

**VILLAGE OF MARSHALL
ORDINANCE 2016-04**

**AN ORDINANCE TO
AMEND THE MARSHALL MUNICIPAL CODE, TITLE 9, CHAPTER 1, APPENDIX 1;
WATER UTILITY REGULATIONS AND RATES**

Ordinance introduced by: Marshall Water Utility – Village Board

Purpose of ordinance amendment: To update the municipal codes to reflect the approved rate file and regulations for the Water Utility as authorized by the Public Service Commission of Wisconsin.

The Village Board of the Village of Marshall, Dane County, Wisconsin ordain as follows:

(Double underlined areas are being added, strike through areas are being removed)

CHAPTER 1

Water Utility Regulations and Rates
(Rev. 3/04', Rev 6/12', Rev 7/16')

Article A Rates

9-1-1 Public Service Commission of Wisconsin Adopted rates and regulations
~~Public Fire Protection Service -- F-1~~

9-1-2 Public Fire Protection Charges.--Fd-1

9-1-3 ~~General Service -- Metered -- Mg-1~~

9-1-4 ~~General Service -- Suburban -- Mg-2~~

9-1-5 ~~General Water Service -- Unmetered -- Ug-1~~

9-1-6 ~~Public Service -- Mpa-1~~

9-1-7 ~~Reconnection Charges -- R-1~~

9-1-8 ~~Building and Construction Water Service -- Mz-1~~

9-1-9 ~~Seasonal, Emergency or Temporary Service -- Mgt-1~~

9-1-10 ~~Bulk Water -- B-1~~

9-1-11 ~~Private Fire Protection Service -- Unmetered -- Upf-1~~

9-1-12 ~~Water Lateral Installation Charge -- Cz-1~~

9-1-13 through

9-1-19 ~~Reserved for Future Use~~

Article B Rules and Regulations

9-1-20 ~~Compliance with Rules~~

9-1-21 ~~Establishment of Service~~

9-1-22 ~~Service Contract~~

9-1-23 ~~Temporary Metered Supply, Meter and Deposits~~

9-1-24 ~~Water for Construction~~

9-1-25 ~~Use of Hydrants for Construction; Temporary Supply~~

9-1-26 ~~Operation of Valves and Hydrants; Unauthorized Use of Water; Penalty~~

9-1-27 ~~Refunds of Monetary Deposits~~

9-1-28 ~~Service Connections (or Water Laterals)~~

9-1-29	Service Piping for Meter Settings
9-1-30	Turning on Water
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9-1-33	Thawing Frozen Services
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9-1-45	Collection of Overdue Bills
9-1-46	Surreptitious Use of water
9-1-47	Vacation of Premises
9-1-48	Repairs to Mains
9-1-49	Duty of Utility With Respect to Safety of the Public
9-1-50	Handling Water Mains and Service Pipes in Sewer or Other Trenches
9-1-51	<u>3</u> Protective Devices
9-1-52	Water Main Extension Rule
9-1-53	Water Main Installations in Platted Subdivisions
9-1-54	Purity of Supply Not to be Impaired by Cross-Connections.
9-1-55	<u>4</u> Cross Connection Control
9-1-56	<u>5</u> Private Well Abandonment

ARTICLE A

Rates
(Rev. 3/04, Ord. 2004-01)

SEC. 9-1-1 PUBLIC FIRE PROTECTION SERVICE -- F-1.

- (a) For public fire protection service to the Village of Marshall, the annual charge shall be One Hundred Thirty Seven Thousand Two Hundred Eighty One (\$137,281) to cover the use of mains and hydrants up to and including the terminal hydrant and connection on each main existing for the 2001 test year.
- (b) For all extensions of fire protection service, there shall be an additional annual charge of \$977 per net hydrant added to the system in excess of 131 hydrants.
- (c) This service shall include the use of hydrants for fire protection service only and such quantities of water as may be demanded for the purposes of extinguishing fires within the municipal boundary only. This service shall also include water used for testing equipment and training personnel. For all other purposes, the metered or other rates set forth, or as may be filed with the Public Service Commission, shall apply.
- (d) The annual fire protection charge shall never be less than the base amount.

**SEC. 9-1-1 RATE FILE, PUBLIC SERVICE COMMISSION OF WISCONSIN
MARSHALL WATER AND SEWER UTILITY**

- (a) Water Rate schedules and rules as authorized by the Public Service Commission of Wisconsin are herein incorporated:

(see attached schedules)

SEC. 9-1-2 PUBLIC FIRE PROTECTION CHARGES – Fd-1

- (a) Under Wis. Stat. 196.03(3)(b), the municipality has chosen to have the utility bill the retail general service customers for public fire protection service. The municipality has also elected to make this rate applicable to non-general service customers, who own properties or parcels of land, upon which there is a building, in an area where the utility has an obligation to provide water for public fire protection.
- (b) This service shall include the use of hydrants for fire protection service only and such quantities of water as may be demanded for the purpose of extinguishing fires within the service area. This service shall also include water used for testing equipment and training personnel. For all other purposes, the metered or other rates set forth, or as may be filed with the Public Service Commission, shall apply.
- (c) **Monthly Public Fire Protection Service Charges:**

5/8-inch meter	\$ 10.25	3/4-inch meter	\$ 10.25
1-inch meter	\$ 25.60	1 1/4-inch meter	\$ 38.00
1 1/2-inch meter	\$ 52.00	2-inch meter	\$ 82.00
3-inch meter	\$ 154.00	4-inch meter	\$ 256.00
6-inch meter	\$ 512.00	8-inch meter	\$ 819.00
10-inch meter	\$1229.00	12-inch meter	\$1638.00

*These customers shall be billed at the 5/8 inch meter rate.

