deemed perfected, and the lien may be charged and redeemed or foreclosed, and the property sold to satisfy the unpaid charges in accordance with the Wisconsin Statutes.
 - iv. The Village shall have the additional right to file a civil suit to recover the amount of the lien, the full cost incurred in disconnection, and all its reasonable legal expenses and attorneys' fees incurred as a result of the suit.
 - v. All amounts charged under § 9.24(e)(3) of this Chapter are due and shall continue to be due hereunder, whether or not said sewer is disconnected, and no sewer shall be reconnected until the Village is paid in full for all amounts due it and, in addition, the Village shall be paid a deposit equal to the estimated charge for the next succeeding year.

This deposit shall be held by the Village in escrow, and will be returned upon satisfactory payment of amounts due the Village for a period of two (2) years.

- d. The Village shall not, without its prior written consent and acceptance, have dedicated to it, or own, any sewer system installed within the property, and the producer, its successors and assigns, shall maintain the same at its own cost, provided, however, that this provision shall not be construed to prohibit the dedication of part or all of said sewer system to another unit of government.
- e. Upon conveyance by the owner of all or any subdivided portion or tract of said property, the successor in title shall succeed to all rights and liabilities hereunder, and said owner shall have no future liability to the Village thereunder in respect to such tract except as shall have accrued as of the date the instrument of conveyance is recorded in the Office of the Register of Deeds of Columbia County, State of Wisconsin.
- f. In the event that such property therein described, or any subdivided or separate tract thereof shall be annexed to the Village by proper ordinance, the agreement executed pursuant to this Section, as to such property or the sub-divided or separate tract thereof which is so annexed, shall then terminate and be of no further force and effect.
- g. The agreement executed under this Section shall be recorded in the Office of the County Register of Deeds, which recording shall constitute notice to any successor or assign of the owner of its terms and provisions, and to which any subsequent conveyance or assignment of the owner shall be the subject.
- h. If any part or provision of the agreement shall be found or held by a court of competent jurisdiction to be invalid or unenforceable, then the entire agreement shall terminate and all sewers of the owner or its successors and assigns shall be promptly disconnected from any such system which ultimately connects to the Village treatment plant.
- i. The applicant for treatment service under an agreement pursuant to this Section shall agree to assume user charges, industrial waste charges, and capital surcharge, if applicable, and to obtain from the Village the proper building permit by which the connection is allowed and the discharge permit, if applicable, which indicates what discharge will be made to the treatment system.

(f) **Discharge Permits.**

- (1) The Village reserves the right to require a discharge permit from commercial or industrial users of the sewer, and, if the Village does exercise the option, commercial or industrial users shall not discharge to a sewer without having first applied for and obtained a permit from the Village. Upon official notification from the Village, each commercial or

industrial user presently discharging material to the sewer shall apply for and obtain such a discharge permit within ninety (90) days from the date of such notification.

- (2) Commercial and industrial classification codes set forth in the Standard Industrial Classification Manual, 1972 Edition, as amended and supplemented, are adopted by the Village Board as the basis for the issuance of discharge permits for building connections to a sewer.
- (3) The application for a discharge permit shall be made on a form provided for that purpose by the Village, and shall be fully completed under oath by the property owner, user, or a duly authorized and knowledgeable officer, agent, or representative thereof; and acknowledged. If requested, the person making application shall also submit such scientific or testing data, or other information, as may be required by the Village. The Village Engineer shall also have, at his discretion, the right to personally inspect the premises, equipment and material, and laboratory testing facilities of the applicant.
- (4) twenty-five dollars (\$25.00) shall be charged for a discharge application or permit.
- (5) No discharge permit shall be issued by the Village to any person whose discharge of material to sewers, whether shown upon the application or determined after inspection and testing conducted by the Village Engineer, is not in conformance with federal, state, or Village statutes, ordinances, rules and regulations, unless a waiver or variance of such standards and requirements is granted by the Village in the manner hereinafter set forth. The Village shall state in writing the reason or reasons for denial or requirement for waiver-variance and said written communication shall be mailed or personally delivered to the applicant within five days after denial.
- (6) In the event the type or volume of material from property for which a discharge permit was previously granted shall materially and substantially change, the person granted such permit previously shall make a new application to the Village, in the same manner and form as originally made.
- (7) If the application for a new permit or for one because of change in the type or volume of material discharge is denied by the Village, or if the discharge indicated from the permit application or inspection is not in accordance with the requirements of paragraph (3) of this Section, and a waiver of variance is required, the user may have the entire Village Board review the denial, or may request waiver-variance, provided the user shall give written notice of his request thirty (30) days after receiving the denial. The Village Board shall review the permit application, the written denial, and such other evidence and matters as the applicant and Village Engineer shall present at its next regular meeting following receipt of request for its review, and the decision of the Village Board rendered publicly at said meeting shall be final.
- (8) Should any discharge of material to a sewer materially and substantially differ in type and volume than shown in the application and permit; the

person and user shall immediately, upon order of the Village Engineer, cease and desist from such discharge and shall also be subject to disconnection, fine, and other penalties provided by this Chapter.

