

CHAPTER 15

PUBLIC UTILITIES

15.01 PUBLIC UTILITIES

(1) **COMMON COUNCIL DUTY.** The Common Council shall have charge and management of the Water Utility and the Sewer Utility and shall supervise the operation thereof.

(2) **PUBLIC UTILITY COMMITTEE.** Effective in 1997 a Public Utilities Committee replaces the Public Utilities Commission. The members of the Public Utility Committee will continue to have three (3) at large members and continue to be selected on staggered terms as provided for Public Utilities Commission in Section 66.068. Wis. Stats. The Public Utilities Committee shall have such power and authority as are delegated by the Common Council including the following powers subject to Council approval:

- a) Determination of personnel and equipment
- b) Personnel decisions
- c) Recommendations on wages and collective bargaining
- d) Material purchases
- e) Rate increases subject to State Law - review at least every 4 years.
- f) General operations
- g) _____ Budgeting

NOTE: For emergency exception to Public Bidding, see Section 14.01(9)

(3) **SUPERINTENDENT OF UTILITIES.** The Mayor shall appoint a Superintendent of Utilities, subject to the confirmation of the Common Council who shall have general charge of the Water Utility, Electric Utility and Sewer Utility, subject to this chapter, the rules, regulations and rates of each utility and to the control and direction of the Public Utilities Committee, the Mayor and Common Council. He/she shall keep such records as shall be necessary for the efficient administration of his/her duties, and as may be required by his/her supervisory agencies and officers, and he/she shall make such reports as may be required by such agencies and officers, and by the State Public Service Committee. He/she shall not incur any liability on behalf of the City except when authorized by the Public Utilities Committee and approved by the Common Council. He/she shall not employ labor without such authority.

15.02 RULES, REGULATIONS AND RATES

(1) Rules, regulations, and rates governing the Water Utility and the Sewer Utility shall be as approved by the Common Council (and with respect to Water Utility and Electric Utilities as approved and filed with the Wisconsin Public Service Commission). Such rules, regulations and rates shall be considered a part of the contract of every consumer of services of the Water Utility, Electric Utility or Sewer Utility and each consumer by acceptance of service assents to such rules, regulations and rates. Any violations of such rules, regulations and rates or provisions of this chapter shall be cause for discontinuance of service.

(2) Because charges for utilities are subject to extensive, lengthy, and sometimes wordy revisions, and are revised from time-to-time, the Common Council will continue to approve rates and charges but such ordinances shall not be placed in the body of this ordinance book and shall instead be placed in the appendices of this ordinance book under the appropriate utilities. Electric Utility Rate Ordinance shall be placed under Appendix J. Water Utility Rate Ordinance shall be placed under Appendix K, Sewer Utility Rate Ordinance shall be placed under Appendix L. Upon adoption, the date of adoption of the ordinance shall be subscribed in this section.

(3) Because different requirements of the individual utilities may be made a condition of grant or loans by granting agencies, the specific language of Section 15.03 shall apply to the Water Utility and Section 15.04 shall apply to the Sewer Utility. If the specific requirements of Section 15.03 or 15.04, conflict with general requirements applicable to all utilities, the specific requirements of Section 15.03 (Water Utility) and Section 15.04 (Sewer Utility) shall control.

(A) **Date of Adoption of Electric Rate Ordinance:** Location of Ordinance as authorized by Public Service Commission. Appendix J.

(B) **Date of Adoption of Water Rate Ordinance:** Location of Ordinance as authorized by Public Service Commission. Appendix K.

(C) **Date of Adoption of Sewer Rate Ordinance:** Location of Ordinance as authorized by Public Service Commission. Appendix L.

15.03 WATER AND SEWER UTILITY CREATION - RULES AND REGULATIONS

(1) **MANAGEMENT AND OPERATION.** The management operation, and control of the water and sewer system for the City of Cornell is vested in the Common

Council. The City Administrator or other designee of the City of Cornell shall keep all the financial records.

