

## CHAPTER 13

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## MUNICIPAL UTILITIES

### I. TOWN OF SOMERS WATER UTILITY DISTRICT

#### 13.01 DEFINITIONS.

- (A) "Approved" means acceptable to the Utility or to the Utility's authorized representative.
- (B) "Areawide water quality management plan" means those plans prepared by the Department of Natural Resources, including those plans prepared by agencies designated by the governor under the authority of Chapter 281, Wis. Stats. and NR 121 of the Wisconsin Administrative Code, for the purpose of managing, protecting and enhancing groundwater and surface water of the state.
- (C) "Backflow" means the unwanted reverse flow of liquids, solids or gases.
- (D) "Back-pressure" means a pressure greater than the supply pressure which may cause backflow.
- (E) "Backsiphonage" means the creation of a backflow as a result of negative pressure.
- (F) "Building" means a structure for support, shelter or enclosure of persons or property.
- (G) "Cross-connection" means any physical connection or potential connection or arrangement between any part of a water supply system and another environment containing substances in a manner that, under any circumstances, would allow the substances to enter the water supply system by means of backsiphonage or back pressure.
- (H) "Cross-connection control device" means any mechanical device which automatically prevents backflow from a contaminated source into a potable water supply system.
- (I) "Curb stop" means a valve placed in a water service or a private water main.
- (J) "Diameter" means in reference to a pipe the nominal inside diameter of the pipe.
- (K) "Main" means the principal pipe artery to which branches may be connected.
- (L) "Mobile home" means a vehicle as defined in §101.91(10), Stats.
- (M) "Negative pressure" means a pressure less than atmospheric.
- (N) "Plumbing" means piping, fixtures, appliances, appurtenances, devices and systems as defined in §145.01(10), Stats.

(O) "Plumbing appliance" means any one of a special class of plumbing devices which is intended to perform a special function. The operation or control of the appliance may be dependent upon one or more energized components, such as motors, controls, heating elements, or pressure or temperature sensing elements. The devices may be manually adjusted or controlled by the user or operator, or may operate automatically through one or more of the following actions: a time cycle, a temperature range, a pressure range, a measured volume or weight.

(P) "Plumbing appurtenance" means a manufactured device or prefabricated assembly of component parts which is an adjunct to the basic piping system and plumbing fixtures. An appurtenance does not demand additional water supply, nor does it add any discharge load to a fixture or the drain system. It is presumed that the appurtenance performs some useful function in the operation, maintenance, servicing, economy, or safety of the plumbing system.

(Q) "Plumbing fixture" means a receptacle or device which:

(1) Is either permanently or temporarily connected to the water distribution system of the premises, and demands a supply of water from the system;

(2) Discharges used water, waste materials, or sewage either directly or indirectly to the drain system of the premises; or

(3) Requires both a water supply connection and a discharge to the drain system of the premises.

(R) "Plumbing system" includes the water supply system, the drain system, the vent system, plumbing fixtures, plumbing appliances and plumbing appurtenances which serve a building, structure or premises.

(S) "Private water main" means a privately owned water main serving two (2) or more buildings and not directly controlled by a public authority.

(T) "Remote Register Water Meter Attachment" shall mean a mechanical and/or electronic device designed and installed in such a fashion so as to enable Utility employees to determine an accurate reading of water consumption by a particular metered customer without the need to physically gain access to the customers property.

(U) "Town Administrator" shall mean the Town Administrator for the Town of Somers, its Water and Sewer Utilities.

(V) "Utility" means the Town of Somers Water Utility District.

(W) "Water Commission" means the Board of Water Commissioners for the Town of Somers Water Utility District.

## 13.02 ADMINISTRATION.

(A) **Water Commission.** The Water Commission shall have charge of the Town Water Utility and shall have all of the powers and duties provided in Chapter 66, Wis. Stats. The Water Commission shall consist of the following: the duly elected members of the Town Board and the Town Chairperson shall act as the Chairperson of the Water Commission. Members of the Commission shall serve terms coterminous with their respective terms as Town Chairperson and Town Supervisors.

(B) **Town Administrator.** The Town Administrator shall have general charge of all work of extension and improvement of the water distribution system under the general direction of the Commission. All such work when let by formal contract, signed by the Chairperson of the Commission and Town Clerk shall be under the direction of the Town Administrator and shall be carried out as may be directed by the Commission. For any work of this nature done without a formal contract, the Town Administrator shall have general supervision, subject to such statutory requirements and such ordinance provisions as the Town may make and shall purchase the necessary materials and employ the necessary help and labor for such work.

## 13.03 PSC RULES ADOPTED.

The following rules issued by the Public Service Commission and on file in the office of the Town Administrator are hereby adopted by reference as though fully set forth herein. Whenever any provision of this Code shall conflict with any PSC rule adopted by reference in this section, such conflict shall be resolved in favor of the PSC rule.

<b><u>Schedule No.</u></b>	<b><u>Title</u></b>
X-2	Water Main Extension Rule
X-3	Water Main Installations in Platted Subdivisions
Cz-1	Water Lateral Installation Charge
Mg-1	General Service - Metered
F-1	Public Fire-Protection Service
Upf-1	Private Fire-Protection Service - Unmetered
Mpa-1	Public Service
Ug-1	General Water Service - Unmetered
R-1	Reconnection Charges
MgT-1	Seasonal, Emergency or Temporary Service
X-1	Compliance with Rules
X-1	Establishment of Service
X-1.1	Service Contract
X-1.2	Temporary Metered Supply, Meter and Deposits: Water for Construction
X-1.3	Use of Hydrants for Construction
X-1.4	Operation of Valves and Hydrants, and Unauthorized Use of Water - Penalty; Refunds of Monetary Deposits

X-1.5	Service Connections (or Water Laterals)
X-1.6	Replacement and Repair of Service Pipe
X-1.7	Thawing Frozen Services
X-1.8	Stop Boxes; Installation of Meters; Repairs to Meters
X-1.9	Service Piping for Metered Settings
X-1.10	Turning on Water; Failure to Read Meters
X-1.11	Complaint Meter Tests; Inspection of Premises; Customer's Deposits; New Residential Service
X-1.12	Existing Residential Service
X-1.13	Commercial and Industrial Service; Conditions of Deposit; Refund of Deposits
X-1.14	Other Conditions; Guarantee Contracts
X-1.15	Disconnection and Refusal of Service: Reasons for Disconnection; Disconnection for Delinquent Accounts
X-1.16	Deferred Payment Agreement
X-1.17	Dispute Procedures
X-1.18	Disconnection Notice
X-1.19	Illness Provision; Deferred Payment Agreements
X-1.20	Surreptitious Use of Water
X-1.21	Vacation of Premises; Repairs to Mains; Duty of Superintendent with Respect to Safety of the Public
X-1.22	Handling Water Mains and Service Pipes in Sewer or Other Trenches; Settling Main or Service Trenches
X-1.23	Protective Devices
X-1.24	Purity of Supply Not to be Impaired by Cross Connections

#### **13.04 CONSTRUCTION AND EXTENSIONS.**

All construction and extensions of the water system shall be performed after award of a contract by the Utility, signed by the Chairperson of the Commission and the Town Clerk, unless otherwise provided, except that the Town Administrator upon approval by the Commission shall have authority to contract directly for replacements and maintenance.

#### **13.05 EXTENSIONS OF MAINS: LOCATION OF HYDRANTS.**

Extension of mains shall be made whenever ordered by the Commission and as rapidly as can reasonably be done after approval by Commission action. When installing mains, the system shall be so laid out as to provide ample water in time of fire. The location of hydrants shall conform to the specifications of the Wisconsin Department of Natural Resources and Town of Somers Fire Department.

#### **13.06 INSPECTION WHEN LAYING MAINS.**

When water mains are being laid, the Town Administrator shall cause systematic inspections to be made of all hydrants, connections, sleeves, etc., to prevent poor or careless work and later loss of water by leakage.

### **13.07 RULES FOR EXTENSIONS.**

(A) Extensions to existing water mains shall be initiated by application in writing to the Town Administrator.

(B) By signing the application, the owner agrees to pay the proportionate share of the estimated cost of making such extension.

(C) When the cost of a main extension has been determined, bills of particulars shall be mailed to the abutting property owners at the address appearing in the application. If such bills have not been paid by October 1 of the year in which rendered, the amount of such bills shall be certified to the Town Clerk by the Utility Financial Manager and the Clerk shall charge the amounts on the tax rolls of the Town to the property described to be collected according to law for the collection of general taxes, following notice and public hearing.

(D) When the Water Commission shall have ordered the construction of any water main which shall become part of the public water system, the cost of the improvement shall be assessed against the lots, parts of lots or parcels of land which front upon the proposed line of the water main and which are specifically benefitted thereby. Special assessments for water mains shall be in accordance with the procedures under §66.0703, Wis. Stats.

(E) The amount assessed against any property shall be computed on a front footage basis using the total cost of the improvement including the construction cost for the size of main required to adequately serve and benefit the property as determined by the Utility, but in no case shall such main be less than eight (8") inches in diameter nor shall such main be larger than twelve (12") inches in diameter. The costs of engineering and legal services and any other component of direct or indirect cost which is attributed to the improvement, including the cost of that portion of the water main in intersections of streets shall be included in computing the costs of the improvement.

(F) Where density of prospective consumers does not warrant immediate assessment for the mains, extensions will be made on a customer financed basis.

(1) The cost of the extension, including fire hydrants and street intersections will be determined and the total allocated to general service. This amount will then be divided by the total assessable frontage of the project.

(2) As additional consumers are connected to a water main that was originally paid for by customer contributions and not previously assessed, the Utility will require a contribution from each new consumer. The assessment rate shall be calculated using current prices for whatever size main is installed. This

amount shall then be refunded pro rata to all consumers along the extension whose remaining contribution exceeds what would have been assessed under subs. (D) and (E). The Utility may make an assessment on the basis of area benefitted by the main extension on a case-by-case basis.

(3) When extension of a customer-financed main is required to serve a new customer, the new extension will be considered as an entirely new project without refunds or other contributions connected with the original extension.

(G) When customers connect to transmission mains or connecting loops laid at the expense of the Utility, there will be assessed on a front foot basis an amount equal to the average front foot assessment in the area or for the given project.

(H) When the Water Commission extends water mains for new customers on the basis of subs. (D), (E) and (F) above, the Town Engineer shall determine the required main size.

(I) Nothing herein shall prevent the Utility from entering into a developer's agreement with the owner of a benefitted parcel or parcels which may provide, among other things, for a different method of calculation or imposition of special assessments for the extension of water services to such benefitted parcel or parcels including, but not limited to, provisions for oversizing of mains, deferral of assessments and the posting of security to insure future performance.

### **13.08 MAPS.**

The Town Administrator shall cause to be prepared maps showing the locations, sizes and types of all mains, valves, service pipes and hydrants and of the entire water distribution system and shall, from time to time, make such additions and alterations as shall correspond to the changes in the physical plant; and shall keep at least one (1) of such maps in the office of the Town Clerk.

### **13.09 APPLICATION FOR WATER CONNECTIONS.**

Applications for water connections shall be made at the office of the Town Clerk on forms provided for that purpose. The application shall state the name of the owner, location of property, designated by correct house number, the name of the licensed contractor installing the service, exceptional features, if any, to be disclosed clearly, and the address of the owner in case notice has to be given for discontinuance of service for nonpayment. All applications shall be signed by the owner or his or her duly authorized agent. Applications shall be accompanied by the fee schedule on file in the office of the Water Commission.

### **13.10 INSTALLATION OF SERVICE.**

(A) **Water Commission Responsibility.** The Water Utility shall furnish all fittings,



with and including the curb box, at a cost to the property owner as approved by the Public Service Commission, but the Utility reserves the right at all times to specify the kind of pipe and material to be used, and to approve all work done up to and including the shut off cock at the meter upon the premises supplied. Such service and connection, up to and including the curb box, shall remain the property of the Utility at all times and the applicant shall acquire no interest, right or title to the same by virtue of the fact that he has paid the installation cost thereof and a fee giving him the privilege to receive water through such pipe, subject to all conditions set forth in these rules and regulations.

