

CHAPTER 8

WATER AND SEWER

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8.01 WATER AND SEWER COMMITTEE

The Village Board, through the Water and Sewer Committee, shall manage the municipal utilities and shall have all of the powers of a utility commission under Wis. Stat. § 66.0805. All records of the utilities shall be kept on file in the Clerk/Treasurer's office.

8.02 MONTFORT SEWER DEPARTMENT

(1) Introduction and General Provision.

This Ordinance regulates the use of public and private sewers and drains, discharge of septage into the public sewerage system, and the discharge of waters and wastes into the public sewerage systems within the Village of Montfort. It provides for and explains the method used for levying and collecting wastewater treatment service charges, sets uniform requirements for discharges into the wastewater collection and treatment systems, and enables the Village to comply with administrative provisions and other discharge criteria that are required or authorized by the State of Wisconsin or Federal law. Its intent is to derive the maximum public benefit by regulating the characteristics of wastewater discharged into the Montfort sewerage system.

This Ordinance provides a means for determining wastewater and septage volumes, constituents and characteristics, the setting of charges and fees, and the issuing of permits to certain users. Revenues derived from the application of this Ordinance shall be used to defray the costs of operating and maintaining adequate wastewater collection and treatment systems and to provide sufficient funds for capital outlay, debt service costs, and capital improvements. The charges and fees herein have been established pursuant to requirements of the Wisconsin Statutes. This Ordinance shall supersede any previous Ordinance, Rules, or Regulations and shall repeal all parts thereof that may be inconsistent with this Ordinance. If there is any conflict between this Ordinance and any applicable Statute, the State Statute shall be controlling.

(2) Definitions. Unless the context specifically indicates otherwise, the meaning of terms used in this Ordinance shall be as follows:

(a) Approving Authority shall mean the Village Board of the Village of Montfort, or its duly authorized committee, agent, or representative.

(b) Ammonia Nitrogen (NH₃-N) shall mean one of the oxidation states of nitrogen, in which nitrogen is combined with hydrogen in molecular form as NH₃ or in ionized form as NH₄. Quantitative determination of ammonia nitrogen shall be made in accordance with procedures set forth in the most recent edition of "Standard Methods."

(c) Biochemical Oxygen Demand (BOD) shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter in five (5) days at 20 degrees Centigrade, expressed in milligrams per liter. Quantitative determination of BOD shall be made in accordance with procedures set forth in the most recent edition of "Standard Methods."

(d) Building Drain shall mean that part of the lowest horizontal piping of a drainage system that receives the discharge from waste and other drainage pipes inside the wall of the building and conveys it to the building sewer, beginning approximately five (5) feet outside the inner face of the building wall.

(e) Building Sewer shall mean the extension from the building drain to the public main, and is also referred to as the lateral. Except as specifically provided in this Ordinance, the Village shall not be responsible for the construction and maintenance of building sewers or laterals.

(f) Chemical Elements & Compounds that are typically found in wastewater and may be regulated by this ordinance.

Ammonia Nitrogen	NH ₃ -N
Arsenic	As
Cadmium	Cd
Chloride	Cl
Copper	Cu
Chromium	Cr
Cyanide	Cn
Lead	Pb
Mercury	Hg
Nickel	Ni
Nitrogen	N
Phosphorus	P
Radium	Ra
Zinc	Zn

(g) Commercial User shall mean any user whose premises are used primarily for the conduct of a profit-oriented enterprise in the fields of construction, wholesale or retail trade, finance, insurance, real estate or services, and who discharges primarily normal domestic sewage.

(h) Compatible Pollutants shall mean biochemical oxygen demand, suspended solids, phosphorus, nitrogen, or pH, plus additional pollutants identified in the WPDES permit for the wastewater treatment works receiving the pollutant, if such works were designed to treat such additional pollutants to a substantial degree.

(i) Easement shall mean an acquired legal right for the specific use of land owned by others.

(j) Floatable Oil shall mean oil, fat, or grease in a physical state such that it will separate by gravity from wastewater by treatment in an approved pretreatment facility. A wastewater or sewage shall be considered free of floatable fat if it is properly pretreated and the wastewater does not interfere with the collection or treatment systems.

(k) Garbage shall mean the residue from the preparation, cooking, and dispensing of food, and from the handling, storage, and sale of food products and produce.

(l) Ground Garbage shall mean the residue from the preparation, cooking, and dispensing of food that has been shredded to such degree that all particulates will be no greater than one-half (1/2) inch in any dimension and will be carried freely in suspension under normal flow conditions in sewers.

(m) Holding Tank Service Area shall mean the area outside the Village's current sewer service area, but inside or equal to the Village's future sewer service area where a contract has been developed for holding tank wastewater to be treated at the wastewater treatment works.

(n) Incompatible Pollutants or Wastewater shall mean wastewater or septage with pollutants that will adversely affect or disrupt the wastewater treatment processes, effluent quality, or sludge quality if discharged to the wastewater facilities.

(o) Industrial User shall mean any user whose premises are used primarily for the conduct of a profit-oriented enterprise in the fields of manufacturing, dairy products processing, meat processing, other food and drink products, painting or finishing operations, transportation, communications or utilities, mining, agriculture, forestry, or fishing.

(p) Industrial Waste shall mean the wastewater from an industrial process, trade, or business, as distinct from sanitary sewage, including cooling water and the discharge from pretreatment facilities.

(q) Licensed Disposer shall mean a person or business holding a valid license to do septage servicing under Chapter NR 113, Wis. Admin. Code.

(r) May is permissive.

(s) Milligrams Per Liter (mg/L) shall be a weight-to-weight ratio. The milligrams per liter value (mg/L) multiplied by the factor 8.34 shall be equivalent to pounds per million gallons of water.

(t) Municipal Wastewater shall mean the wastewater of a community. From the standpoint of source, it may be a combination of the liquid and water-carried wastes from residences, commercial buildings, industrial plants, and institutions, together with any groundwater, surface water, and storm water that may have inadvertently entered the sewer system.

(u) Natural Outlet shall mean any outlet, including storm sewers, into a watercourse, pond, ditch, lake, or other body of surface water or groundwater.

(v) Normal Domestic Sewage shall mean sanitary sewage resulting from the range of normal domestic activities in which BOD, SS and phosphorus concentrations meet the following:

- (i) A five-day, 20 °C BOD of not more than 250 mg/L.
- (ii) A suspended solids content of not more than 300 mg/L.
- (iii) A total phosphorus content of not more than 5.8 mg/L.

(w) Parts Per Million (ppm) shall mean a weight-to-weight ratio. The parts per million value multiplied by the factor 8.34 shall be equivalent to pounds per million gallons of water, equivalent to milligrams per liter (mg/L).

(x) Person shall mean any and all persons including any individual, firm, company, municipal or private corporations, association, society, institution, enterprise, government agency, or other entity.

(y) pH shall mean the logarithm of the reciprocal of the hydrogen ion concentration. The concentration is the weight of hydrogen ions in grams per liter of solution. Neutral water, for example, has a pH value of 7 and a hydrogen ion concentration of 10^{-7} .

(z) Pretreatment shall mean an arrangement of devices and structures for the preliminary treatment of processing of wastewater required to render such wastes acceptable for admission to the public sewers.

(aa) Private Sewers shall mean any sewer outside of a public right of way or public easement. Except as provided in this Ordinance, a private sewer shall not be subject to the jurisdiction of the Village and the Village shall not be responsible for the construction and/or maintenance of such sewer.

(bb) Public Sewer shall mean any sewer provided by or subject to the jurisdiction of the Village of Montfort. It shall also include sewers within or outside the corporate boundaries that serve more than one person and ultimately discharge into the Village sanitary sewer system, even though those sewers may not have been constructed with Village funds. Public sewers shall not include private sewers or building sewers.

(cc) Public User shall mean any user discharging Normal Domestic Sewage whose premises are used primarily by a governmental entity, private school, or public school.

(dd) Residential User shall mean any dwelling discharging Normal Domestic Sewage. This includes single-family homes, mobile homes, duplex units, and apartment units. Each single-family residential unit shall be separately metered and invoiced as a separate user.

(ee) Sanitary Sewage shall mean a combination of water-carried wastes from residences, business buildings, institutions, and industrial plants (other than industrial wastes from such plants), together with such ground, surface, and storm waters as may be present.

(ff) Sanitary Sewer shall mean a combination of liquid and water-carried wastes from residences, commercial buildings, industrial plants, and institutions, together with small quantities of ground, storm, and surface waters that are not admitted intentional.

(gg) Septage shall mean the wastewater or contents of septic or holding tanks, dosing chambers, seepage beds, seepage pits, seepage trenches, privies or portable restrooms.

(hh) Sewage is the spent water of a community. The preferred term is "municipal wastewater."