- (9) A grant of waiver or variance by the Village Board may set forth such conditions, exceptions, time limitations, durations, and expirations, as the Village Board deems necessary and proper.

(g) **Construction of Sewers and Connections for Buildings.**

- (1) The construction of sewers and connections for buildings shall be made as required by the applicable ordinances of the Village and by regulations of the Wisconsin Department of Natural Resources. Building sanitary drains and building sanitary sewers, together with all connections thereto, shall be constructed water-tight to exclude all infiltration and inflow.
- (2) A construction permit shall first be applied for and obtained from the Village before a person can connect to any sewer located on properties within the corporate limits of the Village or on properties outside the Village where services have been contracted for with the Village.
- (3) Construction permits shall not be issued unless it has been determined by the Village that there is capacity available in all downstream sewerage facilities.

(h) **Reporting Criteria for Nonresidential Users.**

- (1) The Village reserves the right to require any nonresidential user to submit quarterly to the Village on forms provided by the Village, a certified statement of the characteristics of its industrial wastes discharged to the sewers and treatment works of the Village, or to any sewers connected to its treatment works. This statement shall be filed with the Village Engineer no later than the 10th day of the month following the quarter for which the report is required. The Village Engineer may require additional certified statements at any time if, in his judgment; the same shall be necessary to determine the source of materials which have been found in the Village sewer.
- (2) The waste characteristics to be measured and certified by the user shall be:
- a. BOD in milligrams per liter.
 - b. Suspended solids in milligrams per liter.
 - c. Such other constituents of wastewater as directed by the Village Engineer.
- (3) Should there be a difference in understanding between the Village and user as to the characteristics of this section, the Village reserves the right to use the Village results from analyses for purposes of billing. Should submission not be made during the ten day period, the Village shall use its results from analyses for purposes of billing.
- (4) Whenever required by the Village, the owner of any property serviced by a building sewer which carried nonresidential wastewater or material shall install a large manhole or sampling chamber in the building sewer in accordance with plans and specifications which have been submitted to and approved by the Village Engineer. Such device shall be installed and

maintained at all times at the user's expense. Such device shall have ample room in each sampling chamber to accurately sample the wastewater effluent entering the sewer, and shall collect composite samples for analysis. The chamber shall be safely, easily, and independently of other premises and buildings of the user, accessible to authorized representatives of the Village at all times. The Village shall have exclusive access to such device, and no keys shall be in the possession of any user or any agent of the user. Where construction of such a device is not economically or otherwise feasible, the Village Engineer may approve alternate arrangements for sampling.

- (5) Each sampling chamber shall contain a Parshall flume, weir, or similar device with a recording and totalizing register for measuring liquid quantity; or the metered water supply to the industrial plant may be used as a measure of liquid quantity where it is substantiated by the Village Engineer that the metered water supply and waste quantities are approximately the same, or where a measurable adjustment agreed to by the Village Engineer is made in the metered water supply to determine the liquid waste quantity.
- (6) Samples shall be taken periodically with such degree of frequency as the Village Engineer shall, in his discretion, determine. They shall be properly refrigerated and composited in proportion to the flow so as to present a representative twenty-four (24) hour sample. Such sampling shall be done as prescribed by the Village Engineer to insure representative quantities for the entire reporting period. Minimum requirements for determination of representative quantities or characteristics shall include reevaluation during each twelve (12) month period. The determination of representative quantities and characteristics shall include not less than seven consecutive calendar days of twenty-four (24) hours composite samplings taken during periods of normal operation, together with acceptable flow measurements.
- (7) The sampling frequency, sampling chamber, metering device, sampling methods, and analyses of samples shall be subject, at any time, to inspection and verification by the Village Engineer.
- (8) All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this section shall be determined in accordance with the Standard Methods for the Examination of Water and Wastewater (latest edition) or with any other method approved by the Village.
- (9) The Village may elect, at its option, to have the metering and sample collection done by the industrial plant personnel and have composite samples delivered to the Village Engineer for analysis. This procedure can also be terminated at any time by the Village upon reasonable notice.

