

TITLE 9

Public Utilities
(2010-04 – 09/21/10)

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CHAPTER 1

Caledonia Water Utility Regulations and Rates

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ARTICLE A

Rates

SEC. 9-1-1 CALEDONIA WATER UTILITY DISTRICT.

(a) **Water Utility District Creation.** There shall be one water utility district for a portion of the Village of Caledonia organized pursuant to the Wisconsin Statutes,

which shall be known as the “Caledonia Water Utility District.” Unless otherwise indicated, any reference to the Village of Caledonia Water Utility District (“Utility”) shall mean the Caledonia Water Utility District regulated by the Public Service Commission (“PSC”), and shall apply to the Caledonia Water Utility District.

- (b) **District Boundaries.** The boundaries of the Caledonia Water Utility District shall be as established by Resolution of the Village Board.
- (c) **Obligations to and of the District.** Nothing in this Section shall be construed as discharging any person, firm, corporation, or organization from any obligation to the predecessor Caledonia East Sewer and Water Utility Districts or the predecessor Caledonia West Sewer and Water Utility Districts, or their predecessor Utility Districts, incurred prior to the enactment of this Section, including, but not limited to, compliance with the rules and regulations of the District, payments of any monies owing to the District and performance of any contracts entered into with the District. Nothing herein shall affect the obligations that the District has as to any outstanding bond issuances or other debt obligations.
- (d) **Commission.** The Utility’s Commission shall have the powers and duties as specified in Section 2-5-8 of this Code of Ordinances.
- (e) **Utility Director.** The Village Board shall appoint a Utility Director to oversee the Caledonia Water Utility District and whom shall report to the Village Board and be an advisor to the Commission per Section 2-4-19 of this Code of Ordinances.
- (f) **Utility District Personnel.** All of the Caledonia Water Utility District’s personnel are Village employees subject to the Village Personnel Policy Manual.

SEC. 9-1-2 PUBLIC FIRE PROTECTION SERVICE - F-1.

- (a) Pursuant to Village Resolution No. 2013-32 "Authorizing the Village of Caledonia Water Utility to Directly Charge for Public Fire Protection," approved by the Village Board on June 3, 2013, and Wis. Stat. § 196.03(3)(b), the Utility has received authorization from the Public Service Commission ("PSC") to convert to a system whereby the annual charge for public fire protection service is directly charged to Utility customers and all persons owning land in any area of the Village in which the Utility has an obligation to provide water for public fire protection. The Village's Schedule No. F-1 setting forth the Quarterly Public Fire Protection Service Charges, as approved by the PSC, and any amendments thereto, are incorporated herein by reference.
- (b) This service includes 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 Village. 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 PSC, shall apply.

SEC. 9-1-3 PRIVATE FIRE PROTECTION SERVICE - UNMETERED - UPF-1.

- (a) This service shall consist of permanent or continuous unmetered connections to the main for the purpose of supplying water to private fire protection systems such as automatic sprinkler systems, standpipes, and private hydrants. This service shall also include

reasonable quantities of water used for testing check valves and other backflow prevention devices.

(b) Quarterly Private Fire Protection Service Demand Charges:

2-inch or smaller connection	\$ 12.00
3-inch connection	\$ 24.00
4-inch connection	\$ 39.00
6-inch connection	\$ 78.00
8-inch connection	\$ 126.00
10-inch connection	\$ 186.00
12-inch connection	\$ 249.00
14-inch connection	\$ 312.00
16-inch connection	\$ 375.00

(c) Billing: Same as Schedule Mg-1.

SEC. 9-1-4 GENERAL SERVICE- METERED- MG-1.

(a) Service Charge:	<u>Quarterly</u>
5/8-inch meter-	\$ 18.17
3/4-inch meter	\$ 18.17
1-inch meter-	\$ 30.27
1 ¼-inch meter-	\$ 42.38
1-1/2-inch meter-	\$ 54.49
2-inch meter -	\$ 81.73
3-inch meter -	\$ 136.22
4-inch meter -	\$ 211.89
6-inch meter -	\$ 393.51
8-inch meter -	\$ 605.40
10-inch meter -	\$ 908.10
12-inch meter -	\$1,210.80

(b) **Volume Charge:**

First 20,000 cubic feet used per quarter - \$2.290 per 100 cubic feet
(149,600 gallons used per quarter -\$3.061 per 1,000 gallons)

Next 180,000 cubic feet used per quarter -\$2.180 per 100 cubic feet
(1,346,400 gallons used per quarter - \$2.914 per 1,000 gallons)

Over 200,000 cubic feet used per quarter - \$2.080 per 100 cubic feet
(1,496,000 gallons used per quarter -\$2.781 per 1,000 gallons)

(c) **Billing.** Bills for water service are rendered quarterly and become due and payable upon issuance following the period for which service is rendered. A late payment charge of 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.

(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. This requirement does not preclude the Utility from combining readings where metering configurations support such an approach. 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. 9-1-5 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 Seventy Three and 13/100 Dollars (\$73.13) each quarter. This rate shall be applied only to single-family residential and small commercial customers and approximates the cost of two thousand four hundred (2,400) cubic feet (17,952 gallons) of water per quarter under Schedule Mg-1. If it is determined by the Utility that usage is in excess of two thousand four hundred (2,400) cubic feet (17,952 gallons) per quarter, 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, sewer treatment plants, etc., shall be metered and the regular metered service rates (Schedule Mg-1) applied.
- (b) Water used on an intermittent basis for flushing sewers, 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 Manager 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 Two and 18/100 Dollars (\$2.18) per one hundred (100) cubic feet (\$2.914 per 1,000 gallons).

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

	<u>During Normal Business Hours</u>	<u>After Normal Business Hours</u>
Reinstallation of meter, including valving at curb stop	\$40.00	\$60.00
Valve turned on at curb stop	\$35.00	\$55.00
Note: No charge for disconnection.		

SEC. 9-1-8 WATER LATERAL INSTALLATION CHARGE – CZ-1.

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. 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 shall be included in the assessment of the appropriate properties.

The initial water service 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 the actual cost will be charged.

SEC. 9-1-9 PURCHASED WATER ADJUSTMENT CLAUSE – PWAC - 1.