### **13.11 MAINTAINING SERVICE PIPES.**

The service pipe from main to curb box shall be maintained and kept in repair at the expense of the Utility. However, the consumer shall maintain the service pipe from the curb box to the property and the Utility shall not make allowance for the loss of water which has passed through the meter and has been wasted by the leakage or defective pipes and fixtures.

### **13.12 REPAIRS TO SERVICE PIPE.**

In case of leakage in the service pipe between the curb box and the property, notice shall be given the owner or occupant to make necessary repairs and if repairs are not commenced within twenty-four (24) hours after notice, the water will be shut off until repairs are made. If not made within a reasonable time thereafter, the Utility will repair the same at the expense of the property owner and an additional charge will be made for turning on water after repairs have been made. Neither the Town nor the Utility shall be liable for damages due to failure to locate a stop box promptly and shut off water in case of a leak on a consumer's premises and it shall be deemed an exercise of the Town's police power in proceeding onto private property to effectuate such repairs.

### **13.13 RECORD OF SERVICE PIPE LOCATIONS.**

A record of the location of each service shall be made and kept by the Town Administrator.

### **13.14 TURNING ON WATER.**

In no case may water be turned on by any person other than an employee of the Utility authorized to do this work, with the exception of a licensed plumber who may do so only after being specially authorized to do so by an agent of the Water Commission and after having arranged for means whereby consumption of water may be determined by so doing.

### **13.15 INSTALLATION OF METERS.**

Meters will be furnished and placed by the Utility. All meters shall be so located that they shall be safeguarded from obstructions and frost and to allow easy access thereto for reading and inspection. The location shall be designated by proper employees of the Water Commission. No bypass or other connection between the meter and the main shall be maintained, unless specifically authorized by the Town Administrator.

### **13.16 RIGHT OF ACCESS TO PREMISES.**

Authorized employees of the Utility shall have the right of access during reasonable hours to premises supplied with water service for the purpose of inspection or for enforcement of the rules and regulations of the Water Commission as provided in this chapter. Whenever, in the opinion of the Town Administrator, the right of access is unduly obstructed, the Town Administrator shall cause notice to be given to the property owner that a frost-proof box of an approved design will be located outside the building at a cost to the Utility. The Town Administrator may, in his or her discretion, notify the owner of the premises served that service will be discontinued unless access is given at a reasonable time.

### **13.17 INSTALLATION OF NEW SERVICES.**

(A) In setting meters, all connections shall be made according to the rules and regulations of the Utility. Meter horn or setters shall be required in installation of all meters up to and including one (1") inch. Shutoff valves shall be installed before and after meter setter. A sealed bypass shall be required on all meters over one (1") inch in size.

(B) Where a service is to be metered and there is no basement, or where it is impossible to properly set a meter in the consumer's basement, the Utility will provide at the consumer's expense the proper frost-proof box of an approved design to be located outside the consumer's building at a cost of labor, material and expense plus ten (10%) percent to cover overhead charges.

### **13.18 WATER THROUGH METER TO BE PAID FOR.**

All water which has passed through the meter shall be paid for. If it is believed that the meter is registering incorrectly or if there is a sound of running water, the consumer shall notify the office of the Utility and a qualified employee will be sent to examine the service and advise the consumer without a charge therefor.

### **13.19 RELOCATION OF METERS.**

Where a property owner requests a change in the location of the meter, such meter may be relocated as directed by the Town Administrator at the expense of the property owner.

### **13.20 TESTING METERS.**

All new meters purchased and all old meters which have been repaired or removed from service for any cause shall be tested and adjusted to show not more than two (2%) percent error before again being placed in service and all meters shall be tested in accordance with NR 103 of the Wisconsin Administrative Code. A complete record shall be kept of each meter, noting all repairs and inspections made and the results of each test.

### **13.21 METERS SEALED.**

All water meters while in service shall be kept under seal affixed by an authorized employee or officer of the Utility. The customer responsible for water bills for water supplied through a meter whose seal has been tampered with or broken shall be deemed prima facie guilty of the offense.

### **13.22 METERS TESTED FOR ACCURACY.**

The Utility shall make a test of the accuracy of any water meter not greater than two (2") inches in size upon the written request of a consumer filed at the office of the Utility, provided the consumer does not request such test more frequently than once in twelve (12) months. Tests shall only be made more frequently upon order of the Wisconsin Public Service Commission or at the expense of the consumer when the meter is within the tolerance of two (2%) percent. Meters greater than two (2") inches in size will be tested at the instance and direction of the Town Administrator, but not less often than once every two (2) calendar years. All tests are to be made in conformity with the rules provided by the Public Service Commission.

### **13.23 FIRE PROTECTION SERVICE.**

(A) Fire protection service shall consist of connections for automatic sprinkler systems, stand pipes (where same are connected permanently or conterminously to mains) and private hydrants.

(B) Consumers who are regular users of Utility water service may be allowed to install larger water pipes with hydrants and hose couplings or a sprinkler system to be used only in case of fire. Automatic sprinkler equipment shall be provided by the customer with controlling valve or indicator post valve of a make and design to be approved by the Town Administrator in either a valve pit near the main in the street or at the curb, and only if the Town Administrator has determined that the proposed installation is in conformance with all applicable regulations of the Wisconsin Department of Industry, Labor and Human Relations (DILHR) and will not adversely affect other customers water service.

### **13.24 COMBINATION FIRE PROTECTION SYSTEM.**

Combination commercial and fire hydrant or a sprinkler service shall consist of a pipe line with either a meter on a bypass of suitable size for commercial service required around the valve of the same diameter as pipe place on line, such valve to be closed and sealed so as to divert all water through the meter and opened only in case of fire, or a compound or detector meter of standard make which will register accurately all water passing through it from a no-load to a fifty (50%) percent overload under varying pressures.

### **13.25 VALVES ON AUTOMATIC SPRINKLERS.**

Automatic sprinkler service alone, as required by insurance companies, with water supplied either direct to tank or a combination of tank and direct pressure, shall have all manual valves sealed, such seal to be broken only in case of fire. Any abuse or illegal connection for the use of water through these services shall forfeit the right of the consumer to such service for fire protection and the Commission upon receipt of a report of such illegal use, shall, at its discretion, have the power to require any such service to be provided with a compound or director meter to be installed at any time the Commission may prescribe and to make any change on just and reasonable requirements as good service may from time to time require, either as to such meter or to any other parts of such appliance pertaining to the same.

### **13.26 PRIVATE FIRE HYDRANT SERVICE.**

Private fire hydrant service shall consist of a pipeline with hydrants on the same, such hydrants to have hose threads and operating nuts the same as on Utility hydrants. All such hydrants shall be closed and sealed and opened only in case of fire or in the performance of normal operating maintenance procedures. When the seal is opened on any private hydrant, the Town Administrator shall be notified at once and shall cause the hydrant to be resealed.

### **13.27 TESTING OF UNMETERED CONNECTIONS FOR FIRE DEVICES.**

Consumers having unmetered connections used for fire protection may test their fire apparatus at any time under the following conditions:

(A) Upon notice given at the Water Utility office that such test is desired and the date and hour fixed when test is to be made.

(B) When testing of fire service is made by a duly authorized insurance representative, insurance inspector or authorized maintenance personnel, no permit shall be required to break any seals on the system, but in each instance, the Town Administrator shall be notified at once before making the test and such seals shall be replaced by an employee of the Water Utility. Such notice shall be given by the property owner or his agent.

### **13.28 RESTRICTIONS ON PRIVATE FIRE PROTECTION SYSTEMS.**

Any private fire protection system which is supplied with water from the Utility's system shall be supplied exclusively with Utility water and no connection will be allowed with any other system which draws any part of its supply from another source whereby the Utility's water may be contaminated by failure to close valves or by leaking check valves, etc., and no auxiliary or secondary suction pipe to any pump taking water from a stream or any other source will be permitted. Any private fire protection system supplied by other sources in whole or in part such as private wells or ponds, shall be kept separate from any such system which is supplied from the Utility water system and shall be subject to §13.47 of this Code.

### **13.29 DISCONTINUANCE OF SERVICE FOR REPAIRS.**

The Utility reserves the right to shut off the water supply in the mains temporarily for the purpose of making repairs, alterations and additions. When circumstances will permit sufficient delay, the Town Administrator or Utility will give notification by newspaper publication or by written notice delivered to the premises of the discontinuance of service and the approximate length of time service will be discontinued. In such cases the Utility shall not be liable for any rebate, damages or inconvenience caused by such temporary suspension of supply.

### **13.30 CONSUMER'S RISK.**

Consumers in accepting water service for their requirements agree to accept such service at their own risk and neither the Town nor the Utility shall be liable for any damage caused by lack of pressure, failure to supply, leaks, breakage of machinery or facilities or any cause beyond the control of the Utility.

### **13.31 VACATION OF PREMISES.**

(A) When premises are to be vacated, the Utility shall be notified in writing at once so that the meter may be read and removed and the water supply shut off at the curb box. The owner of the premises shall be liable for damage to any property belonging to the Town or the Utility by reason of failure to notify the department of the vacancy. A change of tenants in any unit of service within any quarterly meter reading period will not be construed as a vacancy and the entire billing for the period will be submitted to the owner and any adjusting by way of apportioning the amount of the bill between the outgoing and incoming tenants shall be made by the owner.

(B) Premises which shall be and remain entirely vacant and the service to which shall be cut off at the curb box by the Water Commission shall be considered permanently vacant.

### **13.32 WATER SERVICE BILLING.**

All bills shall be rendered quarterly to the premises described in a clear and definite manner, by house number when possible. All bills, except those for special readings or special purposes, shall be dated on the last day of the quarter in which such service rendered, at the net rate. To each bill remaining unpaid twenty (20) days after the date thereof, shall be added a penalty of one and one-half (1½%) percent a month and the penalty shall be collectible in the same manner as the original charge. When the 20th of the month falls on a legal holiday or Sunday, the penalty rule shall apply on the next business day.

### **13.33 DISCONTINUANCE OF SERVICE FOR NONPAYMENT OF BILL.**

The procedure for discontinuance of service shall be governed by PSC 185.37 of the Wisconsin Administrative Code. Service to premises for which bills for service are not paid by noon twenty (20) days from the date of the bill will be discontinued and will not be turned on again until the bill, including the penalty plus a fee for turning the water off and on, has been paid. If a bill for service remains unpaid at noon fifteen (15) days from the date, the owner of the property shall be notified by mail at his last known address that water will be turned off for nonpayment on the date named.

### **13.34 ESTIMATED READINGS.**

Where meter readings cannot be obtained by reason of the premises being closed, an estimated bill will be submitted, based upon the consumption for the same quarter of the previous year or on such basis as may be deemed fair and equitable by the Town Administrator. This estimated bill shall be adjusted at the time the reading is obtainable in the course of the next reading period. When billing for service is thus based on estimate and not on actual reading, each bill shall be accompanied by a notice from the Water Commission to that effect stating the reasons why actual readings are not submitted. Where readings cannot be obtained because right of access is unduly restricted, the rule in §13.16 shall apply.

### **13.35 HOW ACCOUNT COMPUTED WHEN METER FAILS TO REGISTER.**

If a meter fails to register, the account will be computed in the same manner as provided in §13.34, above.

### **13.36 CHARGES FOR REMOVING METER.**

When a meter is removed from the premises for any reason other than testing or repairing, or the premises is vacated, there will be a charge made to the owner of the property to cover the cost of turning the water off and on. Water will be turned off and on and meters installed and removed only upon proper application signed by the owner of the property served, or his authorized agent, and not upon the request of a tenant.

### **13.37 FAILURE TO RECEIVE BILL.**

Failure to receive a bill does not relieve a customer of his obligation, nor relieve him from payment of the penalty if such bill is not paid before the close of business on the 20th of the month next following the quarter in which service was rendered. Claims or complaints shall be made within five (5) days from date of bill.

### **13.38 DEPOSITS.**

Where the Utility is required to render services which in accordance with the Wisconsin Statutes are not chargeable to the premises to which such services are rendered or where for just or sufficient reason it is deemed advisable not to do so, the Utility may demand a deposit for a reasonable amount as estimated by the Town Administrator to insure prompt payment upon the date due, but such deposit shall be uniform in all cases.

