

CHAPTER 13

MUNICIPAL UTILITIES

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13.01 WATER AND SEWER COMBINED. The water works plant and system and the sewage disposal plant and system of the Village are combined into a single public utility pursuant to Sec. 66.077, Wis. Stats.

13.02 WATER AND SEWER UTILITY RATES. The rates for water and sewer utility service of the combined water and sewer utility of the Village of Ellsworth shall be established from time to time by resolution of the Village Board. Water rates shall be subject to approval of the Public Service Commission. [Ord. 144, 153, 157, 486]

13.03 UNPAID UTILITY CHARGES. (1) All payments for water and sewer service rentals shall be paid to the Village Clerk-Treasurer. Payments shall be due on the first day of the second month succeeding the end of the calendar quarter. Bills for service shall be issued quarterly. Therefore, the due dates for quarterly billings shall be May 1, August 1, November 1 and February 1. [Ord. 168, 443, 471]

(2) If such water and sewer service rental is not paid by the first day of the second month succeeding the end of the calendar quarter in which payment becomes due, the Village may refuse to furnish water or sewer service to the premises for which such rental is due and unpaid. Owners or occupants of the premises to which water or sewer service has been refused may again receive water and sewer service by the payment of all amounts due, such fee as is from time to time adopted by the Village Board pursuant to resolution or authorized by the Public Service Commission of Wisconsin pursuant to Commission order. [Ord. 559 10/05]

(3) On October 15th in each year, notice shall be given to the owner or occupant of all lots or parcels or real estate to which water or sewer service has been furnished prior to October 1 by the Village and payment for which is owing and in arrears at the time of given such notice. Such notice shall be given by the Clerk-Treasurer, shall be in writing and shall state the amount of such arrears, including any penalty assessed pursuant to the rules of such water-sewer utility; that unless the same is paid by November 1 a penalty of 10% of the amount of such arrears will be added thereto; and that unless such arrears, with any such added penalty, shall be paid by November 15, the same will be levied as a tax against the lot or parcel of real estate to which water or sewer service was furnished and for which payment is delinquent. Such notice may be served by delivery to either such owner or occupant at the post office address of such lot or parcel. Each such delinquent amount,

including such penalty, shall on November 16, become a lien upon the lot or parcel of real estate to which water or sewer service was furnished and payment for which is delinquent, and the Clerk-Treasurer shall insert the same as a tax against such lot or parcel. All proceedings in relation to the collection of general property taxes and to there turn and sale of property for delinquent taxes, as provided by Wisconsin statutes, shall apply to said tax if the same is not paid within the time required by law for payment of taxes upon real estate. [Ord. 98, 168]

13.04 WATER AND SEWER CONNECTION CHARGES. (1) There shall be charged to the owner of any property for initial connection to the water utility system or sewer utility system a charge for sewer hookup and for water hookup as is established from time to time by resolution of the Village Board. These connect charges shall apply to hookup to each residence or structure, except accessory structures attached to or part of a primary dwelling. Payment of such connect charges shall be made prior to actual connection. Where any building is caused to be connected under Section 11.07, this charge shall be assessed against the property as a special tax. [Ord. 155; 475]

(2) The owner of the premises to which sewer or water connection is made shall pay for all actual costs of same.

(3) There shall be charged to the owner of each residence or building a disconnection and reconnection fee for water service as is established from time to time by resolution of the Village Board. [Ord. 342; 475]

13.041 CROSS CONNECTION CONTROL.

(1) Definition of Cross Connection. A cross connection is defined as any physical connection or arrangement between two otherwise separate systems, one of which contains potable water from the Village of Ellsworth's public water system, and the other of which contains water from a private source, water of unknown or questionable safety, or steam, gases, or chemicals, whereby there may be a flow from one system to the other, with the direction of flow depending on the pressure differential between the two systems.

(2) Unprotected Cross Connection Prohibited. No person, firm, or corporation may establish or maintain, or permit to be established or maintained, any unprotected cross connection. Cross connection shall be protected as required in ch. SPS 382, Wisconsin Administrative Code.

(3) Inspection. The water utility may inspect or arrange for an inspection of, property served by the public water system for cross connections. As an alternative, the water utility may require a person, firm, or corporation who owns, leases or occupies property to have their plumbing inspected, at their own expense by a State of Wisconsin Certified Cross Connection Inspector/Surveyor. The frequency of inspections shall be established by the water utility in accordance with Wisconsin Administrative Code. Any unprotected cross connections identified by the inspection shall be promptly corrected. Failure to promptly correct an unprotected cross connection shall be sufficient cause for the water utility to discontinue water service to the property, as provided under sub (6) of this Section.

(4) Right of Entry. Upon presentation of credentials, a representative of the water utility shall have the right to request entry, at any reasonable time, to a property served by a connection to the public water system for the purpose of inspecting the property for cross connections. Refusing entry to such utility representative shall be sufficient cause for the water utility to discontinue water service to the property, as provided under sub (6) of this Section. If entry is refused, a special inspection warrant under Wis. Stats. Sec. 66.0119, may be obtained.

(5) Provision of Requested Information. The water utility may request an owner, lessee, or occupant of property served by a connection to the public water system to furnish the water utility with pertinent information regarding the piping systems on the property. Refusing to provide requested information shall be sufficient cause for the water utility to discontinue water service to the property, as provided under sub (6).

(6) Discontinuation of Water For Violation. The water utility may discontinue water service to any property wherein any unprotected connection in violation of this Section exists, and take other precautionary measures deemed necessary to eliminate any danger of contamination of the public water system. Water service may be discontinued, however, only after reasonable notice and opportunity for hearing under Chapter 68, Wisconsin Statutes, except as provided in sub (6). Water service to such property shall not be restored until the unprotected cross connection has been eliminated.

(7) Emergency Discontinuance. If it is determined by the water utility that an unprotected cross connection or emergency endangers public health, safety, or welfare, and requires immediate action, and if a written finding to that effect is

filed with the Village Clerk and delivered to the customer's premises, water service may be immediately discontinued. The customer shall have an opportunity for hearing under Wis. Stats. Chapter 68, within 10 days of such emergency discontinuance. Water service to such property shall not be restored until the unprotected cross connection has been eliminated.

(8) Penalty. Any well owner violating any provision of this Section shall upon conviction be subject to forfeiture of no less than \$500.00 nor more than \$1,000.00 together with the costs of prosecution. Each day of violation is a separate offense. If any person fails to comply with this Section for more than 30 days after receiving written notice of the violation, the Village may cause the well abandonment to be performed and the expense to be assessed as a special tax against the property. [Ord. 628 11/12]

13.042 BACKFLOW PREVENTION. (1) All newly constructed buildings, dwellings or other structures in the Village of Ellsworth shall be and are required to have installed in the plumbing/water system therein a backflow valve or backflow preventer, same to be installed at or near the water meter measuring the flow of water to the said premises. The valve or preventer so used shall be in conformity with such regulations as the Director of the Village utility shall provide, and shall be approved by him.

(2) The installation of a backflow valve or backflow preventer in new construction shall be a condition precedent to connection to the Village water utility by the owner of the subject premises.

(3) Any structure, building or dwelling hereafter constructed without the backflow valve or backflow preventer required under this section, or with respect to which the backflow valve or backflow preventer has been removed, damaged or altered so as to make same inoperable, shall be deemed in violation of this section.

(4) The Village may undertake such inspections as it deems appropriate, upon reasonable advance notice to the owner, of new construction to determine whether compliance has been had with this section.

(5) Any violation of this section shall require discontinuance of the public utility water connection to the subject premises. Where such disconnection is contemplated by the Village, the owner of the premises shall be given 10 days written notice stating that said public utility service shall be discontinued unless compliance is had with this section before

the expiration of said 10 day period.

(6) In addition to subsection 5, any person violating this section shall be subject to the penalty provisions of Sec. 25.04. Each day a violation occurs shall be deemed a separate violation of this section. [Ord. 284]

13.05 EXTENSION OUTSIDE VILLAGE LIMITS PROHIBITED. (1) No extensions of sewer mains or water mains by the Village shall be made outside of the corporate limits of the Village. [Ord. 187, 325]

(2) No structure, dwelling, residence, or other use shall be permitted to hook up or connect to Village water or sewer mains or lines, if such structure, dwelling, residence or other use is located outside the corporate limits of the Village; except that, any present connections to the Village system located outside the Village may remain where state regulations so provide. [Ord. 325]

13.06 UTILITY RULES AND REGULATIONS. (1) All persons receiving sewer service from the sewer utility or who may hereafter make application therefore, shall be considered to have agreed to be bound by the rules and regulations filed with the State Public Service Commission or any other regulatory agency, if any, and to all of the rules and provisions of this Chapter and as are from time to time adopted by the Village Board by ordinance or resolution [Ord. 147; 486]

(2) DEFINITIONS. (a) Sewage. Sewage is the water carried waste created in and conducted away from residence, industrial and commercial premises, public buildings and other structures and premises, together with such surface or drain water as may be included.

(b) Industrial Wastes. Industrial wastes are those particular liquid or other wastes resulting from any process of industry, manufacture, trade or business or the development of any natural resource.