~~(d) Customers who are provided service under Schedules Mg1, Ug-1, Mgt-1, or Mz-1, shall also be subject to the charges in the schedule listed under (3).~~

~~(e) **Billing:** Same as schedule Mg-1.~~

~~**SEC. 9-1-3 GENERAL SERVICE -- METERED -- MG-1.**~~

~~(a) **Monthly Service Charge:**~~

5/8-inch meter-	\$ 6.25
3/4-inch meter-	\$ 6.25
1-inch meter-	\$ 7.25
1-1/4-inch meter-	\$ 8.25
1-1/2-inch meter-	\$ 12.00
2-inch meter-	\$ 16.75
3-inch meter-	\$ 26.00
4-inch meter-	\$ 41.00
6-inch meter-	\$ 57.00
8-inch meter-	\$ 86.00
10-inch meter-	\$ 124.00
12-inch meter-	\$ 160.00

~~(b) **Volume Charge:**~~

~~First 10,000 gallons used each month - \$2.25 per 1,000 gallons.~~

~~Over 10,000 gallons used each month - \$1.63 per 1,000 gallons.~~

~~(c) **Billing.** Bills for water service are rendered monthly and become due and payable upon issuance following the period for which service is rendered. A late payment charge of one percent (1%) per month will be added to bills not paid within twenty (20) days of issuance. This late payment charge will be applied to the total unpaid balance for utility service, including unpaid late payment charges. This late payment charge is applicable to all customers. The utility customer may be given a written notice that the bill is overdue no sooner than twenty (20) days after the bill is issued. Unless payment or satisfactory arrangement for payment is made within the next ten (10) days, service may be disconnected pursuant to Chapter PSC 185, Wis. Adm. Code. A charge will be made for processing checks that have been returned for insufficient funds as set by resolution.~~

~~(d) **Combined Metering.** Volumetric meter readings will be combined for billing if the utility for its own convenience places more than one meter on a single water service lateral. Multiple meters placed for the purpose of identifying water not discharged into the sanitary sewer are not considered for utility convenience and shall not be combined for billing. Meter readings from individually metered separate service laterals shall not be combined for billing purposes.~~

~~Buildings used in the same business, located on the same parcel and served by a single lateral may have the customer's water supply piping installed to a central point so that volume can be metered in one place.~~

~~**SEC. 9-1-4 GENERAL SERVICE - SUBURBAN -- MG-2.**~~

~~Water customers residing outside the corporate limits of the Village of Marshall shall be billed at the regular rates for service (Schedule Mg-1) plus a twenty five percent (25%) surcharge.~~

SEC. 9-1-5 — GENERAL WATER SERVICE -- UNMETERED -- UG-1.

- (a) **Rate.** Where the utility cannot immediately install its water meter, service may be supplied temporarily on an unmetered basis. Such service shall be billed at the rate of Seventeen and 50/100 Dollars (\$17.50) per billing period. This rate shall be applied only to single-family residential and small commercial customers and approximates the cost of five thousand (5,000) gallons per billing period under Mg-1. If it is determined by the utility that usage is in excess of five thousand (5,000) gallons per billing period, an additional charge per Schedule Mg-1 will be made for the estimated additional usage.
- (b) **Billing.** Same as Schedule Mg-1.

SEC. 9-1-6 — PUBLIC SERVICE - MPA-1.

- (a) Water service supplied to municipal buildings, schools, etc., shall be metered and the regular metered service rates applied.
- (b) Water used on an intermittent basis for flushing service, street sprinkling, flooding skating rinks, drinking fountains, etc., shall be metered where meters can be set to measure the service. Where it is impossible to measure the service, the Utility shall estimate the volume of water used based on the pressure, size of opening and period of time water is allowed to be drawn. The estimated quantity used shall be billed at the rate of One and 63/100 (\$1.63) per one thousand (1,000) gallons.

SEC. 9-1-7 — RECONNECTION CHARGES -- R-1.

	During Normal Business Hours	After Normal Business Hours
Reinstallation of meter, including valuing at curb stop	\$20.00	\$30.00
Valve turned on at curb stop	\$15.00	\$22.50

Note: No charge for disconnection.

SEC. 9-1-8 — BUILDING AND CONSTRUCTION WATER SERVICE -- MZ-1.

- (a) For single family and small commercial buildings, apply the unmetered rate, schedule Mg-1.
- (b) For large commercial, industrial, or multiple apartment buildings, a temporary metered installation shall be made and general, metered rates (Mg-1) applied.

SEC. 9-1-9 — SEASONAL SERVICE — MGT-1.

- (a) Seasonal customers* shall be served at the general service rate (Schedule Mg-1), except that each customer served under this rate shall pay an annual seasonal service charge equal to twelve (12) times the applicable service charge. Water used in any billing period shall be billed at the applicable volume schedule in Mg-1 and the charge made to the annual seasonal service charge.

(b) Further, if service has been disconnected, a charge under Schedule R-1 is applied at the time of reconnection.

*Seasonal customers are general service customers whose use of water is normally for recurring periods of less than a year.

SEC. 9-1-10 BULK WATER -- BW-1.

All bulk water supplied from the water system through hydrants or other connection shall be metered, or at the direction of the utility, estimated. Utility personnel or utility-approved party shall supervise the delivery of water.