### **13.39 DELINQUENT ACCOUNTS.**

On October 1 in each year, the Town Administrator shall furnish to the Town Clerk a list of all lots or parcels of real estate to which water was furnished during the preceding twelve (12) month period and the amount due for the same, including penalty, if the same has not been paid and the Town Clerk shall spread such delinquent bills upon the tax rolls in the manner provided in §66.0809(3), Wis. Stats., which section is hereby made a part of these rules.

### **13.40 OPERATING VALVES, HYDRANTS, ETC.**

No person other than an authorized employee of the Utility shall without written authority operate any valve within a stop box controlling the flow of water to any premises or break or tamper with the seal of any water meter in service or open or operate any hydrant connected with the distribution service or any valve thereon, except for purposes of extinguishing fires, whether such hydrant is the property of the Town or of the Utility or has been placed by the owner for his own protection and no person shall wantonly injure or impair the same. Only authorized Fire Department personnel (for fire purposes only) and persons authorized by a proper Town official or by the Town Administrator are permitted to use hydrant wrenches in the operation of hydrants connected with the water supply of the Utility. Permits for the use of hydrants apply only to such hydrants as are designated in the permit for the particular use specified.

### **13.41 THAWING FROZEN SERVICES.**

(A) With regard to services which are frozen between the main and the stop box,

frozen services shall be thawed out by and at the expense of the Utility except where the freezing was caused by contributory fault or negligence on the part of the consumer such as reduction of the grade or undue exposure of the piping in the building or on consumer's property or failure to comply with Water Commission specifications and requirements as to depth of service, lack of sufficient backfill, etc. The Utility shall not be responsible for thawing frozen services where the freezing of a service occurs between the stop box and where the service enters the building.

(B) Following the freezing of a service, the Utility shall take such steps and issue such instructions as may be necessary to prevent the refreezing of the same service. No charge will be made for rethawing if the instructions are followed. If it is necessary to allow the water to flow to prevent refreezing, the customer shall make provision for proper disposal of the wastewater.

(C) For the period in which the water is allowed to run, the consumer will be billed according to his or her meter reading, but in no event to exceed the average amount paid in the corresponding billing periods of the previous two (2) years. A new consumer will be charged the average bill for other consumers of the same class receiving service under comparable conditions.

#### **13.42 EXTRATERRITORIAL WATER SERVICE.**

(A) Water service may be furnished to applicants living outside Utility limits only when such service can be furnished without adversely affecting the service inside the Utility and then only upon the approval of the Commission and the Public Service Commission.

(B) Water mains laid outside the Utility limits shall be under the supervision and specifications of the Water Commission.

(C) If such main is laid at the instigation of the Utility and principally for its own use as a transmission main, property owners abutting on such main who desire service shall pay a connection charge negotiated between the parties.

#### **13.43 REGULATIONS FOR EXTRATERRITORIAL SERVICE.**

The following regulations govern water service outside the Utility:

(A) The applicant shall fully comply with all rules and regulations prescribed for the installation, maintenance and use of the water supply.

(B) The rates for extraterritorial water service shall be the same as for Utility service, increased by twenty-five (25%) percent or as approved by the Public Service Commission.

(C) The applicant shall pay within the prescribed period the charges for water used as indicated or computed on a meter basis. The first bill is payable in advance and will be considered a deposit to guarantee future bills. Subsequent payments will be based upon the meter reading for the



previous quarter; the initial bill or advance deposit will be fixed by the Town Administrator based upon the estimated normal consumption of the type of customer being connected and will be retained by the Water Commission until the service is permanently disconnected. In such cases the advance payment less any unpaid water bill will be refunded.

(D) Extraterritorial customers shall assume the cost of the water meter, plus fifteen (15%) percent to cover the cost of setting the meter.

(E) The District rules and regulations except as modified specifically for District use or as specifically applicable to District service shall be applicable in the extraterritorial customers who are served.

#### **13.44 CONTROLLING VALVE/METER FOR HYDRANT NOZZLE.**

The Utility reserves the right and the Town Administrator is authorized to require a controlling valve and meter to be placed upon the hydrant nozzle when water is being used for any purpose other than for fires, in order to prevent damage to fire hydrants and consequent impairment of fire protection.

#### **13.45 CONTINUING RIGHTS AND CLAIMS.**

All agreements and contracts entered into, made and performed in part; all matters, claims, rights, privileges, obligations, violations and penalties pending; and all regularly published rates for public utility service on file with the Public Service Commission and effective under such ordinances as may be hereby repealed and all claims for service rendered in conformity therewith, shall have the same force and effect under the regulations hereby enacted under the ordinance so repealed.

#### **13.46 REMOTE READING REGISTERS.**

(A) Remote register water meter attachments will be installed by the Utility, the cost to be borne by the Utility.

(B) The Utility shall determine the priority of such installations for the purpose of efficiency as follows:

- (1) All new construction.
- (2) Presently difficult place to read.
- (3) All other installations desirable for the benefit of the Utility.
- (4) Residences where occupants habitually or necessarily are absent.

- (C) The location of the remote register meter is to be determined by the Utility.

### 13.47 CROSS CONNECTIONS.

(A) **Prohibition.** 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 Town of Somers Water Utility 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 Town of Somers Water Utility and by the Wisconsin Department of Natural Resources in accordance with Chapter SPS 382 of the Wisconsin Administrative Code.

(B) **Inspections.** It shall be the duty of the Utility to cause inspection to be made of all properties serviced by the Utility where cross-connection with the public water system is deemed possible. Residential properties serviced by the Utility shall be inspected on an interval matching the meter replacement schedule, but in no event shall be less frequently than once every ten (10) years. All non-residential properties serviced by the Utility shall be inspected on a two (2) year interval. Commercial property of similar or lesser risk as residential properties may follow the same schedule as residential properties. The Utility shall be responsible for determining the hazard risk and the inspection schedule.

The Utility shall perform the cross-connection inspection of residential and low hazard properties. For non-residential properties or properties of significant hazard risk, upon notification in writing by the Utility, the property owner must, at their own expense, have the plumbing inspected for cross-connections by a State of Wisconsin Certified Cross-Connection Inspector/Surveyor or by a State of Wisconsin licensed plumber.

The frequency of required inspections and re-inspections, based on potential health hazards involved, may be shortened by the Utility. The Utility shall charge fees as approved by the State of Wisconsin Public Service Commission for on-premises follow-up visits by Utility personnel for re-inspection due to customer non-compliance and for after-hours inspections or re-inspections.

(C) **Owner Responsibility.** The property owner shall be responsible for the protection of the customer's potable water system. Every person owning or occupying a premise receiving municipal water supply shall maintain such municipal water supply free from any cross connection, either by a direct or an indirect nature. The responsibilities include the elimination of, or protection from, all cross connections on their premises. The owner shall, at their own expense, install, maintain and test any and all backflow preventers on their premises in compliance with the Chapter SPS 382.41 Wisconsin Administrative Code and the Utility's Cross Connection Ordinance.

The property owner shall have corrected any malfunction revealed by periodic testing of any backflow preventer on their 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 backflow 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. In the event the property owner installs potable water using fixtures, equipment or appurtenances upstream of the backflow preventer, such must have its own approved backflow prevention means.

The property owner is required to follow the protection practices described in the American Water Works Association publication AWWA —14 titled "Recommended Backflow Prevention and Cross Connection Control", United States Environmental Protection Agency publication titled "Cross Connection Control Manual", Chapters SPS 381-384 Wisconsin Administrative Code, and the Utility's Cross Connection Control Ordinance, unless the Utility requires or authorizes other means of protecting the potable water systems.

Other required or authorized means will be subject to prior approval of the Utility.

(D) **Access**. That upon presentation of credentials, the representative of the Somers Public Works 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 Water Utility for cross connections. If entry is refused, such representative may obtain a special inspection warrant under §66.122, Wisconsin Statutes. In addition, the Utility shall charge the property owner a fee of Thirty (\$30.00) Dollars per day for refusal to allow entry to examine any property. On request the owner, lessee or occupant of any property so served shall furnish to the inspection agency any pertinent information regarding the piping system or systems on such property.

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

(F) **Disconnection**. That the Town of Somers Water Utility is hereby authorized and directed to discontinue water service to any property wherein any connection in violation of this ordinance exists, and to take such other precautionary measures deemed necessary to eliminate any danger of contamination of the public water system. Water service shall be discontinued if the means of backflow prevention required by the Utility is not installed, tested, maintained and repaired in compliance with this ordinance and Wisconsin Administrative Code NR 811 or if it is found that the means of backflow prevention required by this ordinance has been removed or bypassed. Water service shall only be discontinued only after reasonable notice and opportunity for hearing under Chapter 68, Wisconsin Statutes, except as provided in Section (G). 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.

(G) **Emergency Disconnections**. That if it is determined by an employee of the Water Utility 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 made by the Water Commission and is filed with the Clerk of the Town 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 ten (10) days of such emergency discontinuance. Such hearing shall be before the Town Board, acting as the Board of Water Commissioners.

(H) **Reconnection of Service.** Water service to any property discontinued under the provisions of this ordinance shall not be restored until the cross-connection has been eliminated or a backflow prevention device is approved by the Utility has been installed in compliance with the provisions of this section. The Utility shall charge fees as approved by the State of Wisconsin Public Service Commission for the reconnection of the water service.

(I) **Additional Protection.** In the case of premises having (a) internal cross-connection 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 purposes, making it impracticable or impossible to ascertain whether or not dangerous cross-connections exist, the public water system shall be protected against backflow from the premises by installing an approved backflow preventer in the service line. 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 system, the public water system shall be protected by an approved air-gap separation or an approved reduced-pressure principle backflow preventer. Examples of premises where these conditions will exist include sewage treatment plants, hospitals, mortuaries, plating plants, and car wash establishments. In the case of any premises where, in the opinion of the Utility, an undue health threat is posed because of the presence of toxic substances, the Utility may require an approved air gap at the service connection to protect the public water system. This requirement will be at the discretion of the Utility.

(J) **Adoption of State Law.** That the Water Utility adopts by reference the State Plumbing Code of Wisconsin being as contained in the Wisconsin Administrative Code.

### **13.48 COMPULSORY HOOK-UP.**

All new construction of houses, buildings or properties used for human habitation, occupancy, employment, recreation, business or any other purposes, situated within the Water Utility District and abutting on any streets or right-of-way in which public water is located, or in which the extension of public water may be deemed feasible by the Utility shall be required to connect to such public water supply at his expense. In addition, the owner of any house, building or property used for human habitation, occupancy, employment, recreation, business or any other purpose, situated within the Water Utility District which is serviced by a private well which fails, where such property abuts on any street or right-of-way in which public water is located, or in which the extension of public water may be deemed feasible by the Utility, is hereby required to connect to such public water supply at his expense within twelve (12) months after date of official notice to do so.

### **13.49 WATER SUPPLY SYSTEM FACILITIES.**

If available, public water supply and distribution system facilities shall be required for all new subdivisions. Public water system facilities may be required for minor land divisions located within reasonable proximity to such facilities. The divider shall construct the water supply and distribution facilities, when required, in such a manner as to make adequate water service available to each lot within the land division. The divider shall make provision for adequate public water systems as required by the Utility in accordance with the standards of the Wisconsin Department of Natural Resources. In addition:

(A) Water laterals shall be installed to the street lot line, in the case of connection to public water supply and distribution systems.

(B) The size, type, design, location and manner of installation of all public water mains and related water system facilities required or proposed to be constructed shall be in accordance with plans and specifications approved by the Commission, DNR and the "Standard Specifications for Sewer and Water Construction in Wisconsin".

(C) The divider shall bear the cost of installing all water mains, water laterals, and water system appurtenances within the proposed land division except for the added material costs of installing oversized water mains greater than twelve (12") inches in diameter or related facilities which are necessary to serve areas lying outside of the proposed land division. The divider shall bear the cost of installing all boundary water mains which are determined necessary by the Utility. The Utility shall reimburse the divider for the reasonable material costs of the required oversizing.

(D) In addition, the divider shall be required to pay to the Utility a water transmission fee in an amount based upon the added cost of installing larger water mains or related facilities in the total water service area. The developer may also be required to pay for the installation of boundary mains or other facilities which are required or benefit the water service area, subject to such recoveries as may be authorized.