(c) Sewage System. Sewage system includes all street laterals, main and intercepting sewers, and structures by which sewage or industrial waste is collected, transported, treated, or disposed of. This shall not include plumbing inside or in connection with buildings served, or service sewers from a building, to street lateral.

(3) APPLICATION FOR SERVICE. (a) Application for service shall be made in writing on a form furnished by the sewer

utility. The application will include: 1. The name of the property owner, 2. A legal description of the property to be served, and 3. A list of the number and type of plumbing fixtures to be connected.

(b) An application for disposal of industrial waste shall include in addition to the above the following: 4. estimated volume of waste, 5. Variation in rates of discharge, 6. Characteristics of waste, and 7. Strength of waste.

(c) The applicant for service agrees to install a house or building sewer to the public sanitary sewer in accordance with utility specifications. The size and kind of pipe shall be subject to approval of the superintendent of the sewer system, but no pipe of less than a 6 inch diameter shall be used. The slope of such pipe shall not be less than 1/8 inch per foot.

(4) UNIT OF SERVICE. (a) A unit of service shall consist of any aggregation of space or area occupied for a distinct purpose, such as a residence, apartment, flat, store, office, which is equipped with one or more fixtures connected to the sewer system, separate and distinct from other users.

(b) The surcharge provided for in the rates shall apply to each additional unit on one service pipe with no increase in the amount of flow allowed with the minimum charge.

(5) LEINS FOR UNPAID WATER AND SEWER CHARGES. The sewage service charge shall be payable to the Village Clerk-Treasurer at the same time as water bills in the district in which the property is located are payable. All charges for water and sewer shall be a lien upon the premises served, pursuant to Secs. 66.0821(4)(d) and 66.0809(1), Wis. Stats., and shall be collected in the manner therein provided.

[Ord. 523 8/02, Ord. 592 06/2009]

(6) RATES FOR INDUSTRIAL WASTES. Whenever the superintendent of the sewer department shall determine that any lot, parcel of land, building or premises is discharging industrial wastes of unusual volume, concentration of character, or of greatly variable volume, he shall recommend the adoption of a special rate for such class of users, taking into consideration the volume, biochemical-oxygen-demand value, and suspended solids content of the industrial wastes and the nature of the use made of the sewer system, but industrial sewer service rates will not be changed or adopted as original rates except upon resolution of the Village Board. [Ord. 486]

(7) USE OF SEWER SYSTEM. (a) Deleterious Sewage. If a user discharges any substance which is deemed deleterious by the sewage commission or committee to the operation of the sewerage system, he shall be required to discontinue the discharge of such substance in the sewerage system. If after 10 days' notice in writing, such user continues to discharge such deleterious substance, he shall be subject to a penalty of \$10.00. Each day in which such violation continues to exist, after effective date of notice to discontinue such discharge, shall be deemed a separate violation.

(b) Restrictions with respect to domestic and commercial wastes to be discharged to sewer:

(1) No customer shall discharge or cause to be discharged to the sanitary sewer any storm water, surface water, ground water, roof runoff or subsurface drainage.

(2) Except as hereinafter provided, no person shall discharge or cause to be discharged any of the following described waters or wastes to any sanitary sewer:

(a) Any liquid or vapor having a temperature higher than 150 degrees F.

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

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

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

(e) Any ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, paunch manure, or other solid or viscous substance capable of causing obstruction of the flow in sewers or other interference with the proper operation of the sewage works.

(f) Any waters or wastes having a pH lower than 5.5 or higher than 9.0, or having any

corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the sewage works.

(g) Any water or wastes containing a toxic or poisonous substance in sufficient quantity to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, or create any hazard in the receiving waters of the sewage treatment plant.

(h) Any waters or wastes containing suspended solids of such character and quantity that unusual attention or expense is required to handle such materials at the sewage treatment plants.

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

(c) Grease, Oil, and Sand Interceptors. (1) Grease, oil and sand interceptors shall be provided when the superintendent deems them necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand, and other harmful ingredients; except that such interceptions shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the superintendent, and shall be located as to be readily and easily accessible for cleaning and inspection.

(2) Grease and oil interceptors shall be constructed of impervious materials capable of withstanding abrupt and extreme changes in temperature. They shall be of substantial construction, water-tight, and equipped with easily removable covers which when bolted in place shall be gas-tight and water-tight.

(3) Where installed, all grease, oil and sand interceptors shall be maintained by the owner, at his expense, in continuously efficient operation at all times.

(d) Preliminary Treatment Facilities. Where preliminary treatment facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation, by the owner at his expense.