(2) POWERS OF UTILITY. The Water Utility and Sewer Utility of the City of Cornell shall have the power to construct water and sewer lines for public use and shall have the power to lay water pipes in and through the alleys, streets, and public grounds of the City of Cornell; and generally, to do all such work as may be found necessary or convenient in the management of the water system. The Common Council shall have power by themselves, their officers, agents and servants to enter upon any land for the purpose of making examination or supervise the performance of their duties under this Ordinance, without liability therefore, and the Common Council shall have the power to purchase and acquire for the City all real and personal property which may be necessary for construction of the water and sewer system, or for any repair, remodeling, or additions thereof.

(3) CONDEMNATION OF REAL ESTATE. Whenever any real estate or any easement therein, or use thereof, shall in the judgment of the City of Cornell be necessary to the water and sewer system; and whenever, for any cause, an agreement for the purchase thereof, cannot be made with the owner thereof, the Common Council 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.

(4) TITLE TO REAL ESTATE AND PERSONALTY. All property, real, personal and mixed, acquired for the construction of the water and sewer system, and all plans, specifications, diagrams, papers, books and records connected with said water system, and all buildings, machinery, and fixtures pertaining thereto, shall be the property of the said City of Cornell.

(5) USER RULES AND REGULATIONS. The rules, regulations, water and sewer rates hereinafter set forth shall be considered a part of the contract with every person, company, or corporation who is connected with the water and sewer system and every such person, company, or corporation by connection with the water and sewer system shall be considered as expressing his or their assent to be bound thereby. Whenever any of said rules and regulations or such others as the said City of Cornell may hereafter adopt are violated, the 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 Common Council, and on payment of all arrears, the expenses and established charges of shutting off and putting on, and such other terms as the City may

determine, and a satisfactory understanding with the party that no further cause for complaint shall arise. In case of such violation, the said City of Cornell furthermore, may declare any payment 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 City to change the said rules, regulations, and water rates from time-to-time as they may deem advisable; and to make special rate and contracts in all proper cases, all subject to the authority of the Wisconsin Public Service Commission (Water Utility).

(6) MISCELLANEOUS RULES - WATER UTILITIES. The following rules and regulations for the government of licensed plumbers, water users, sewer users and others, are hereby adopted and established:

(A) Plumbers. No plumber, pipefitter, or other person will be permitted to do any plumbing or pipe fitting work in connection with the water system without first receiving a license from the State of Wisconsin.

(B) Users

(1) Lateral Charges. "Street Laterals" will be installed by the Utility (on existing mains) according to the schedule of charges as set forth in current PSC rate file.

(C) Tap Permits. After water connections have been introduced into any building or upon any premises, no plumber shall make any alterations, extensions, or attachments, unless the party ordering such tapping or other work shall exhibit the proper permit for the same from the City of Cornell.

(D) User to Keep in Repair. All users shall keep their own service pipes in good repair in accordance with the current Wisconsin plumbing code as exists including future amendments and additions, and protected from frost, at their own risk and expense and shall prevent any unnecessary waste of water.

(E) User to Permit Inspection. Every user shall permit the City of Cornell or their 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 water is used, and they must at all times frankly and without concealment answer all questions put to them relative to its use.

(F) Utility Responsibility. It is expressly stipulated that no claim shall be made against said City of Cornell or its employees or agents by reason of the breaking, clogging, stoppage, or freezing of any service pipe or 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 regulation to the contrary notwithstanding. Whenever it shall become necessary to shut off the water service within any part of the City of Cornell, the Common Council or its designee shall, if practicable, give notice to each and every consumer within said City of Cornell of the time when such service will be so shut off.

(G) Meters. It shall be the duty of the owner of any premises to provide a location for a water meter and to maintain such locations and passageway thereto clean and sanitary and free from any obstruction or any conditions of a hazardous nature. No connection for water meters shall be installed in any location not easily accessible, or which is or may be, unclean, unsanitary, or in any manner unsafe to utility employees in the discharge of their duties.

(7) EXCAVATIONS

(A) In making excavations in streets or highways for laying service pipe or making repairs, the paving and earth removed must be deposited in a manner that will occasion the least inconvenience to the public.

(B) 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.