Bulk water sales are:

1. Water supplied to tank truck or from hydrant for the purpose of extinguishing fires outside the utility's immediate service area.
2. Water supplied by tank truck or from hydrant for purposes other than extinguishing fires such as irrigation or the filling of swimming pools; or,
3. Water supplied from hydrants or other temporary connections for general service type applications. (Water supplied for construction purposes — see Schedule Mz-1).

A charge for the volume of water used will be billed to the party using the water at \$2.25 per 1,000 gallons. A service charge, in addition to the volumetric charge, will be \$20.00.

A deposit for the meter and/or valve will be required. The deposit collected shall be \$25.00 and will be refunded upon return of the utility's equipment. Damaged or lost equipment will be repaired or replaced at the customer's expense.

SEC. 9-1-11 PRIVATE FIRE PROTECTION SERVICE — UNMETERED — UPF-1.

(a) **Use.** This service shall consist of unmetered connections to the main for the purpose of supplying water to private fire protection systems such as automatic sprinkler systems, standpipes, (where same are connected permanently or continuously to the mains) and private hydrants.

(b) **Charges.** Monthly demand charges for private fire protection service:

<u>Size of Connection</u>	<u>Charge</u>
2-inch	\$ 12.00
3-inch	\$ 22.50
4-inch	\$ 38.00
6-inch	\$ 75.00
8-inch	\$120.00
10-inch	\$179.00
12-inch	\$262.00

(c) **Billing.** Same provisions as for general service.

~~SEC. 9-1-12 WATER LATERAL INSTALLATION CHARGE --CZ-1.~~

- ~~(a) Subdivision developers shall be responsible, where the main extension has been approved by the Utility, for the water service lateral installation costs from the main through the curb stop and box.~~
- ~~(b) When the cost of a Utility main extension is to be collected through assessment by the municipality, the actual average water lateral installation costs from the main through the curb stop and box and the sewer installation costs from the main to the property line shall be included in the assessment of the appropriate properties.~~
- ~~(c) The initial water lateral(s), not installed as part of a subdivision development or an assessable utility extension, will be installed from the main through the curb stop and box by the utility, for which there will be made a charge as follows:
 - ~~(1) 3/4-inch or 1-inch copper water service: \$400.00.~~
 - ~~(2) Larger sized services: Actual cost.~~~~

~~SEC. 9-1-13 THROUGH SEC. 9-1-19 RESERVED FOR FUTURE USE.~~

ARTICLE B

Rules and Regulations (Rev. 3/04, Ord. 2004-01)

SEC. 9-1-20 — COMPLIANCE WITH RULES.

All persons now receiving a water supply from the Village of Marshall water utility, or who may hereafter make application therefor, shall be considered as having agreed to be bound by the rules and regulations as filed with the Public Service Commission of Wisconsin.

SEC. 9-1-21 — ESTABLISHMENT OF SERVICE.

- (a) — Application for water service shall be made in writing on a form furnished by the water utility. The application will contain the legal description of the property to be served, name of the owner, the exact use to be made of the service, and the size of the supply pipe and meter desired. (Note particularly any special refrigeration and/or air-conditioning water-consuming appliances.)
- (b) — Service will be furnished only if:
 - (1) — Premises have a frontage on a properly platted street or public strip in which a cast iron or other long-life water main has been laid, or where property owner has agreed to and complied with the provisions of the utility's filed main extension rule.
 - (2) — Property owner has installed or agrees to install a service lateral from the curb line to the point of use, and laid not less than six (6) feet below the surface of an established or proposed grade, and meets the utility's specification, and
 - (3) — Premises have adequate piping beyond the metering point.
- (c) — The owner of a multi-unit dwelling has the option of being served by individual metered water service to each unit. The owner, by selecting this option, is required to provide interior plumbing and meter settings to enable individual metered service to each unit and individual disconnection without affecting service to the other units. Each meter and meter connection will be a separate water utility account for the purpose of the filed rules and regulations.
- (d) — No division of the water service of any lot or parcel of land shall be made for the extension and independent metering of the supply to an adjoining lot or parcel of land. Except for duplexes, no division of a water supply service shall be made at the curb for separate supplies there from for two (2) or more separate premises having frontage on any street or public service strip whether owned by the same or different parties.
- (e) — Buildings used in the same business, located on the same parcel, and served by a single lateral may have the customer's water supply piping installed to a central point so that volume can be metered in one place.
- (f) — The Utility is hereby empowered to withhold approval of any application wherein full information of the purpose of such supply is not clearly indicated and set forth by _____ the _____ applicant _____ property _____ owner.

SEC. 9-1-22 — SERVICE CONTRACT.

- (a) — The minimum service contract period shall be one (1) year unless otherwise specified by special contract or in the applicable rate schedule. Where the Utility service has been disconnected at the customer's request prior to expiration of his minimum contract period, a reconnection charge shall be made, payable in advance, when the customer requests reconnection of service. (See Schedule R-1 for applicable rate.) The minimum contract period is renewed with each reconnection.
- (b) — A reconnection charge shall also be required from consumers whose services are disconnected (shut off at curb stop) because of non-payment of bills when due (not including disconnection for failure to comply with deposit or guarantee rules). (See Schedule R-1 for applicable rate.)
- (c) — A consumer shall be considered as the same consumer provided the reconnection is requested for the same location by any member of the same family, or if a place of business, by any partner or employee of the same business.

SEC. 9-1-23 — TEMPORARY METERED SUPPLY, METER AND DEPOSITS.