(e) Manholes. When required by the superintendent, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control manhole in the building sewer to facilitate observation, sampling and measurement of the wastes. Such manhole shall be accessibly and safely located, and shall be constructed in accordance with the plans approved by the superintendent. The manhole shall be installed by the owner at his expense, and shall be maintained by him so as to be safe and accessible at all times. [Ord. 144, 147]

13.07 INTRODUCTION OF FLUORIDES. Upon receiving the consent and approval of the State Department of Health, and until further direction of the Village, the Water Department shall provide the means and proceed with the introduction of approximately one to 1.5 parts of fluoride to every million parts of water being distributed in the water supply system of the Village. [Ord. 177]

13.08 CONNECTIONS TO SEWER SYSTEM; EXCAVATIONS. (1)
Every person desiring to make a connection with the sewer system of the Village shall make application through a Department of Public Works Permit Application made to the Director of Public Works, and shall pay the fee for such application as from time to time established by the Village Board. [Ord. 609 12/2010, Ord. 610 03/2011]

(2) No person, other than a designated employee of the Village, shall tap or make any opening in any sewer or drain or service pipe within the streets, avenues or public grounds in the Village without first obtaining a license. Any person may obtain such a license upon satisfying the Village Board that he is competent to perform such work, but no such license shall take effect until the person applying therefore files with the Clerk-Treasurer a bond in the sum of \$1,000, conditioned upon the due and faithful performance of his work and conditioned further to save the Village harmless from any action accruing by reason of his failure to safeguard excavations, or other failure to comply with provisions of this code. The Board reserves the right to revoke any such license without notice, whenever it shall appear to the best interest of the Village.

(3) No person shall build any basement along any line of sewer which will be lower than can be properly drained into such sewer system. Every person about to build a basement along any line of sewer shall first ascertain from the Building Inspector

the depth of basement allowable and shall have his plans of construction approved by the Building Inspector.

(4) All sewers which shall hereafter be laid, relaid or repaired shall be subject to the inspection of the Building Inspector, or such employees as the Village may designate, and the person who is causing the same to be laid, relaid, or repaired, as well as the person laying or repairing the same, shall give such employee all reasonable facilities for inspecting the laying, relaying or repairing thereof, and all work in connection therewith shall be laid, relaid or repaired according to the direction of such employee.

(5) No sewer shall be put into the same opening with any gas pipe and such pipe must be far enough from all other pipes to admit the repair or removal or relaying of such sewer pipe without disturbing any other pipe. [Ord. 79]

(6) The following rules must be observed and carried out in all work relative to sewer connections: [Ord. 116]

(a) Connections with sewers must be made at the branches and with the slant already put in by the Village, if any.

(b) Any New connections made shall be made properly placing a wye branch in the line of the sewer.

(c) All connection pipe must be laid in a true line from the sewer to the curb in an open trench and before any filling is done.

(d) All connection pipes must be enveloped with earth or sand to a thickness of 4 inches.

(e) All joints of sewer pipes must be made with Portland cement mortar and oakum in the best manner and to the satisfaction of the Building Inspector or such employee as designated by the Village.

(f) After the pipe is properly laid refilling must proceed at once and must be thoroughly tamped or puddled or both, and so done that there shall be no surplus earth left.

(g) Should there be a deficiency of earth to fill the excavation the person doing such work must supply the deficiency.

(h) No rock larger than 4 inches in any direction shall be put in any excavation.

(i) All work must be done under the supervision of the officer designated by the Village for the inspection of the work.

(j) A clean-out of a diameter of at least 4 inches shall be installed on the sewer connection immediately inside the basement wall.

(k) The price to be paid to the Village for each sewer connection shall be established from time to time by resolution of the Village Board and shall be in addition to the actual cost of labor and materials furnished by the Village.
[Ord. 475]

(7) No drain from any building shall be connected with a public sewer unless it be by drain pipe 6 inches in diameter, laid in a uniformly ascending slope of at least 1/8 inch per foot from the sewer toward the building. Where the sewer enters any building, it shall be of cast iron soil pipe.

(8) At least 4 hours' notice must be given the Building Inspector or other officer designated as sewer inspector by any person making a connection with any sewer or drain when such work will be ready for inspection, previous to making such connection.

(9) Every person excavating in or upon the streets or public alleys for the purpose of making sewer connections shall see that such excavations are at all times properly and adequately guarded and made safe and shall provide sufficient red lights at night to appraise persons of danger. The duty to make such excavations safe as herein provided shall devolve equally upon the owner of the property for whose benefit such excavation is made, the employee or person who actually makes the excavation and the person who is licensed to make the connection.

13.09 PENALTY. Unless otherwise provided in any Section of the Chapter, any person who shall violate any provision of this chapter or any order, rule or regulation made hereunder shall be subject to a penalty as provided in Sec. 25.04 of this Code. [Ord 628 11/12]