(C) In refilling the opening after the service pipes are laid, the earth must be laid in layers of not more than nine inches in depth and each layer thoroughly compacted to prevent settling. This work, together with the replacing of sidewalks, ballast and paving, must be done so as to make the street as good at least as before it was disturbed and satisfactory to the Common Council or its designee. No opening of the streets for tapping the pipes will be permitted when the ground is frozen without Common Council approval.

(8) TAPPING THE MAINS

(A) No persons except those having special permission from the City of Cornell or persons in their service and approved by them will be permitted under any circumstances to tap the water mains or distribution pipes. The kind and size of the connection with the pipe shall be that specified in the permit or order from said City of Cornell.

(B) Pipes should be tapped on the top half of the pipe and not within six inches (15 cm) of the joint, or within 24 inches (60 cm) of another connection.

(9) INSTALLATION OF LATERALS - PERMIT

(A) All water lines on private property, whether underground or within a structure, will be installed in accordance with State of Wisconsin Administration Code Chapter H-62, "Design, Construction, Installation, Supervision and Inspection of Plumbing"; specifically Section H-62.13, "Water Distribution Systems". For water laterals, where installed by the property owner, a permit must be obtained from the City of Cornell. The fee for such permit shall be as set forth in Appendix E. Application for such permit shall be on forms provided by the City. No lateral may be constructed without such permit. The contractor and/or owner shall give the City Superintendent of Utility five (5) days advance notice.

(B) The building's water line shall be inspected upon completion of placement of the pipe and before backfilling, and tested before or after backfilling.

(10) WATER SERVICE RATES--WATER UTILITY RULES: So-called standard rules published by the Public Service Commission of Wisconsin (small utility rules), and the rates as provided by the Public Service Commission Finding of Fact, Certification, and Order are hereby adopted by the City of Cornell as applicable to the Water Utility. The provisions of this ordinance are subject to the overriding authority of the Public Service Commission and provisions of current rate order.

(11) MANDATORY HOOK-UP - WATER UTILITIES

(A) The owner of each parcel of land adjacent to a water 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 Three Hundred and Sixty-five (365) days notice in writing from the City Administrator. Upon failure to do so, the City may cause such connection to be made and bill the property owner for such costs. If such costs are not paid within thirty (30) days, such notice shall be assessed as a special tax lien against the property, all pursuant to Section 144.06 Wisconsin Statutes, provided however, that the owner may within thirty (30) days after the completion of the work file a written opinion with the City Administrator stating that he/she can not pay such amount in one sum and ask that it be levied in not to exceed ten (10) equal installments and that the amount shall be so collected with interest at a rate of not to exceed fifteen percent (15%) per annum from the completion of the work, the unpaid balance being a special tax lien, all pursuant to Section 144.06 Wisconsin Statutes. The interest rate charged by the City of Cornell pursuant to this special tax lien procedure shall vary with the prime rate and shall be redetermined by the Common Council on each occasion with the intended interest rate to be two percent (2%) over the prime rate. The applicable interest rate will

be determined in the authorizing resolution and shall remain constant throughout the ten (10) year period of time for each individual special tax lien.

(B) In lieu of the above, the City of Cornell, at its option, may impose a penalty for the period the violation continues, after ten (10) days written notice to any owner failing to make a connection to the water system in an amount of Five dollars (\$5.00) per month for each residential unit equivalent 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 Section 144.06 Wisconsin Statutes.

(C) This ordinance ordains that the failure to connect to the water system is contrary to the minimum health standards of said City of Cornell and fails to assure preservation of public health, comfort and safety of said City of Cornell.

(D) All property owners to be served by new mains installed as part of the 1990-1991 FmHA financed water main extension project will be required to hook-up to City water mains within Three Hundred and Sixty-five (365) days of notice in writing from the City Administrator which notice shall be delivered at time of substantial completion of project.

(E) **Other Property Owners.** (other than those served by 1990/1991 FmHA financed project):

(1) Property owners who have their own private water supply will not be required to connect to the City water supply provided annual bacteriological sampling as required by N.R. 811 and N.R. 812 shall be completed to establish that the water is safe for consumption.