An applicant for temporary water supply on a metered basis shall make and maintain a monetary deposit for each meter installed as security for payment for use of water and for such other charges which may arise from the use of the supply. A charge shall be made for setting the valve and furnishing and setting the meter. See Schedule BW-1 for applicable rate.

SEC. 9-1-24 — WATER FOR CONSTRUCTION.

- (a) — When water is requested for construction purposes, or for filling tanks or other such uses, an application shall be made to the Utility, in writing, giving a statement of the amount of construction work to be done, or the size of the tank to be filled, etc. Payment for the water for construction shall be made in advance at the scheduled rates. The service lateral must be installed into the building before water can be used. No connection with the service lateral at the curb shall be made without special permission from the Utility.
- (b) — In no case will any employee of the utility turn on water for construction work unless the contractor first presents a permit. Upon completion of the construction work, the contractor must return the original permit to the Utility.
- (c) — Consumers shall not allow contractors, masons or other persons to take water from their premises without first showing a permit from the Department. Any consumer failing to comply with this provision will have water service discontinued.

SEC. 9-1-25 — USE OF HYDRANTS FOR CONSTRUCTION; TEMPORARY SUPPLY.

- (a) In cases where no other supply is available, permission may be granted by the Utility to use a hydrant. No hydrant shall be used until it is equipped with a sprinkling valve. In no case shall any valve be installed or moved except by a member of the Utility.
- (b) Before a valve is set, payment must be made for its setting and for the water to be used at the scheduled rates. Where applicable, see Schedule BW-1 for deposits and charges. Upon completing use of the hydrant, the customer must notify the Utility to that effect.
- (c) In the use of a hydrant supply, the hydrant valve will be set at the proper opening by the Utility when the sprinkling valve is set, and the flow of water must be regulated by means of the sprinkling valve. If the water is to be used through iron pipe connections, all such pipe installations shall have the swing joint to facilitate quick disconnection from the fire hydrant.

SEC. 9-1-26 — OPERATION OF VALVES AND HYDRANTS; UNAUTHORIZED USE OF WATER; PENALTY.

Any person who shall, without authority of the Utility, allow contractors, masons, or other unauthorized persons to take water from their premises, operate any valve connected with the street or supply mains, or open any fire hydrant connected with the distribution system, except for the purpose of extinguishing fire, or who shall wantonly damage or impair the same shall be subject to a fine as provided by municipal ordinances. Permits for the use of hydrants apply only to such hydrants as are designated for the specific use.

SEC. 9-1-27 — REFUNDS OF MONETARY DEPOSITS.

All moneys deposited as security for payment of charges arising from the use of temporary water supply on a metered basis, or for the return of a sprinkling valve wheel or reducer, if the water is used on an unmetered basis, will be refunded to the depositor on the termination of the use of water, the payment of all charges levied against the depositor, and the return of the wheel and reducer.

SEC. 9-1-28 — SERVICE CONNECTIONS (OR WATER LATERALS).

- (a) No water service shall be laid through any trench having cinders, rubbish, rock or gravel fill, or any other material which may cause injury to or disintegration of the service lateral, unless adequate means of protection are provided by sand filling or such other insulation as may be approved by the Utility. Service laterals passing through curb or retaining walls shall be adequately safeguarded by provision of a channel space or pipe casing, not less than twice the diameter of the service connection. The space between the service pipe and channel or pipe casing shall be filled and lightly caulked with oakum, mastic cement, or other resilient material, and made impervious to moisture.
- (b) In backfilling the pipe trench, the service pipe must be protected against injury by carefully hand tamping the ground filling, free from hard lumps, rocks, stones, or other injurious material, around and at least six (6) inches over the pipe.

- (c) — All water supplies shall be of undiminished size from the street main in to the point of meter placement. Beyond the meter outlet valve the piping shall be sized and proportioned to provide, on all floors, at all times, an equitable distribution of water supply for the greatest probable number of fixtures or appliances operating simultaneously.

SEC. 9-1-29 — SERVICE PIPING FOR METER SETTINGS.

- (a) — Where the original service piping is installed for a new metered customer, where existing service piping is changed for the customer's convenience, or where a new meter is installed for an existing unmetered customer, the owner of the premises at his/her expense shall provide a suitable location and the proper connections for the meter. The water utility should be consulted as to the type and size of meter setting. Where it is possible to set meters in the basement, or other suitable place within the building, a short nipple shall be inserted after the stop and waste cock, then a union, and then another nipple and coupling of the proper length. The nipple attached to the union and coupling shall be cut to a standard length provided by the plans of the Utility (it may require a horizontal run of eighteen (18) inches in such pipe line) which may later be removed for the insertion of the meter into the supply line.
- (b) — No permit will be given to change from metered to flat rate service.

SEC. 9-1-30 — TURNING ON WATER.

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

SEC. 9-1-31 — FAILURE TO READ METERS.

- (a) — Where the utility is unable to read a meter after two (2) successive attempts, the fact will be plainly indicated on the bill, and either an estimated bill will be computed, or the minimum charge applied. The difference shall be adjusted when the meter is again read, that is, the bill for the succeeding billing period will be computed with the gallons or cubic feet in each block of the rate schedule doubled and credit will be given on that bill for the amount of the bill paid the preceding month. Only in unusual cases, or when approval is obtained from the customer shall more than three (3) consecutive estimated bills be rendered where bills are rendered monthly and there shall be not more than two (2) consecutive estimated bills where the billing period is two (2) months or more.
- (b) — If the meter is damaged (see Surreptitious Use of Water) or fails to operate, the bill will be based on the average use during the past year unless there is some reason why the use is not normal. If the average use cannot be properly determined, the bill will be estimated by some equitable method.