(i) **Septic Haulers.**

- (1) Non-industrial users hauling liquid wastes to the treatment plant shall be assessed user charge unit charges for billable flow, billable BOD, and billable TSS; the volume of which is determined for each day by the Director.
- (2) Liquid wastes hauled to the treatment plant containing concentrations of constituents in excess of the limits set forth in § 9.22(b) of this Chapter shall not be accepted.

SECTION 9.25 Enforcement and Penalties.

- (a) **Inspection Rights.** The Director, or any duly designated agent of the Director bearing proper credentials and identification, shall be permitted at any time to enter upon all properties within the corporate limits of the Village, or outside the Village, that have contracted for wastewater treatment service, for the purpose of inspecting, observing measuring, sampling and testing, as may be required, in pursuance of the implementation and enforcement of the terms and provisions of this Ordinance.
- (b) **Penalties for Violation of Ordinance.** The penalty for violation of any provision of Sections 9.21 through 9.24 shall be a forfeiture of not less than ten dollars (\$10.00), nor more than two hundred dollars (\$200.00), together with the costs of prosecution. Each and every day during which such violation continues shall be deemed a separate offense.

SECTION 9.26 Sewer Service Laterals; Maintenance and Repair.

- (a) Lateral for purposes of this section shall mean the pipe conveying sewage from the point of discharge to the main pipes in the roadway or alley, referred to as the Sewage Collection System. The word lateral shall not be construed to include any plumbing within the interior of any building.
- (b) Sewer service laterals shall be maintained and repaired by and at the expense of the owner of the property serviced. Repairs or maintenance shall include cleaning, root removal, and relaying any or all of said lateral.
- (c) Any property owner or his agent contemplating excavation of a lateral for repair or relaying shall comply with all provisions of this Code governing construction, installation, inspection, and use of plumbing in the Village.

SECTION 9.27 Street Openings for Installation of Plumbing.

- (a) No openings in the streets, alleys, or other public ways for installation of plumbing will be permitted when the ground is frozen, except when absolutely necessary. In opening any street or public way, all materials for paving or ballasting shall be removed so as to cause the least possible injury or loss, and together with the excavated materials from the trenches shall be placed where the least practicable inconvenience to the public will be caused, and admit free passage of water along the gutters or sides of the roadways.

- (b) All openings made in the public streets or alleys shall be enclosed with sufficient barriers, and colored lamps shall be maintained upon the same at night, and all other necessary precautions to guard the public effectually against all accidents from the beginning to the completion of the work shall be taken. Sewers and drains may be laid only on condition that the excavator or plumber is bonded as provided in § 6.06 of this Code for all damages that may result from his neglect of any necessary precaution against all accidents to persons or property of others.
- (c) In opening a trench on any street or lot, the sidewalk materials, sand, gravel and earth, or whatever material is removed or penetrated, must be replaced in precisely the same condition and relation to the remainder as it was before. All rubbish must be removed at once, leaving the street, or sidewalk in perfect repair, and must be so maintained for a period of one year thereafter. All gas, water, and electric lines or conduits must be protected from injury or settling in a manner satisfactory to the plumbing supervisor and inspector.
- (d) When any excavation is made in a permanently paved road or street, or in any road or street which is to be permanently paved, all clay or hard pan must be removed and the excavation entirely back filled with sand or gravel, thoroughly wet and consolidated. Any tunnel dug in such road or street shall be back filled with concrete subject to the approval of the plumbing supervisor and inspector.

SECTION 9.28 User Charge; Use of Sewer Utility by Haulers of Septic Tank Wastes.

- (a) Commercial haulers of waste materials pumped from septic or holding tanks may deposit such materials in the sewage system owned by the Village after obtaining a permit from the Village Clerk for each such deposit and upon paying for the user charge.
- (b) Each permit issued by the Village Clerk shall contain the name and address of the person to whom the permit is issued, the date of issuance, the estimated volume of waste to be deposited, and the estimated user charge which shall be paid at the time the permit is issued.
- (c) The base user charge shall be fifty dollars (\$50.00) for each deposit of waste materials not exceeding one thousand five hundred (1,500) gallons. The user charge for any deposit of waste materials in excess of one thousand five hundred (1,500) gallons shall be the base user charge plus twenty-five cents (\$.25) per gallon for each gallon in excess of one thousand five hundred (1,500) gallons. When applying for a permit, each person shall pay the base user charge to the Village Clerk.
- (d) Each person who obtains a permit to deposit waste materials in the sewage system shall record, on the permit, the actual volume of materials so deposited and shall immediately pay to the Village Clerk the actual user charge in excess of the base user charge. Failure to immediately pay this fee shall result in the user not being able to use the sewer utility until the charge is paid. Further, the user shall be responsible for all costs and fees and collection incurred by the Village, including reasonable attorney fees.