- (a) The Utility may apply a purchased water adjustment (PWAC) to its water rates set forth under Schedules F-1 and Mg-1 to reflect an increase or decrease in the rates charged by its wholesale water suppliers, the Racine Water Works Commission (wholesaler) and Oak Creek Water and Sewer Utility (wholesaler). The adjustment can be made effective on or after the effective date of the wholesaler's rate change. Adjustment under this PWAC which results in an increase cannot be effective until the Utility has filed the proposed change with the PSC, and the Commission has accepted the adjustment for filing. The Utility shall provide notice to its customers of such changes in rates resulting from application of the PWAC.

The Utility must request Commission authorization for a PWAC rate change within 90 days of a change in its wholesale water supplier's change in rates or forfeit all adjustment to its rates under the PWAC until the time of its next rate case.

(b) **Calculation of Adjusted Public Fire Protection Charge - - - F-1**

$$AFP = FP + A$$

$$A = N - B$$

Where:

- AFP = Adjusted annual charge for public fire protection services to the Village of Caledonia.
- FP = Current annual charge for public fire protection services under the Utility’s schedule F-1 rate.
- A = New annual wholesale fire protection charge less the current wholesale fire protection charge.
- N = New annual wholesale public fire protection service charge.
- B = Current annual wholesale public fire protection service charge.

Calculation of Adjusted Quarterly Service Charges --- Mg-1

$$C = Z \times (1 + P_1 + P_2)$$

$$P_1 = (N_1 - B_1) / T$$

$$P_2 = (N_2 - B_2) / T$$

- Where:
- C = Adjusted Schedule Mg-1 quarterly retail service charges rounded up to the nearest cent.
 - Z = Current Schedule Mg-1 quarterly retail service charges.
 - P₁ = Adjustment factor (Racine Water Works Commission) rounded up to the nearest hundredth of a percent (.XXXX or XX.XX%).
 - N₁ = New Racine Water Works Commission quarterly wholesale service charge.
 - B_t = Current Racine Water Works Commission quarterly wholesale service charge.
 - T = Total quarterly dollar revenue from quarterly retail service charges per Schedule Mg-1.
 - P₂ = Adjustment factor (Oak Creek Water and Sewer Utility) rounded up to the nearest hundredth of a percent (.XXXX or XX.XX%).
 - N₂ = New Oak Creek Water and Sewer Utility quarterly wholesale service charge.
 - B₂ = Current Oak Creek Water and Sewer Utility quarterly wholesale service charge.

Commodity Charge Adjustment - - - Mg-1

$$AVBR = VBR + A_1 + A_2$$

$$A_1 = (N_1 - B_1) \times RWWC / (RWWC + OCWSU)$$

$$A_2 = (N_2 - B_2) \times OCWSU / (RWWC + OCWSU)$$

- Where: AVBR = Adjusted Schedule Mg-1 retail volume block rates rounded up to the nearest cent.
- VBR = Current Schedule Mg-1 retail volume block rates.
- A₁ = New Racine Water Works Commission wholesale volume charge less the current Racine Water Works Commission wholesale volume charge.
- N₁ = New Racine Water Works Commission wholesale commodity rate. B₁ = Current Racine Water Works Commission wholesale commodity rate.
- RWWC = Most recent 12-month volume of purchased water from Racine Water Works Commission.
- OCWSU = Most recent 12-month volume of purchased water from Oak Creek Water and Sewer Utility.
- A₂ = New Oak Creek Water and Sewer Utility wholesale volume charge less the current Oak Creek Water and Sewer Utility wholesale volume charge.
- N₂ = New Oak Creek Water and Sewer Utility wholesale commodity rate.
- B₂ = Current Oak Creek Water and Sewer Utility wholesale commodity rate.

SEC. 9-1-10 OTHER CHARGES --- OC-1

Special Billing Charge: A \$35.00 charge to cover meter reading and administrative expenses shall apply whenever a customer requests special billing outside of the normal utility billing.

Real Estate Closing Account Charge: A \$25.00 charge shall apply whenever a customer (or the customer's agent, attorney, real estate broker, title company, etc.) requests written documentation from the utility of the customer's account status in connection with a real estate closing.

General Service - Suburban - - - Mg-2

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

Wholesale Service to the Village of Wind Point --- W-1

Public Fire Protection Service

Service Charge: \$8,141.00 per quarter

General Service

Service Charge:* \$1,210.80 per quarter

Volume Charge: \$2.080 per 100 cubic feet (\$2.781 per 1,000 gallons)

*Based on Schedule Mg-1 service charges for all wholesale meters.

Billing: Same as Schedule Mg-1.

Public Service - - - Mpa-1

Water service supplied to municipal buildings, schools, sewer treatment plants, etc., shall be metered and the regular metered service rates (Schedule Mg-1) applied.

Water used on an intermittent basis for flushing sewers, street sprinkling, flooding skating rinks, drinking fountains, etc., shall be metered where meters can be set to measure the service. Where it is impossible to measure the service, the superintendent shall estimate the 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 \$2.180 per 100 cubic feet (\$2.914 per 1,000 gallons).

Billing: Same as Schedule Mg-1.

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

Seasonal customers* shall pay an annual seasonal service charge equal to four times the applicable service charge in Schedule Mg-1. Water use in any billing period shall be billed at the applicable volume rates in Schedule Mg-1 and the charge added to the annual seasonal service charge.

In addition, customers who have an additional meter pursuant to Schedule Am-1 shall also pay an annual seasonal rental charge equal to four times the applicable additional meter rental charge in Schedule Am-1.

For disconnections of service not previously considered as seasonal, emergency, or temporary, if service is resumed at the same premises by the same customer within a 12-month period, and if there has been no service to another customer during the intervening period, the customer shall be billed for the pro rata share of the applicable service charge for the period of disconnection.

Further, if service has been disconnected or a meter removed, a charge under Schedule R-1 shall be applied at the time of reconnection or meter reinstallation.

*Seasonal customers are general service customers whose use of water is normally for recurring periods of less than a year. This includes service under Schedule Mg-1 and/or Schedule Am- 1.

Billing: Same as Schedule Mg-1.

Building and Construction Water Service --- Mz-1

For single-family and small commercial buildings, apply the unmetered rate (Schedule Ug-1).

For large commercial, industrial, or multiple apartment buildings, a temporary metered installation shall be made and general metered rates (Schedule Mg-1) applied.

Billing: Same as Schedule Mg-1.