SEC. 9-1-32 — COMPLAINT METER TESTS.

See Wis. Adm. Code, Chapter PSC 185.

SEC. 9-1-33 — **THAWING FROZEN SERVICES.**

See Wis. Adm. Code, Chapter PSC 185.

SEC. 9-1-34 — **CURB BOXES.** (Rev. 6/03' — Ord. 2003-08)

The consumer shall protect the stop box in the terrace and shall keep the same free from dirt and other obstructions. The utility shall not be liable for failure to locate the stop box and shut off the water in case of a leak on the consumer's premises. Only authorized Village Employees shall be allowed to operate curb stop boxes. Any damages caused by the unauthorized operation of a curb stop box will be borne by the consumer. Service charges shall apply in this section.

SEC. 9-1-35 — **INSTALLATION OF METERS.**

- (a) Meters will be furnished and placed by the utility and are not to be disconnected or tampered with by the consumer. All meters shall be so located that they shall be protected from obstructions and permit ready access thereto for reading, inspection, and servicing, such location to be designated or approved by the Utility. All piping within the building must be supplied by the owner. Where additional meters are desired by the owner, the owner shall pay for all piping and an additional amount sufficient to cover the cost of maintenance and depreciation.
- (b) Where applicable, see Schedule AM-1 for the rate.

SEC. 9-1-36 — **REPAIRS TO METERS.**

- (a) Meters will be repaired by the utility and the cost of such repairs caused by ordinary wear and tear will be borne by the utility.
- (b) Repair of any damage to a meter resulting from the carelessness of the owner of the premises, his agent, or tenant, or from the negligence of any one of them to properly secure and protect same, including any damage that may result from allowing a water meter to become frozen or to be injured from the presence of hot water or steam in the meter, shall be paid for by the consumer or the owner of the premises.

SEC. 9-1-37 — **REPLACEMENT AND REPAIR OF SERVICE LATERAL.**

- (a) Where the property owner requests that a larger service lateral be installed to replace an existing smaller diameter pipe, an allowance of Fifteen Dollars (\$15.00) will be made as a deduction in the cost, providing the new service is to be installed in the same ditch as the existing service pipe.
- (b) The service lateral from the main to and through the curb stop will be maintained and kept in repair and when worn out, replaced at the expense of the utility, if the lateral is copper or lead. The property owner shall maintain the service pipe from the curb stop to the point of use.
- (c) If an owner fails to repair a leaking or broken service pipe from curb to point of metering or use within such time as may appear reasonable to the Utility after notification has been served on the owner by the Utility, the water will be shut off and will not be turned on again until the repairs have been completed.

~~SEC. 9-1-38~~ ————— ~~CHARGES FOR WATER WASTED DUE TO LEAKS.~~

~~See Wis. Adm. Code, Chapter PSC 185.~~

~~SEC. 9-1-39~~ ————— ~~INSPECTION OF PREMISES.~~

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

~~SEC. 9-1-40~~ ————— ~~CUSTOMER'S DEPOSIT.~~

~~See Wis. Adm. Code, Chapter PSC 185.~~

~~SEC. 9-1-41~~ ————— ~~CONDITIONS OF DEPOSIT.~~

~~See Wis. Adm. Code, Chapter PSC 185.~~

~~SEC. 9-1-42~~ ————— ~~GUARANTEE CONTRACTS.~~

~~See Wis. Adm. Code, Chapter 185.~~

~~SEC. 9-1-43~~ ————— ~~DEFERRED PAYMENT AGREEMENT.~~

~~See Wis. Adm. Code, Chapter 185.~~

~~SEC. 9-1-44~~ ————— ~~DISCONNECTION AND REFUSAL OF SERVICE.~~

~~(a) — **Disconnection.** See Wis. Adm. Code Chapter PSC 185.~~

~~(b) — **Disconnection Notice.** The form of disconnection notice to be used is as follows:~~

DISCONNECTION NOTICE

Dear Customer:

The bill enclosed with this notice includes your current charge for utility service and your previous unpaid balance.

You have ten (10) days to pay the utility service arrears or your service is subject to disconnection.

~~If you fail to pay the service arrears, or fail to contact us within the 10 days allowed to make reasonable time payment arrangements, we will proceed with disconnection action.~~

~~To avoid the inconvenience of service interruption and an additional charge of (amount) for reconnection, we urge you to pay the full arrears IMMEDIATELY AT ONE OF OUR OFFICES.~~

~~If you have entered into a Deferred Payment Agreement with us and have failed to make the deferred payments you agreed to, your service will be subject to disconnection unless you pay the entire amount due within 10 days.~~

~~If you have a reason for delaying the payment, call us and explain the situation.~~

~~PLEASE CALL THIS TELEPHONE NUMBER, (appropriate telephone number), IMMEDIATELY IF:~~

- ~~1. You dispute the notice of delinquent account.~~
- ~~2. You have a question about your utility service arrears.~~
- ~~3. You are unable to pay the full amount of the bill and are willing to enter into a time payment agreement with us.~~
- ~~4. There are any circumstances you think should be taken into consideration before service is discontinued.~~
- ~~5. Any resident is seriously ill.~~

Illness Provision

~~If there is an existing medical emergency in your home and you furnish the Utility with a statement signed by either a licensed Wisconsin physician, or a public health official, we will delay disconnection of service up to 21 days. The statement must identify the medical emergency and specify the period of time during which disconnection will aggravate the existing emergency.~~