CABLE TELEVISION

SECTION 9.29 Grant of Franchise.

- (a) The Village of Arlington Board of Trustees does hereby adopt Wis. Stat. § 66.0420, as may be amended from time to time, regarding video service and the granting of video service franchises by the State of Wisconsin. If any provision of § 66.0420 conflicts with the terms and conditions of Sections 9.29 through 9.42 of this Chapter, the terms of the statute shall control. If the terms of the statute and Sections 9.29 through 9.42 of this Chapter can be read together without conflicting, then both provisions shall be followed to the maximum extent allowed by law. Should any word, phrase, clause, sentence, paragraph or portion of this Chapter be declared to be invalid by a court of competent jurisdiction, such adjudication shall not affect the validity of the remaining portions of this Chapter, but shall only affect the portion thereof declared to be invalid, and the Village hereby expressly states and declares that it would nonetheless have passed this Chapter.
- (b) In the event any valid law, rule or regulation of any other governing authority or agency having jurisdiction including, but not limited to, the Federal Communications Commission contravenes the provisions of Sections 9.29 through 9.42 of this Chapter, then the provisions hereof which are in conflict with any such law, rule or regulation shall be declared null and void, and the remaining portions of this Chapter shall remain in full force and effect.

SECTION 9.30 Subscriber Privacy.

- (a) The Grantee shall comply with provisions of Section 631 of the Cable Communications Policy Act of 1984, as amended, regarding “protection of subscriber privacy.”
- (b) No monitoring of any terminal connected to the system shall take place without specific written authorization by the user of the terminal in question on each occasion and without written notice to the Village.
- (c) Grantee shall not, except as required by governmental action, provide any data concerning specific subscribers or users or their use of its services without first securing written authorization for the provision of such data.
- (d) Section 134.43, Wis. Stats., is hereby adopted by reference and made a part of this Chapter.
- (e) The Grantee shall not at any time require the removal or offer to remove any existing or potential subscriber’s antenna.

SECTION 9.31 Line Extension Policy.

The Village of Arlington recognizes that, in certain circumstances, for economic reasons, it may not be economically feasible for the cable television system to be extended to all residents of the Village, in which case the following policies shall apply: The Grantee shall provide its services to all areas within the corporate limits of the

Village subject to its extension policy for unusual or lengthy installations. In the event that the Grantee is requested to extend its system beyond three hundred (300) feet to its then-existing trunk cable or is requested to make an installation three hundred (300) feet beyond its main cable, Grantee shall be allowed to recover its costs from the subscriber in making the same. In the event said subscriber is not willing to pay the same, Grantee shall not be required to either extend the system or make the installation.

SECTION 9.32 Technical Standards.

Grantee shall maintain a cable television system in compliance with all technical standards of the Federal Communications Commission.

SECTION 9.33 Rates.

Pursuant to the Cable Communications Act of 1984, the Village of Arlington shall not exercise ratemaking authority over any services or charges of Grantee, including, but not limited to, the basic rates charged for basic services.

SECTION 9.34 Grantee's Use of Village Rights.

Grantee is hereby granted the right to erect, maintain and operate in the streets, alleys and utility easements of the Village of Arlington and other public places a cable television distribution system. The poles used for such distribution shall be those erected or used by the local utilities. The Grantee may erect its own poles, where necessary, after first obtaining permission from the Board.

SECTION 9.35 Method of Installation.

- (a) All installations made by the Grantee shall be made in good, substantial, safe condition and maintained in such condition at all times and shall be made in accordance with all applicable rules and regulations, included in the rules and regulations of the utility company owning any poles utilized by the Grantee. The Grantee shall make no excavations in the streets, alleys and public places without first procuring a written permit from an authorized representative of the Village, and all work of such kind shall be done so as to meet the approval of the Board.
- (b) The Grantee's transmission and distribution system poles, wires and appurtenances shall be located, erected and maintained so as not to interfere with the lives or safety of persons, or to interfere with improvements the Village may deem proper to make, or to unnecessarily hinder or obstruct the free use of the streets, alleys, bridges or other public property.
- (c) Grantee shall restore all areas of construction and/or excavation to the condition existing prior to the beginning of construction and/or excavation.