(E) Water transmission fees collected by the Utility shall be placed in a special non-lapsing fund for water system projects, which shall be separate from the General Fund of the Town. Such special fund shall be used exclusively for water system projects which benefit the land division with respect to which such fees are paid.

(F) Installation of all water system facilities shall be completed within the first twelve (12) month period following the last required approval of the final plat or certified survey map, unless the Town Board expressly waives or modifies this requirement for good cause shown.

### **13.50 PRIVATE WELL ABANDONMENT AND WELL OPERATION PERMIT.**

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

(B) **Applicability.** This ordinance applies to all wells located on premises served by any municipal water system located in whole or in part in the Town of Somers. Utility customers outside the jurisdiction of a municipal system may be required under contract agreement or utility rule to adopt and enforce equivalent ordinances within their jurisdictions for purpose stated in section (A) above.

(C) **Definitions.**

(1) “Municipal water system” means a community water system owned by a city, village, county, town, town sanitary district, utility district, public inland lake and rehabilitation district, municipal water district or a federal, state, county or municipal owned institution for congregate care or correction, or a privately owned water utility serving the foregoing.

(2) “Noncomplying” means a well or pump installation which does not comply with Section NR 812.42, Wisconsin Administrative Code, Standards for Existing Installations, and which has not been granted a variance pursuant to Section NR 812.43, Wisconsin Administrative Code.

(3) “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.

(4) “Unsafe” well or pump installation means one which produces water which is bacteriologically contaminated or contaminated with substances which exceed the drinking water standards of Chapters NR 140 and 809, Wisconsin Administrative Code, or for which a Health Advisory has been issued by the Department of Natural Resources.

(5) “Unused” well or pump installation means one which is not used or does not have a functional pumping system.

(6) “Well” means a drillhole or other excavation or opening deeper than it is wide that extends more than ten (10') feet below the ground surface constructed for the purpose of obtaining groundwater.

(7) “Well Abandonment” means the proper filling and sealing of a well according to the provisions of Section NR 812.26, Wisconsin Administrative Code.

(D) **Abandonment Required.** All wells on premises served by the municipal water system shall be properly abandoned in accordance with section (F) of this ordinance at or prior to the date of connection to the municipal water system, unless a valid well operation permit has been issued to the well owner by the Town of Somers under terms of section (E) of this ordinance.

(E) **Well Operation Permit.** Owners of wells on premises served by the municipal

water system wishing to retain their wells for any use shall make application for a well operation permit for each well at or prior to connection to the municipal water system. The Town of Somers shall grant a permit to a well owner to operate a well for a period not to exceed five (5) years providing all conditions of this section are met. A well operation permit may be renewed by submitting an application verifying that the conditions of this section are met. The Town of Somers or its agent, may conduct inspections and water quality tests or require inspections and water quality tests to be conducted at the applicant's expense to obtain or verify information necessary for consideration of a permit application or renewal. Permit applications and renewals shall be made on forms provided by the Clerk/Treasurer. All initial and renewal applications must be accompanied by a fee of Thirty-five (\$35.00) Dollars.

The following conditions must be met for issuance or renewal of a well operation permit:

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

(F) **Abandonment Procedures.**

- (1) All wells abandoned under the jurisdiction of this ordinance shall be done according to the procedures and methods of Section NR 812.26, Wisconsin Administrative Code. All debris, pumps, piping, unsealed liners and any other obstructions which may interfere with sealing operations shall be removed prior to abandonment.
- (2) The owner of the well or the owner's agent shall be required to obtain a well abandonment permit prior to any well abandonment and shall notify the clerk at least forty-eight (48) hours in advance of any well abandonment activities. The abandonment of the well shall be observed or verified by personnel of the

municipal system.

(3) An abandonment report form, supplied by the Department of Natural Resources, shall be submitted by the well owner to the Clerk/Treasurer and the Department of Natural Resources within thirty (30) days of the completion of the well abandonment.

(G) **Penalties.** Any well owner violating any provision of this ordinance shall, upon conviction, be fined not less than One Hundred (\$100.00) Dollars nor more than Five Hundred (\$500.00) Dollars and the cost of prosecution for each offense. Each day of violation is a separate offense. If any person fails to comply with this ordinance for more than thirty (30) days after receiving written notice of the violation, the municipality may impose a penalty and cause the well abandonment to be performed and the expenses to be assessed as a special tax against the property.

## II. SOMERS UTILITY DISTRICTS

### 13.51 DEFINITIONS.

(A) "APPROVING AUTHORITY" shall mean Commissioners of the applicable Somers Utility District for public municipal sewer services or the Town Administrator of the Town of Somers or his authorized representatives and the Kenosha County Sanitarian where P.O.W.T.S. are applicable.

(B) "BOARD" shall mean the Board of the Town of Somers Utility District or the KR Utility District, as may be applicable.

(C) "BOD" (Biochemical Oxygen Demand) shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter in five (5) days at twenty (20 °) degrees Celsius, expressed as milligrams per liter (mg/l). Quantitative determination of BOD shall be made in accordance with procedures set forth in "Standard Methods".

(D) "BUILDING DRAINAGE SYSTEM" shall mean that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer.

(E) "BUILDING SEWER" shall mean a sanitary sewer which begins immediately outside of the foundation wall of any building or structure being served, and ends at its connection to the public sewer, where served by public sewer and all lines or systems needed for an approved P.O.W.T.S.

(F) "CATEGORY A" shall be both those sanitary sewer users who discharge normal domestic strength wastewater with BOD concentrations no greater than one hundred eighty (180) mg/l and suspended solids concentrations no greater than two hundred (200) mg/l, or concentrations of phosphorus no greater than nine (9) mg/l and concentrations of oil and grease no greater than one hundred (100) mg/l.

(G) "CATEGORY B" shall be those sanitary sewer users who discharge wastewater



with BOD in excess of one hundred eighty (180) mg/l or suspended solids concentrations in excess of two hundred (200) mg/l or concentrations of phosphorus greater than nine (9) mg/l and concentrations of oil and grease greater than one hundred (100) mg/l.

(H) "CHLORINE REQUIREMENT" shall mean the amount of chlorine, in mg/l, which must be added to sewage to produce a residual sewage as specified in the Wisconsin Pollution Discharge Elimination System (WPDES) permit.

(I) "COMBINED SEWER" shall mean a sewer intended to receive both wastewater and storm or surface water.

(J) "COMPATIBLE POLLUTANTS" shall mean BOD, suspended solids, phosphorus, nitrogen, pH, or fecal coliform bacteria, plus additional pollutants identified in the Municipality's WPDES permit for its wastewater treatment facility; provided that such facility is designed to treat such additional pollutants, and, in fact, does remove such pollutants to a substantial degree.

(K) "COSTS, OPERATION AND MAINTENANCE" shall mean all costs associated with the operation and maintenance of the wastewater collection and treatment facilities, as well as the costs associated with periodic equipment replacement which is necessary for maintaining the capacity and performance of the wastewater and collection and treatment facilities.

(L) "COSTS, REPLACEMENT" shall mean expenditures for obtaining and installing equipment, accessories or appurtenances which are necessary during the useful life of the wastewater treatment facility to maintain the capacity and performance for which such facilities were designed and constructed.

(M) "DRAIN, BUILDING" shall mean the part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five (5') feet (1.5 meters) outside the inner face of the building wall.

(N) "EASEMENT" shall mean an acquired legal right for the specified use of land owned by others.

(O) "FLOATABLE OIL" is oil, fat, or grease in a physical state such that it will separate by gravity from wastewater by treatment in an approved pretreatment facility. Wastewater shall be considered free of floatable oil if it is properly pretreated and the wastewater does not interfere with the collection system.

(P) "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.

(Q) "GROUND GARBAGE" shall mean the residue from the preparation, cooking, dispensing, handling, storage, and sale of food products and produce that has been shredded to such a degree that all particles will be carried freely in suspension under the flow conditions normally prevailing in

public sewers with no particle greater than one-half (1/2") inch in any dimension.

(R) "INCOMPATIBLE POLLUTANTS" shall mean wastewater with pollutants that will adversely affect the wastewater collection and treatment facilities or disrupt the quality of wastewater treatment if discharged to the wastewater collection and treatment facilities.

(S) "INDUSTRIAL USER" shall mean, per the Federal Register, Vol. 43, No. 188, September 27, 1978, quoted as follows:

(1) Any non-governmental, nonresidential user of publicly owned treatment works which discharges more than the equivalent of twenty-five thousand (25,000) gallons per day (gpd) of sanitary wastes and which is identified in the Standard Industrial Classification Manual, 1972, Office of Management and Budget, as amended and supplemented under one of the following divisions:

- (a) Division A—Agriculture, Forestry, Fishing
- (b) Division B—Mining
- (c) Division D—Manufacturing
- (d) Division E—Transportation, Communications, Electric, Gas and Sanitary Services

(2) After applying the sanitary waste exclusion (if the grantee chooses to do so), discharges in the above divisions having a volume exceeding twenty-five thousand (25,000) gpd or the weight of BOD, suspended solids or phosphorus equivalent to that weight found in twenty-five thousand (25,000) gpd of sanitary wastes are considered industrial users. Sanitary wastes are the wastes discharged from residential users.

(3) Any non-governmental user which discharges any wastewater containing toxic pollutants or which has any other adverse effect on the treatment works or receiving waters.

(4) A commercial user of an EPA funded individual system.

(T) "INDUSTRIAL WASTE" shall mean any solid, liquid, or gaseous substance discharged or escaping from any industrial, manufacturing, or commercial establishment. Such term includes any wastewater which is not sanitary sewage.

(U) "INDUSTRY, MAJOR CONTRIBUTING" shall mean an industry that has a:

(1) Flow of fifty thousand (50,000) gallons or more per average workday;

(2) Flow greater than five (5%) percent of the flow carried by the wastewater collection treatment facilities receiving the waste;

(3) Material in its discharge included on a list of toxic pollutants issued under §283.21(1), Wis. Stats.; or

(4) Significant impact, either singularly or in combination with other contributory industries, on the wastewater treatment facility or the quality of its effluent.

(V) "MUNICIPALITY" shall mean the Town of Somers Utility District or the KR Utility District, or its legal successors and assigns, as may be applicable.

(W) "NATURAL OUTLET" shall mean any outlet, including storm sewers and combined sewer overflows, into a watercourse, pond, ditch, lake, or other body of surface water or groundwaters.

(X) "NON-RESIDENTIAL" shall mean customer category which includes all sewer users other than residential users. Non-residential customers include, but are not limited to, public buildings, commercial establishments, industrial establishments, recreation halls, municipal buildings, club houses and funeral homes.

(Y) "NORMAL DOMESTIC STRENGTH WASTEWATER" shall mean wastewater with BOD concentrations no greater than one hundred eighty (180) mg/l and suspended solids concentrations no greater than two hundred (200) mg/l or concentrations of phosphorus greater than nine (9) mg/l and concentrations of oil or grease greater than one hundred (100) mg/l.

(Z) "OIL, FLOATABLE" 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. Wastewater shall be considered free of floatable oil if it is properly pretreated and the wastewater does not interfere with the collection system.

(AA) "OPERATION AND MAINTENANCE COSTS" shall include all costs associated with the operation and maintenance of the wastewater collection and treatment facilities, including administration and replacement costs, all as determined from time to time, by the Municipality.

(BB) "PARTS PER MILLION" 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.

(CC) "PERSON" shall mean any natural person, firm, company, municipal or private corporation, association, society, institution, enterprise, governmental agency or other entity.

(DD) "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 seven (7) and a hydrogen-ion concentration of  $10^{-7}$ .

(EE) "PHOSPHORUS" shall mean the total phosphorus and is expressed in mg/l of P (Phosphorus).

(FF) "POLLUTANTS, COMPATIBLE" shall mean BOD, suspended solids, phosphorus, nitrogen, pH or fecal coliform bacteria, plus additional pollutants identified in the City of Racine or Kenosha Water Utility WPDES permit(s) for its wastewater treatment facility receiving the pollutants, if such works were designed to treat such additional pollutants and, in fact, does remove such pollutants to a substantial degree.