(ii) Sewer Service Areas are the areas presently served, and anticipated to be served, by a municipal wastewater collection system. The sewer service area is delineated in the most recently approved Facility Plan.

(jj) Sewer Service Charge is a service charge levied on users of the wastewater collection and treatment facilities for payment of capital expenses, as well as the operation, maintenance costs, and replacement of said facilities.

(kk) Sewer System means the common sanitary sewers within a sewerage system that are primarily installed to receive wastewaters directly from facilities which convey wastewater from individual structures or from private property and which include service connection "Y" fittings designed for connection with those facilities. The facilities which convey wastewater from individual structures, from private property to

the public sanitary sewer, or its equivalent, are specifically excluded from the definition of "sewerage collection system", except that pumping units and pressurized lines for individual structures or groups of structures may be included as part of a "sewer system" when such units are cost-effective and are owned and maintained by the Village.

(ll) Sewerage System means all structures, conduits, and pipes by which sewage is collected, treated, and disposed of, except plumbing inside and in connection with buildings served, and service pipes from building to street main.

(mm) "Shall" is mandatory.

(nn) Slug Load shall mean any substance released at a discharge rate and/or concentration that causes interference to the wastewater treatment processes or plugging or surcharging of the sewer system.

(oo) Standard Methods shall mean the examination and analytical procedures set forth in the most recent edition of "Standard Methods for the Examination of Water, Sewage, and Industrial Wastes", published jointly by the American Public Health Association, the American Water Works Association, and the Water Environment Federation.

(pp) Storm Drain (sometimes termed "storm sewer") shall mean a drain or sewer for conveying surface water, groundwater, subsurface water, or unpolluted water from any source.

(qq) Stormwater Runoff shall mean that portion of the rainfall that is collected and drained into the storm sewers.

(rr) Suspended Solids shall mean solids that either float on the surface of or are in suspension in water, wastewater, septage, or other liquids, and that is removable by laboratory filtering as prescribed in "Standard Methods" and is referred to as non-filterable residue.

(ss) Toxic Discharges mean a discharge containing a substance or mixture of substances which, through sufficient exposure or ingestion, inhalation, or assimilation by an organism, either directly from the environment or indirectly by ingestion through the food chain, will, on the basis of information available to the Village, cause death, disease, behavioral or immunological abnormalities, cancer, genetic mutations, or developmental or physiological malfunctions, including malfunctions in reproduction or physical deformations, in such organisms or their offspring.

(tt) User Classes are categories of users having similar flows and water characteristics; that is, levels of biochemical oxygen demand, suspended solids, nitrogen, etc. For the purposes of this ordinance there shall be four user classes: residential, commercial, industrial, and public authority.

(uu) Wastewater Facilities shall mean the structures, equipment and processes required to collect, carry away, store, and treat domestic and industrial waste and septage and dispose of the effluent and sludge.

(vv) Wastewater Treatment Works shall mean an arrangement of devices and structures for treating wastewater, septage, industrial waste, and sludge, sometimes used as synonymous with sewage treatment facility.

(wo) Watercourse shall mean a natural or artificial channel for the passage of water, either continuously or intermittently.

(xx) WPDES: Wisconsin Pollutant Discharge Elimination System permit, issued per chapter NR 210, Wis. Admin. Code.

(3) Management, Operation and Control Authority

(a) Authority. The management, operation, and control of the wastewater facilities of the Village of Montfort are vested in the Village Board. All records, minutes, and all written proceedings thereof shall be kept by the Village Clerk. The Village Clerk shall keep all the financial records.

(b) Maintenance of Services. The property owner shall maintain the building sewer from the street main to the house and including all controls between the same, without expense to the Village, except when they are damaged as a result of negligence or carelessness on the part of the Village. All building sewers must be maintained free of defective conditions by, and at the expense of, the owner or occupant of the property. When any is to be re-laid, and there are two or more buildings on such service, each building shall be disconnected from such sewer and a new building sewer will be installed for each building.

(c) Construction. The Village Board shall have the power to construct wastewater treatment facilities, pumping stations, and sewer lines for public use, and shall have the power to lay sewer pipes in and through the alleys, streets, and public grounds of the Village and, generally, to do all such work as may be found necessary or convenient in the management of the wastewater facilities. The Village Board shall have power by themselves, their officers, agents, and representatives to enter upon any land for the purpose of making examination in the performance of their duties under this Ordinance, without liability therefore. The Village Board shall have power to purchase and acquire, for the Village, any real and personal property which may be necessary for construction of the wastewater facilities or for any repair, remodeling, or additions thereto.

(d) Condemnation of Real Estate. Whenever any real estate or any easement therein, or use thereof, shall, in the judgment of the Village Board, be necessary to the wastewater facilities, and whenever, for any cause, an agreement for the purchase thereof cannot be made with the Owner thereof, the Village Board shall proceed with all

necessary steps to take such real estate, easement, or use by condemnation in accordance with the Wisconsin Statutes and the Uniform Relocation and Real Property Acquisition Policy Act of 1970, if federal funds are used for the project associated with the real estate or easement.

(e) Title to Real Estate and Personality. All property, real, personal and mixed, acquired for the construction of the wastewater facilities, and all diagrams, papers, books, and records connected therewith said wastewater facilities, and all buildings, machinery, and fixtures pertaining thereto, shall be the property of the Village of Montfort.

(4) User Rules and Regulations.

General. The rules, regulations, and sewer rates of the Village of Montfort, hereinafter set forth, shall be considered a part of the contract with every person, company, or corporation who is connected to or uses the sewer system or wastewater treatment works and every such person, company, or corporation by connecting with the sewer system or wastewater treatment works shall be considered as expressing their assent to be bound thereby. Whenever any of said rules and regulations, or such others as the Village Board may hereinafter adopt, are violated, the use or service shall be shut off from the building or place of such violation (even though two or more parties are receiving service through the same connection) and shall not be reestablished, except by order of the Village Board, and on payment of all arrears, the expenses and charges of shutting off and putting on, and such other terms as the Village Board may determine, and a satisfactory understanding with the party that no further cause for complaint shall arise. In case of such violation, the Common Council, furthermore, may declare any payment made for the service by the party or parties committing such violation to be forfeited, and the same shall thereupon be forfeited. The right is reserved to the Village Board to change these said rules, regulations, and sewer rates from time to time as it may deem advisable and make special rates and contracts in all proper cases.

The following rules and regulations for the government of licensed plumbers, sewer users, and others, are hereby adopted and established. All the rules and regulations of the State Plumbing and State Building Codes and the building rules of the Department of Workplace Development of the State of Wisconsin insofar as the same are applicable to the Village of Montfort.

(a) Plumbers. No plumber, pipe fitter, or other person will be permitted to do any plumbing or pipe fitting work in connection with the sewer system without first receiving a license from the State of Wisconsin and obtaining permission from the Village Board. All service connections to the sewer main shall comply with State plumbing code.

(b) Private Systems

(i) Septic Tanks, Outhouses, Privies or Cesspools Prohibited. No outhouse, privy, vault, septic tank or cesspool shall hereafter be built or constructed within the Village of Montfort, Grant County, Wisconsin, except by special permit from this Village Board.

(a) No such permit shall be issued by this Village Board for outhouse, privy, septic tank or cesspool to be used in any area located adjacent to a sewer main or in a block through which a sewer main extends.

(b) That if any person proposes to construct an outhouse, privy, septic tank or cesspool, he shall first apply in writing to the Village Board, and the Village Board may grant permission to construct in the event the premises concerned cannot be served from an existing main and in the event the Village Board determines that it is not practical and advisable to extend a main for such services.

(c) Any outhouse, privy, septic tank, or cesspool serving a premise that can be served by sewer main to the Village because said premises are adjacent to a sewer main or in a block through which a sewer main extends may not hereafter be repaired or rebuilt, and it shall be unlawful hereafter to empty or have any septic tank or cesspool pump without securing permission from the Village Board. No such permission shall be granted by the Village Board unless the Village Board determines and finds that it is necessary to repair or rebuild or to empty or pump in order to use the same until such time as such premises can be connected by the sewer system.

(ii) Mandatory Hook-Up. The owner of each parcel of land within the Village adjacent to a sewer main on which there exists a building usable for human habitation or in a block through which such system is extended shall connect to such system within 365 days of notice, in writing, from the Village Board. Upon failure to do so, the Village Board may cause such connection to be made and bill the property owner for such costs. If such costs are not paid within 30 days, such costs shall be assessed as a special tax against the property. The full cost of making the connection shall be the property owner's responsibility.

In the alternative, the Village, at its option, may impose a penalty for the period that the violation continues, after 10 days written notice, to any owner failing to make a connection to the sewer system of a penalty in the amount of \$5.00 per day. Upon failure to make such payment, said charge shall be assessed as a special tax against the property, all pursuant to Wis. Stat. § 281.45.