Deferred Payment Agreements

~~If you are a residential customer, and for some reason, you are unable to pay the full amount of the utility service arrears on your bill, you may contact the Utility to discuss arrangements to pay the arrears over an extended period of time.~~

~~This time payment agreement will require:~~

- ~~1. Payment of a reasonable amount at the time the agreement is made.~~
- ~~2. Payment of the remainder of the outstanding balance in monthly installments over a reasonable length of time.~~
- ~~3. Payment of all future utility service bills in full by the due date.~~

~~In any situation where you are unable to resolve billing disputes or disputes about the grounds for proposed disconnection through contacts with our utility, you may make an appeal to the Wisconsin Public Service Commission, Madison, Wisconsin.~~

(UTILITY-NAME)

SEC. 9-1-45 — **COLLECTION OF OVERDUE BILLS.** (Rev. 10/05' Ord. 2005-05)

An amount owed by the customer may be levied as a tax as provided in Sec. 66.0809, Wis. Stats.

SEC. 9-1-46 — **SURREPTITIOUS USE OF WATER.**

(a) — When the utility has reasonable evidence that a consumer is obtaining his supply of water, in whole or in part, by means of devices or methods used to stop or interfere with the proper metering of the utility service being delivered to his equipment, the utility reserves the right to estimate and present immediately a bill for service unmetered as a result of such interference and such bill shall be payable subject to a twenty-four (24) hours disconnection of service. When the utility shall have disconnected the consumer for any such reason, the utility will reconnect the consumer upon the following conditions:

- (1) — The consumer will be required to deposit with the utility an amount sufficient to guarantee the payment of the consumer's bills for utility service to the utility.
- (2) — The consumer will be required to pay the utility for any and all damages to its equipment on the consumer's premises due to such stoppage or interference with its metering.
- (3) — The consumer must further agree to comply with reasonable requirements to protect the utility against further losses.
- (4) — Sections 98.26 and 943.20, Wisconsin Statutes, as relating to water service, are hereby adopted and made a part of these rules.

SEC. 9-1-47 — **VACATION OF PREMISES.**

When premises are to be vacated, the utility shall be notified, in writing, at once, so that it may remove the meter and shut off the supply at the curb valve. The owner of the premises shall be liable to prosecution for any damage to the utility's property by reason of failure to notify the utility of vacancy.

SEC. 9-1-48 — **REPAIRS TO MAINS.**

The utility reserves the right to shut off the water in the mains temporarily, to make repairs, alterations or additions to the plant or system. When the circumstances will permit of sufficient delay, the company will give notification, by newspaper publication or otherwise, of the discontinuance of the supply. No rebate will be allowed to consumers for such temporary suspension of supply.

SEC. 9-1-49 — **DUTY OF UTILITY WITH RESPECT TO SAFETY OF THE PUBLIC.**

It shall be the duty of the Utility to see that all open ditches for water mains, hydrants, and service laterals are properly guarded to prevent accident to any person or vehicle and at night there shall be displayed amber signal light in such manner as will, so far as possible, insure the safety of the public.

SEC. 9-1-50 — HANDLING WATER MAINS AND SERVICE PIPES IN SEWER OR OTHER TRENCHES.

~~Contractors must ascertain for themselves the existence and location of all water mains and service laterals. Where they are removed, cut or damaged in the construction of a sewer, the contractor must at their own expense cause them to be replaced or repaired at once. Contractors must not shut off the water service laterals to any consumer for a period exceeding six (6) hours.~~

SEC. 9-1-51 3 PROTECTIVE DEVICES.

- (a) **Protective Devices in General.** The owner or occupant of every premise receiving water supply shall apply and maintain suitable means of, protection of the premise supply, and all appliances thereof, against damage arising in any manner from the use of the water supply, variation of water pressure, or any interruption of water supply. Particularly, such owner or occupant must protect water-cooled compressors for refrigeration systems by means of high and/or low pressure safety cutout devices. There shall likewise be provided means for the prevention of the transmission of water ram or noise of operation of any valve or appliance through the piping of their own or adjacent premises.
- (b) **Relief Valves.** On all "closed systems" (i.e., systems having a check valve, pressure regulator, or reducing valve, water filter or softener) an effective pressure relief valve shall be installed either in the top tapping or the upper side tapping of the hot water tank, or on the hot water distributing pipe connection at the tank. No stop valve shall be placed between the hot water tank and the relief valve or on the drain pipe. (See applicable plumbing codes).
- (c) **Air Chambers.** An air chamber or approved shock absorber shall be installed at the terminus of each riser, fixture branch, or hydraulic elevator main for the prevention of undue water hammer. The air chamber shall be sized in conformance with local plumbing codes. Where possible, the air chamber should be provided at its base with a valve for water drainage and replenishment of air.

SEC. 9-1-52 — WATER MAIN EXTENSION RULE — X-2

~~Water mains will be extended for new customers on the following basis:~~

- (a) ~~Where the cost of the extension is to immediately be collected through assessment by the municipality against the abutting property, the procedure set forth under Wisconsin Statutes 66.60 will apply, and no additional customer contribution to the utility will be required.~~
- (b) ~~Where the municipality is unwilling or unable to make a special assessment, the extension will be made on a customer-financed basis as follows:~~
 - (1) ~~The applicant(s) will advance as a contribution in aid of construction, the total amount equivalent to that which would have been assessed for all property under (a).~~
 - (2) ~~Part of the contribution required in (1) will be refundable. When additional customers are connected to the extended main within twenty years of the date of completion, contributions in aid of construction will be collected equal to the amount which would have been assessed under (a) for the abutting property being served. This amount will be refunded to the original contributor(s). In no case will the contributions received from additional customers exceed the proportionate amount which would have been required under (a) nor will it exceed the total assessable cost of the original extension.~~