(GG) "POLLUTANTS, INCOMPATIBLE" shall mean wastewater with pollutants that will adversely affect or disrupt the quality of wastewater treatment if discharged to a wastewater treatment facility.

(HH) "P.O.W.T.S." shall mean private onsite wastewater treatment systems, which may be either privately owned and maintained or publicly owned and maintained.

(II) "PUBLIC SEWER" shall mean any publicly owned sewer, storm drain, sanitary sewer, or combined sewer.

(JJ) "REPLACEMENT COSTS" shall mean expenditures for obtaining and installing equipment, accessories, or appurtenances which are necessary during the useful life of the wastewater treatment system to maintain the capacity and performance for which such facilities were designed and constructed. Operation and maintenance costs include replacement costs.

(KK) "RESIDENTIAL" shall mean customer category which includes family dwellings, apartments, multi-family dwellings and mobile homes.

(LL) "SANITARY SEWAGE" shall mean a combination of liquid and water-carried wastes discharged from toilets and/or sanitary plumbing facilities.

(MM) "SANITARY SEWER" shall mean a sewer that carries sewage or wastewater.

(NN) "SEWAGE" shall mean the spent water of a person or community. The preferred term is wastewater.

(OO) "SEWER" shall mean a pipe or conduit that carries wastewater or drainage water.

(PP) "SEWER SERVICE CHARGE" is a charge levied on users of the wastewater collection and treatment facilities for payment of operation and maintenance expenses, debt service payments, and other expenses or obligations of said facilities.

(QQ) "SHALL" is mandatory; "MAY" is permissible.

(RR) "SLUG" shall mean any discharge of water or wastewater which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than fifteen (15)

minutes, more than five (5) times the average twenty-four (24) hour concentration of flows during normal operation and/or adversely affects the wastewater collection system and/or performance of any wastewater treatment facility.

(SS) "STANDARD METHODS" shall mean the examination and analytical procedures set forth in the most recent edition of "Standard Methods for the Examination of Water and Wastewater" published jointly by the American Public Health Association, the American Water Works Association, and the Water Pollution Control Federation.

(TT) "STORM SEWER OR DRAIN" shall mean a drain or sewer for conveying water, groundwater, subsurface water, or unpolluted water from any source.

(UU) "STORMWATER RUNOFF" shall mean the portion of rainfall that is drained into the sewers.

(VV) "SUSPENDED SOLIDS" shall mean the solids that either float on the surface of or are in suspension in water, wastewater, or other liquids and which are removable by laboratory filtering.

(WW) "TREATMENT AUTHORITY" shall mean the Kenosha Water Utility, for the Town Utility District and City of Racine Wastewater Utility for the Town of Somers, K.R. Utility District or Town of Somers Town Board for Town owned and operated P.O.W.T.S.

(XX) "UNPOLLUTED WATER" is water of quality equal to or better than the effluent of the wastewater treatment facilities or water that would not cause violation of receiving water quality standards and would not be benefitted by discharge to the sanitary sewers and wastewater treatment facilities.

(YY) "WASTEWATER" shall mean the spent water of a community or person. 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 be present.

(ZZ) "WASTEWATER COLLECTION FACILITIES" (or "wastewater collection system") shall mean the structures and equipment required to collect and carry away domestic and industrial wastewater.

(AAA) "WASTEWATER TREATMENT FACILITY" shall mean the Kenosha Water Utility Wastewater Treatment Plant, or the City of Racine Wastewater Utility, as may be the applicable authority for P.O.W.T.S.

(BBB) "WATER, UNPOLLUTED" shall mean water of a quality equal to or better than the effluent of the wastewater treatment facilities or water that would not cause violation of receiving water quality standards and would not be benefitted by discharge to the sanitary sewers and wastewater treatment facilities.

(CCC) "WATERCOURSE" shall mean a natural or artificial channel for the passage of water, either continuously or intermittently.

(DDD) "WISCONSIN POLLUTANT DISCHARGE ELIMINATION SYSTEM (WPDES) PERMIT(S)" is a document issued by the Wisconsin State Department of Natural Resources which establishes effluent limitations and monitoring requirements for a municipal wastewater treatment facility; within the context herein, WPDES Permit refers to the permit issued to the City of Kenosha Water Utility or that WPDES Permit issued to the City of Racine, as may be applicable or such (WPDES) permit which is required by the Wisconsin State Department of Natural Resources for large flow (P.O.W.T.S.).

### 13.52 USE OF THE PUBLIC SEWERS.

(A) **Sanitary Sewers.** No person(s) shall discharge or cause to be discharged any unpolluted waters such as storm water, groundwater, roof runoff, subsurface drainage, or cooling water to any sanitary sewer.

(B) **Storm Sewers.** Storm water and all other unpolluted water shall be discharged to such sewers as are specifically designated as storm sewers, or to a nature outlet approved by the Approving Authority and other regulatory agencies. Unpolluted industrial cooling water or process waters may be discharged, on approval of the Approving Authority and other regulatory agencies, to a storm sewer, combined sewer, or natural outlet.

(C) **Prohibitions and Limitations.** Except as hereinafter provided, no person shall discharge or cause to be discharged any of the following described waters or wastes to any publically owned sewer system whether municipal sewer or large scale (P.O.W.T.S.) which is being maintained by the public authority.

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

(2) Any waters or wastes containing toxic or poisonous solids, liquids, or gasses in sufficient quantity, either singly or by interaction with other wastes, which could injure or interfere with any waste treatment or sludge disposal process, constitute a hazard to humans or animals, or create a public nuisance in the receiving waters of any wastewater treatment facility.

(3) Any waters or wastes having a pH lower than 5.5, or in excess of 9.0, or having any corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the wastewater collection facilities.

(4) Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in public sewers or other interference with the proper operation of the wastewater collection facilities, such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar,

plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshings, entrails, and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.

(5) The following described substances, materials, waters, or waste shall be limited in discharges to sanitary sewer systems to concentrations or quantities which will not harm either the sanitary sewers, wastewater treatment process, or equipment; will not have an adverse effect on the receiving stream; or will not otherwise endanger lives, limbs, public property, or constitute a nuisance. The Approving Authority may set limitations more stringent than those established below if such more stringent limitations are necessary to meet the above objectives. The Approving Authority will give consideration to the quantity of subject waste in relation to flows and velocities in the sewers, materials of construction of the sanitary sewers, and other pertinent factors. Wastes or wastewaters discharged to the sanitary sewers shall not exceed the following limitations:

- (a) Wastewater having a temperature higher than one hundred fifty (150°) degrees Fahrenheit (sixty-five (65°) degrees Celsius).
- (b) Wastewater containing more than twenty-five (25) mg/l of petroleum oil, nonbiodegradable cutting oils, or products of mineral oil origin.
- (c) Wastewater from industrial plants containing floatable oils, fat or grease.
- (d) Any unground garbage. Garbage grinders may be connected to sanitary sewers from homes, hotels, institutions, restaurants, hospitals, catering establishments, or similar places where garbage originates from the preparation of food in kitchens for the purpose of consumption on the premises or when served by caterers.
- (e) Any waters or wastes containing iron, chromium, copper, zinc, and other toxic and nonconventional pollutants to such degree that the concentration exceeds levels specified by federal, state and local authorities.
- (f) Any waters or wastes containing odor-producing substances exceeding limits which may be established by the Approving Authority or limits established by any federal or state statute, rule, or regulation.
- (g) Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Approving Authority in compliance with applicable state or federal regulations.

(h) Any waters or wastes containing substances which are not amenable to treatment or reduction by the wastewater treatment processes employed, or are amenable to treatment only to such degree that the wastewater treatment facility effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.

(i) Any waters or wastes which, by interaction with other waters and wastes in the sanitary sewer system, release obnoxious gasses, form suspended solids which interfere with the collection system, or create a condition deleterious to structures and treatment processes.

(j) Materials which exert or cause:

(i) Unusual BOD, chemical oxygen demand, or chlorine requirements in such quantities as to constitute a significant load on the wastewater treatment facility.

(ii) Unusual volume of flow or concentration of wastes constituting "slugs" as defined herein.

(iii) Unusual concentrations of inert suspended solids (such as, but not limited to, fuller's earth, lime slurries, and lime residues) or of dissolved solids (such as, but not limited to, sodium sulfate).

(iv) Excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions).

(k) Incompatible pollutants in excess of the allowed limits as determined by city, state, and federal laws and regulations in reference to pretreatment standards developed by the Environmental Protection Agency, and as contained in 40 CFR 403, as amended from time to time.

(D) **Wisconsin Pollutant Discharge Elimination System (WPDES) Permit.** No person shall cause or permit a discharge into the sanitary sewers that would cause a violation of any WPDES permit and any modifications thereto.

(E) **Special Arrangements.** No statement contained in this chapter shall be construed as prohibiting any special agreement between the Approving Authority and any person whereby a waste of unusual strength or character may be admitted to the wastewater collection and treatment facilities, either before or after pretreatment, provided that there is no impairment of the functioning of the wastewater collection and treatment facilities by reason of the admission of such wastes, and no extra costs are incurred by the Municipality without recompense by the person; and further provided that all rates and provisions set forth in this chapter are recognized and adhered to; and further provided that such



special agreement is approved in advance by the Town of Somers Board of Supervisors, sitting as Commissioners of the Somers Utility District or the KR Utility District and such other approvals, if any, as may be required by the Kenosha Water Utility or the Village of Mount Pleasant or the City of Racine Wastewater Utility.

(F) **Disposal of Human and Liquid Waste.**

(1) No person shall build, erect, maintain, occupy or use any residence, place of business or other building in the Town where persons reside, congregate or are employed, without providing, for the use of such occupants, adequate and properly maintained water closets and sinks conforming to the state plumbing code and local plumbing regulations.

(2) The owner or agent of every building in the Town used for human habitation, which abuts any street, alley or way along which there is a sewer main or in a block through which a system of waterworks or sewage, or both, extends, or is within two hundred (200') feet of a sewer main, shall connect with the sewer main, if present, and shall connect all toilets, bathtubs, laboratories, sinks, urinals and similar devices with such sewer in accordance with the state plumbing code and such additional local rules and regulations not inconsistent with such code. If any owner or agent fails to comply for more than ten (10) days after notice, in writing, the Town may cause such connection to be made, and the expense for such connection shall be assessed as a special tax against the property. Within thirty (30) days after completion of the work, the owner may file a written option with the Clerk/Treasurer stating he cannot pay such amount in one sum, and asking that it be levied in not to exceed five (5) equal, annual installments, and the amount shall be so collected with interest at the current legal rate per annum from the completion of the work, and the unpaid balance shall be a special tax lien.

(3) No person shall build, erect, construct or maintain any cesspool, septic tank or private system for the disposal of human excreta, liquid waste or water upon any lot or premises abutting any street, alley or way along which there is a sewer or water main or in a block through which a system of water works or sewage, or both, extends, or is within two hundred (200') feet of a sewer main.

(G) **New Connections.** New connections to the Municipality's sanitary sewer system will be allowed only if there is available capacity in all of the downstream wastewater collection and treatment facilities.

(H) **Dilution of Discharge Prohibited.** No person discharging into the wastewater collection facilities shall increase the use of potable or process water or mix separate wastewaters for the purpose of diluting prohibited wastewater as a partial or complete substitute for pretreatment or to otherwise avoid compliance with or circumvent this rule.

(I) **Disposal of Septic Tank Sludge and Holding Tank Sewage.** No person shall

transfer septic tank sludge or holding tank sewage into any disposal area or public sewer.

(J) **Appeals.**

(1) Any user, permit applicant or permit holder affected by any decision, action or determination, including cease and desist orders, made by the Approving Authority interpreting or implementing the provisions of this article, or in any permit issued under this article, may file a written request for reconsideration with the Approving Authority 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 Approving Authority shall render a decision on the request for reconsideration to the user, permit applicant or permit holder, in writing, within fifteen (15) days of receipt of the request. If the ruling on the request for reconsideration made by the Approving Authority is unsatisfactory, the person requesting reconsideration may, within ten (10) days after notification of the action, file a written appeal with the sewer commissioners of the Town.

(2) A fee as set by the Town Board shall accompany any appeal to the sewer commissioners for their ruling. The fee may be refunded if the appeal is sustained in favor of the appellant.