SECTION 9.36 Authority to Trim Trees.

The Grantee shall have the authority to trim trees overhanging any streets, alleys, sidewalks and other public places of the Village so as to prevent the branches of such trees from coming in contact with the wires and cables of the company.

SECTION 9.37 Indemnity.

- (a) The Grantee shall indemnify, defend and save the Village and its agents and employees harmless from all claims, damages, losses and expenses, including attorney's fees, sustained by the Village on account of any suit, judgment, execution, claim or demand whatsoever arising out of the installation, operation, maintenance, repair, use or removal of the cable system, except for such claims, damages, losses and expenses, including attorney's fees, which are attributable, in part or in whole, to acts of the Village or its agents.
- (b) The Grantee shall maintain, throughout the term of the franchise, a general comprehensive liability insurance policy naming, as an additional insured, the Village of Arlington, its officers, boards, commissions, agents and employees, in a company approved by the Village, which policy shall protect the Village and its agencies and employees against liability for loss or damage for personal injury, death or property damage, occasioned by the operations of Grantee under the franchise granted hereunder, in not less than the following amounts:
 - (1) One million dollars (\$1,000,000.00) for bodily injury or death to any one (1) person within the limit.
 - (2) One million dollars (\$1,000,000.00) for bodily injury or death resulting from any one (1) accident.
 - (3) Five hundred thousand dollars (\$500,000.00) for property damage resulting from any one (1) accident.
- (c) The insurance policy shall contain an endorsement stating that the policy is extended to cover the liability assumed by the Grantee under the terms of this Chapter and shall further contain the following endorsement:

It is hereby understood and agreed that this policy may not be cancelled nor the amount of coverage thereof reduced until thirty (30) days after receipt by the Clerk of the Village of Arlington by registered mail of a written notice of such intent to cancel or reduce the coverage.

SECTION 9.38 Complaint and Repair Procedures.

- (a) The Grantee shall maintain an office which shall be open during all usual business hours, having a publicly listed telephone, and be so operated that complaints or requests for repairs or adjustments may be received toll-free on a twenty-four (24) hour basis.
- (b) The Grantee shall maintain a repair and maintenance crew that shall respond to subscriber complaints or requests for service within twenty-four (24) hours after

receipt of the complaint or request. No charge shall be made to the subscriber for this service.

- (c) Upon failing to correct a service deficiency within forty-eight (48) hours, the Grantee shall rebate one-thirtieth (1/30) of the monthly charge for basic service and additional service to each subscriber for each twenty-four (24) hours or fraction thereof after the first forty-eight (48) hours following report of loss of service to the Grantee, except to the extent that restoration of service is prevented by strike, injunction or other cause beyond the control of the Grantee.
- (d) The Grantee shall establish procedures for receiving, acting upon and resolving subscriber complaints to the satisfaction of the Village Board. The Grantee shall furnish a notice of such procedures to each subscriber at the time of initial subscription to the system.

SECTION 9.39 Preferential or Discriminatory Practices Prohibited.

Grantee shall not, as to rates, charges, service, services facilities, rules, regulations, employment or in any other respect make or grant any undue preference or advantage to any party, nor subject any party to any prejudice or disadvantage.

SECTION 9.40 Unauthorized Connections or Modifications.

- (a) **Unauthorized Connections Prohibited.** It shall be unlawful for any firm, person, group, company, corporation or governmental body or agency, without the expressed consent of the franchise, to make or possess any connection, extension or division, whether physically, acoustically, inductively, electronically or otherwise, with or to any segment of the cable television system for any purpose whatever.
- (b) **Removal or Destruction Prohibited.** It shall be unlawful for any firm, person, group, company, corporation or governmental body or agency to willfully interfere, tamper, remove, obstruct or damage any part, segment or content of the cable television system for any purpose whatsoever.
- (c) **Penalties.** Any firm, person, group, company, corporation or governmental body or agency convicted of a violation of this Section shall, for each offense, forfeit a sum of not less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00), together with costs of such prosecution.

SECTION 9.41 Additional Hookups.

The Grantee shall require that only Grantee's employees or subcontractors perform hookups to additional television sets and other equipment within an individual housing unit receiving the signal from the Grantee's main distribution system.

SECTION 9.42 Channel Allocation.

Except as provided for by federal and state law, specifically the Cable Communications Policy Act of 1984 and the Rules and Regulations of the Federal Communications Commission, the Grantee shall have the exclusive right to determine the programming to be carried on the cable television system and the channel assignments on which the programming is carried.