- (c) ~~When a customer connects to a transmission main or connecting loop installed at utility expense within twenty years of the date of completion, there will be a contribution required of an amount equivalent to that which would have been assessed under (a).~~

SEC. 9-1-53 ~~WATER MAIN INSTALLATIONS IN PLATTED SUBDIVISIONS~~

- (a) ~~Application for installation of water mains in regularly platted real estate development subdivisions shall be filed with the municipality.~~
- (b) ~~Upon receipt of the application, the water utility will prepare detailed estimates of the cost of extending water mains and hydrants of the size deemed necessary in the subdivision and submit same to the municipal governing body for approval of the extension as it pertains to public fire protection service requirements.~~
- (c) ~~If the developer, or a contractor employed by the developer, is to install the water mains (with approval of the utility), the developer shall be responsible for the total cost of construction.~~
- (d) ~~If the utility or its contractor is to install the water mains, the developer shall be required to advance to the utility, prior to the beginning of the construction, the total estimated cost of the extension. If the final costs exceed estimated costs, an additional billing will be made for the balance of the cost due. This balance is to be paid within 30 days. If final costs are less than estimated, a refund of the overpayment will be made by the water utility.~~

SEC. 9-1-54 ~~PURITY OF SUPPLY NOT TO BE IMPAIRED BY CROSS CONNECTIONS.~~

~~Every person owning or occupying a premise receiving municipal water supply shall maintain such municipal water supply free from any connection, either of a direct or of an indirect nature, with a water supply from a foreign source or of any manner of connection with any fixture or appliance whereby water from a foreign supply or the waste from any fixture, appliance, waste or soil pipe may flow, be siphoned or pumped into the piping of the municipal water system.~~

SEC. 9-1-55 4 ~~CROSS CONNECTION CONTROL~~
(Rev. 9/01'-Ord. 2001-10, Rev. 6/12'-Ord. 2012-02)

- (a) **Definition.** A cross connection shall be defined as any physical connection or arrangement between two otherwise separate systems, one of which contains potable water from the Village public 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, with the direction of flow depending on the pressure differential between the two systems.
- (b) **Unprotected Cross Connections Prohibited.** No person, firm or corporation shall establish or maintain, or permit to be established or maintain any unprotected cross connection. Cross connections shall be protected as required in Ch. SPS 382, Wisconsin Administrative Code.

- (c) **Inspections.** The water utility may inspect, or arrange for an inspection of, property served by the public water system for cross connections. [Optional: As an alternative, the water utility may require a persons, firm or corporation who owns, leases or occupies property to have their plumbing inspected, at their own expense by a State of Wisconsin Certified Cross Connection Inspector/Surveyor.] The frequency of inspections and re-inspections shall be as established by the Water Utility in accordance with Wisconsin Administrative Code. Any unprotected cross connections identified by the inspection shall be promptly corrected. Failure to promptly correct an unprotected cross connection shall be sufficient cause for the water utility to discontinue water service to the property, as provided under paragraph (f) of this ordinance.
- (d) **Right to Inspect/Entry.** Upon presentation of credentials, the representative of the Water Utility shall have the right to request entry at any reasonable time, to a property served by a connection to the public water system for the purpose of inspecting the property for cross connections. Refusing entry to such utility representative shall be sufficient cause for the water utility to discontinue water service to the property, as provided under paragraph 6 of this ordinance. If entry is refused, a special inspection warrant under Section 66.0119 of the Wisconsin Statutes, may be obtained.
- (e) **Provision of Requested Information.** The water utility may request an owner, lessee, or occupant of property served by a connection to the public water system to furnish the water utility with pertinent information regarding the piping systems on the property. Refusing to provide requested information shall be sufficient for the water utility to discontinue water service property, as provided under paragraph (f) of this ordinance.
- (f) **Discontinuation of Service.** The Water Utility is hereby authorized and directed to discontinue water service to any property wherein any unprotected connection in violation of this Ordinance exists, and to take such other precautionary measures deemed necessary to eliminate any danger of contamination of the public water system. Water service shall be discontinued however, only after reasonable notice and opportunity for hearing under Chapter 68, Wis. Statutes, except as provided in Section (g), Water service to such property shall not be restored until the unprotected cross connection(s) has been eliminated.
- (g) **Immediate Discontinuation.** If it is determined by the Water Utility that an unprotected cross connection or an emergency endangers public health, safety or welfare and requires immediate action, and a written Finding to that effect is filed with the Village Clerk-Treasurer and delivered to the customer's premises, service may be immediately discontinued. The customer shall have an opportunity for hearing under Chapter 68, Wis. Statutes., within ten (10) days of such emergency discontinuance. Water service to such property shall not be restored until the unprotected cross connection has been eliminated.
- (h) **State Code Adopted.** The Village adopts by reference the State Plumbing Code of Wisconsin being Comm. 82, Wisconsin Administrative Code.
- (i) **Section Not to Supersede Other Ordinances.** This Section does not supersede the State Plumbing Code and any Village plumbing ordinances but it is supplementary to them.

SEC. 9-1-56 5 PRIVATE WELL ABANDONMENT. (Rev. 2/97-Ord. 1997-01)

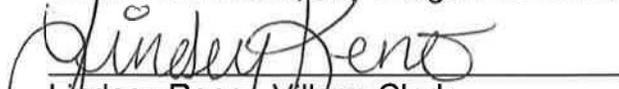
- (a) **Purpose.** The purpose of this Section is to prevent contamination of ground water and to protect public health, safety and welfare by assuring that unused, unsafe or non-complying wells or wells which may be illegally cross-connected to the municipal water system are properly abandoned.