(3) The written appeal shall be heard by the sewer commissioners within forty-five (45) days from the date of filing. The sewer commissioners shall make a final ruling on the appeal within sixty (60) days from the date of filing.

### **13.53 INDUSTRIAL WASTES IN PUBLIC SEWERS.**

(A) **Submission of Basic Data.** The Approving Authority may require each person who discharges or seeks to discharge industrial wastes to a public sewer or municipally operated (P.O.W.T.S.) to prepare and file with the Approving Authority, at such times as it determines, a report that shall include pertinent data relating to the quantity and characteristics of the wastes discharged to the wastewater collection and treatment facilities. In the case of a new connection, the Approving Authority may require that this report be prepared prior to making the connection to the public sewers. Industrial discharges are further subject to all rules and regulations of the Kenosha Water Utility or Racine Wastewater Utility.

(B) **Industrial Discharges.** If any waters or wastes are discharged or are proposed to be discharged to the public sewers or municipally operated (P.O.W.T.S.), which waters or wastes contain substances or possess the characteristics enumerated in §13.52, above, and which in the judgment of the Approving Authority have a deleterious effect upon the wastewater collection and treatment facilities, processes, equipment, or receiving waters, or which otherwise create a hazard to life, health, or constitute a public nuisance, the Approving Authority may:

(1) Reject the wastes,

- (2) Require pretreatment to an acceptable condition for discharge to the publicly owned sewer systems whether municipal or P.O.W.T.S.,
- (3) Require control over the quantities and rates of discharge, and/or
- (4) Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges under the provisions of this sub-chapter.

(C) **Control Manholes**. Each person discharging industrial wastes into a public sewer or municipal (P.O.W.T.S.) shall, at the discretion of the Approving Authority, construct and maintain one (1) or more control manholes or access points to facilitate observation, measurement, and sampling of wastes, including sanitary sewage.

Control manholes or access facilities shall be located and built in a manner acceptable to the Approving Authority. If measuring and/or sampling devices are to be permanently installed, they shall be of a type acceptable to the Approving Authority.

Control manholes, access facilities, and related equipment shall be installed by the person discharging the waste, at the person's expense, and shall be maintained by the person 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 Approving Authority prior to the beginning of construction.

(D) **Metering of Waste**. Devices for measuring the volume of waste discharged may be required by the Approving Authority if this volume cannot otherwise be determined from other methods. Metering devices for determining the volume of waste 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 Approving Authority.

(E) **Waste Sampling**. Industrial wastes discharged into the public sewers or municipally operated (P.O.W.T.S.) shall be subject to periodic inspection and a determination of character and concentration of said wastes. The determination shall be made by the industry as often as may be deemed necessary by the Approving Authority. Sampling manholes shall be required at all industrial and commercial sites with cost of installation borne by the owners of said businesses.

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 Approving Authority. Installation, operation, and maintenance of the sampling facilities shall be the responsibility of the person discharging the waste and shall be subject to the approval of the Approving Authority. Access to sampling locations shall be granted to the Approving Authority or its duly authorized representative at all times. 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.

(F) **Pretreatment**.

(1) Persons discharging industrial wastes into any public sewer or municipally operated (P.O.W.T.S.) may be required to pretreat such wastes, if the Approving Authority determines pretreatment is necessary to protect the wastewater collection and treatment facilities or prevent the discharge of incompatible pollutants. The Approving Authority shall review the admission of any waters or wastes having:

(a) A five (5) day biochemical oxygen demand greater than 300 milligrams per liter, or

(b) Containing more than 350 milligrams per liter of suspended solids, or

(c) Containing any quantity of substances having the characteristics described in §13.52(C) of this Code, or

(d) Having an average daily flow greater than two (2%) percent of the average daily sewage flow of the entire Municipality.

(2) Where necessary in the opinion of the Approving Authority, the owner shall provide at his expense, such preliminary treatment as may be necessary to:

(a) Reduce the biochemical oxygen demand to 300 milligrams per liter, or

(b) Reduce the suspended solids to 300 milligrams per liter, or

(c) Reduce objectionable characteristics or constituents to within the maximum provided for in §13.52(C) of this Code, or

(d) Control the quantities and rates of discharge of such waters or wastes.

(3) Plans, specifications, and any other pertinent information relating to proposed preliminary treatment facilities shall be submitted for approval to the State Division of Health of the State of Wisconsin, the Wisconsin Department of Natural Resources and all the Approving Authorities. No construction of such facilities shall be commenced until said approvals are obtained in writing.

(4) Such pretreatment or processing facilities as may be determined necessary to render wastes acceptable for admission to the sanitary sewers shall be provided at the user's expense.

(G) **Grease, Oil, and Sand Interceptors**. Grease, oil, and sand interceptors shall be provided when, in the opinion of the Approving Authority, they are necessary for the proper handling of

liquid wastes containing floatable grease in amounts in excess of those specified in this sub-chapter, or any flammable wastes, sand or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the Approving Authority, and shall be located as to be readily and easily accessible for cleaning and inspection. In maintaining these interceptors, the owner(s) 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 which are subject to review by the Approving Authority. Disposal of the collected materials performed by owner's(s') personnel or currently licensed waste disposal firms must be in accordance with currently acceptable Department of Natural Resources rules and regulations. Every grease, oil and/or sand interceptor shall be inspected and cleaned not less frequently than every five (5) years by either a representative of the Approving Authority or a licensed plumber in the State of Wisconsin and, in either case, a detailed written report shall be submitted to the Approving Authority following the inspection and cleaning.

(H) **Analyses**. All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this Chapter shall be determined in accordance with the methods stated in the Wisconsin Administrative Code NR 219 "Analytical Test Methods and Procedures", as may be amended or replaced from time to time. Sampling methods, location, time, durations, and frequencies are to be determined on an individual basis subject to approval by the Approving Authority.

Determination of the character and concentration of the industrial wastes shall be made by the person discharging them, or the person's agent, as designated and required by the Approving Authority. The Approving Authority may also make its own analyses on the wastes, and these determinations shall be binding as a basis for sewer services charges.

However, when the Municipality has an agreement with an industry, the Municipality will determine the character and concentration of the wastes according to the terms and conditions of the agreement.

(I) **Submission of Information**. Plans, specifications, and any other pertinent information relating to proposed flow equalization, pretreatment, or grease and/or sand interceptor facilities shall be submitted for review and approval of the Approving Authority prior to the start of their construction if the effluent from such facilities is to be discharged into the public sewers. No construction of such facilities shall commence until said approval has been granted.

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

Dischargers shall notify the Approving Authority immediately upon the occurrence of a

"slugload", 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 discharger who discharges a slugload of prohibited materials shall be liable for any expense, loss or damage to the wastewater facilities or wastewater treatment works, in addition to the amount of any fines imposed on the Authority on account thereof under state or federal law.

Signs shall be permanently posted in conspicuous places on discharger'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 procedure.

### **13.54 BASIS FOR SEWER SERVICE CHARGES.**

(A) **Basis.** It is hereby determined and declared to be necessary and conducive to the protection of the public health, safety, welfare and convenience of the Somers Utility Districts to levy and collect charges, rentals, or rates of service upon all the lands, lots, and premises within the Somers Utility Districts.

(B) **Classification of Sewer Users.** Sewer users shall be classified as either residential or non-residential users as defined in §13.51.

(C) **Category B Users.** Category B users shall be charged a surcharge, in addition to the volume charge, based on the prevailing Category B service charges for BOD, suspended solids and phosphorus.

(D) **Operation, Maintenance and Bond Redemption Fund Accounts.** All sewer service charge revenues collected for bond redemption shall be deposited in a separate and distinct fund. All sewer service charge revenues collected for other operation and maintenance expenses shall also be deposited in a separate and distinct fund.

(E) **Charge for Pollutants.** Any person discharging pollutants which cause an increase in the cost of managing the effluent or sludge from the Utility's wastewater treatment system shall pay for such increased costs, as may be determined by the Commissioners of the applicable Utility.

(F) **Conflict with Federal Rules and Regulations.** The sewer charge system shall take precedence over any terms or conditions of preexisting agreements or contracts between the Municipality and any person, which are inconsistent with Section 204(b)(1)(A) and 40 CFR Subpart E of the Clear Water Act.

### **13.55 AMOUNT OF SEWER SERVICE CHARGES.**

(A) **Category A Customers.** The user charge rates for Category A customers are as depicted in Appendix "A" attached hereto.

(B) **Category B Customers.** The user charge rates for Category B customers are as depicted in Appendix "B" attached hereto.

(C) **Category Reassignment.** The Approving Authority will reassign sewer users into appropriate sewer service charge categories if wastewater flow monitoring and sampling programs or other related information indicate a change of categories is necessary.

(D) **Residential Equivalent Unit (REU).** All metered and unmetered Category A or Category B users shall be assigned a Residential Equivalent Unit (REU) number for billing purposes, as is exhibited on the attached Appendix "B". All single family residential homes, duplexes, condominium units and townhouses will be assigned one (1) REU per dwelling unit. Each multi-family apartment building shall be assigned the requisite number of REUs based upon the following formula:

1<sup>st</sup> unit = 1 REU

2 through 4 units = Number of units x 80% per fixed charge

5 or more units = Number of units x 70% per fixed charge

**Example** – 10 unit apartment building – 1<sup>st</sup> unit = 1 REU

Units 2 through 4 = 3 REUs x 80% = 2.4 REUs

Units 5 through 10 = 6 REUs x 70% = 4.2 REUs

Total REUs of 7.6 REUs

All fractional REUs will be rounded up if greater than .5 to the next whole number and if .5 or less, rounded down to the next whole number.

(E) **Sewer Users Served by Private Wells.**

(1) If any residential customer discharging into the sanitary sewers procures all or any part of the water from sources other than the Somers Water Utility, all or part of which is discharged into the sanitary sewers, the customer shall have an assumed water usage of 288 gallons per day per residential unit (REU), for billing purposes.

(2) If any commercial or industrial customer discharging wastewater into the sanitary sewers procures any part or all of his water from sources other than the Somers Water Utility, all or part of which is discharged into the sanitary sewers, the customer shall have water meters installed by the Somers Water Utility at the customer's expense for the purpose of determining the volume of water obtained from these sources. Where sewer meters are installed, water meters will not be required. The water meters shall be furnished by the Somers Water Utility and installed under its supervision, all costs (including meter cost) being at the expense of the person requiring the meter.

(F) **Deduct Meters.** If an industrial user feels that a significant amount of metered water does not reach the sanitary sewer, the user, at user's expense, with approval of the Approving Authority, install such additional meters or metered services as are necessary to calculate the volume of water not discharged to

the sanitary sewer. Metered water not discharged to the sanitary sewer shall not be subject to sewer service charges. Request to install additional meters must be made in writing to the Approving Authority.

(G) **Identification of Service Charge Units.** Non-residential users of the sewer system who, in addition to their primary usage have residential units located on the premises, shall be billed for one (1) sewer service charge unit for each residential unit which is located at such premises in addition to the user charge units designated for such premises.

(H) **Multiple Uses.** Every location which has multiple uses, whether multiple residential uses or residential uses incidental to another use, shall be billed separately for each use or assigned an appropriate REU value, as depicted on Appendix "B".

### **13.56 BILLING PRACTICE.**

(A) **Calculation of Sewer Service Charges.** Sewer service charges shall be computed according to the rates and formula presented in this chapter.

(B) **Billing and Payment.** Sewer service charges shall be billed by the Municipality to the sewer users on a quarterly basis. Those persons billed shall pay such charges by the date fixed for final payment.

(C) **Delinquent Payments.** A penalty of one and one-half (1.5%) percent per month shall be added to all bills not paid by the date fixed for final payment.

(D) **Remedies for Failure to Make Payments.**

(1) **Suit.** Sewer service charges or other charges due from any person or user shall be deemed to be a debt due to the Municipality from that person or user. If sewer service charges or other charges are not paid when due, the Municipality may commence an action in a court of competent jurisdiction; and recover from such person or user the amount for charges or fees, and damages, if any, sustained by the Municipality as a result of such failure to pay, together with such costs and expenses as may be allowed by law.

(2) **Lien on property.** As an alternative to the above, the Municipality may direct that unpaid sewer service charges or other charges due from any person or user, shall be collected and taxed and shall be a lien upon the property served in the manner provided for in §66.0809(2), Wis. Stats., as amended from time to time.

(E) **Obligation for Payment.** The obligation for payment of the bills where the user is a non-property owner shall be that of the user. In the event of non-payment, the property owner shall be liable for the bill and the unpaid bill shall remain a lien against the property serviced until paid in accordance with this Chapter. The Municipality may send the bill for a user, who is a tenant, in care of the property owner who shall thereupon determine the method in which the payment shall be assured.



### 13.57 RIGHT OF ENTRY, SAFETY AND IDENTIFICATION.

(A) **Right of Entry.** The Approving Authority, Town Administrator or other duly authorized employees of the Municipality, bearing proper credentials and identification, shall be permitted to enter all properties for the purpose of inspection, observation or testing, all in accordance with the provisions of this Chapter.

(B) **Identification and Right to Enter Easements.** The Approving Authority or other duly authorized employees of the Municipality, bearing proper credentials and identification, shall be permitted to enter all private properties through which the Municipality holds an easement for the purpose of, but not limited to, inspection, observation, measurement, sampling, repair, and maintenance of any portion of the sewage works lying within said easement, all subject to the terms, if any, of such easement.

### 13.58 SEWER CONSTRUCTION AND CONNECTIONS.

(A) **Connection to Public Sewer.**

(1) **Requirement.** The owner of all houses, buildings, or properties used for human habitation, occupancy, employment, recreation, business or any other purposes, situated within the Town's current 208 service area and abutting on any streets, alley or right-of-way in which a public sewer is located, or in which the extension of the public sewer shall be deemed feasible by the Approving Authority, is hereby required at his expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this Chapter, within twelve (12) months after date of official notice to do so. There shall be no occupancy of any building until sewers have been connected to a sanitary disposal system.

(2) **Fee.** The connection fee shall be as delineated on the attached Appendix "C" attached hereto.

(B) **Private Sewage Disposal.**

(1) **Observation and Inspection.** Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, cesspool, or other facility intended or used for the disposal of sewage or human excrement.

(2) **Public sewer unavailable.** Where a public sanitary sewer is certified by the Approving Authority as not available to serve any house, building, or property, the building sewer shall be connected to a private sewage disposal system complying with the provisions set forth by the Wisconsin State Division of Health, the Wisconsin Department of Natural Resources, and the rules, regulations and orders of the Town of Somers and all amendments thereto, together with the applicable regulations of the

County of Kenosha sanitary code which is hereby made a part of this ordinance.

(3) **Permit.** Permit for any septic tank, holding tank, mound system or alternate treatment system intended or used as a means of private sewage disposal may be issued by the Sanitarian for the County of Kenosha only after certification by the Approving Authority that public sewers are not available to serve the property where it is proposed to install such a private sewage disposal system as described in subsection (B)(1) of this section.

(4) **Discontinuing private disposal.** At such time as a public sewer becomes available to a property served by a private sewage disposal system, a direct connection shall be made to the public sewer in compliance with this chapter, and any septic tanks, cesspools, and similar private sewage disposal facilities shall be abandoned and filled with suitable material in accordance with all applicable state, county and local statutes, ordinances, rules and regulations.

(5) **Operation.** The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, at no expense to the applicable Utility. If the disposal system P.O.W.T.S. is municipally operated, then the benefitted property owners shall share in the costs of operation based on flows as determined by the Utility.

(6) **Additional regulations.** No statement contained in this section shall be construed to interfere with any additional requirements that may be imposed by the Approving Authority or Building Inspector of the Town of Somers.

(C) **Building Sewers and Connections.**

(1) **Observation and Inspection.** The Board hereby authorizes its Utility or their designated representative under the direction of the Board of Commissioners of the Utility to perform an inspection of the drainage, drain laying and sewer connections, and to enforce all laws, ordinances and rules in relation thereto and to assist the Kenosha County Sanitarian in enforcement of P.O.W.T.S. system regulations. The Utility has the right to contract with an independent consulting engineer for the above described services with the costs absorbed by the benefitted property.

(2) **Permit for work.** No unauthorized person shall uncover, make any connections with or opening into, use, alter or disturb any public sewer or Utility run P.O.W.T.S. system or appurtenances thereof without first obtaining a written permit from the Approving Authority.

(3) **Connection permit.** No connection shall be made to any of the sewers of the Utility from any building, premises, excavation place, or property of any kind by any drain, top, or sewer intended or designed to, or capable of, discharging matter, whether fluid or solid, into the sewers of the Utility unless a permit has first been issued therefore by the Town Building Inspector.

(4) **Private or Municipal P.O.W.T.S. disposal permit.** No private or municipal P.O.W.T.S. sewage disposal system shall be installed unless a permit has first been issued therefor by the Kenosha County Sanitarian.

(5) **Application for permit.** The applicant for a sewer connection permit or private sewage disposal system shall file a written application for each permit with the Town Building Inspector for approval. Before the Utility shall issue such permit or approve the application so filed with them, a fee in accordance with Chapter 14 of the Code of Ordinances of the Town of Somers shall be collected from the applicant to cover inspection costs, and the Approving Authority shall inspect the premises covered by the application.

(6) **Classes of permits.** There shall be two (2) classes of building sewer connection permit fees for municipal sewer in accordance with Appendix "C" attached hereto.

(a) Permits for residential service.

(b) Permits for non-residential service.

In either case, the owner or his agent shall make application on a form furnished by the Utility. The permit application shall be supplemented by plans, specifications, or other information considered pertinent in the judgment of the Approving Authority.

(7) **Open lots, connections.** No permit shall be issued to connect with any sanitary sewer system whether public or P.O.W.T.S. of any lot, excavation or open basement. No permit shall be issued to connect any building with the sanitary sewer until such building is completely enclosed by roof, the outside wall backfilled to established grade, and all sanitary sewer lines within buildings that will be covered by basement floors have been inspected and approved by the Building Inspector and after the permanent floor has been constructed in the basement. In buildings without basements, the permit shall be issued after the footing and the subfloor have been constructed.

(8) **Expense.** All costs and expenses incident to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the Utility from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

(9) **Existing sewers.** Existing building sewers may be used in connection with new buildings or building additions only when they are found on examination and test by the Approving Authority to meet all requirements of this Chapter. No two (2) buildings shall be allowed to connect or remain connected to the same public municipal sewer lateral.

(10) **Sump pumps.** It shall be unlawful to connect any foundation drainage system

to any sanitary sewer system. It shall be unlawful to willfully allow any sump pump to be connected to any sanitary sewer.

(11) **Material, building sewer.** The building sewer shall be Polyvinyl Chloride (PVC) Pipe, ASTM Specification D-3034 SDR35; cast iron soil pipe ASTM Specification A74-42 or equal; or other suitable material approved by the Building Inspector. Joints shall be tight and waterproof. Cast iron pipe with leaded joints may be required by the Building Inspector where the building sewer is exposed to damage by tree roots. If installed in filled or unstable ground, the building sewer shall be of cast iron soil pipe, except that a non-metallic material may be accepted if laid on a suitable rock bed or cradle as approved by the Building Inspector.

(12) **Excavations.** All excavations required for the installation of a building sewer shall be open trench work unless otherwise approved by the Inspector. Pipe laying and backfill shall be performed in accordance with ASTM D-2321 Specifications and with regulations as set forth in the building and plumbing codes in force at the time of installation, except that no backfill shall be replaced until the work has been inspected.

(13) **Joints.** All joints and connections made in laying sewer and drain pipes shall be made gas-tight and water-tight. Jointing material approved by the State Plumbing Code contained in the Wisconsin Administrative Code, shall be acceptable.

(14) **Lifts.** In buildings which do not permit gravity flow to the public sewer, sanitary sewage may be lifted by approved artificial means and discharged to the building sewer at the expense of the building owner. Each building owner shall request approval from the Utility prior to connecting any pumping equipment.

(15) **Connection at "Y".** The connection of the building sewer into the public sewer shall be made at the provided "Y" branch. If no suitable "Y" branch is available, a nest hole may be cut into the public sewer to receive the building sewer with entry in the downstream direction at any angle of about forty-five (45 °) degrees. A forty-five (45 °) degree ell may be used to make such connection with the spigot and cut so as not to extend past the inner surface of the public sewer. The invert of the building sewer at the point of connection shall be at the same or at a higher elevation than the invert of the public sewer. All such cut-ins shall be done with a sewer tapping machine with fittings applied with epoxy compound. Special connections may be used for the connection only when approved by the Approving Authority. If the public sewer is broken or damaged in any manner by making a connection, the owner shall replace all damaged pipe in the public sewer at his expense.

(16) **Slope of sewer.** The size and slope of the building sewer shall be subject to the approval of the Building Inspector, but in no event shall the diameter be less than four (4) inches. The slope of such pipe shall be not less than one-eighth (1/8) inch per foot.

(17) **Depth.** Building sewer shall be so laid as to attain a seven (7) foot depth to the lot line, except where the public sewer main is less than seven (7) feet deep and a lesser depth for the building sewer is determined by the Approving Authority.

(18) **Replacing street surface.** All paved street crossings shall be bored as to not disturb the pavement except with approval of the Approving Authority. When opening any street surface or other public way, all material for paving and ballasting must be removed with the least possible loss of surfacing material and such material, together with the excavated material from the trenches, or otherwise, must be placed where it will cause the least inconvenience to the public. All such materials must be so placed that they will permit free passage of water along the gutters or ditches and the road or street must be at all times kept open for traffic. No more than the necessary amount of the trench may be dug until the slant or junction piece to the sewer is found. The backfilling must be puddled and the paving and ballast must be replaced in as nearly the original condition as possible, and to the satisfaction of the Approving Authority. All excavation for building sewers shall be adequately shored or braced to prevent the side walls from caving. When caving occurs, all of the street surface thus disturbed must be restored in the same careful manner as though it were any excavation or trench. When any excavation is made in the graveled or paved surface of a road or street, and the shoulder thereof, the spoils excavated must be removed and the excavation entirely backfilled with slurry thoroughly wet and consolidated. Any tunnels dug in gravel roads or pavement shall be backfilled with concrete, subject to the approval of the Building Inspector.

(19) **Protection of the public.** Every contractor must enclose each opening which he may make in the roads, streets, or public ways, with sufficient barriers. Yellow lights shall remain illuminated from sunset to sunrise, one (1) yellow light to be placed at each end of openings in streets, and the other lights to be placed in intervals of ten (10) feet. All necessary precautions shall be taken to guard the public effectively from accident or damage to persons or property for the duration of the project. Contractors and owners will be held liable for all damages, including costs incurred by the Utility or the Town in defending any action brought against them for damages and costs and of any appeal thereon that may result from the neglect of agents or employees of said plumber or himself, or any necessary precaution against injury or damage to persons, livestock, vehicles or property of any kind. Prior to the issuing of a permit, the Approving Authority shall require:

- (a) A performance and completion bond in the sum of Five Thousand (\$5,000.00) Dollars, insuring that the opened roads, streets, or public ways will be returned to their original condition.
- (b) Satisfactory evidence that the person, firm, or corporation applying for such permit carries public liability insurance in the sum of at least Two Hundred Fifty Thousand (\$250,000.00) Dollars, for injury to one (1) person and Five Hundred Thousand (\$500,000.00) Dollars, for one (1) accident.

(20) **Location of sanitary connections**. No person except a licensed plumber, as herein provided, shall be permitted to tap or make any connection with the general sewerage system or any part thereof. Such information as the Building Inspector or Engineer for the Utility may have with regard to the location of sewer junctions or slants will be furnished to plumbers, the Utility assuming no risk as to the accuracy of the same.

(D) **Plumber's License**. No person, firm or corporation shall carry on the business of plumbing or installation of plumbing or sewer connections or drain laying or do or perform any such work within the limits of the Town, until properly licensed by the State Division of Health, as required by law and as set forth in the Wisconsin State Plumbing Code as contained in the Wisconsin Administrative Code, and upon request shall exhibit the license to the Building Inspector.

(E) **Inspection of Connection**. The person making a connection to a public sewer or municipal P.O.W.T.S. shall notify the Building Inspector when the building sewer is ready for inspection and connection to the respective sewer system. The connection shall be inspected and approved by the Building Inspector prior to use of the building sewer.

### **13.59 AUDIT, NOTIFICATION AND RECORDS.**

(A) **Biennial Audit**. The Utility shall review, at least every two (2) years, the wastewater contribution of its sewer users, the operation and maintenance expenses of the wastewater collection facilities, and the sewer service charge system. Based on this review, the Utility shall revise the sewer service charge system, if necessary, to accomplish the following:

- (1) Maintain a proportionate distribution of operation and maintenance expenses among sewer users based on the wastewater volume and pollutant loadings discharged by the users;
- (2) Generate sufficient revenues to pay the operation and maintenance expenses of the wastewater collection facilities; and
- (3) Apply excess revenues collected from a class of users to the operation and maintenance expenses attributable to that class of users for the next year and adjust the sewer service charge rates accordingly.

(B) **Annual Notification**. The Utility shall, by detailed publication in a newspaper of general circulation, notify its sewer users annually about the sewer service charge rates. The notification shall show what portion of the rates are attributable to the operation and maintenance expenses, and the depreciation and return-on-investment costs of the wastewater collection facilities.

(C) **Records**. The Utility shall maintain records regarding wastewater flows and loadings, costs of the wastewater collection and treatment facilities, sampling programs, and other information which is necessary to document compliance with 40 CFR 35, Subpart E of the Clean Water Act.

## 13.60 LAND DEVELOPMENTS - SEWERS.

The following procedure shall be adhered to when new land developments require publicly owned and operated sewer systems where such development is subject to the provisions of Chapter 18 of these ordinances (Land Division and Platting Control):

(A) The Municipality, upon written request and submittal of a preliminary development plan by the owner, will authorize the District's engineers to prepare a preliminary cost estimate of required utilities for the purpose of determining the amount of the cash deposit required of the developer for additional engineering work.

(B) Upon deposit with the Utility of fifteen (15%) percent of the preliminary cost estimate by the owner, the Municipality will then authorize the District's engineers to prepare detailed plans and specifications for the required utilities. Upon completion of the plans and specifications, copies will be forwarded to all state approving agencies, the District and the owner.

(C) As a complete alternative to the provisions contained in subsections (A) and (B), above, the developer may utilize an engineer of the developer's choice for sewer system design in conformance with the provisions of Chapter 18 of these ordinances.

(D) Following approval of the plans, the Municipality shall authorize advertising the project for construction bids and shall receive such bids all in accordance with state statutes.

(E) Upon receipt of construction bids and the determination of the lowest responsible bidder, the District shall inform the owner of the amount of such bid and the name of the contractor to whom the contract shall be awarded should the project proceed. Should the owner determine that the cost of the proposed project is over that which the owner wishes to invest, all bids will be rejected, the contract will not be awarded, and the project canceled. All the costs incurred by the Utility for engineering, legal and administrative expenses up to this point will be deducted from the owner's fifteen (15%) percent deposit and any monies remaining shall be returned to the owner.

(F) If the owner elects to proceed with construction of the project, the owner shall deposit with the District, a total of one hundred twenty-five (125%) percent of the construction bid less that amount previously deposited for preparation of plans and specifications. This may be made in the form of a cash deposit or an irrevocable letter of credit acceptable to the Town Attorney, at the Approving Authority's option.

(1) Following deposit of the necessary funds to cover construction of the project and all expenses to be incurred by the District, including engineering, legal, administrative and contingencies, the District shall then award the project to the lowest responsible bidder and enter into a contract with the successful contractor all in accordance with state statutes.

(2) Upon completion of the construction project, the District shall take possession

and ownership of the sewer lines or P.O.W.T.S. system if it is to be municipal run and determine the final costs based on the "as built" quantities. Any monies remaining on deposit shall be returned to the owner. If sufficient funds for payment of all costs are not available from the deposited funds, the owner shall deposit the required additional amounts upon demand by the District within ten (10) days or as specified within a Developer's Agreement.

### **13.61 NOTICE OF VIOLATION.**

(A) **Written Notice of Violations.** Any person found to be violating any provision of this ordinance shall be declared a public nuisance and shall be served by the Utility 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.

(B) **Abatement of Nuisance Without Notice.** If the Utility determines that a public nuisance exists within the Utility and that there is great and immediate danger to the wastewater collection and treatment facilities or the public health, safety, peace, the Approving Authority may cause the same to be abated and charge the cost thereof to the owner, occupant or person causing, permitting or maintaining the nuisance as the case may be.

(C) **Discharge of Prohibited Wastewater.** Any person who shall discharge, or cause to be discharged, into the collection system, prohibited wastewater, as defined in this ordinance, shall immediately orally notify the Approving Authority or the Building Inspector and shall advise of the date, time, place and cause of such prohibited discharge, the nature, volume and concentration and any corrective action taken. The oral notice shall be reduced to writing and submitted to the Utility within ten (10) days of the accidental discharge. In addition thereto, any person who shall be found responsible for allowing an unauthorized discharge into the sanitary sewer system, and which causes damage to the system or the treatment facility, shall in addition to any fine or forfeiture, be responsible for any damages to the collection system or treatment facility resulting from an unauthorized discharge into the sanitary sewer system.

(D) **Septage Discharge Prohibited.** No person shall, in any manner whatsoever, discharge any septic tank sludge, holding tank sewerage or leachates into any of the municipal sanitary sewer collection systems of the Utility.

(E) **Kenosha Wastewater Regulations.** As a condition of the agreement between the Town of Somers Utility Districts and the Kenosha Water Utility, the Utility is required to comply with Rule 53 set forth in the discharge rules and regulations of the Kenosha Wastewater Treatment Facility as currently set forth in Ordinance #32.08. Said rules and regulations and any amendments thereto are hereby adopted as a part of this ordinance by reference, a copy of said rules and regulations being attached hereto and marked Appendix "D". In the event of a conflict in the interpretation of Rule 53 and this ordinance, whichever ordinance requires the most restrictive condition shall apply.

(F) **Racine Wastewater Regulations.** As a condition of the agreement between the KR Utility District and the Village of Mount Pleasant, Racine County, the KR Utility is required to comply with the



discharge rules and regulations of the City of Racine Wastewater Utility as set forth in the Code of Ordinances of the City of Racine. Said rules and regulations and any amendments thereto are hereby adopted as a part of this ordinance by reference, a copy of said rules and regulations being attached hereto and marked Appendix "E". In the event of a conflict in the interpretation of the rules contained in said Appendix "E" and this ordinance, whichever ordinance requires the most restrictive condition shall apply.

(G) **Penalties for Violations.** Any person who shall be convicted of any violation of this ordinance shall, forfeit not less than One Hundred (\$100.00) Dollars nor more than Five Hundred (\$500.00) Dollars, together with the costs of prosecution for the first violation and not less than Five Hundred (\$500.00) Dollars nor more than One Thousand (\$1,000.00) Dollars, together with the costs of prosecution for conviction of a second violation of this ordinance within one (1) year of the first conviction. In default of payment of such forfeiture and costs, said violator shall be imprisoned in the county jail for a period not to exceed thirty (30) days. Each day in which any violation is continued beyond the aforesaid notice time limit shall be deemed a separate offense.

In addition to any fine or forfeiture, any person, corporation or other entity violating any provisions of this ordinance shall become liable to the Utility for any expense, loss or damage by reason of such violation.

### **13.62 RULES FOR EXTENSIONS.**

(A) Extensions to existing sewer mains or construction of a municipal P.O.W.T.S. shall be initiated by written request to the Town Administrator.

(B) By submitting a written request, the owner agrees to pay the proportionate share of the estimated cost of making such extension.

(C) When the Board shall have ordered the construction of any municipal sewer system extension or new P.O.W.T.S., it shall become part of the sanitary sewer system, the cost of the improvement shall be assessed against the lots, parts of lots or parcels of land which front upon the proposed line of the sewer main and which are specifically benefitted thereby. Special assessments for sewer mains shall be in accordance with the procedures under §66.0703, Wis. Stats.

(D) When the cost of a sewer main extension has been determined, following notice and public hearing, notices of special assessment shall be mailed to the abutting property owners at the address appearing in the application. Bills for such special assessments shall be mailed following completion of construction and acceptance of the sewer. If such assessments have not been paid by October 1 of the year in which rendered, the amount of such assessments shall be certified to the Town Clerk/Treasurer by the Utility Financial Manager and the Clerk/Treasurer shall charge the amounts on the tax rolls of the Town to the property described to be collected according to law for the collection of general taxes.

(E) The amount assessed against any property shall be computed on a front footage basis using the total cost of the improvement including the construction cost for the size of main required to adequately serve and benefit the property as determined by the Board, but in no case shall such main be less than eight (8")

inches nor shall such main be larger than twelve (12") inches. The costs of engineering and legal services and any other item of direct or indirect cost which is attributed to the improvement, including the cost of that portion of the sewer main in intersections of streets and alleys, shall be included in computing the costs of the improvement.

(F) Where density of prospective customers does not warrant immediate assessment for the mains, extensions will be made on a customer financed basis. The Board will notify affected property owners of the impending deferred assessment and public hearing. Following the public hearing and appropriate Board action, all affected property owners will be notified of the deferred assessment as appropriate and become payable when the property is actually hooked up to the main or portions of the property benefitted by its hookup or connection thereto.

(1) The cost of the extension, including street intersections will be determined and the total allocated to general service. This amount will then be divided by the total assessable frontage of the project.

(2) As additional customers are connected to a sewer main that was originally paid for by customer contributions and not previously assessed, the Board will require a contribution from each new customer. The assessment rate shall be calculated using current prices for whatever size main is installed. This amount shall then be refunded pro rata to all customers along the extension whose remaining contribution exceeds what would have been assessed under subs. (C) and (E). The Board may make an assessment on the basis of area benefitted by the main extension.

(3) When extension of a customer-financed main is required to serve a new customer, the new extension will be considered as an entirely new project without refunds or other contribution connected with the original extension.

(G) When customers connect to sewer mains or a municipal P.O.W.T.S. constructed at the expense of the Utility, there will be an assessment based on a front foot cost or as may be determined by the Town Board on a per lot basis for mains benefitting the parcel and a proportionate share of any common filtration system of a P.O.W.T.S. an amount equal to the averaged costs of the system in the area of the given project.

(H) When the Board extends sewer mains for new customers on the basis of subs. (C), (E) and (F) above, the Approving Authority shall determine the required main size.

(I) Nothing herein shall prevent the Board from entering into a development agreement with the owner of a benefitted parcel or parcels which may provide, among other things, for a different method of calculation or imposition of special assessments for the extension of sewer services to such benefitted parcel or parcels including, but not limited to, provisions for oversizing of mains, deferral of assessments and the posting of security to insure future performance.

### **13.625 DEFERMENT OF SPECIAL ASSESSMENTS—A-1 AGRICULTURAL PROPERTY.**

Whenever the Town or one of its Utilities shall cause to be constructed a water or sanitary sewer main or appurtenances thereto in any highway, street, or right-of-way within the Town fronting property which is zoned A-1 "agricultural", the special assessment therefore will be deferred until such time as the property is rezoned to other than A-1 "agricultural" zoning, unless a sewer connection is made to a single-family dwelling or other building located on such property, in which case the deferment shall extend to all but the first two hundred (200') feet of such parcel. Two hundred (200') feet of such otherwise deferred parcel shall be subject to a current assessment consistent with the terms and conditions of similarly assessed property for such project. Should the A-1 "agricultural" parcel of real estate be split into smaller parcels and/or rezoned for other uses, any deferred special assessment shall immediately become due and payable, upon the terms provided for in such final resolution levying special assessments, upon the effective date of such rezoning or land division.

### **13.63 SEWER SYSTEM FACILITIES.**

Public sewer system facilities shall be required for land divisions located within reasonable proximity to such facilities and located within the sewer service area. The divider shall be responsible for the sewerage facilities, to make adequate sewer service available to each lot within the land division. The divider shall make provision for adequate sewer systems whether public sewer or P.O.W.T.S. as required by the Utility in accordance with the standards of the Wisconsin Department of Natural Resources and the Kenosha County Department of Planning & