

Chapter 456

WATER AND SEWERS

[HISTORY: Adopted by the Village Board of Trustees of the Village of Hixton as indicated in article histories. Amendments noted where applicable.]

ARTICLE I

Rules and Regulations

[Adopted 10-6-1987 (Title 5, Ch. 1, Art. B, of the 1987 Code of Ordinances)]

§ 456-1. Compliance with other provisions.

All persons now receiving a water supply from the Village of Hixton 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.

§ 456-2. 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 pipe from the curbline to the point of use, and laid not less than six feet below the surface of an established or proposed grade, and according to Utility's 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 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.

§ 456-3. Service contract.

- A. The minimum service contract period shall be one 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. (The applicable rate is on file in the Village Clerk-Treasurer's office.) The minimum contract period is renewed with each reconnection. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]
- B. A reconnection charge shall also be required from consumers whose services are disconnected (shut off at curb stop) because of nonpayment of bills when due (not including disconnection for failure to comply with deposit or guarantee rules). (The applicable rate is on file in the Village Clerk-Treasurer's office.) [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]
- 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.

§ 456-4. Temporary metered supply, meter and deposits. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]

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. (The applicable rate is on file in the Village Clerk-Treasurer's office.)

§ 456-5. Water for construction.

- A. When water is requested for construction purposes, or for filling tanks or other such uses, an application therefor shall be made to the Utility, in writing, upon application provided for that purpose in the Water Utility office, 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 pipe must be installed inside the building from where the water must be drawn. No connection with the service pipe at the curb shall be made without special permission from the Utility.
- 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, together with a statement of the actual amount of construction work performed.

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

§ 456-6. 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 moved except by an employee of the Utility. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]
- B. Before a valve is set, payment must be made for its setting and for the water to be used at the scheduled rates. The applicable deposits and charges are on file in the Village Clerk-Treasurer's office. Upon completing use of the hydrant, the customer must notify the Utility to that effect. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]
- 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.

§ 456-7. 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.

§ 456-8. 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.

§ 456-9. Service connections.

- 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 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. All such service shall comply with the provisions of the State Plumbing Code and shall be inspected by the Village Building Inspector.

§ 456-10. Service piping for meter settings.

- A. In cases where a new customer whose service is to be metered installs the original service piping or where an existing metered customer changes his service piping for his own convenience, or where an existing flat-rate customer requests to be metered, the customer shall, at his expense, 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 18 inches in such pipeline) 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.

§ 456-11. 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.

§ 456-12. Failure to read meters.

- A. Where the Utility is unable to read a meter after two successive attempts, the fact will be plainly indicated on the bill, and either an estimated bill will be computed or the minimum charge applied. The difference shall be adjusted when the meter is again read, that is, the bill for the succeeding quarter will be computed with the gallons or cubic feet in each block of the rate schedule doubled and credit will be given on that bill for the amount of the minimum bill paid the preceding month. Only in unusual cases or where approval is obtained from the customer shall more than two consecutive estimated bills be rendered.
- B. If the meter is damaged (see § 456-23, 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.

§ 456-13. Complaint meter tests.

See § PSC 185.77, Wis. Adm. Code.

§ 456-14. Thawing frozen services. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]

See § PSC 185.88, Wis. Adm. Code.

§ 456-15. Stop boxes.

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.

§ 456-16. Installation of meters.

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

§ 456-17. Repairs to meters.

- A. Meters will be repaired by the Water 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.

§ 456-18. 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, an allowance of \$15 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 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 a consumer fails to repair a leaking or broken service pipe from curb to point of metering or use within such time as may appear reasonable to the Utility after notification has been served on the consumer by the Utility, the water will be shut off and will not be turned on again until the repairs have been completed.

§ 456-19. Charges for water wasted due to leaks.

See § PSC 185.35(6), Wis. Adm. Code.

§ 456-20. Inspection of premises.

During reasonable hours, any officer or authorized employee of the Utility shall have the right of access to the premises supplied with service, for the purpose of inspection or for the enforcement of the Utility's rules and regulations. At least once every 12 months, the Utility will make a systematic inspection of all unmetered water taps for the purpose of checking waste and unnecessary use of water.

§ 456-21. Customer deposits.