- (b) **Applicability.** This Section applies to all wells located on any premises served by the Village of Marshall municipal water system.
- (c) **Definitions.** The following definitions shall be applicable in this Section:
- (1) Municipal Water System. A system for the provision to the public of piped water for human consumption when such system has at least fifteen (15) service connections or regularly serves at least twenty-five (25) year round residents owned or operated by a city, village, county, town, town sanitary district, utility district, public institution or a privately owned water utility serving any of the above.
 - (2) Non-complying. A well or pump installation which does not comply with the provisions of Ch. NR 812, Wis. Adm. Code, in effect at the time the well was constructed, a contamination source was installed, the pump was installed or work was done on either the well or pump installation.
 - (3) Pump Installation. The pump and related equipment used for withdrawing water from a well including the discharge piping, the underground connections, pit adapters, pressure tanks, pits, sampling faucets and well seals or caps.
 - (4) Unsafe. A well or pump installation which produces water which is bacteriologically contaminated or contaminated with substances in exceedance of the standards or Chpts. NR 809 or 140, Wis. Adm. Code, or for which a Health Advisory has been issued by the Department of Natural Resources.
 - (5) Unused. A well or pump installation which is not in use or does not have a functional pumping system.
 - (6) Well. An excavation or opening into the ground made by digging, boring, drilling, driving, or other methods for the purpose of obtaining groundwater for consumption or other use.
 - (7) Well Abandonment. The filling and sealing of a well according to the provisions of Ch. NR 812, Wis. Adm. Code.
- (d) **Abandonment Required.** Well operation permits shall be obtained for wells located on premises served by the municipal water system. All wells located on premises served by the municipal water system shall be abandoned in accordance with the terms of this Section and Chpt. NR 812, Wis. Adm. Code, by (1) May 1, 1991;
- (2) For non-agricultural property, upon change of ownership of the property whether by sale, inheritance or other transfer of ownership;
 - (3) Or agricultural property, upon discontinuation of use of the well for agricultural purposes; or
 - (4) No later than one (1) year from the date of connection to the municipal water system, whichever occurs last. Upon the date for abandonment of the well, the well operation permit shall expire and cease to be valid.
- (e) **Well Operation Permit.**
- (1) No well permits shall be issued for new private wells after January 1, 1997.
 - (2) The Village Board may grant a permit to a private well owner to operate a well for a period not to exceed five (5) years in use prior to January 1, 1997, providing the conditions of this Section are met. An owner may request renewal of a well operation permit by submitting information verifying that the conditions of this Section are met. The Village Board, or its agent, may conduct inspections or have water quality tests conducted at the applicant's expense to obtain or verify information necessary for consideration of a permit application or renewal. Permit applications and renewals shall be made on forms provided by the Clerk-Treasurer. The following conditions must be met for issuance or renewal of a well operation permit:
 - a. The well and pump installation meet or are upgraded to meet the requirements of Chpt. NR 112, Wis. Adm. Code.

- b. The well construction and pump installation have a history of producing bacteriologically safe water as evidence by at least two (2) samplings taken a minimum of two (2) weeks apart, every year. Results are to be filed with the Village Clerk-Treasurer. No exception to this condition may be made for unsafe wells, unless the Department of Natural Resources approves, in writing, the continued use of the well.
 - c. There are no cross-connections between the well and pump installation and the municipal water system.
 - d. The proposed use of the well and pump installation can be justified as being necessary in addition to water provided by the municipal water system.
- (3) The application for a well permit shall be filed with the Village Clerk-Treasurer and shall contain a non-refundable fee in the amount of Ten Dollars (\$10.00).
 - (4) Any person, firm, or well owner violating any provision of Section 9-1-5 is subject to a forfeiture of Five Hundred Dollars (\$500.00) and shall abandon their well in accordance with the provisions of Section 9-1-5(f).
- (f) **Abandonment Procedures.**
- (1) All wells abandoned under the jurisdiction of this Section or rule shall be abandoned according to the procedures and methods of Ch. NR 812, Wis. Adm. Code. All debris, pump, piping, unsealed liners and any other obstructions which may interfere with sealing operations shall be removed prior to abandonment.
 - (2) The owner of the well, or the owner's agent, shall notify the Clerk at least forty-eight (48) hours prior to commencement of any well abandonment activities. The abandonment of the well shall be observed by Utility Superintendent or his agent.
 - (3) An abandonment report form, supplied by the Department of Natural Resources, shall be submitted by the well owner to the Clerk-Treasurer and the Department of Natural Resources within ten (10) days of the completion of the well abandonment.
- (g) **Penalties.** Any person, firm, or well owner, violating any provision of this Section shall, upon conviction, be punished by forfeiture as prescribed in Section 1-1-6, and the cost of prosecution. Each twenty-four (24) hour period during which a violation exists shall be deemed and constitute a separate offense. If any person fails to comply with this Section for more than ten (10) days after receiving written notice of the violation, the municipality may impose a penalty and cause the well abandonment to be performed and the expense to be assessed as a special tax against the property.

Adopted by a vote of seven (7) for, zero (0) against, zero (0) abstaining, and zero (0) absent this 2nd day of August 2016.


 Marlin E. Hensler, Jr., Village President.


 Lindsey Reno, Village Clerk