(2) Should owners water supply go bad, they must connect to City Water.

(3) If property owner doesn't want to connect, they may keep private water supply provided they get annual bacteriological sampling as required by N.R. 811 and N.R. 812 and that City water supply and private water supply are kept separate.

(F) The city hereby states its intention that the optional penalty set forth in Section 15.03(11)(B) will be accorded only to those existing households who presently have properly functioning wells (and only as long as such wells function properly) and City water available as of date of passage of this ordinance. In all future extensions, households will have to hook up to City water mains as set forth in subsection 15.03(11)(A). The City does retain the right to allow the optional penalty in unusual situations.

(12) MAINTENANCE OF SERVICES. All water services within the limits of the City of Cornell from the street main to the property line and including all controls between the same will be maintained by the Water Utility without expenses to the property owner, except when they are damaged as a result of negligence or carelessness on the part of the property owner, a tenant, or an agent of the owner, in which case they will be repaired at the expense of the property owner. All water services from the point of maintenance by the Utility to and throughout the premises must be maintained free of defective conditions, by and at the expense of the owner or occupant of the property.

(13) PAYMENT OF BILLS

(A) Failure to Receive Bill No Penalty Exemption. Every reasonable care will be exercised in the proper delivery of water bills. Failure to receive a water bill, however, shall not relieve any person of the responsibility for payment of water rates within the prescribed period, or exempt any person from any penalty imposed for delinquency in the payment thereof.

(B) Billing. The property owner is held responsible for all water bills on premises that he/she owns. Delinquency notices relative to the water service, will be addressed to the owner as well as the renter and delivered to the premises referred to on such bill or notice.

(14) CROSS CONNECTION CONTROL ORDINANCE

(A) PREAMBLE

To provide a program for protecting the public water system from contamination due to backflow of contaminants through the water service connection into the public water system.

WHEREAS, Chapters NR 810 and SPS 382, Wisconsin Administrative Code require protection of the public water system from contaminants due to backflow of contaminants through the water service connection; and

WHEREAS, the Wisconsin Departments of Natural Resources and Industry, Labor and Human Relations require the maintenance of a continuing program of cross connection control which will systematically and effectively prevent the contamination of all potable water systems; now, therefore,

BE IT ORDAINED by the Common Council of the City of Cornell, State of Wisconsin:

(1) That a cross connection shall be defined as any physical connection or arrangement between two otherwise separate systems, one of which contains potable water from the City of Cornell water system, and the other, water from a private source, water of unknown or questionable safety, or steam, gases, or chemicals, whereby there may be a flow from one system to the other, the direction of flow depending on the pressure differential between the two systems.

(2) That no person, firm or corporation shall establish or permit to be established or maintain or permit to be maintained any cross connection. No interconnection shall be established whereby potable water from a private, auxiliary or emergency water supply other than the regular public water supply of the City of Cornell may enter the supply or distribution system of said municipality, unless such private, auxiliary or emergency water supply and the method of connection and use of such supply shall have been approved by the City of Cornell and by the Wisconsin Department of Natural Resources in accordance with Section NR 811.09, Wisconsin Administrative Code.

(3) That it shall be the duty of the City of Cornell to cause inspections to be made of all properties served by the public water system where cross connections with the public water system is deemed possible. The frequency of inspections and reinspections based on potential health hazards involved shall be as established by the City of Cornell and as approved by the Wisconsin Department of Natural Resources.

(4) That upon presentation of credentials, the representative of the City of Cornell shall have the right to request entry at any reasonable time to examine any property served by a connection to the public water system of the City of Cornell for cross connections. If entry is refused, such representative shall obtain a special inspection warrant under s. 66.122, Wisconsin Statutes. On request, the owner, lessee or occupant of any property so served shall furnish to the inspection agency any pertinent information regarding the piping system or systems on such property.

(5) That the City of Cornell is hereby authorized and directed to discontinue water service to any property wherein any connection in violation of this ordinance exists, and to take such other precautionary measures deemed necessary to eliminate any danger of contamination of the public water system. Water service shall be discontinued only after reasonable notice and opportunity for hearing under

Chapter 68, Wisconsin Statutes, except as provided by law. Water service to such property shall not be restored until the cross connection(s) has been eliminated in compliance with the provisions of this ordinance.

(6) That if it is determined by the City of Cornell that a cross connection or an emergency endangers public health, safety or welfare and requires immediate action, and a written finding to that effect is filed with the City Administrator of the City of Cornell and delivered to the customer's premises, 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.

(7) Damage Recovery. The Utility shall have the right of recovery from all persons, of any expense incurred by said Utility for the repair or replacement of any water pipe, curbstop, gate valve, hydrant or valve box damaged in any manner by any person by 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 damaged by them and the utility will not be responsible for the damage due the motor vehicle by reason of such accident.

(8) That the City of Cornell adopts by reference the State Plumbing Code of Wisconsin being Chapter SPS 382, Wisconsin Administrative Code.

(15) WELL ABANDONMENT ORDINANCE

(A) PREAMBLE

WHEREAS, Ch. NR 810, Wisconsin Administrative Code, directs suppliers of water for municipal water systems to require the abandonment of all unused, unsafe or noncomplying wells located on the premises serviced by their system, by local ordinance or water utility rule to prevent such wells as acting as channels for contamination or vertical movement of water and to eliminate all existing cross connections and prevent all future cross connections.

NOW THEREFORE, the City of Cornell, Chippewa County, Wisconsin, does ordain as follows:

(1) Purpose. To prevent contamination of groundwater and to protect public health, safety and welfare by assuring that unused, unsafe or noncomplying wells or wells which may serve as conduits for contamination or wells which may be illegally cross connected to the municipal water system, are properly abandoned.

(2) Applicability. This ordinance applies to all wells located on premises served by the City of Cornell municipal water system.

(3) Definitions

a. "Municipal water system" means 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 s. 49.10(12)(f)1, Wisconsin Statutes, or a privately owned water utility serving any of the above.

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

c. "Pump installation" means 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.

d. "Unsafe" means a well or pump installation which produces water which is bacteriologically contaminated or contaminated with substances in excess of the standards of Ch. NR 809 or 140, Wisconsin Administrative Code, or for which a Health Advisory has been issued by the Department of Natural Resources.

e. "Unused" means a well or pump installation which is not in use or does not have a functional pumping system.

f. "Well" means 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.

g. "Well Abandonment" means the filling and sealing of a well according to the provisions of Ch. NR 812, Wisconsin Administrative Code.

(4) Abandonment Required. All wells located on premises served by the municipal water system shall be abandoned in accordance with the

terms of this ordinance and Ch. NR 812, Wisconsin Administration Code no later than 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 City of Cornell.

(5) Well Operation Permit. The City of Cornell may grant a permit to a private well owner to operate a well for a period not to exceed 5 years providing the conditions of this section are met. An owner may request renewal of a well operation permit by submitting information verifying that the conditions of this section are met. The City of Cornell, or its agent, may conduct inspections or have water quality tests conducted at the applicant's expense to obtain or verify information necessary for consideration of a permit application or renewal. Permit applications and renewals shall be made on forms provided by the City Administrator. The following conditions must be met for issuance or renewal of a well operation permit:

a. The well and pump installation meet or are upgraded to meet the requirements of Ch. NR 812, Wisconsin Administrative Code.

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

c. There are no cross connections between the well and pump installation and the municipal water system, and

d. The proposed use of the well and pump installation can be justified as being necessary in addition to water provided by the municipal water system.

(6) No new wells may be drilled in the City of Cornell if the premises are served by the Municipal Water System of the City of Cornell.

(7) Abandonment Procedures

a. All wells abandoned under the jurisdiction of this ordinance or rule shall be abandoned according to the procedures and methods of Ch. NR 112, Wisconsin Administrative Code. All debris, pump, piping, 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 Superintendent of Utilities at least 48 hours prior to commencement of any well abandonment activities. The abandonment of the well shall be observed by the City of Cornell.

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

(8) Penalties. Any well owner violating any provision of this ordinance shall upon conviction be punished by forfeiture of not less than \$10.00 nor more than \$200.00 and the cost of prosecution. Each day of violation is a separate offense. If any person fails to comply with this ordinance for more than 10 days after receiving written notice of the violations, the City of Cornell 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.

(16) DAMAGE RECOVERY. The Utility shall have the right of recovery from all persons, of any expense incurred by said Utility for the repair or replacement of any water pipe, curb stop, gate valve, hydrant, or valve box damaged in any manner by any person by 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 damaged by them and the Utility will not be responsible for the damage due the motor vehicle by reason of such accident.

(17) PENALTIES. Any person who shall violate any of the provisions of this ordinance or rules or regulations of the City of Cornell; or who shall connect a service pipe 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 \$10 nor more than \$200 and the costs of prosecution.

(18) CHARGES ARE A LIEN ON PROPERTY. To the extent permitted by Sec. 66.069 and Sec. 66.071, Wis. Stats., all water services, charges and special assessments shall be a lien on a lot, part of a lot, or land on which water 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 City Administrator to be placed on the tax roll for collection as provided by Section 66.069(1) of Wisconsin Statutes.

(19) ADOPTION OF OTHER RULES. There is hereby adopted all the rules and regulations of the State Plumbing and State Building Codes and the building rules of the Department of Industry, Labor and Human Relations; and the Department of Natural Resources of the State of Wisconsin as the same are amended from time-to-time, insofar as the same are applicable to the City of Cornell.

(20) SEVERABILITY. If any section, subsection, sentence, clause, or phrase of the ordinance is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of the ordinance. The Common Council hereby declares that it would have passed this ordinance and section, subsection, clause, and phrase thereof, irrespective of the fact that any one or more section, subsection, sentence, clause, and phrase be declared unconstitutional.

15.04 SEWER UTILITY - RULES AND REGULATIONS

(1) MANDATORY HOOKUP - SEWER UTILITIES

(A) The owner of each parcel of land 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 Three Hundred and Sixty-five (365) days of notice in writing from the City Administrator. Upon failure to do so, the City may cause such connection to be made and bill the property owner for such costs. If such costs are not paid within thirty (30) days, such notice shall be assessed as a special tax lien against the property, all pursuant to Section 144.06, Wisconsin Statutes, provided, however, that the owner may with thirty (30) days after the completion of the work file a written opinion with the City Administrator stating that he/she cannot pay such amount in one sum and ask that there be levied in not exceeding five (5) equal installments and that the amount shall be so collected with interest at a rate not to exceed fifteen percent (15%) per annum from the completion of the work. The unpaid balance being a special tax lien, all pursuant to Section 144.06, Wisconsin Statutes. The interest rate charged by the City of Cornell pursuant to this special tax lien procedure shall vary with the prime rate and shall be redetermined by the Common Council on each occasion with the intended interest rate to be two percent (2%) over the prime rate. The applicable interest rate will be determined throughout the five (5) year period of time for each individual special tax lien.

(B) In lieu of the above, the City, at its opinion, may impose a penalty for the period that the violation continues. After ten (10) days written notice, any owner failing to make a connection to the sewer system of an amount equal to One

Hundred and Fifty percent (150%) of the minimum quarterly charge for sewer service payable quarterly 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 Section 144.06, Wisconsin Statutes.

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

(2) MAINTENANCE OF SERVICES - SEWER UTILITIES - PERMIT

(A) (1) The utility shall maintain sewer service within the limits of the City from street main to the property line and including all controls between the same, without expenses to the property owner, except when they are damaged as a result of negligence or carelessness on the part of the property owner, a tenant, or an agent of the owner in which case they will be repaired at the expense of the property owner. All sewer services from the point of maintenance by the system to and throughout the premises must be maintained free of defective conditions, by and at the expense of the owner or occupant of the property.

(2) For sewer laterals, where installed by the property owner, a permit must be obtained from the City of Cornell. The fee for such permit shall be as set forth in Appendix E. Application for such permit shall be on forms provided by the City. No lateral may be constructed without such permit. The contractor and/or owner shall give the City Superintendent of Utility five (5) days advance notice.