- A. New residential service. The Utility may require a cash deposit or other guarantee as a condition of new residential service if, and only if, the customer has an outstanding account balance with the Utility which accrued within the last six years, and which at the time of the request for new service remains outstanding and not in dispute.
- B. Existing residential service. The Utility may require a cash deposit or other guarantee as a condition of continued service if, and only if, either or both of the following circumstances apply:
 - (1) Service has been shut off or discontinued within the last 12 months for violation of these rules and regulations or for nonpayment of a delinquent bill for service which is not in dispute.
 - (2) Credit information obtained by the company subsequent to the initial application indicates that the initial application for service was falsified or incomplete to the extent that a deposit would be required under these rules and regulations.
- C. Commercial and industrial service. If the credit for an applicant for commercial or industrial service has not been established to the satisfaction of the Utility, he may be required to make a deposit or otherwise guarantee to the Utility payment of bills for service.
- D. Conditions of deposit. See § PSC 185.36(4), Wis. Adm. Code.
- E. Refund of deposits. The Utility shall review the payment record of each residential customer with a deposit on file at not less than twelve-month intervals and shall not require or continue to require a deposit unless a deposit could be required under the conditions stated above. In the case of a commercial or industrial customer, the Utility shall refund the deposit after 24 consecutive months of prompt payment if the customer's credit standing is satisfactory to the company. Payment shall be considered "prompt" if it is made prior to 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 company 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 promptly.
- F. Other conditions. A new or additional deposit may be required upon reasonable written

notice of the need therefor 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.

G. Guarantee contracts.

- (1) The Utility may accept, in lieu of a cash deposit, a contract signed by a guarantor satisfactory to the company, whereby payment of a specified sum not exceeding the cash deposit requirement is guaranteed. The term of a guarantee contract shall be two years, but shall automatically terminate after the customer has closed his account, or at the guarantor's request upon 30 days' written notice to the Utility.
- (2) Upon termination of a guarantee contract or whenever the company deems same insufficient as to amount or surety, a cash deposit or a new or additional guarantee may be required upon reasonable written notice to the customer. Service to any customer who fails to comply with these requirements may be refused or, upon eight days' written notice, disconnected.
- (3) The Utility shall mail the guarantor copies of all disconnect notices sent to the customer whose account he has guaranteed unless the guarantor waives such notice in writing.
- (4) In lieu of a cash deposit or guarantee, an applicant for new service who has an outstanding account accrued within the last six years with the Utility shall have the right to receive service from the company under a deferred payment agreement as provided in these rules and regulations for the outstanding account balance.

§ 456-22. 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.
- (2) Violation of the Utility's rules and regulations 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.
- (3) Failure to comply with deposit or guarantee arrangements as provided for in these rules and regulations.
- (4) Diversion of service around the meter.

B. Disconnection for delinquent accounts.

- (1) A bill for service is delinquent if unpaid after the due date shown on the bill. The Utility may disconnect service for a delinquent bill by giving the customer, at least eight calendar days prior to disconnection, a written disconnect notice, which may be included with the bill for service. For purposes of this rule, the due date shall not be less than 20 days after issuance.
- (2) The Utility may disconnect without notice where a dangerous condition exists for as long as the condition exists. Service may be denied to any customer for failure to comply with the applicable requirements of the rules and regulations of the Public Service Commission or of these rules and regulations, or if a dangerous or unsafe condition exists on the customer's premises.
- (3) The Utility shall notify the County Department of Health and Social Services at least five calendar days prior to any scheduled disconnection of residential service if the customer or responsible person has made a written request for this procedure. The Utility shall apprise customers of this right upon application for service. If service to a residential customer which has been disconnected has not been restored within 24 hours after disconnection, the Utility shall notify the appropriate County Sheriff's Department of the billing name and service address and that a threat to health and life might exist to persons occupying the premises.

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 and agrees to pay a stated reasonable portion of the remaining outstanding balance in installments until the bill is paid. In determining what amounts are "reasonable," the parties shall consider the:
 - (a) Size of the delinquent account.
 - (b) Customer's ability to pay.
 - (c) Customer's payment history.
 - (d) Time that the debt has been outstanding.
 - (e) Reasons why the debt has been outstanding.
 - (f) Any other relevant factors concerning the circumstances of the customer.
- (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 sizes larger than any other used thereon, the following:

"If you are not satisfied with this agreement, do not sign. If you do sign this agreement, you give up your right to dispute the amount due under the agreement except for the Utility's failure or refusal to follow the terms of this agreement."

- (3) A deferred payment agreement shall not include a finance charge.
- (4) If an applicant for service has not fulfilled the terms of a deferred payment agreement, 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.

D. Dispute procedures.

- (1) Whenever the customer advises the Utility's designated office prior to the disconnection of service that all or part of any billing as rendered is in dispute, or that any matter related to the disconnection is in dispute, the company shall investigate the dispute promptly and completely, advise the customer of the results of the investigation, attempt to resolve the dispute, and provide the opportunity for the customer to enter in to a deferred payment agreement when applicable in order to settle the dispute.
- (2) After the customer has pursued the available remedies with the Utility, he may request that the Public Service Commission's staff informally review the disputed issue and recommend terms of settlement.
- (3) Any party to the dispute after informal review may make a written request for a formal review by the Commission. If the Commission decides to conduct a formal hearing on the dispute, the customer must pay 50% of the bill in dispute or post a bond for that amount on or before the hearing date. Failure to pay the amount or post the bond will constitute a waiver of the right to a hearing. Service shall not be disconnected because of any disputed matter while the disputed matter is being pursued under the disputes procedure. In no way does this relieve the customer from the obligation of paying charges which are not disputed.
- (4) 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 eight 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 eight 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) 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 time payment you agreed to, your service will be subject to disconnection unless you pay the amount due within eight 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 have a question about your Utility service arrears.
2. You are unable to pay the full amount of the bill and are willing to enter into a time payment agreement with us.
3. There are any circumstances you think should be taken into consideration before service is discontinued.
4. 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) In the event the Utility is not able to collect any bill for water service even though Deposit and Guarantee Rules are on file, the bill may be put upon the tax roll as provided in § 66.0809, Wisconsin Statutes.

§ 456-23. Surreptitious use of water.

When the Utility has reasonable evidence that a consumer is obtaining his supply of water, in

whole or in part, by means of devices or methods used to stop or interfere with the proper metering of the Utility service being delivered to his equipment, the Utility reserves the right to estimate and present immediately a bill for service unmetered as a result of such interference, and such bill shall be payable subject to a twenty-four-hour disconnection of service. When the Utility shall have disconnected the consumer for any such reason, the Utility will reconnect the consumer upon the following conditions:

- A. The consumer will be required to deposit with the Utility an amount sufficient to guarantee the payment to the Utility of the consumer's bills for Utility service.
- B. The consumer will be required to pay the Utility for any and all damages to its equipment on the consumer's premises due to such stoppage or interference with its metering.
- C. The consumer must further agree to comply with reasonable requirements to protect the Utility against further losses.
- D. Sections 98.26 and 943.20, Wis. Stats., as relating to water service, are hereby adopted and made a part of these rules.

§ 456-24. Vacation of premises.

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

§ 456-25. 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 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.

§ 456-26. Duty of Utility to public safety.

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 lights in such manner as will, so far as possible, ensure the safety of the public.

§ 456-27. Water mains and service pipes in sewer or other trenches.

- A. Where excavating machines are used in digging sewers, all water mains shall be maintained at the expense of the contractor.
- B. Contractors must ascertain for themselves the existence and location of all service pipes. Where they are removed, cut or damaged in the construction of a sewer, the contractor must at his own expense cause them to be replaced or repaired at once. He must not shut off the water service pipes from any consumer for a period exceeding six hours.

§ 456-28. Settling main or service trenches.

Trenches in unpaved streets shall be refilled with moist, damp earth or by means of water tamping. When water tamping is used, the water shall be turned into the trench after the first 12 inches of backfill has been placed and then the trench shall be kept flooded until the remainder of the backfill has been put in.

§ 456-29. Protective devices.

- A. Protective devices in general. The owner or occupant of every premises receiving water supply shall apply and maintain suitable means of protection of the premises' 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-pressure safety cutout devices. There shall likewise be provided means for the prevention of the transmission of water ram or noise of operation of any valve or appliance through the piping of their own or adjacent premises.
- B. Relief valves. On all closed systems (i.e., systems having a check valve, pressure regulator, or reducing valve, water filter or softener) an effective pressure relief valve shall be installed either in the top tapping or the upper side tapping of the hot water tank, or on the hot water distributing pipe connection at the tank. A 1/2 inch drainpipe shall be connected to the relief valve for discharge on the floor or into a sink or open drain through an air gap. No stop valve shall be placed between the hot water tank and the relief valve or on the drainpipe. (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 have a diameter not less than that of the pipe it serves and a length not less than 15 diameters of said supply pipe. Where possible, the air chamber should be provided at its base with a valve and rain cock for water drainage and replenishment of air.

§ 456-30. Cross-connection control. [Amended 2-18-2013 by Ord. No. A5-1-49]

- A. Definition of cross connection. As used in this section, the following terms shall have the meanings indicated:

CROSS CONNECTION — Any physical connection or arrangement between two otherwise separate systems, one of which contains potable water from the Village of Hixton's public water system, and the other of which contains 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 may establish or maintain, or permit to be established or maintained, any unprotected cross connection. Cross connections shall be protected as required in Ch. SPS 382, Wis. Adm. Code.
- C. Inspection. The Water Utility may inspect, or arrange for an inspection of, property served

by the public water system for cross connections. As an alternative, the Water Utility may require a person, 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 shall be established by the Water Utility in accordance with the 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 Subsection F of this section.

- D. Right of entry. Upon presentation of credentials, a 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 Subsection F of this section. 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 cause for the Water Utility to discontinue water service to the property, as provided under Subsection F of this section.
- F. Discontinuation of water for violation. The Water Utility may discontinue water service to any property wherein any unprotected connection in violation of this section exists, and take other precautionary measures deemed necessary to eliminate any danger of contamination of the public water system. Water service may be discontinued, however, only after reasonable notice and opportunity for hearing under Chapter 68, Wisconsin Statutes, except as provided in Subsection G of this section. Water service to such property shall not be restored until the unprotected cross connection has been eliminated.
- G. Emergency discontinuance. If it is determined by the Water Utility that an unprotected cross connection or emergency endangers public health, safety, or welfare, and requires immediate action, and if a written finding to that effect is filed with the Village Clerk-Treasurer and delivered to the customer's premises, water service may be immediately discontinued. The customer shall have an opportunity for hearing under Chapter 68, Wisconsin Statutes, within 10 days of such emergency discontinuance. Water service to such property shall not be restored until the unprotected cross connection has been eliminated. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]

§ 456-31. 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 § 66.0703, Wis. Stats., 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 Subsection B(1) will be refundable. When additional customers are connected to the extended main within 20 years of the date of completion, contributions in aid of construction will be collected equal to the amount which would have been assessed under 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.
- C. When a new customer(s) is connected to an existing main, not financed by customer contributions, it shall not be considered as a main extension and no contribution may be collected from the customer(s). This provision applies to mains installed after the effective date of this rule.

§ 456-32. 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 Village Clerk-Treasurer and shall set forth the following information:
 - (1) Name of subdivision.
 - (2) Legal description.
 - (3) Map showing streets, lots and sizes of proposed mains and hydrants, and street laterals.
 - (4) Date of approval of subdivision plan by the State Department of Administration. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]
 - (5) Date of approval of proposed mains by the State Department of Natural Resources.
 - (6) Number of houses presently under construction.
- B. Upon receipt of the application, the Water Utility will prepare detailed estimates of the cost of extending water mains of the size deemed necessary in the subdivision and submit same to the municipal governing body for approval of the extension. The applicant for water service to be supplied to a subdivision 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, with the balance to be paid within 30 days. If final costs are less than estimated, a refund of overpayment will be made by the Utility. If the developer, or a contractor employed by the developer, is to install the sewer mains (with the approval of the Utility), the developer shall be responsible for the total cost of construction.

§ 456-33. Private well abandonment and well operation permit. [Amended 2-18-2013 by Ord. No. A5-1-52]

- A. Purpose. To protect public health, safety and welfare and to prevent contamination of groundwater by assuring that unused, unsafe or noncomplying wells or wells which may act as conduits for contamination of groundwater or wells which may be illegally cross-connected to the municipal water system are properly maintained or abandoned.
- B. Applicability. This section applies to all wells located on premises served by the Hixton Waterworks Municipal Water System. Utility customers outside the jurisdiction of the municipal system may be required under contract agreement or Utility rule to adopt and enforce equivalent ordinances within their jurisdictions for purpose stated in Subsection A above.

- C. Definitions. As used in this section, the following terms shall have the meanings indicated:

MUNICIPAL WATER SYSTEM — A community water system owned by a city, village, county, town, town sanitary district, utility district, public inland lake and rehabilitation district, municipal water district or a federal-, state-, county-, or municipal-owned institution for congregate care or correction, or a privately owned water utility serving the foregoing.

NONCOMPLYING — A well or pump installation which does not comply with § NR 812.42, Wis. Adm. Code, Standards for Existing Installations, and which has not been granted a variance pursuant to § NR 812.43, Wis. Adm. Code.

PUMP INSTALLATION — The pump and related equipment used for withdrawing water from a well, including the discharge piping, the underground connections, pitless adapters, pressure tanks, pits, sampling faucets and well seals or caps.

UNSAFE — Well or pump installation means one which produces water which is bacteriologically contaminated or contaminated with substances which exceed the drinking water standards of Chs. NR 140 or 809, Wis. Adm. Code, or for which a health advisory has been issued by the Department of Natural Resources.

UNUSED — Well or pump installation means one which is not used or does not have a functional pumping system.

WELL — A drill hole or other excavation or opening deeper than it is wide that extends more than 10 feet below the ground surface, constructed for the purpose of obtaining groundwater.

WELL ABANDONMENT — The proper filling and sealing of a well according to the provisions of § NR 812.26, Wis. Adm. Code.

- D. Abandonment required. All wells on premises served by the municipal water system shall be properly abandoned in accordance with Subsection F of this section by June 1, 2013, or not later than one year from the date of connection to the municipal water system, unless a valid well operation permit has been issued to the well owner by the Village of Hixton under terms of Subsection E of this section.
- E. Well operation permit. Owners of wells on premises served by the municipal water system wishing to retain their wells for any use shall make application for a well operation permit for each well no later than one year after connection to the municipal water system. The

Village of Hixton shall grant a permit to a well owner to operate a well for a period not to exceed five years, providing all conditions of this section are met. A well operation permit may be renewed by submitting an application verifying that the conditions of this section are met. The Village of Hixton, or its agent, may conduct inspections and water quality tests or require inspections and water quality tests to be conducted at the applicant's expense to obtain or verify information necessary for consideration of a permit application or renewal. Permit applications and renewals shall be made on forms provided by the Village Clerk-Treasurer. The following conditions must be met for issuance or renewal of a well operation permit:

- (1) The well and pump installation shall meet the standards for existing installations described in § NR 812.42, Wis. Adm. Code.
- (2) The well and pump shall have a history of producing safe water evidenced by at least two safe coliform bacteria samples two weeks apart. In areas where the Department of Natural Resources has determined that groundwater aquifers are contaminated with substances other than bacteria, additional chemical tests may be required to document the safety of the water.
- (3) There shall be no cross connections between the well's pump installation or distribution piping and the municipal water system.
- (4) The water from the private well shall not discharge into a drain leading directly to a public sewer utility unless properly metered and authorized by the sewer utility.
- (5) The private well shall have a functional pumping system.
- (6) The proposed use of the private well shall be justified as reasonable in addition to water provided by the municipal water system.

F. Abandonment procedures.

- (1) All wells abandoned under the jurisdiction of this article shall be done according to the procedures and methods of § NR 812.26, Wisconsin Administrative Code. All debris, pumps, piping, unsealed liners and any other obstructions which may interfere with sealing operations shall be removed prior to abandonment.
- (2) If a well abandonment permit is required prior to any well abandonment, the owner of the well, or the owner's agent, shall notify the Village Clerk-Treasurer at least 48 hours in advance of any well abandonment activities. The abandonment of the well may be observed or verified by personnel of the municipal system, at their discretion.
- (3) An abandonment report form, supplied by the Department of Natural Resources, shall be submitted by the well owner to the Village Clerk-Treasurer and the Department of Natural Resources within 30 days of the completion of the well abandonment.

G. Penalty. Any well owner violating any provision of this section shall, upon conviction, be punished as provided in § 1-3 of this Code. Each day of violation is a separate offense. If any person fails to comply with this section for more than 30 days after receiving written notice of the violation, the Village 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.

[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]

ARTICLE II
Sewer Collection and Treatment System Regulations
[Adopted 7-18-2016]

§ 456-34. Adoption of other rules.

There are hereby adopted all the rules and regulation of the State Plumbing and State Building Codes and the building rules of the Wisconsin Department of Safety and Professional Services; and the Department of Natural Resources of the State of Wisconsin insofar as the same are applicable to the Village of Hixton. All extensions of the system shall comply with the administrative rules, Chs. NR 108 and NR 110, of the Department of Natural Resources.

§ 456-35. Plumbers to be licensed.

No person in the state may engage or work at plumbing as defined by Ch. 145, Wis. Stats., unless licensed by the Department of Safety and Professional Services.

§ 456-36. Right of recovery for damages.

In addition to any penalties levied, the Village of Hixton Sewer Utility shall have the right of recovery from all persons, any expense incurred by said Utility for the repair or replacement of any part of the collections system or treatment facility damaged in any manner by any person by the performance of any work under their control, or by negligent or willful act.

§ 456-37. Sewer use charge system.

It shall be the policy of the Village of Hixton to obtain sufficient revenues to pay, but not limited to, the following:

- A. Operation and maintenance of the sewage treatment system, including a replacement fund (i.e., a cash account to be used for future expenditures for obtaining or installing equipment, accessories, or appurtenances which are necessary to maintain the capacity and performance of the sewage system during the service life for which such works were designed and constructed).
- B. Debt retirement.
- C. Water meter readings shall be used to determine volume of sewage generated.
- D. Deduct meters. If a portion of water furnished is not discharged into the sewer system, at the users request the quantity of such water will be deducted in computing the charge for sewer service, provided a meter consistent with meters in use by the Village has been installed to measure such water. The customer, at his own expense, shall cause necessary changes in piping so that the meter can be set by the Village. An initial installation charge of \$35 and a service charge of \$7.50 per month for 12 months shall be made for each such meter up to one inch in size. The services charge for larger-than-one-inch meters shall be \$15.
- E. The Village Board of Trustees shall review sewer use rates annually and shall make

adjustments on rates to maintain solvency of the system.

§ 456-38. Willful injury prohibited.

It is unlawful for any person to willfully injure the sewer system, or any building, machinery, or fixture pertaining thereto, or to willfully and without authority of the Village of Hixton bore or otherwise cause to leak any tunnel, aqueduct, reservoir, pipe, or other things used in the system for holding, conveying, collecting or treating sewage. All users shall keep their own service pipes in good repair and protected from damage, including frost, at their own risk and expense and shall prevent any unnecessary overburdening of the sewer system.

§ 456-39. Improper discharge.

No person shall discharge or cause to be discharged any of the following described liquids or solid wastes to any sanitary sewer entry point:

- A. Any stormwater, surface water, groundwater, roof runoff or surface drainage.
- B. Any gasoline, benzene, naphtha fuel oil, or other flammable or explosive liquid, solid or gas. (Note: All petroleum-based products are prohibited.)
- C. Any ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, wet wipes, feathers, tar, plastics, wood, paunch manure, or any other solid or sticky substance capable of causing obstruction of the flow in sewers or other interference with the proper operation of the sewage works.
- D. Any water or wastes containing a toxic or poisonous substance in sufficient quantity to injure or interfere with any sewage treatment process, constituting a hazard to humans and animals, or create any hazard in the receiving treatment facility.
- E. Any water or wastes containing suspended solids of such character and quantity that unusual attention or expense is required to handle such material in the collection system, pumps or at the sewage treatment facility.
- F. Any noxious or malodorous gas or substance capable of creating a public nuisance.
- G. Any garbage that has not been properly shredded.
- H. Any liquid or vapor having a temperature higher than 150° F.
- I. Any water or wastes having a pH lower than five or higher than nine.
- J. Any water or waste which may contain more than 100 parts per million by weight of fat, oil, or grease.

§ 456-40. Septic tanks prohibited.

The maintenance and use of septic tanks and other private sewage disposal systems within the sewer service area of the Village of Hixton serviced by its sewer system are hereby declared to be a public nuisance and a health hazard. The use of septic tanks or any private sewage disposal system within the service area of the Village of Hixton is prohibited. The Village, at its sole discretion, may permit a septic tank or other private sewage disposal system if a location is not

served by the Village system and it is deemed not feasible to do so.

§ 456-41. Septic tank or holding tank disposal.

No person may transfer any septic tank or holding tank contents into any manhole or other access point of the Village of Hixton sewer disposal system.

§ 456-42. User to permit inspection.

Every user shall permit the Village of Hixton, or its duly authorized agent, at all reasonable hours of the day to enter their premises or building to examine the pipes and fixtures, and the manner in which the drains and sewer connections operate; and they must at all times, frankly and without concealment, answer all questions relative to their use.

§ 456-43. Mandatory connection.

- A. The owner of each parcel of land adjacent to a sewer main on which there exists building for usable human habitation or in a block through which such system is extended shall connect to such system within 30 days of notice, in writing, from the Village. Upon failure to do so, the Board may cause such connection to be made and bill the property owner for such cost. If such costs are not paid within 30 days, such costs shall be assessed as a special tax lien against the property, all pursuant to § 281.45, Wis. Stats.; provided, however that the owner may within 30 days after completion of the work file a written opinion with the Village Clerk-Treasurer stating he cannot pay such amount in one sum and ask that the amount be levied in not to exceed five equal installments and that the amount shall be so collected with interest at the rate of 12% annum from the completion of the work, the unpaid balance being a special tax lien, all pursuant to § 281.45, Wis. Stats. This section ordains that the failure to connect to the sewer system is contrary to the minimum health standards of the said Village of Hixton and fails to assure preservation of public health, comfort and safety of said Village.
- B. Penalty. In lieu of the above, the Village of Hixton, at its option, may impose a penalty for the period that the violation continues, after 10 days' written notice to an owner failing to make a connection to the sewer system of an amount equal to 150% of the minimum monthly charge for sewer service, payable monthly for the period in which the failure to connect continues, and upon failure to make such payment, said charge shall be assessed as a special tax lien against the property, all pursuant to § 281.45, Wis. Stats.

§ 456-44. User responsible for cost of connection.

The property owner is responsible for all costs and expenses for the installation and connection of new sewer laterals where available. The size, slope, alignment and materials of construction of any new sewer lateral, along with the methods to be used in excavation, placement of pipe, jointing, testing and back filling the trench, shall all conform to the requirements of the building and plumbing codes, or applicable rules and regulations of the Village of Hixton. New connections to the system shall not be allowed unless all downstream components have a reserve capable of accepting them.

§ 456-45. Use restricted to user only.

No user shall allow other users or other services to connect the sewer system through his/her lateral.

§ 456-46. Maintenance responsibility.

The Village Sewer Utility shall maintain the sewer service within the limits of the Village of Hixton sewer service area except that the property owner shall maintain the sewer lateral from the public sewer main to the structure or building on the owner's property, which maintenance shall include payment of all expenses associated with replacement, cleaning and maintenance of lateral line. The Utility shall be responsible for replacement cost of the curb, gutter, and any street repairs, except the property owner shall be charged a street opening fee of \$500 or an amount as set forth in a fee schedule, increased to \$600 at July 18, 2016, meeting.

§ 456-47. Unlawful connections and devices.

No unauthorized person shall uncover, make any direct or indirect connections with or openings into, alter connections to, use, alter or disturb any public sewer or other part of the sewerage system, publicly or privately owned, without first obtaining a written permit from the Village of Hixton. No person shall bypass or cause Village-required measuring, monitoring, diversion or other devices to be tampered with or altered or to function as intended by the Village. Any person violating this provision shall be subject to immediate arrest under the charge of disorderly conduct and shall be liable in suit to the Village or to affected property owners for costs of repair and other damages.

§ 456-48. Replacement of sewer.

When any sewer service is to be relaid, and there are two or more buildings on said service, each building shall be disconnected from said service, and a new sewer, and a new sewer service, shall be installed for each building. The Village, at its option, may permit two buildings connected to a grinder pump, provided both buildings and the grinder pump are on the same lot or parcel.