This ordinance ordains that the failure to connect to the sewer system is contrary to the minimum health standards of the Village and fails to assure preservation of public health, comfort, and safety of the Village.

(c) Application for Sewer Service. Every person desiring to connect to the sewer system shall file an application, in writing, to the Village Clerk on such form as is prescribed for that purpose. Such application forms will be furnished at the office of the Village Clerk. The application must state fully and truthfully all the wastes which will be discharged. If the applicant is not the owner of the premises, the written consent of the owner must accompany the application. Persons connected to the sewer system of the Village are referred to herein as "Users." Sewer service is limited to parcels within the Village limits.

If it appears that the service applied for will not provide adequate service for the contemplated use, the Village Board may reject the application. If the Village approves the application, it shall issue a permit for services as shown on the application upon payment of the connection charge.

(d) Connection Charge. Persons attaching to a public sewer main shall have the building sewer from the sewer main installed at their own expense and shall pay a connection charge as set forth in the official fee schedule on file at the Village office.

(e) Use of Sewers.

(i) User to Keep in Repair. All users shall keep their own building sewers in good repair and protected from frost, at their own risk and expense, and shall prevent any unnecessary overburdening of the sewer system.

(ii) Backflow Preventor. All sewer services shall have a backflow prevention valve installed and maintained at the owner's expense.

(iii) User Use Only. No user shall allow other persons or other services to connect to the sewer system through their building sewer.

(iv) Vacating of Premises and Discontinuance. Whenever premises served by the system are to be vacated or whenever any person desires to discontinue service from the system, the Village Clerk must be notified in writing.

(v) User to Permit Inspection. Every user shall permit the Village, 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 put to them relative to its use, all in accordance with this Ordinance and Wis. Stat. § 196.171.

(f) Utility Responsibility. It is expressly stipulated that no claim shall be made against the Village or acting representative by reason of the breaking, clogging, stoppage, or freezing of any service pipes, nor from any damage arising from repairing

mains, making connections or extensions, or any other work that may be deemed necessary. The right is hereby reserved to cut off the service at any time for the purpose of repairs or any other necessary purpose, any permit granted or regulations to the contrary notwithstanding. Whenever it shall become necessary to shut off the sewer within any district of the Village, the Village Clerk shall, if practicable, give notice to each and every consumer within the affected area of the time when such service will be shut off.

(g) Building Sewer Construction.

(i) Excavations. An excavation permit shall be obtained before beginning work. In making excavations in streets or highways for laying building sewers or making repairs, the paving and the earth removed shall be deposited in a manner that will result in the least inconvenience to the public.

No person shall leave any such excavation made in any street or highway open at any time without barricades and, during the night, warning lights must be maintained at such excavations.

In refilling the opening within the public right-of-way after the pipes are laid, use aggregate base backfill placed in layers of not more than six (6") inches in depth and each layer thoroughly compacted to prevent settling. In refilling the opening on private property after the pipes are laid, use earth backfill placed in layers of not more than nine (9") inches in depth and each layer thoroughly compacted to prevent settling.

This work, together with the replacing of sidewalks, base course, and paving, must be done so as to make the street as good, at least, as before it was disturbed and satisfactory to the Village. No opening of the streets for tapping the pipes will be permitted when the ground is frozen.

(ii) Tapping the Mains. No persons except those having special permission from the Village or persons in their service and approved by them will be permitted, under any circumstances, to tap the public sewer or collection pipes. The kind and size of the connection with the pipe shall be that specified in the permits from the Village to ensure that new sewers and connections to the sewer system are properly designed and constructed.

Pipes should always be tapped on top, and not within six inches (15 cm) of the joint or within 24 inches (60 cm) of another lateral connection. All service connections to mains must comply with State plumbing code.

(h) Extensions of Sewer Mains. The Village shall extend sewer mains in accordance with the following charges and the following conditions:

(i) Application. When an extension of a sewer main is requested by the prospective user, said person should make an application for such an extension in writing to the Village Board by filing of a written application. After the filing of such an application, the Village Board shall first determine the logical location of the next manhole or manholes. Next, the Village Board shall determine the length and location of the extension, taking into consideration the prospective demands for service, the capacity of downstream facilities, and the orderly development of the particular area. The Village Board shall then refer the proposed project to the Plan Commission for review and recommendation. After such review and recommendation, if any, the Village Board shall act on the application. The minimum length of an extension shall be the distance to the next manhole. All sewer extensions shall be constructed in compliance with local and state laws, ordinances, and regulations.

(ii) Payment by Users. The person who requests the extension shall pay the entire cost of said extension including the manhole or manholes that are part of the extension.

(iii) Method of Dividing Cost. After making the decision as to the length and location of the extension and prior to the time of making the charge to the person(s), the Village Board shall determine the benefits to be received by any parcel that will be served by said extension. Before making a determination as to benefits received, the Village Board shall first divide the area to be served into logical building lots. The Village Board may consider the recommendations of the landowner in determining said building lots if the landowner, as part of his or her application, accompanies said application with a proposed division of said land into lots for sale or use. In determining the amount to be paid by the original users, if more than one user is involved, the division of the charge shall be made by considering each building lot as a separate user. Payments are to be considered contributions to construction.

(iv) Future Users. After the original contribution, any future connection by reason other than to a lot owned by a party making a previous contribution, such user may be required to pay to the original contributor their pro-rata share of the lot or lots owned by the new attaching user in the entire extension cost as if said user had been one of the original contributors. No refund shall be made to the original contributors after the extension has been in service for five years.

(v) Construction. If the Village constructs the extension, full payment shall be made before construction begins, unless otherwise agreed between the person requesting the extension and the Village Board. If the developer constructs the extension, no construction shall begin until plans are approved by the Village Board, the Village Engineer and the Department of Natural Resources. The Village shall assume responsibility for the extension when construction is

completed, all tests have been satisfactorily completed, and the necessary right-of-way or easement has been recorded.

(i) Additional Authority. The Village Board may, at any time, establish specific connection and lateral charges for any main not covered by other provisions in this ordinance or when the Village Board has made an extension and the Village Board has failed to provide lateral or connection charges. It is further provided that the Village Board may amend or alter any connection or lateral charge after its establishment under the terms of this Ordinance or previous Ordinance or Resolutions.

(5) Regulations.

(a) General Discharge Prohibitions.

The loading parameters from this Village of Montfort are as follows:

Design Flow 105,000 GPD
BOD5 250 mg/l or 156 # BOD5/Day
S.S. 200 mg/l or 125# S.S./Day
NH3-N 16 mg/l or 25# NH3-N/Day

(b) It shall be unlawful for any person to willfully injure the system, or any building, machinery, or fixture pertaining thereto, or, to willfully and without authority of the Village Board, bore or otherwise cause to leak, any tunnel, audited, reservoir, pipe or other piece of equipment use in the system for holding, conveying, or distributing sewage. It shall be unlawful for any person to introduce sewage into the system with a concentration of BOD5, suspended solids or ammonia nitrogen in excess of the above-mentioned limits; a surcharge shall be based on the excess of BOD5, suspended solids or ammonia nitrogen as discussed in Section 7.03 (2)(b)(c) and (rr). The Village reserves the right to test the sewage at any point within the connection system of the user. Users discharging toxic pollutant shall pay for any increased O & M replacement costs caused by the toxic pollutants.

(c) No user shall discharge or cause to be discharged to the sanitary sewer and storm water, surface water, ground water, roof run-off, or surface drainage.

(d) No person shall contribute or cause to be discharged, directly or indirectly, any of the following described substances into the wastewater facilities of the Village:

(i) Any liquids, solids, or gases which, by reason of their nature or quantity, are or may be sufficient either alone or by interaction to cause fire or explosion or be injurious in any other way to the operation of the wastewater facilities or wastewater treatment works.

(ii) Solid or viscous substances which will or may cause obstruction to the flow in a sewer or other interference with the operation of the wastewater system.

(iii) Any wastewater having a pH less than 6.0 or higher than 9.0 or having any other corrosive property capable of causing damage or hazard to structures, equipment, or personnel of the system unless the system is specifically designed to accommodate such wastewater. Any wastewater containing arsenic, cadmium, copper, chromium, chloride, cyanide, lead, mercury, nickel, zinc or other toxic pollutants in sufficient quantity, either singly or by interaction, to injure or interfere with any wastewater treatment process, constitute a hazard to humans or animals, or to exceed the limitation set forth in special agreements, State or Federal Categorical Pretreatment Standards.

(iv) Any noxious or malodorous liquids, gases or solids which, either singly or by interaction, are capable of creating a public nuisance or hazard to life or are sufficient to prevent entry into the sewers for their maintenance and repair.

(v) Any substance that may cause the wastewater treatment works effluent, treatment residues, sludge, or scum to be unsuitable for reclamation and reuse or to interfere with the reclamation process.

(vi) Any substance that will cause violations of the WPDES and/or other disposal system permits.

(vii) Any substance with objectionable color not removed in the treatment process such as, but not limited to, dye wastes and vegetable tanning solutions.

(viii) Any wastewater having a temperature that will inhibit biological activity in the wastewater treatment works resulting in interference but, in no case, wastewater with a temperature at the introduction into the public sewer that exceeds 150°F unless the wastewater facilities are designed to accommodate such temperature.

(ix) Any slug load, which shall mean any pollutant, including oxygen-demanding pollutants (BOD), released in a single extraordinary discharge episode of such volume or strength as to cause interference to the wastewater treatment works.

(x) Any unpolluted water including, but not limited to, non-contact cooling water.

(xi) Any wastewaters that may be acutely or chronically toxic to aquatic life or wild and domestic animals.

(xii) Any wastewater containing any radioactive wastes or isotopes of such half-life or concentration as exceeds limits established by the Village in compliance with applicable State or Federal regulations.

(xiii) Any wastewater that causes a hazard to human life or creates a public nuisance.

(xiv) Any storm water, surface water, groundwater, roof run-off, or surface drainage, or any other connections from inflow sources to the public sewer. Such waters may be discharged to a storm sewer or other waterway with permission of the Village Board.

(e) Limitations on Wastewater Strength.

(i) National categorical pretreatment standards shall, as promulgated by the U.S. Environmental Protection agency, be met by all dischargers of the regulated industrial categories.

(ii) State requirements and limitations on all facilities shall be met by all dischargers who are subject to such standards, in any instance, in which they are more stringent than other applicable requirements.

(iii) The Village Board reserves the right to amend this Ordinance to provide for more stringent limitations or requirements on discharges to the wastewater facilities where deemed necessary to comply with the objectives set forth in this Ordinance.

(iv) Dilution. No user shall increase the use of potable or process water in any way, nor mix separate waste streams for the purpose of diluting a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the standards set forth in this Ordinance, unless approved in writing by the Village.

(v) Supplementary Limitations. No user shall discharge wastewater containing concentrations of the following enumerated materials exceeding the following values unless prior approval is granted by the Village Board:

Material	Concentration (mg/l)	[Mass Limitation lb./Day]
BODs	250	156
SS	300	125
NH3-N	16	19

The Village Board may also impose mass limitations on users that are using dilution to meet the Pretreatment Standards or requirements of this Ordinance or in other cases where the imposition of mass limitations is deemed appropriate by the Village Board.

(f) Accidental Discharges. Each user shall provide protection from accidental discharge of prohibited or regulated materials or substances established by this Ordinance. Where necessary, facilities to prevent additional discharge of prohibited materials shall be provided and maintained at the user's cost and expense. Detailed plans showing facilities and operating procedures shall be submitted to the Village for review and shall be approved by the Village before construction of the facility. Review and approval of such plans and operating procedures by the Village shall not relieve the user from the responsibility to modify its facility as necessary to meet the requirements of this Ordinance.

Dischargers shall notify the Village immediately upon the occurrence of a "slug load" or accidental discharge of substances prohibited by this Ordinance. The notification shall include location of discharge, date and time thereof, type of waste, concentration and volume, and corrective actions. Any user who discharges a slug load or prohibited materials shall be liable for any expense, loss, or damage to the Village's wastewater facilities or wastewater treatment works, in addition to the amount of any forfeiture imposed on the Village on account thereof under State or Federal law.

Signs shall be permanently posted, in conspicuous places, on industrial user's premises advising employees whom to call in the event of a slug or accidental discharge. Employers shall instruct all employees who may cause or discover such a discharge with respect to emergency notification procedures.

(g) Special Agreements. No statement contained in this article shall be construed as prohibiting any special agreement between the Village and any person whereby an industrial waste of unusual strength or character may be admitted to the wastewater treatment works, either before or after pretreatment, provided that there is no impairment of the functioning of the wastewater treatment works by reason of the admission of such wastes and no extra costs are incurred by the Village without recompense by the person, provided that all rates and provisions set forth are complied with.

(6) Control of Industrial and Septage Wastewaters

(a) Discharge Conditions. If any wastewaters or septage are discharged, or proposed to be discharged, to the wastewater facilities that contain substances or possess the characteristics enumerated in Section (5) and which, in the judgment of the Village Board, may be detrimental to the wastewater facilities, the Village Board may:

- (i) Reject the wastes.
- (ii) Require pretreatment to an acceptable condition for discharge to the sewer system.
- (iii) Require control over the quantities and rates of discharge.

(iv) Require payment to cover the added cost of handling and treating the wastewater not covered by existing charges under the provisions of Section 7 (e) (iii).

(b) Septage Discharges. Septage discharged to the wastewater facilities shall be of domestic origin only and septic tank wastes shall be segregated from holding tank wastes.

(c) Control Manholes

(i) Each person discharging industrial wastes into a public sewer shall construct and maintain one or more control manholes or access points to facilitate observation, measurement, and sampling their waste, excluding domestic sewage, when feasible.

(ii) Control manholes or access facilities shall be located and built in a manner acceptable to the Village Board. If measuring devices are to be permanently installed, they shall be of a type acceptable to the Village Board.

(iii) Control manholes, access facilities, and related equipment shall be installed by the person discharging the industrial waste, at their expense, and shall be maintained by the person discharging the waste so as to be in safe condition, accessible, and in proper operating condition at all times. Plans for installation of the control manholes or access facilities and related equipment shall be approved by the Village Board prior to the beginning of construction.

(d) Measurement of Flow. The volume of flow used for computing the Sewer Use Charge for non-septage disposal shall be based upon the water consumption of the person as shown in the records of meter readings maintained by the Village Water Utility, unless approved wastewater flow meters are provided.

(e) Provision for Deductions. In the event that a person discharging industrial waste into the public sewers produces evidence satisfactory to the Village Board that more than 10 percent of the total annual volume of water used for all purposes does not reach the public sewer, then the determination of the water consumption to be used in computing the wastewater volume discharged into the public sewer may be made a matter of agreement between the Village and the industrial wastewater discharger.

(f) Metering of Wastewater. Devices for measuring the volume of wastewater discharged may be required by the Village Board if this volume cannot otherwise be determined from the metered water consumption records. Metering devices for determining the volume of wastewater shall be installed, owned, and maintained by the person discharging the wastewater. Following approval and installation, such meters may not be removed without the consent of the Village.

(g) Wastewater Sampling

(i) Industrial wastes and septage discharged into the public sewers shall be subject to periodic inspection and a determination of character and concentration of said waste as specified by the Village.

(ii) Samples shall be collected in such a manner as to be representative of the composition of the wastes. The sampling may be accomplished either manually or by the use of mechanical equipment acceptable to the Village.

(iii) Laboratory analysis shall be the responsibility of the person discharging the wastewater or septage and shall be subject to the approval of the Village Board or its duly authorized representatives. Every care shall be exercised in the collection of samples to ensure their preservation in a state comparable to that at the time the sample was taken. All analysis shall be performed by a Wisconsin certified laboratory.

(h) Pretreatment. When required, in the opinion of the Village Board, to modify or eliminate wastes that are harmful to the structures, processes, or operation of the wastewater facilities, the discharger shall provide, at their expense, such preliminary treatment or processing facilities as may be required to render this waste acceptable for admission to the public sewers.

(i) Grease and/or Sand Interceptors. When required, in the opinion of the Village Board, grease, oil, and sand interceptors shall be provided by the discharger and shall be located as to be readily and easily accessible for cleaning and inspection. In the maintaining of these interceptors, the discharger shall be responsible for the proper removal and disposal, by appropriate means, of the captured material and shall maintain records of the dates and means of disposal that are subject to review by the Village. Any removal and hauling of the collected materials not performed by the discharger's personnel must be performed by currently licensed disposal firms.

(j) Analyses.

(i) All measurements, tests, and analyses of the characteristics of water, waste, and septage to which reference is made in the Ordinance shall be determined in accordance with the latest edition of "Standard Methods". Sampling methods, locations, times, durations, and frequencies are to be determined on an individual basis subject to approval by the Village.

(ii) Determination of the character and concentration of the industrial wastewater shall be made by the person discharging them or their agent, as designated, and required by the Village Board. The Village may also make its own analyses of the wastes and these determinations shall be used as a basis for charges. If the person discharging the waste contests the determination, the Village may elect to have an independent laboratory determine the character and

concentration of the waste. Said independent laboratory shall be certified under Chapter NR 149, Wis. Admin. Code, and be acceptable to both the Village and the person discharging the waste. All costs incurred by the independent laboratory in making the determination shall be assumed by the discharger.

(k) Submission of Information. Plans, specifications, and any other pertinent information relating to proposed flow equalization pretreatment of wastewater processing facilities shall be submitted for review of the Village Engineer prior to the start of their construction if the effluent from such facilities is to be discharged into the public sewers.

(l) Submission of Basic Data. Within three (3) months after passage of this Ordinance, each person who discharges industrial wastes to a public sewer shall prepare and file, with the Village, a report that shall include pertinent data relating to the quantity and characteristics of the waste discharged to the sewerage system. The Village shall be notified 60 days in advance of any plans that change the discharge by more than 15 percent of flow or strength. Such a request shall be evaluated as provided in Section (6)(a).

Similarly, each person desiring to make a new connection to a public sewer for the purpose of discharging industrial wastes shall prepare and file, with the Village, a report that shall include actual or predicted data relating to the quantity and characteristics of the waste to be discharged.

(7) Sewer User Charge System.

(a) Additional Definitions. The following terms shall have the following meaning under this Ordinance:

(i) Debt Service Charges shall include all costs associated with repayment of debts incurred for the construction and/or rehabilitation of wastewater collection system and treatment facilities.

(ii) Normal Domestic Strength Wastewater shall mean wastewater with concentrations of BOD5 no greater than 250 milligrams per liter (mg/L), suspended solid no greater than 300 milligrams per liter (mg/L), and phosphorus no greater than 5.8 milligrams per liter (mg/L).

(iii) Normal User shall be a user whose contributions to the sewerage system consist only of normal domestic strength wastewater originating from a house, apartment, or other living quarters occupied by a person or persons constituting a distinct household, business, or commercial enterprise.

(iv) Operation and Maintenance (O&M) Costs shall include all costs associated with the operation and maintenance of the wastewater collection and

treatment facilities. These costs, including costs associated with clear water flows (I/I), shall be divided proportionately among the various classes of sewer users.

(v) Replacement Costs (R) shall include all costs necessary to accumulate the resources as required to maintain capacity and performance during the design life of the facility. Two separate, segregated, distinct Replacement Funds shall be established. The Treatment Replacement Fund shall be used only for replacement of equipment at the Wastewater Treatment Works. The Collection System Replacement Fund shall be used only for replacement or rehabilitation of sanitary sewers.

(vi) Sewer Service Charge is a service charge levied on users of the sewer system for payment of Debt Service, Operation and Maintenance costs, and Replacement of said facilities.

(b) Policy. It shall be the policy of the Village to obtain sufficient revenues to pay the costs for the debt service, operation, and maintenance of the wastewater facilities, including a replacement fund, through a system of sewer service charges as defined in this section. The system shall assure that each user of the wastewater facilities pays their proportionate share of the cost of such facilities.

(c) Basis for Sewer Service Charge. The sewer service charge shall be based on two parts, the Fixed Meter Charge plus the Sewer Use Charge. The Fixed Meter Charge and the Sewer Use Charge shall be sufficient to pay the costs of net Debt Service for capital costs, the Replacement Funds, and fixed Operation and Maintenance expenses. The rates in this ordinance shall be reviewed not less than biennially. Such review will be performed by the Village Board. Rates shall be adjusted, as required, to reflect the actual volume of water used, number and size of users, and actual costs.

(d) Fixed Meter Charge. A Fixed Meter Charge (FMC) is hereby imposed upon each lot, parcel of land, building, or premise served by the sewerage system or otherwise discharging sewage, including non-domestic and industrial wastes, into the system. Such Fixed Meter Charge shall be payable as herein provided in the office fee schedule on file at the Village office and shall be on the basis of classes as shown below:

User Class
Residential
Commercial
Industrial
Public

(e) Sewer Use Charge. A Sewer Use Charge is hereby imposed on all users of the sewerage system based upon the metered water used thereon or therein as calculated by the Water Utility. This charge shall be computed by dividing the proposed net yearly debt service, operation, maintenance, and replacement budgets as provided in this

Ordinance by the previous year's average billable water usage. The flow charges accounts for the costs of collection and treatment of normal sewage.

Any refrigeration, air conditioning/humidification system, or industrial cooling water not entering the sewerage system shall not be used in computing the Sewer Use Charge if a separate meter is installed. The user of such system shall be responsible for furnishing, installing, and maintaining the necessary meter.

Such Sewer Use Charge shall be payable as hereinafter provided and, in an amount, determinable as follows:

(a) Sewer Use Charge: \$ / per 1000 gallons set in the Official Fee Schedule on file at the Village office.

(b) Surcharge for limits about normal sewage discharge of the following shall be set forth in the office fee schedule on file at the Village office:

- (i) Biochemical Oxygen Demand > 200 mg/L = \$0.70 per pound-
- (ii) Chemical Oxygen Demand > 400 mg/L = \$0.70 per pound
- (iii) Total Suspended Solids > 250 mg/L = \$0.55 per pound
- (iv) Phosphorus > 5 mg/L = \$1.00 per pound
- (v) Total Nitrogen > 15 mg/L = \$1.00 per pound

The rates in this ordinance shall be reviewed not less than biennially. Such review shall be performed by the Village Clerk and the Village Auditor. Rates shall be adjusted, as required, to reflect actual number and size of users and actual costs. Users will be notified annually of the portion of service charges attributed to operation and maintenance.

(f) Temporary Sewer Credit

(i) Residents who ask for a sewer credit must fill out an application and turn the request into the clerk to present to the village board for approval.

(ii) Sewer credit for usage of water is limited to individuals wishing to fill their pool, water a newly installed lawn, or reseed at least 70 % of an average existing lawn. Average being defined as a lawn 120' by 66' or 7,920 square feet. A Public Works employee will verify.

(iii) To figure the credit, an average of the resident's account will be used. The difference between the gallons metered less the average usage will be the gallons used for the credit.

(8) Payments for Charges.

(a) Payments and Penalty. The Sewer Service Charge shall be for the corresponding period of the water bills, monthly for all users. Charges shall be payable to the Village Clerk not later than 20 days after the date of the invoice. A penalty of one

percent (1%) per month shall be added to all bills not paid by the date fixed for final payment.

(i) Billing. The property owner is held responsible for all sewer bills on premises that he owns. All sewer bills and notices of any nature, relative to the sewer service, will be addressed to the owner and delivered to the premises referred to on such bill or notice.

(ii) Failure to receive bill is no reason for penalty exemption. Every reasonable care will be exercised in the proper delivery of sewer bills. Failure to receive a sewer bill, however, shall not relieve any person of the responsibility for payment of sewer rates within the prescribed period, not exempt any person from any penalty imposed for delinquency in the payment thereof.

(b) Charges A Lien. All sewage charges shall be a lien upon the property serviced pursuant to Section 66.0809(3), Wisconsin Statutes, and shall be collected in the manner therein provided.

(c) Disposition of Revenue. The amounts received from the collection of charges authorized by this Ordinance shall be credited to a wastewater facilities account that shall show all receipts and expenditures of the wastewater facilities. Charges collected for replacement expenses shall be credited to a segregated, non-lapsing replacement account. These funds are to be used exclusively for replacement. When appropriated by the Village Board, the credits to the account shall be available for the payment of costs of wastewater facilities consistent with Chapter NR 162, Wis. Admin. Code. All present outstanding sewer system general obligation bonds, including refunding bonds, shall be paid from this fund as to both principal and interest.

(9) Annual Audit. The Village Board shall have conducted an independent Annual Audit, the purpose of which shall be to maintain the proportionality between users and user classes of the sewer user charge system and to ensure that adequate revenues are available relative to increasing operation, maintenance and replacement costs, and debt service charges. The findings and recommendations of this audit shall be available for public inspection.

(10) Violations and Penalties.

(a) Damages. No unauthorized person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure or equipment that is a part of the wastewater facilities. Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct.

(b) Written Notice of Violation. Any person connected to the wastewater facilities found to be violating a provision of this Ordinance shall be served by the Village with a written notice stating the nature of the violation and providing a reasonable time for the satisfactory correction thereof. The offender shall, within the

period of time stated in such notice, permanently cease all violations. In the event of an emergency, the notice may be verbal.

Any licensed disposer discharging to the wastewater facilities found to be violating a provision of this ordinance or of any conditions of the Village's approval for septage disposal may have their approval immediately revoked. This revocation shall be done in writing and state the reasons for revoking the septage disposal approval.

(c) Deleterious Discharge. Any person found to be responsible for accidentally allowing a deleterious discharge into the wastewater facilities which causes damage to the facilities and/or receiving water body shall, in addition to forfeiture, pay the amount to cover all damages, both of which will be established by the Village Board.

(d) Discharge Reporting. Any person responsible for a discharge that may have a detrimental impact on the sewerage system shall immediately report the nature and amount of the discharge to the Village Clerk.

(e) Liability to Village for Losses. Any person violating any provision of this Ordinance shall become liable to the Village or any expense, loss, or damage occasioned by reason of such violation that the Village might suffer as a result thereof.

(f) Damage Recovery. The Village shall have the right of recovery from all persons, any expense incurred by said system for the repair or replacement of any part of the wastewater facilities damaged in any manner, by any person, by the performance of any work under their control, or by any negligent acts.

(g) Penalties.

(i) Any person who shall violate any of the provisions of this Ordinance, or rules or regulations of the Village, or who shall connect a service pipe or discharge without first having obtained a permit therefore, or who shall violate any provisions of the Wisconsin Statutes, Wisconsin Administrative Code, or any other materials which are incorporated by reference, shall, upon conviction thereof, forfeit not less than \$50 nor more than \$500 and the costs of prosecution. This, however, shall not bar the Village from enforcing the connection duties set out in Section 4(b)(ii) for mandatory hookup.

(ii) Any person, partnership, or corporation, or any officer, agent, or employee thereof, who shall continue any violation after the lapse of the time limit provided for cessation of a violation, shall, upon conviction thereof, forfeit not less than \$500 together with the costs of prosecution. Each day in which any violation is continued beyond the aforesaid notice time limit shall be deemed a separate offense.

(h) Appeal Procedures. Any use affected by any decision, action, or determination, including cease and desist orders, made by the interpreting or

implementing provisions of this Ordinance may file with the Village Board a written request for reconsideration within ten (10) days of the date of such decision, action, or determination, setting forth, in detail, the facts supporting the user's request for reconsideration. The Village Board shall render a decision on the request for reconsideration to the user in writing within thirty (30) days of receipt of request. If the ruling on the request for reconsideration made by the Village Board is unsatisfactory, the person requesting reconsideration may, within ten (10) days after notification of the action, file a written appeal with the Village Board. A fee set forth in the official fee schedule on file at the Village office shall accompany any appeal. This fee shall be refunded if the appeal is sustained in favor of the appellant. This section shall not apply to any citation or pending court action.

(11) Validity

(a) Repeal of Conflicting Ordinances. All ordinances, resolutions, orders, or parts thereof heretofore adopted, enacted, or entered in conflict with this Ordinance shall be, and the same are, hereby repealed.

(b) Savings Clause. If any provision of this Ordinance is found invalid or unconstitutional or, if, in the application of this Ordinance to any person or circumstances, is found to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the other provisions or application of this Ordinance which can be given effect without the invalid or unconstitutional provision or application.

(c) Amendments. The Village, through its duly qualified governing body, may amend this Ordinance in part or in whole whenever it may deem necessary.

(12) Effective Date

This Ordinance shall take effect and be in force from and after its passage and publication of notice thereof as provided by law.

8.03 MONTFORT MUNICIPAL WATER UTILITY ORGANIZATION

(1) Rates for Service.

The rates, rules and regulations of the Montfort Municipal Water Utility (MMWU) shall be those approved by the Village Board and on file and approved by the Wisconsin Public Service Commission (PSC).

(2) Operating Rules.

(a) All persons now receiving a water supply from MMWU, or who may hereafter make application therefor, shall be considered as having agreed to be bound by all rules and regulations as filed with the PSC.

(b) The following provisions of Wis. Adm. Code Ch. PSC 185, are adopted by reference and made a part of these rules as if set forth in full. A violation of any such rules shall constitute a violation of this section and shall be punishable as provided in this Code as seen in Chapter 13.

SECTION	TITLE
185.11	Authorization for and Application of Rules
185.12	Definitions
185.13	General Requirements
185.15	Free or Discriminatory Service Prohibited
185.16	Protection of Utility Facilities
185.17	Interference with Public Service Structures
185.18	Location of Records
185.19	Retention of Records
185.21	Schedules to be Filed with the Commission
185.22	Information Available to Customers
185.31	Metered Service
185.32	Meter Readings and Billings Periods
	Billing
185.35	Adjustment of Bills
185.36	Deposits
185.37	Disconnection and Refusal of Service
185.38	Deferred Payment Agreement
185.39	Dispute Procedures
185.41	Employees Authorized to Enter Customers' Premises
185.42	Customer Complaints
185.44	Records and Reports of Service Interruptions
185.45	Pumpage Records
185.46	Metering Equipment Records
185.47	Other Records
185.51	Requirement for Good Engineering Practice
185.52	Construction Standards
185.61	Meters
185.65	Accuracy Requirements for Customer Meters
185.71	Meter Testing Facilities & Equipment
185.72	Calibration of Meter Testing Equipment
185.73	Testing of Customer Meters
185.74	Test Flows

185.75	Required Tests of Customer Meters
185.76	Periodic Tests
185.77	Referee Tests
185.79	Testing of Metering Installations Having Remote Registers
185.795	Electrical Safety
185.81	Quality of Water
185.82	Pressure Standards
185.83	Station Meters
185.85	System Losses
185.86	Flushing Mains
185.88	Frozen Laterals
185.89	Interruptions of Service

(3) Fire Protection. Each year the Village of Montfort pays the MMWU for fire hydrant rental based on the number of hydrants and the footage of six inch main and larger. The full increases granted together with all rulings of the PSC are on file with the Village Treasurer.

(4) Minimum Charge Based on Meter Size. The minimum monthly service charges as authorized by the PSC shall be set forth in the official fee schedule on file in the Village office.

(5) Plus Volume Charges. The volume charges shall be set forth in the official fee schedule on file in the Village office.

(6) Late Payments. A late payment charge as authorized by the PSC will be added to bills not paid within 20 days of issuance. This late payment charge will be applied to the total unpaid balance for utility service, including unpaid late payment charges. The 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 20 days after the bill is issued.

(7) Disconnection Notice. Unless payment or satisfactory arrangement for payment is made within the next 10 days, service may be disconnected pursuant to Wis. Adm. Code Ch. PSC 185. A charge will be applied if reconnection is completed within regular work hours. This may increase if reconnection is completed after hours, Sundays or holidays. Reconnection fees will be listed in the official fee schedule on file the Village office.

(8) Combined Metering. (Cr. May 6, 2014). 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 when metering configurations support such an approach. Meter readings from individually metered separate service laterals shall not be combined for billing purposes.

8.04 UNPAID OR DELINQUENT WATER AND/OR SEWER BILLS

(1) Any unpaid Village of Montfort sewer and/or water bills for billing periods preceding October 1 of any year shall be placed on the next regular tax roll by the Village Clerk as a special assessment against the property.

(2) All such charges, whether incurred by renters or owners, shall be the responsibility of the owner of the real estate involved and shall be charged back as set forth above against such real estate.

8.05 VALVES, HYDRANTS AND WATER METERS.

(1) Unauthorized Operation of Water Valves and Hydrants. No person other than a Director of Public Works shall, without written authority of the Village President or the Director of Public Works, operate any water valve connected with the street or supply mains, or tamper with any valve within the Village of Montfort; or open any fire hydrants connected with the distribution system except for the purpose of extinguishing fire, and no person shall wantonly injury or impair any water valve or fire hydrant within said Village. The owner or operator of a motor vehicle shall be liable for the cost of repair of any hydrant or water valve damaged by being hit or struck by such motor vehicle.

(2) Jumping or Tampering with Meters, Using False Meters Prohibited. Any person who willfully shall make or cause to be made or aid in the making of any water pipe or other instrument or contrivance to conduct or supply water without passing through or being registered by a meter; or any person who shall willfully use a false meter for the measurement of water or who shall willfully obstruct or interfere with the working of any meter used for the measuring of water consumption, so as to cause or be intended to cause a false registration of the amount of water consumed shall be liable for the penalty hereinafter set forth.

(3) Covering or Concealing Meters Prohibited. No person shall cover or conceal from view or remove any meter placed by the Village, its employees or agents, except authorized village officials or employees when acting in their official capacity.

(4) Penalty. Any person violating any provision of this chapter shall upon conviction thereof forfeit not less than \$50.00 nor more than \$200.00 and the costs of prosecution, and in default of payment of such forfeiture and costs shall be imprisoned in the County Jail until payment of such forfeiture and the cost of prosecution, but not exceeding thirty days for each violation. Each day of violation shall constitute a separate offense.

8.06 WELL ABANDONMENT

(1) Definitions.

(a) "Municipal water system" - a system for the provision to the public of piped water for human consumption when such system has at least 15 service

connections or regularly serves at least 25 year-round residents owned or operated by a city, village, county, town, town sanitary district, utility district or public institution as defined in Wisconsin Statute section 49.10.

(b) "Noncomplying" - a well or pump installation which does not comply with the provisions of Wisconsin Administrative Code chapter NR 812 in effect at the time the well was constructed, a contamination source was installed, the pump was installed or work was done on either the well or pump installation.

(c) "Permit" - a written instrument issued by and executed by the Village Clerk permitting the continued use of an existing well under the conditions of maintenance and operation provided in this ordinance.

(d) "Pump installation" - the pump 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.

(e) "Unsafe" - a well or pump installation which produces water which is bacteriologically contaminated or contaminated with substances in excess of the standards of Wisconsin Administrative Code chapters NR 109 or NR 140, or for which a Health Advisory has been issued by the Department of Natural Resources.

(f) "Unused" - a well or pump installation which is to in use or does not have a functional pumping system.

(g) "Well" - an excavation or opening into the ground made by digging, boring, drilling, driving or other methods for the purpose of obtaining groundwater for consumption or other use.

(h) "Well abandonment" - the filling and sealing of a well according to the provisions of Wisconsin Administrative Code chapter NR 812.

(2) Coverage. All wells located on premises served by the municipal water system shall be abandoned in accordance with the terms of this ordinance and Wisconsin Administrative Code chapter NR 812 by April 1, 1991 or no later than one (1) year from the date of connection to the municipal water system, whichever occurs last, unless a well operation permit has been obtained by the well owner from the Village Clerk.

(3) Well Operation Permits.

(a) A permit or renewal of an existing permit may be granted to a well owner to operate a well for a period not to exceed five (5) years. Permits or permit renewals shall only be granted if the requirements of paragraph (3)(b) of this ordinance are met. Applications for permits and permit renewals shall be made to the Village Clerk on forms provided by the Village Clerk.

(b) The following requirements shall be met in order for a well operation permit to be issued:

(i) The Village of Montfort, or its agent, may conduct inspections or have water quality tests conducted at the applicant's expense to obtain or verify information necessary for consideration of a permit application or renewal.

(ii) The well and pump installation shall meet or be upgraded to meet the requirements of Wisconsin Administrative Code chapter NR 812:

(iii) The well and pump installation must have a history of producing bacteriologically safe water as evidenced by at least two (2) samplings taken a minimum of two (2) weeks apart. No exception to this condition will be made for unsafe wells, unless the Department of Natural Resources approves, in writing, the continued use of the well.

(iv) There shall be no cross-connections between the well and pump installation and the municipal water system.

(v) The proposed use of the well and pump installation must be justified as being necessary in addition to water provided by the municipal water system.

(4) Method of Abandonment

(a) All wells abandoned under this ordinance shall be abandoned according to the procedures and methods of Wisconsin Administrative Code chapter NR 812. All debris, pump, piling, unsealed liners and any other obstructions which may interfere with sealing operations shall be removed prior to abandonment.

(b) The owner of the well, or the owner's agent shall notify the Village Clerk at least 48 hours prior to the commencement of any well abandonment activities. The Clerk shall forthwith designate a representative of the Montfort Water Utility to observe the well abandonment activities. Such activities can only proceed under the observation of the person so designated.

(c) An abandonment report form, supplied by the Department of Natural Resources, shall be submitted by the well owner to the Village Clerk and the Department of Natural Resources within 10 days of the completion of the well abandonment.

(d) The Village Clerk may use the services of the employees of the Montfort Water Utility for technical advice in granting permits.

(5) Penalty Provisions

Any well owner violating any provision of this ordinance shall, upon conviction, be punished by a forfeiture of no less \$50 nor more than \$5,000 and the cost of prosecution. Each 24-hour period of part thereof during which a violation exists shall be deemed a separate offense. If any person fails to comply with this ordinance for more than 10 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 charge or tax against the property.

8.07 WELLHEAD AND GROUND WATER PROTECTION

(1) Purpose: The residents of the Village of Montfort depend exclusively on ground water for a safe drinking water supply. Certain land use practices and activities can seriously threaten or degrade ground water quality. The purpose of this ordinance is to institute land use regulations and restrictions to protect the Village's municipal water supply and well fields, and to promote the public health, safety and general welfare of the residents of the Village.

(2) Applicability: The regulations specified in the wellhead and groundwater protection ordinance shall apply within the corporate limits of the Village of Montfort.

(3) Definitions:

(a) Existing facilities which may cause or threaten to cause environmental pollution: Existing facilities which may cause or threaten to cause environmental pollution within the corporate limits of the Village's well fields' recharge areas which include but are not limited to the Wisconsin Department of Natural Resources draft list of "Inventory of Sites or Facilities Which May Cause or Threaten to Cause Environmental Pollution", "Department of Industry, Labor and Human Relations List of Underground Storage Tanks", and list of facilities with hazardous, solid waste permits, all of which are incorporated herein as if fully set forth.

(b) Groundwater Divide: Ridge in the water table, or potentiometric surface, from which ground water moves away at right angles in both directions. Line of highest hydraulic head in the water table or potentiometric surface.

(c) Wellhead Protection Area: Area contained in the map attached as Exhibit incorporated herein as if fully set forth.

(d) Recharge Area: Area in which water reaches the zone of saturation by surface infiltration and encompasses all areas or features that supply groundwater recharge to a well.

(e) Well Field: A piece of land used primarily for the purpose of supplying a location for construction of wells to supply a municipal water system.

(4) Wellhead Protection Area:

(a) Intent. The area to be protected is the Village of Montfort well fields' recharge areas extending to the groundwater divide contained within the Village boundary limits. These lands are subject to land use and development restrictions because of their close proximity to the well fields and the corresponding high threat of contamination.

(b) Permitted Uses. The following are the only permitted uses within the wellhead protection area. Uses not listed are to be considered prohibited uses.

(i) Parks, provided there is no onsite waste disposal or fuel storage tank facilities associated within this use.

(ii) Playgrounds.

(iii) Wildlife areas.

(iv) Nonmotorized trails, such as biking, skiing, nature and fitness trails.

(v) Residential municipally sewerred, free of flammable and combustible liquid underground storage tanks.

(vi) Commercial, existing and/or new, municipally sewerred, free of flammable and combustible liquid underground storage tanks, unless expressly permitted by the Wisconsin Department of Natural Resources and the Department of Agriculture, Trade and Consumer Protection.

(c) Requirements for Existing Facilities.

(i) Facilities shall provide copies of all federal, state and local facility operation approvals or certificate and ongoing environmental monitoring results to the Village.

(ii) Facilities shall provide additional environmental or safety structures/monitoring as deemed necessary by the Village, which may include but are not limited to storm water runoff management and monitoring.

(iii) Facilities shall replace equipment or expand in a manner that improves the existing environmental and safety technologies already in existence.

(iv) Facilities shall have the responsibility of devising and filing with the Village a contingency plan satisfactory to the Village for the immediate notification of Village officials in the event of an emergency.

(d) Additional Permitted Uses.

(i) Individuals and/or facilities may request the Village to permit additional land uses in the wellhead protection area.

(ii) All requests shall be in writing either on or in substantial compliance with forms to be provided by the Village and shall include an environmental assessment report prepared by a licensed environmental engineer. Said report shall be forwarded to the Village Public Works Director, or designee, for recommendation and final decision by the Village Board.

(iii) The individual/facility shall reimburse the Village for all consultant fees associated with this review at the invoiced amount plus administrative costs.

(iv) Any additional permitted uses shall be conditional and may include required environmental and safety monitoring consistent with local, state and federal requirements, and/or bonds and/or sureties satisfactory to the Village.

(e) Setback Distances. Individuals and/or facilities must maintain the minimum contamination source setback distances as set forth in Section NR 811.16(4)(d), Wisconsin Administrative Code incorporated herein by reference.

(5) Enforcement.

(a) In the event the individual and/or facility causes the release of any contaminants which endanger the wellhead protection area, the activity causing said release shall immediately cease and a cleanup satisfactory to the Village shall occur.

(b) The individual/facility shall be responsible for all costs of cleanup, Village consultant fees at the invoice amount plus administrative costs for oversight, review and documentation.

(c) Following any such discharge, the Village may require additional test monitoring and/or bonds and sureties.

(d) The individual/facility violating this ordinance shall be subject to a forfeiture of not less than \$50 nor more than \$200 plus costs for each day that a violation occurs.

8.08 CROSS CONNECTION AND BACKFLOW PREVENTION ORDINANCE

(1) Purpose. The purpose of this ordinance is to protect the health, safety and welfare of village residents and users of the Montfort Municipal Water Utility's potable water system. In addition, the purpose of this section is to comply with the Wisconsin Administrative Code which requires protection of the Village water system from pollution and other harm due to back-flow of contaminants through the water service connection. The Wisconsin Departments of Natural Resources and Commerce require the maintenance of a continuing program of cross-connection control to systematically and effectively prevent the contamination of all public potable water systems.

(2) Definitions.

(a) Backflow. The undesirable flow of water or mixtures of water and other liquids, solids, gases or other substances under positive or reduced pressure into the Montfort Municipal Water Utility potable water supply from any source.

(b) Backflow Prevention. A means designed to prevent backflow caused by backpressure or back siphonage, most commonly categorized as air gap, reduced pressure principle back-flow assembly, double check valve assembly, pressure vacuum breaker assembly, back siphonage backflow vacuum breaker (spill resistant pressure vacuum breaker) assembly, pipe applied atmospheric vacuum breaker, flush tank ballcock, laboratory faucet backflow preventer, backflow preventer for carbonated beverage machine, vacuum breaker wall hydrants, (freeze resistant automatic draining type), chemical dispensing machine, hose connection vacuum breaker, hose connection backflow preventer, backflow preventer with intermediate atmospheric vent and barometric loop.

(c) Backpressure. An elevation of pressure in the downstream piping system (i.e., pump, elevation of piping, or steam and/or air pressure) above the utility supply pressure, which would cause or tend to reverse the normal direction of flow.

(d) Back siphonage. The flow of water or other liquids, mixtures or substances into the utility's potable water system from any source caused by the sudden reduction of pressure in the utility's potable water supply system.

(e) Cross Connection. Any physical connection or arrangement between two otherwise separate systems, one of which contains potable water from the Montfort Municipal Water Utility, and the other containing 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.

(f) Utility. The Montfort Municipal Water Utility.

(3) Cross Connection Prohibited. No person shall establish or permit to be established or maintain or permit to be maintained any cross connection. No interconnection shall be established whereby potable water from a private, auxiliary or emergency water supply, other than the public water supply of the Montfort Municipal Water Utility, may enter the Montfort Municipal Water Utility water supply and distribution system, unless such private, auxiliary or emergency water supply and the method of connection and use of such supply have been approved by the Montfort Municipal Water Utility and the Wisconsin Department of Natural Resources in accordance with Wis. Admin. Code § NR 811.09, or its successor.

(4) Responsibility. The Montfort Municipal Water Utility shall be responsible for the protection of the public potable water distribution system from contamination or pollution due to backflow of contaminants or pollutants.

(5) Owner Responsibility. The property owner shall be required to eliminate or protect the utility from all cross connections on owner's premises. The owner shall, at owner's expense, install, maintain and test any and all backflow preventers on their premises in compliance with the Wis. Admin. Code Ch. SPS 383 requirements. The property owner shall correct any malfunction revealed by periodic testing of any backflow preventer on owner's premises. The property owner shall inform the utility of any proposed or modified cross connections and also any existing cross connections that are not protected by an approved backflow prevention means. The property owner shall not install a by-pass around any backflow preventer unless there is a back-flow preventer of the same type in the by-pass. Property owners who cannot shut down operation for testing of the backflow prevention assembly must supply additional assemblies necessary to allow testing and maintenance to take place. The property owner is required to follow the protection practices described in the American Water Works Association publication AWWA M-14 titled H "Recommended Backflow Prevention and Cross Connection Control", United States Environmental Protection Agency publication titled "Cross Connection Control Manual", Wis. Admin. Code Chs. SPS 380-387 and the utility's "Cross Connection Control Manual", unless the utility requires or authorizes other means of protecting the potable water supply system.

(6) Inspections. It shall be the duty of the utility to inspect all properties serviced by the utility where cross connections with the public water system is deemed possible. Residential properties serviced by the utility shall be inspected on a 10-year interval. The utility may, but is not required to, perform the cross-connection inspection of the customer's property. If, in the opinion of the utility, the utility is not able to perform the inspection, the property owner must, at their own expense, have the water system inspected for cross connections by a person who has been properly trained in accordance with the American Society of Sanitary Engineers (ASSE) Standard number 5120 as a Cross Connection Control Surveyor. All non-residential properties serviced by the utility shall be surveyed on an interval exceeding .2 years. The frequency of required surveys and resurveys, based upon the potential health hazards, may be shortened by the utility.

(7) Right of Entry. Upon presentation of credentials, representatives of the utility shall have the right to request entry at any reasonable time to examine property for cross connections. If entry is refused, such representatives shall obtain a special inspection warrant under Wis. Stat. § 66.0119. Upon request, the owner, lessee or occupant of any property served shall furnish to the inspection agency any pertinent information regarding the water system on such property.

(8) Authority to Discontinue Service. The utility is hereby authorized and directed to discontinue water service to any property wherein any connection in violation of this section exists and to take such other precautionary measures deemed necessary to eliminate any damage to or contamination of the potable water system. Water service shall be discontinued if the means of back flow prevention required by the utility is not installed, tested, maintained and/or repaired in compliance with this ordinance, the Wis. Admin. Code Chs. SPS 380-387, or if it is found that the means of backflow prevention required by this ordinance has been removed or bypassed. Water service shall be discontinued only after reasonable notice and opportunity for hearing under Chapter 68, Wisconsin Statutes, except as provided in subsection (9) or (10) of this section. The owner shall be required to immediately correct any violation upon receipt of written notice of such violation from the Village. Upon conviction, the user shall be subject to penalties as prescribed herein and water service to such property shall not be restored until such violations have been eliminated and full payment of any such payments have been made.

(9) Reconnection of Service. Water service to any property disconnected under provisions of this ordinance shall not be restored until the cross connection has been eliminated or a back-flow prevention means approved by the utility has been installed in compliance with the provisions of this section.

(10) Emergency Discontinuance of Service. If it is determined by the utility that a cross connection or an emergency endangers public health safety or welfare and requires immediate action, service may be immediately discontinued. The owner, lessee or occupant shall have an opportunity for hearing under Chapter 68, Wisconsin Statutes within 10 days of such emergency discontinuance. Such hearing shall be before the Village of Montfort Water and Sewer Committee.

(11) Additional Protection. In the case of premises having (a) cross connections that cannot be permanently corrected or controlled, or (b) intricate plumbing and piping arrangements or where entry to all portions of the premises is not readily accessible for inspection, making it impractical or impossible to ascertain whether or not dangerous cross connections exist, the utility may install appropriate backflow prevention at owner's cost. In the case of any premises where there is any material dangerous to health that is handled in such a manner that, in the opinion of the utility, could create an actual or potential hazard to the public water supply system, an approved air gap separation or an approved reduced pressure principle backflow assembly shall protect the public water supply system. In the case of any presence of toxic substances, the utility may require an approved air gap or reduced pressure

principle backflow assembly at the service connection to protect the public water supply system. This requirement will be at the discretion of the utility.

(12) Public Water Supplies. This section does not supersede the State of Wisconsin Department of Natural Resources Administrative Code NR 811, but is supplementary to it.

(13) Plumbing Code. The Village of Montfort hereby adopts by reference the Wisconsin Uniform Plumbing Code, Wis. Admin Chs. SPS 382-384, as may be amended from time to time.

8.09 PENALTY

(1) Penalty. In addition to any other sanction, penalty or forfeiture set forth elsewhere, any person, company or corporation who violates any provision of this Chapter or any resolution, rule or regulation of the Village hereunder, or who turns on the water in any premises in which the water has been shut off, or into which the water has not yet been turned on, or who connects any water or sewer main or service pipe without first having obtained a permit therefor, who violates any provision regarding cross connections, or who violates any related provision of the Wisconsin Statutes, Wisconsin Administrative Code or any other materials which are incorporated by reference, shall upon conviction forfeit not less than \$50 nor more than \$200 together with the cost of prosecution. Each 24-hour period during which the violation continues after the date of notice, shall be deemed a separate violation. The violation shall be determined to be in effect until such violation is corrected by payment of all arrears, of the expenses and established charges of shutting off and turning on, and of any such other expenses as the Board may incur.

(2) Damage Recovery. The utility shall have the right of recovery from all persons, any expense incurred by the utility for the repair or replacement of any water or sewer pipe, curb-cock, gate valve, hydrant, or valve box damaged in any manner by any person in the performance of any work under their control, or by any negligent act. Owners or operators of motor vehicles will be held liable for the cost of repair of any hydrant or any other water service fixture damaged by them and the Utility will not be responsible for the damage due the motor vehicle by reason of such accident.

(a) Charges are a Lien on Property. All sewer services, charges, and special assessments shall be a lien on a lot, part of a lot, or land on which sewer services were supplied. All sums which have accrued during the preceding year, and which are unpaid by the first day of October of any year, shall be certified to the Village Clerk to be placed on the tax roll for collection pursuant to Wis. Stat. § 66.0717.

(b) Unit of Service Definition.

(i) A unit of service shall consist of any residential, commercial, industrial, or charitable aggregation of space or area occupied for a distinct

purpose such as a residence apartment, flat, store, office, industrial plant, church, or school.

(ii) Each unit of service shall be regarded as one consumer.

(iii) Suites in houses, or apartments, with complete housekeeping functions (such as cooking), shall be classified as apartment houses; thus, houses and apartments having suites of one, two, or more rooms with toilet facilities, but without kitchen for cooking, are classified as rooming houses.

(iv) When a consumer's premises have several buildings, for which services are eligible and such buildings are used in the same business and connected by the user, the Village shall set a separate rate for such complex.