(B) For purposes of allocating maintenance responsibility under subsection (A), in the event maintenance is required to the lateral between the sewer main and the building or dwelling, the property owner shall have the duty to determine and ascertain to a reasonable degree of certainty whether the maintenance or repair is required on the City's side of the property line or the owner's side of the property. After said determination is made, the maintenance or repairs shall be remedied in accordance with subsection (A).

(3) IMPROPER USE - SEWER UTILITIES

(A) It shall be 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 City, bore or otherwise cause to leak, any tunnel, aqueduct, reservoir, pipe or other thing used in the system for holding, conveying, or collecting sewage.

(B) It shall be unlawful for any person to introduce sewage into the system which shows an excess of a BOD or suspended solids concentration of over Two Hundred and Fifty milligrams per liter (250 mg/l) (normal domestic sewage); a surcharge shall be based on the excess of BOD or suspended solids at a rate of Fifty cents (\$.50) per pound. The City reserves the right to test the sewage at any point within the connection system of the user or consumer. Users discharging toxic pollutants shall pay for any increased O&M or replacement costs caused by the toxic pollutants.

(C) No user shall discharge or cause to be discharged any of the following described liquids or wastes into any sanitary sewer:

(1) Any storm water, surface water, ground water, roof run-off or surface drainage.

(2) Any gasoline, benzene, Naphtha, fuel oil or other flammable or explosive liquid, solid or gas.

(3) Any ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, 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.

(4) 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.

(5) Any water or wastes containing suspended solids of such character and quantity that unusual attention or expense is required to handle such material at the sewage treatment plant.

(6) Any noxious or malodorous gas or substance capable of creating a public nuisance.

(7) Any garbage that has not been properly shredded.

(8) Any liquid or vapor having a temperature higher than One hundred and Fifty degrees Fahrenheit (150⁰ F).

(9) Any water or wastes which may contain more than 100 parts per million by weight of fat, oil or grease.

(10) Any water or wastes having pH lower than 6.0 or higher than 9.0 having any corrosive property capable of causing damage or hazard to structures, equipment and personnel of the sewage works.

(11) Any toxic substances or other substances that exceeds our discharge permit limits as set by the State of Wisconsin DNR, EPA or other regulatory agency.

(4) **DAMAGE RECOVERY.** The system shall have the right of recovery from all persons, any expense incurred by said system for the repair or replacement of any sewer pipe damaged in any manner by any person by the performance of any work under their control, or by any negligent act.

(5) **PENALTIES.** Any person who shall violate any of the provisions of this ordinance or rules or regulations of the Common Council of the City of Cornell; or who shall connect a service pipe 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 \$10 nor more than \$200 and the costs of prosecution. This however shall not bar the City from enforcing the connection duties set out in subsection 15.04(1)(A) for mandatory hook-up.

(6) **SEPTIC TANKS PROHIBITED.** The maintenance and use of septic tanks and other private sewage disposal systems within the area of the City of Cornell serviced by its sewer system are hereby declared a public nuisance and a health hazard. From and after January 1, 1983, the use of septic tanks or any private sewage disposal system within the area of the City serviced by the sewage system shall be prohibited.

(7) **VACATING OF PREMISES AND DISCONTINUANCE OF SERVICE.** Whenever premises served by the system are to be vacated, or whenever any person desires to discontinue service from the system; the system must be notified in writing. The owner of the premises shall be liable for any damages to the property or such damage which may be discovered having occurred to the property of the system other than through the fault of the system or its employees, representatives, or agents.

(8) **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 City Administrator to be placed on the tax roll for collection as provided by Wisconsin Statutes, including 66.069 Wis. Stats. and 66.076(7) Wis. Stats.

(9) UNIT OF SERVICE DEFINITION. 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, store, office, industrial plant, church, or school. Each unit of service shall be regarded as one consumer. If there are five (5) or more suites or apartments in the aggregation of space, each suit or apartment shall be classified as a unit of service for purposes of determining the UCF. In mobile home parks, each mobile home unit within the park will be considered as a separate unit of service, for purposes of determining the UCF. When a consumer's premises has several buildings, for which services are eligible and such buildings are used in the same business and connected by the user, the City shall set a separate rate for such complex.

(10) ADOPTION OF OTHER RULES. There is hereby adopted all the rules and regulations of the State Plumbing and State Building code and the building rules of the Department of Industry, Labor and Human Relations; and the Department of Natural Resources of the State of Wisconsin insofar as the same are applicable to the City of Cornell. All extensions of the system will comply with administrative rules NR 108 and NR 110 of the Department of Natural Resources.

(11) SEVERABILITY. If any section, subsection, sentence, clause or phrase of the ordinance is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of the ordinance. The Common Council hereby declares that it would have passed this ordinance and section, subsection, clause and phrase thereof, irrespective of the fact that any one or more sections, subsection, sentence, clause, and phrase be declared unconstitutional.

15.05 SERVICE BILLING AND CONNECTIONS

(1) BILLING. All charges and procedures for furnishing water and meter rental and collecting the same shall be as set forth in the pertinent rate schedules and orders approved by the Public Service Commission, which current schedules and orders shall be available for inspection in the City Administrator's office.

(2) SERVICE CONNECTIONS. Any person desiring the service of a Utility shall make application and pay fee therefor upon forms provided by the Utility. Upon the payment of a fee as set forth in Appendix E and City approval, the City Administrator shall issue the permit. For sewer and water connections, the permit shall show the location of the tap and such other information as may be necessary to properly record the location of the tap. All connections shall be inspected by the Common Council's designee and the permit returned to the City Administrator for filing. Connection charges for such utility shall be determined by the Common Council

by resolution or order as set forth in the Public Service Commission rate order.

15.06 METERS.

(1) All persons taking water from the City system shall receive the same through a meter installed and paid for by the City of Cornell. All meters shall be placed and connected by the Water Utility and the owner of the premises shall pay the standard price fixed by the Public Utilities Committee for such connection. All meters shall be placed in the basement of the building where the service enters the same. Where there is no basement, the meter must be placed indoors to prevent freezing and be accessible for reading, repairs, and testing.

(2) If any person shall refuse access to City personnel including meter readers, they shall be subject to a forfeiture as prescribed in Section 1.05 of these ordinances.

15.07 FIRE HYDRANTS. All fire hydrants shall be under the control of the Common Council who shall be responsible for their condition. No person in the City shall be permitted to use or take any water from any public hydrant for private use unless such person shall have first received a permit signed by the Common Council permitting the use of water from the hydrant for that purpose. All fire hydrants shall be maintained in a state as to be accessible for emergency purposes. No one shall place any barrier, brush pile, snow accumulation, accumulation of dirt or debris or otherwise impede access to fire hydrants.

15.08 PLUMBING. All plumbing and all connections to the sanitary sewer system, and all rain water connections to the City of Cornell Sanitary Sewer System, including roof drains, cistern overflows, building foundation drains, and all other types of connections, shall conform to the Wisconsin State Plumbing Code which is hereby made by reference a part of this chapter.

15.09 LIABILITY. The City shall not be liable for any disruption of water or sewer service.

15.10 GAS UTILITY REGULATIONS. Every gas utility operating in the City of Cornell shall comply with Chapter PSC135, Wisconsin Administrative Code, which is adopted by reference and made a part of this chapter.

15.11 ELECTRIC UTILITY RULES.

15.12 GRANTING PERMISSION TO WISCONSIN GAS COMPANY, INC.

- (1) See Appendix T for Utility Grant for Natural Gas.

15.13 PENALTY. Any person who shall violate any provision of this chapter or rules, regulations, or orders adopted hereunder for which a specific penalty is not adopted, shall be subject to the penalty provided in Section 1.05 of this code. Each violation and each day a violation continues or occurs shall constitute a separate offense. This section shall not preclude the City from maintaining any appropriate action to prevent or remove a violation of this chapter.

Reserved for future use.

Reserved for future use.