Bulk Water - - - BW-1

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

Bulk water sales are:

- A. Water supplied by tank trucks or from hydrants for the purpose of extinguishing fires outside the utility's immediate service area;
- B. Water supplied by tank trucks or from hydrants for purposes other than extinguishing fires, such as irrigation or the filling of swimming pools; or,
- C. 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 \$2.290 per 100 cubic feet (\$3.061 per 1,000 gallons). A service charge, in addition to the volumetric charge, will be \$40.00. In addition, for meters that are assigned to bulk water customers for more than 30 days, the applicable service charge in Schedule Mg-1 will apply after the first 30 days.

The water utility may require reasonable deposits for the temporary use of its equipment under this and other rate schedules. The deposit(s) collected will be refunded upon return of the utility's equipment. Damaged or lost equipment will be repaired or replaced at the customer's expense.

Billing: Same as Schedule Mg- 1.

Additional Meter Rental Charge - - - Am-1

If a customer requests the installation of an additional meter* to receive credit for clear water not discharged into the sanitary sewer system, or if a sewerage service customer who is not a customer of the water utility requests the installation of a meter to determine the volume of sewage discharged into the sanitary sewer system, the utility shall furnish and install this additional meter. This rate applies to single-family residential and small commercial customers. At utility discretion, it may also be applied to other customers. A rental fee shall be charged for the use of this meter and the following rates shall apply.

5/8 inch meter -	\$	4.50 per quarter
3/4 inch meter -	\$	4.50 per quarter
1-inch meter -	\$	7.50 per quarter
1 ¼ inch meter -	\$	10.50 per quarter
1 ½ inch meter -	\$	13.50 per quarter

Initial Meter Installation Charge - \$40.00

*For the Schedule Am-1 rate to apply, the additional meter must be installed on the same service lateral as the primary meter. Also, if the metering configuration is in the Addition Method, the Schedule Am-1 rate will apply only if the additional meter is 3/4-inch or less. If the additional meter is larger than 3/4-inch in the Addition Method, then Schedule Mg-1 rates apply to the primary meter and the additional meter as separate accounts.

Billing: Same as Schedule Mg- 1.

SEC. 9-1-11 AMENDMENTS TO RATES

From time to time, the rates set forth in Article A may be amended by the Utility under the direction of the Public Service Commission. A copy of the current rate schedule, as contained in the Utility's rate file, may be obtained at the offices of the Utility and shall take precedence over any inconsistent rate set forth in Article A.

SEC. 9-1-12 THROUGH SEC. 9-1-22 RESERVED FOR FUTURE USE.

ARTICLE B

Rules and Regulations

SEC. 9-1-23 COMPLIANCE WITH RULES.

All persons now receiving a water supply from the Utility, or who may request service in the future, shall be considered as having agreed to be bound by the rules and regulations as filed with the Public Service Commission of Wisconsin. To the extent that there is any provision in this

ordinance that is in conflict with, contradictory to, or inconsistent with any provision in the current rate file or applicable state statutes and/or regulations, the latter shall govern. Any amendments to the Utility's rate file are incorporated herein by reference.

SEC. 9-1-24 ESTABLISHMENT OF SERVICE.

- (a) Application for water service shall be made in writing on a form furnished by the 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, fire protection, 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 pipe 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 according to Utility's specification; and
 - (3) Premises have adequate piping beyond 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 customer 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 meterage of the supply to an adjoining lot or parcel of land. No division of a water supply service shall be made at the curb for separate supplies therefrom for two (2) or more separate premises having frontage on any street or public service strip whether owned by the same or different parties.
- (e) The Utility is 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. 9-1-25 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 box) 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.)

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 of the same business.

SEC. 9-1-26 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. 9-1-27 WATER FOR CONSTRUCTION.

- (a) When water is requested for construction purposes, or for filling tanks or other such uses, an application therefore shall be made to the Utility, in writing, upon application provided for that purpose in the Utility's office, giving a statement of the amount of construction work to be done, or the size of the tank to be filled, etc. The service pipe must be installed inside the building from where the water must be drawn, and shall be in compliance with applicable local and State plumbing codes. No connection with the service pipe at the curb shall be made without special permission from the Utility.

SEC. 9-1-28 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 back flow preventer and meter. In no case shall such equipment be moved except by a member of the Utility.
- (b) At the discretion of the District Manager, a deposit may be required. *See* Schedule BW-1 for deposits and charges. Upon completing use of the hydrant, the customer must notify the Water 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 back flow preventer and meter are set, and the flow of water must be regulated by means of such equipment. 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.
- (d) If the back flow preventer, meter and/or hydrant are stolen or damaged, the person or entity granted permission to access the hydrant shall reimburse the utility for the cost of repairing or replacing the equipment. The determination of specifications for the replacement equipment and/or types of repairs needed, shall rest solely within the discretion of the District Manager.

SEC. 9-1-29 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. 9-1-30 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 pipe, unless adequate means of protection are provided by sand filling or such other insulation as may be approved by the Utility. Service pipes passing through curb or retaining walls shall be adequately safeguarded by provision of a channel space or pipe casing, not less than twice the diameter of the service connection. The space between the service pipe and channel or pipe casing shall be filled and lightly caulked with an oakum, mastic cement, or other resilient material, and made impervious to moisture.
- (b) In backfilling the pipe trench, the service pipe must be protected against injury by carefully hand tamping the ground filling, free from hard lumps, rocks, stones, or other injurious material, around and at least six (6) inches over the pipe.
- (c) All water supplies shall be of undiminished size from the street main into the point of meter placement. Beyond the meter outlet valve the piping shall be sized and proportioned by the permittee 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. 9-1-31 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. The plumbing shall be installed in such a manner as to allow for horizontal placement of the meter.
- (b) No permit will be given to change from metered to flat rate service.

SEC. 9-1-32 TURNING ON WATER.

The water cannot be turned on for a consumer except by a duly authorized employee of the Utility. Fees for such service shall be based on the approved PSC schedule. When a plumber has completed a job, he must notify the Village and Utility to allow for inspection of the plumber's work and the installation of the meter by Utility personnel. In the event Utility personnel are not available to timely install the meter, the plumber shall leave the water turned off. This does not prevent the plumber from testing the work while installing the necessary piping. Failure of a plumber to notify the Utility of the completion of a job and/or failure to turn off the water until Utility personnel are able to install the water meter, shall make the plumber jointly and severally liable with the property owner for Utility back-charges for estimated water use.

SEC. 9-1-33 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 quarter will be computed with the gallons or cubic feet in each block of the rate schedule doubled and credit 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 two (2) consecutive estimated bills be rendered.
- (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 employed, the bill will be estimated by some equitable method.

SEC. 9-1-34 COMPLAINT METER TESTS.

The Utility shall promptly make an accuracy test without charge of any metering installation upon request of the customer if twenty-four (24) months or more have elapsed since the last complaint test of the same meter in the same location. If less than twenty-four (24) months have elapsed, an amount equal to one-half the estimated cost of the meter test shall be advanced to the Utility by the customer. Said amount shall be refunded if the test shows the meter to be over registering by more than 2 percent. A report giving the results of such test shall be made to the customer and a complete original test record shall be kept on file in the office of the Utility. Upon request, the test shall be made in the presence of the customer during normal business hours. See Wis. Adm. Code, Sections PSC 185.61 through 185.78.

SEC. 9-1-35 THAWING FROZEN LATERALS.

- (a) Thawing of a customer's lateral shall be at the Utility's expense if:

- (1) The freeze-up is a direct result of a utility disconnect and the disconnection occurs during a time when conditions are such that freeze-up could reasonably be expected to occur or;
 - (2) The customer's portion of lateral is electrically conductive and:
 1. It is the first thaw for the customer at the location and;
 2. The Utility has not provided the customer with seasonal notice of the corrective actions to be taken for a known condition.
- (b) Lateral thawing shall be at the customer's expense if:
- (1) The customer's lateral is not electrically conductive and the freeze-up is not a direct result of a utility disconnect as set forth in sub. (1)(a) or;
 - (2) The customer neglected to provide or maintain proper insulation or protection for the lateral according to standard accepted practice, or specific utility instructions on, for example, the required depth of burial needed to prevent freezing, or;
 - (3) The Utility advises the customer of the corrective measures to be taken and the customer does not follow the Utility's advice. (See s. PSC 185.35 (7) for bill adjustment where a Utility requests a customer to let water flow to prevent freezing), or;
 - (4) If the Utility disconnects for a dangerous condition.

SEC. 9-1-36 STOP BOXES.

The customer 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 owner's premises.

SEC. 9-1-37 INSTALLATION OF METERS.

Meters will be furnished and placed by the Utility and are not to be disconnected or tampered with by the consumer. All meters shall be so located that they shall be protected from obstructions and permit ready access thereto for reading, inspection, and servicing, such location to be designated or approved by the Utility. All piping within the building must be supplied by the 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. Where applicable, *see* Schedule Am.-1 for rate. Meters shall be installed within six (6) months of approval by the Utility of an application for water service. For good cause shown, the manager of the Utility may grant an extension of time for the installation of a meter. Any such extension must be in writing, with a copy delivered to the Utility District Commissioners.

SEC. 9-1-38 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, owner's 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 customer or the owner of the premises.

SEC. 9-1-39 REPLACEMENT AND REPAIR OF SERVICE PIPE.

- (a) Where the property owner requests that a larger service lateral be installed to replace an existing smaller diameter pipe, all costs of replacement and connection to the main shall be the sole responsibility of the property owner.
- (b) The service pipe from the main to and through the curb stop will be maintained and kept in repair and when worn out, replaced at the expense of the Utility. The property owner shall maintain the service pipe from the curb stop to the point of use.
- (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. 9-1-40 CHARGES FOR WATER WASTED DUE TO LEAKS.

When the meter registers losses due to pipe leaks, the Utility shall determine whether or not the defect in the piping or equipment was known to the customer or, being known, whether the customer had used his best efforts to correct the conditions. If the Superintendent determines that the loss occurred without the customer's knowledge or having known about it the customer had tried to correct the condition, the Utility may determine as nearly as possible what is the amount of the loss by comparison with the use of the water during a like period, and the excess may be billed at the lowest step in the rates. If, however, the customer knew of the leak and failed to give proper attention to it, the Utility will bill for the total consumption shown by the meter at regular rates.

SEC. 9-1-41 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.

SEC. 9-1-42 CUSTOMER'S DEPOSITS.

- (a) **New Residential Service.**
 - (1) A Utility shall not require a deposit or other guarantee as a condition of new residential service unless a customer has an outstanding account balance with any Wisconsin gas, electric, water, or sewer utility which accrued within the last 6 years and for which there is no agreement or arrangement for payment being honored by

the customer, and which at the time of the request for new service remains outstanding and not in dispute. (*See* s. PSC 185.39.)

- (2) A deposit under this section shall not be required if the customer provides the Utility with information showing that the customer's gross quarterly income is at or below 200% of federal income poverty guidelines.
- (3) A Utility shall inform the customer of the customer's right to enter into a deferred payment agreement for payment of the deposit amount and of the customer's right to appeal any deposit request or amount required under this section to the commission.

(b) **Existing Residential Service.**

A Utility may require a deposit as a condition of residential service. When the Utility requests a deposit of an existing residential customer, the customer shall be informed of the customer's right to provide a cash deposit, a guarantee, or to establish a deferred payment agreement. The customer shall be given 30 days to provide the deposit, guarantee, or enter into a deferred payment agreement for the deposit amount. A deposit under this section shall not be required if the customer provides the Utility with information showing that the customer's gross quarterly income is at or below 200% of the federal income poverty guidelines. The Utility may require a deposit if any of the following circumstances apply:

- (1) The Utility has disconnected the customer's service within the last 12-month period for violation of the Utility's filed rules or for nonpayment of a delinquent service account not currently in dispute;
- (2) Subsequent credit information indicates that the initial application for service was falsified or incomplete to the extent that a deposit would be required under this section.

(c) **New Nonresidential Service.** If the credit of an applicant for nonresidential service has not been established satisfactorily to the Utility, the Utility may require the applicant to post deposit. The Utility shall notify the applicant within 10 days of the request for service as to whether a deposit shall be required. The 10-day period shall begin from the date the applicant provides all information requested under s. PSC 185.33 (18) (a) to the Utility. If no request for a deposit is made within this period, no deposit shall be required, except under the provisions of sub. (d). If a request for a deposit is made, the applicant shall be given at least 30 days to provide payment, or guarantee, or to establish a deferred payment agreement.

(d) **Existing Nonresidential Service.** The Utility may require an existing nonresidential customer to furnish a deposit if any of the following apply:

- (a) The customer has not made prompt payment of all bills within the last 24 months;
- (b) The Utility has disconnected the customer's service within the last 12-month period for violation of the Utility's filed rules or for nonpayment of a delinquent service account not currently in dispute;
- (c) Subsequent credit information indicates that the initial application for service was falsified or incomplete to the extent that a deposit would be required under this section;
- (d) When the Utility requests a deposit of an existing customer, the customer shall have 30 days to provide the deposit, guarantee, or to establish a deferred payment agreement.

- (e) **Guarantee Terms and Conditions of Deposit.** See Wis. Adm. Code. Chapter PSC 185.36(3) and 185.361(4).
- (f) **Refund of Deposits.** The Utility shall refund the deposit of a residential customer after 12 consecutive months of prompt payment. In the case of a commercial or industrial customer, the Utility shall refund the deposit after twenty-four (24) consecutive months of prompt payment. Payment shall be considered "prompt" if it is made prior to the time when the Utility could issue a notice of disconnection for nonpayment of a bill not in dispute. Any deposit or portion thereof refunded to a customer shall be refunded by check unless both the customer and the Utility agree to credit the regular bill or unless service is terminated, in which case the deposit with accrued interest shall be applied to the final bill and any balance returned to the customer within 30 days of issuing the final bill.
- (g) **Other Conditions of Deposit.** A new or additional deposit may be required upon reasonable written notice of the need therefore if such new or additional deposit could have been required under the circumstances when the initial deposit was made. Service may be refused or disconnected for failure to pay a deposit request as provided in the rules. When service has been disconnected for failure to make a deposit or for failure to pay a delinquent bill or for failure to comply with the terms of a deferred payment agreement and satisfactory arrangements have been made to have service restored, a reconnection charge as specified elsewhere in these rules shall be paid by the customer as a condition to restoration of service. For additional terms and conditions related to deposits for residential and non-residential service, see Wis. Admin. Code, Sections 185.36 and 185.361.

SEC. 9-1-43 DISCONNECTION AND REFUSAL OF SERVICE.

- (a) **Reasons for Disconnection.** Service may be disconnected or refused for any of the following reasons:
 - (1) Failure to pay a delinquent account or failure to comply with the terms of a deferred payment agreement (see s. PSC 185.38);
 - (2) Delinquency in payment for service received by a previous account holder or customer at the premises to be served, if an account is transferred to a new account holder or customer and the previous account holder or customer continues to be an occupant of the dwelling unit to be served.
 - (3) Failure to pay for an outstanding account balance with the Utility owing at a previous address and for which there is no agreement or arrangement for payment and it is not in dispute but remains outstanding;
 - (4) Failure to comply with deposit or guarantee arrangements as specified in s. PSC 185.36 or 185.361;
 - (5) Diversion of service around the meter;
 - (6) Refusal or failure to permit authorized Utility personnel to read the meter at least once every 4 months where the Utility bills monthly or bimonthly, or at least once every 9 months where the Utility bills quarterly or less frequently than quarterly. The 4- or 9-month period begins with the date of the last meter reading;
 - (7) Refusal or failure to permit authorized Utility personnel access to the base meter;

- (8) Violation of the Utility’s rules pertaining to the use of service in a manner which interferes with the service of others or to the operation of nonstandard equipment, if the customer has first been notified and provided with reasonable opportunity to remedy the situation;
 - (9) Failure to comply with Wisconsin statutes, commission rules, or commission orders pertaining to Utility service;
 - (10) Failure to pay costs or fees incurred by and awarded to the Utility by a court of law, for pursuit of collection of bills, or failure to pay extraordinary collection charges as allowed and specified in the Utility’s tariffs filed with the commission;
 - (11) Failure to comply with the Utility’s rules or if the customer uses a device that unreasonably interferes with communications or signal services used for reading meters;
 - (12) Failure of an applicant for Utility service to provide adequate verification of identity and residency, as provided in sub. (5) (a) of Chapter PSC 185.37, Wis. Admin. Code;
 - (13) Failure of an applicant for Utility service to provide the information set forth in ss. PSC 185.33(18) (a), (b) and (c).
- (b) **Disconnection and Refusal of Service.**
- (1) In no circumstances shall the cumulative time before notice of disconnection be less than 20 days after the date of issuance of the bill. An account may be deemed delinquent for the purpose of disconnection after such period has elapsed.
 - (2) At least 10 calendar days prior to disconnection, the Utility shall give a written notice of disconnection upon a form approved by the commission and which conforms to the requirements of sub. (11) of Chapter PSC 185.37, Wis. Admin. Code unless accepted elsewhere.
 - (3) When a customer, either directly or through the commission, disputes a disconnection notice, the Utility shall investigate any disputed issue and shall attempt to resolve that issue. During this investigation, utility service shall not be disconnected over this matter.
 - (4) If a disputed issue cannot be resolved pursuant to s. PSC 185.39 (1), the Utility shall inform the customer of the right to contact the commission.
 - (5) The Utility may disconnect without prior notice where a dangerous condition exists for as long as the condition exists. Upon disconnection, the Utility shall provide a written explanation of the dangerous condition. Service may be discontinued with a written 24-hour notice for non-payment of a bill covering surreptitious use of water.
- (c) **Deferred Payment Agreement.**
- (1) The Utility shall offer deferred payment agreements to residential customers. The deferred payment agreement shall provide that service will not be discontinued for the outstanding bill if the customer pays a stated reasonable amount of the outstanding bill, agrees to pay the remaining outstanding balance in installments until the bill is paid, and agrees to pay the current bill by the due date. In determining what amounts are "reasonable," the parties shall consider the customer’s ability to pay, including the following factors:
 - a. Size of the delinquent account.
 - b. Customer's payment history.
 - c. Time that the debt has been outstanding.

- d. Reasons why the debt has been outstanding.
 - e. Any other relevant factors concerning the circumstances of the customer such as household size, income, and necessary expenses.
- (2) In the deferred payment agreement it shall state immediately preceding the space provided for the customer's signature and in boldface print at least two (2) sizes larger than any other print using the following:
- a. You have the right to suggest a different payment agreement;
 - b. If you believe the terms of this agreement are unreasonable, DO NOT SIGN IT;
 - c. If you and the Utility cannot agree on terms, you may ask the commission to review the disputed issues;
 - d. If you sign this agreement, you agree that you owe the amount due under the agreement;
 - e. Signing this agreement does not affect your responsibility to pay for your current service. Allowing any bill for current service to become delinquent places you in default of this agreement.
- (3) A delinquent amount, including late payment charges covered by a deferred payment agreement, shall not be subject to an additional late payment charge if the customer meets the payment schedule, including the current bill required by the agreement. A deferred payment agreement shall not include a finance charge.
- (4) If an applicant for service or current customer has not fulfilled the terms of a deferred payment agreement, and there has not been a significant change in the customer's ability to pay since the agreement was negotiated, the Utility shall have the right to disconnect service or refuse service in accordance with these rules and under such circumstances, it shall not be required to offer subsequent negotiation of a deferred payment agreement prior to disconnection.
- (5) Any payments made by the customer in compliance with a deferred payment agreement, or otherwise, shall be first considered made in payment of the previous account balance with any remainder credited to the current bill.
- (6) If a deferred payment agreement cannot be reached because the customer's offer is unacceptable to the Utility, the Utility shall inform the customer in writing why the customer's offer was not acceptable.
- (d) **Dispute Procedures.**
- (1) Whenever the customer disputes the Utility's request for a deposit or other guarantee, or advises the Utility's designated office prior to the disconnection of service that all or any part of any billing as rendered is in dispute, or that any matter related to the disconnection or refusal of service is in dispute, the Utility shall:
- a. Investigate the dispute promptly and completely;
 - b. Advise the customer of the results of the investigation;
 - c. Attempt to resolve the dispute;
 - d. Provide the opportunity for residential customers, nonresidential customers at Utility discretion, per s. PSC 185.38 (1) to enter into a deferred payment agreement when reasonable in order to resolve the dispute.
- (2) After the customer has pursued the available remedies with the Utility, the customer may request that the Public Service Commission's staff informally review the disputed issue and recommend terms of settlement.

(3) Additional terms and conditions governing the dispute procedure are set forth in Wis. Admin. Code, Chapter PSC §85.39.

(e) **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 8 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 8 days allowed to make reasonable deferred payment arrangements, or other suitable 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 8 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 deferred 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, for some reason, you are unable to pay the full amount of the Utility service arrears on your bill, you may contact the Utility to discuss arrangements to pay the arrears over an extended period of time. This time payment agreement will require:

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

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

(UTILITY NAME)

- (5) An amount owed by the customer may be levied as a tax as provided in Section 66.0809, Wisconsin Statutes.

SEC. 9-1-44 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, 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. 9-1-45 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 property of the water department by reason of failure to notify the Utility of vacancy.

SEC. 9-1-46 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, the Utility 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. The Utility shall have no obligation to maintain, repair or replace privately owned mains, hydrants and appurtenances thereto.

SEC. 9-1-47 DUTY OF UTILITY WITH RESPECT TO SAFETY OF THE PUBLIC.

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

SEC. 9-1-48 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 pipes and are responsible for contacting digger's hotline before commencing any construction work to allow for proper marking of utilities. Where mains and/or service pipes are removed, cut or damaged during trench excavation, the contractors must immediately contact the Utility. The Contractor shall reimburse the Utility for the cost of repairing or replacing the damaged pipe and/or mains. The contractor used to make the repair or replacement, and/or the determination of the specifications for the replacement pipes and/or mains, or the types of repairs needed, shall rest solely within the discretion of the District Manager. Contractors must not shut off the water service pipes to any consumer for a period exceeding six (6) hours.

SEC. 9-1-49 SETTLING MAIN OR SERVICE TRENCHES.

Any trenches or excavation in roadways shall be filled and reconstructed in accord with the provisions of Title 14, Chapter 2, of this Code of Ordinances.

SEC. 9-1-50 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 Valve.** 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 Village 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 the Village’s plumbing code. Where possible, the air chamber should be provided at its base with a valve for water drainage and replenishment of air.

SEC. 9-1-51 CROSS-CONNECTION CONTROL.

- (a) **Definition.** “Cross-connection” shall be defined as any physical connection or arrangement between two otherwise separate systems, one of which contains potable water from the Utility 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.
- (b) **Prohibition.** No person, firm or corporation 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 regular public water supply of the Utility may enter the supply or distribution system of the Utility, unless such private auxiliary or emergency water supply and the method of connection and use of such supply shall have been approved by the Utility and by the Wisconsin Department of Natural Resources in accordance with Section NR 811.09(2), Wisconsin Administrative Code.
- (c) **Inspections.** It shall be the duty of the Utility and/or Village Plumbing Inspector to cause inspections to be made of all properties served by the public water system where cross-connections with the public water system are deemed possible. The frequency of inspections and reinspections based on potential health hazards involved shall be established by the Utility and as approved by the Wisconsin Department of Natural Resources.
- (d) **Right of Entry.** Upon presentation of credentials, a representative of the Utility and/or Village shall have the right to request entry at any reasonable time to examine any property served by a connection to the Utility’s water system for cross-connection. If entry is refused, such representative shall obtain a special inspection warrant under §66.122, Wisconsin Statutes. On request the owner, lessee or occupant of any property so served

shall furnish to the inspection agency any pertinent information regarding the piping system or systems on such property.

- (e) **Discontinuance of Water Service.** The Utility is hereby authorized and directed to discontinue water service to any property wherein any 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 only after reasonable notice and opportunity for hearing under Title 4 of the Code of Ordinances of the Village of Caledonia, except as provided in Subsection (f) below. Water services to such property shall not be restored until the cross-connection(s) has been eliminated in compliance with the provisions of this ordinance.
- (f) **Emergency Discontinuance.** If it is determined by the Utility and/or Village that a 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 clerk of the Village of Caledonia and delivered to the customer’s premises, services may be immediately discontinued. The customer shall have an opportunity for hearing under Title 4 of the Code of Ordinances of the Village of Caledonia, within 10 days of such emergency discontinuance.
- (g) **Adoption of Plumbing Code.** The Village of Caledonia adopts by reference the State Plumbing Code of Wisconsin being COMM 82, Wisconsin Administrative Code, and any amendments thereto. This ordinance does not supersede the State Plumbing Code and Title 15 of the Village of Caledonia Code of Ordinances, but is supplementary to them.

SEC. 9-1-52 WATER MAIN EXTENSION RULE.

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 Sec. 66.0703 of the Wisconsin Statutes 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 Subsection (a).
 - (2) Part of the contribution required in Subsection (b)(1) will be refundable. When additional customers are connected to the extended main within ten (10) years* of the date of completion, contributions in aid of construction will be collected equal to the amount which would have been assessed under Subsection (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 Subsection (a) nor will it exceed the total assessable cost of the original extension.

- (3) When a customer connects to a transmission main or connecting loop installed at Utility expense within 10 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).

*The period is 20 years for main extensions that were in the ground or that had a signed contract with the Utility as of December 10, 2007.

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 Utility.
- (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 the 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 REIMBURSEMENT OF COSTS.

- (a) **Reimbursement of Costs Required.** All engineering, inspection, planning, legal and administrative costs incurred by the District (“District Costs”) shall be reimbursed to the District as set forth below:
 - (1) District Costs related to applications for rezoning and/or conditional use permits shall be reimbursed to the District in accordance with Title 16, Chapter 6 of the Village’s Zoning Code, which is incorporated herein by reference.
 - (2) District Costs related to proposed land splits and/or subdivisions shall be reimbursed to the District in accordance with Title 14 of the Village’s land division regulations, which is incorporated by reference.
 - (3) District Costs related to applications for permits pertaining to sewer or water utility services shall be reimbursed to the District in accordance with Wis. Stat. Section 66.0628.

SEC. 9-1-55 STANDARD SPECIFICATIONS.

All water-related work and materials used must comply with the Utility District Standard Specifications (“Standard Specifications”), as adopted and amended from time-to-time by the Commission. The District Manager may issue written waivers to the Standard Specifications, in his/her discretion.

SEC. 9-1-56 IMPACT FEES.

- (a) **Purpose.** The purpose of this section is to promote the public health, safety, and general welfare of the community and to facilitate the adequate provision of water utility facilities by imposing Impact Fees upon Developers to pay for the Capital Costs that are necessary to accommodate Land Development.
- (b) **Public Facilities Needs Assessment.** In accordance with Section 66.0617(4) of the Wisconsin Statutes, the Village of Caledonia has prepared a needs assessment report regarding selected Public Facilities for which Impact Fees may be imposed. A copy of the report “Water Impact Fee Needs Assessment Update for the Village of Caledonia Water Utility District” dated January 2009 (hereinafter the “Needs Assessment Report”) is on file and available for public inspection in the Office of the Village Clerk and made a part of this ordinance by reference. References to Public Facilities in this section shall be deemed to refer to the new water facilities identified in Table 3-5 of the Needs Assessment Report, to the extent that their inclusion is permitted under Wisconsin Statutes Section 66.0617.
- (c) **Establishment of Service Area.** There is hereby established a geographically defined area which shall be known as the “Service Area” within which it will be necessary to enlarge and improve new or existing Public Facilities attendant to the Village’s water system as a result of Land Development and growth within the Village. The Service Area for the water system impact fee is the Water Needs Assessment Boundary shown in Exhibit 1 of the Needs Assessment Report.
- (d) **Definitions.** The definitions set forth in Section 66.0617(1) of the Wisconsin Statutes, and any amendments thereto, are incorporated and made a part of this ordinance as though fully set forth herein. Those definitions include, without limitation, the following:
 - 1. **Capital Costs** means the capital costs to construct, expand or improve public facilities, including the cost of land, and including legal, engineering and design costs to construct, expand or improve public facilities, except that not more than 10% of capital costs may consist of legal, engineering and design costs unless the municipality can demonstrate that its legal, engineering and design costs which relate directly to the public improvement for which the impact fees were imposed exceed 10% of capital costs. "Capital costs" does not include other noncapital costs to construct, expand or improve public facilities, vehicles; or the costs of equipment to construct, expand or improve public facilities.
 - 2. **Developer** means a person that constructs or creates a land development.
 - 3. **Impact Fees** means cash contributions, contributions of land or interests in land or any other items of value that are imposed on a developer by a municipality under this section.
 - 4. **Land Development** means the construction or modification of improvements to real property that creates additional residential dwelling units within a municipality

or that results in nonresidential uses that create a need for new, expanded or improved public facilities within a municipality.

5. **Public Facilities** means... facilities for pumping, storing, and distributing water.
6. **Service Area** means a geographic area delineated by a municipality within which there are public facilities.
- (e) **Imposition of Impact Fees.** Impact Fees are hereby imposed on all Land Developments within the Village.
- (f) **Collection.** Impact Fees shall be payable by the Developer or the property owner in full upon the issuance of a building permit by the Village.
- (g) **Fee Schedule.** The water Impact Fee is adopted in the following amount: \$1,550.00 per standard residential equivalent unit (“REU”).
 - (1) A 3/4-inch (or less) water meter is determined to be the service required for the standard REU. Each single-family residential unit, whether located within a one-family, multi-family, condominium, cooperative, rental or owner-occupied building, shall constitute one such REU.
 - (2) Non-residential buildings shall be assigned a number of REUs based on the size and type of water meter(s) that are installed in the building. The following table sets forth the REUs based on meter sizes:

REU Ratio Based on Meter Size			
<u>Meter Size (inches)</u>	<u>Meter Type</u>	<u>Flow (gpm)</u>	<u>REU Ratio</u>
3/4 or less	Displacement	15	1.0
1	Displacement	25	2.5
1-1/2	Displacement	50	5.0
2	Displacement	80	8.0
2	Compound	80	8.0
2	Turbine – C11	80	8.0
2	Turbine – C12	100	10.0
3	Compound	160	16.0
3	Turbine - C11	175	17.5
3	Turbine - C12	240	24.0
4	Compound	250	25.0
4	Turbine - C11	300	30.0
4	Turbine - C12	420	42.0
6	Compound	500	50.0
6	Turbine - C11	625	62.5
6	Turbine - C12	920	92.0
8	Compound	800	80.0
8	Turbine - C11	900	90.0
8	Turbine - C12	1,600	160.0
10	Compound	1,150	115.0
10	Turbine - C11	1,450	145.0
10	Turbine - C12	2,500	250.0
12	Turbine - C11	2,150	215.0
12	Turbine - C12	3,300	330.0

In some types of non-residential buildings, only water for fire protection is needed. In these cases, or similar cases, the Utility District Commission may adjust the number of REUs assigned to that building, if appropriate documentation is provided by the owner. In these cases, the REUs may be calculated by the square feet of building space per meter size, with a standard of one REU equals 2500 square feet of building space. The method which provides the greatest financial impact to the Utility shall be utilized.

(h) **Reduction of Impact Fees.**

- (1) The Impact Fees imposed by this ordinance shall be reduced to compensate for other Capital Costs imposed by the Village with respect to Land Development to provide or pay for Public Facilities, including special assessments, special charges, land dedications or fees in lieu of land dedications under Wisconsin Statutes Chapter 236, or any other items of value.
- (2) The Impact Fees imposed by this ordinance shall be reduced to compensate for moneys received from the federal or state government specifically to provide or pay for the Public Facilities for which the Impact Fees are imposed.

(i) **Exemptions.** The following shall be exempted from the payment of Impact Fees provided a claim of exemption shall be made at the time of application for building permit.

- (1) Alterations or expansions of existing buildings, where no additional or larger water meter connections are requested or required and where the use of the property is not changed.
- (2) The replacement of a building or structure with a new building or structure of the same or less size, where no additional or larger water meter connections are requested or required and where the use of the property is not changed.

Any claim not so made shall be deemed waived.

(j) **Low-cost Housing.** No exemption or reduction shall be made for a Land Development that provides for low-cost housing.

(k) **Impact Fee Accounting.** The Village shall keep accurate accounting records for all Impact Fee revenues collected for each given year. All Impact Fee revenues shall be deposited in a segregated interest bearing account, and shall be accounted for separately from the other funds of the Village. All Impact Fee revenues and the interest earned on said Impact Fee revenues, shall only be used to pay for the Capital Costs of Public Facilities that are necessary to accommodate Land Development and that are identified in the Needs Assessment Report. The revenue and expenditures totals for Impact Fees shall be included in the Village's annual budget, and a summary of the revenues and expenditure totals shall be set forth in the Village's annual budget summary required under §65.90 of the Wisconsin Statutes.

(l) **Refund Procedure.** Any Impact Fee revenues that are not used within seven (7) years after they are collected to pay for the Capital Costs for which they were imposed shall be refunded to the current owner of the property with respect to which said Impact Fees were imposed, along with any interest that has accumulated thereon. The Village Board determines that seven (7) years is an appropriate period of time for the planning and financing of the public facilities for which the Impact Fees are imposed. The seven (7) year time limit for using Impact Fee revenues may be extended for three (3) years if the Village adopts a resolution stating that, due to extenuating circumstances of hardship in meeting the seven (7) year limit, the Village needs an additional three (3) years to use the Impact

Fee revenues that were collected. Said resolution shall specify the extenuating circumstances or hardship that led to the need to adopt said resolution. Impact fees shall also be refunded to the current owner of the property upon the lapse of a building permit, within the meaning of Section 15-1-7, provided that construction has not yet commenced under the permit.

- (m) **Appeal Procedure.** A Developer upon whom an Impact Fee is imposed may, within thirty (30) days of the initial determination of the Impact Fee, contest the amount, collection or use of the impact fee by filing a request for review of the determination in accordance with Title 4 Chapter 1 of the Village’s Code of Ordinances with the Secretary of the Utility Commission and the Village Clerk, specifying the basis upon which the review is sought.
- (n) **Severability.** If any portion of this ordinance is declared illegal or invalid for any reason, that illegality or invalidity shall not affect the remaining legal and valid portions of this ordinance, which shall remain in full force and effect.

SEC 9-1-57. MANDATORY CONNECTION TO WATER MAINS

(a) **Definitions.**

Accessory Use or Structure shall mean a use or detached structure subordinate to the principal use of a structure, land or water and located on the same lot or parcel, serving a purpose customarily incidental to the principal structure.

Building shall mean a structure having a roof supported by columns or walls used or intended to be used for the shelter or enclosure of persons, animals, equipment, machinery, or materials.

Land Split shall have the same meaning as defined in Sec. 14-1-2(c) of this Code of Ordinances.

Subdivision shall have the same meaning as defined in Sec. 14-3-2(x) of this Code of Ordinances.

(b) **Compulsory Connection for New Buildings.**

(1) **Residential and Agricultural Use.** Any Building in a residential or agricultural zoning district constructed within the boundaries of the Utility shall connect to a water main at the expense of the Building’s owner if any part of the Building is within 500 feet of a water main or the right-of-way in which a water main is located. Mandatory connection is required, regardless of Building distance, for Subdivisions and Land Splits pursuant to Sec. 14-3-4(c)(6) of the Code of Ordinances. Any Building upon a parcel for which a conditional use permit is granted shall comply with the connection requirements of 9-1-53(b)(2) below.

(2) **Other Use.** A Building zoned for any other purpose that is constructed within the boundaries of the Utility District shall connect to a water main at the expense of the Building’s owner if any part of the parcel, upon which the Building is located, is within 500 feet of a water main or the right-of-way in which a water main is located.

(c) **Compulsory Connection for Existing Buildings.**

(1) **Residential and Agricultural Use.** Any existing Building in a residential or agricultural zoning district and located within the boundaries of the Utility shall connect to a water main at the expense of the Building’s owner if the Building is

located within 500 feet of a water main or the right-of-way in which a water main is located, and any of the following apply:

- (a) The parcel, upon which the Building is located, is rezoned or a conditional use permit is granted;
 - (b) The parcel, upon which the Building is located, is divided pursuant to Title 14 of the Code of Ordinances for the Village of Caledonia; or
 - (c) A well serving the existing Building fails or must be abandoned.
- (2) **Other Use.** An existing Building zoned for any other purpose and located within the boundaries of the Utility District shall connect to a water main at the expense of the Building’s owner if the parcel, upon which the Building is located, is within 500 feet of a water main or the right-of-way in which a water main is located, and any of the following apply:
- (a) The parcel, upon which the Building is located, is rezoned or a conditional use permit is granted;
 - (b) The parcel, upon which the Building is located, is divided pursuant to Title 14 of the Code of Ordinances for the Village of Caledonia; or
 - (c) A well serving the existing Building fails or must be abandoned.
- (d) **Time to Connect and Payment of Impact Fee.**
The connection shall be made within six (6) months from the date the owner or occupant of the property receives written notice from the Village or District that a water main is available to serve the property. The applicable impact fee, shall be paid to the Village in accordance with Section 9-1-52 and Wis. Stats. Section 66.0617, as those sections may be amended from time-to-time.
- (e) **Repair and Maintenance.**
The property owner shall be responsible for all repair, replacement, and maintenance costs associated with the lateral from the curb stop to the Building being served.
- (f) **Exemption.**
This section shall not apply to a Building which constitutes an Accessory Use or Structure.
- (g) **Appeals, Modifications or Waivers.**
Any person affected by any decision, action, or determination made pursuant to this section may take an appeal, or seek a modification or waiver, in accordance with Title 4 of the Code of Ordinances. Mandatory connection requirements may be waived by the Village, upon request by the Utility or the property owner, on a case-by-case basis (e.g., where a water main is extended past existing structures as part of a “water looping” project). The Village may request the Utility to review any request for a waiver by a property owner and provide the Village with a recommendation, including a report on any impacts of such waiver on the Utility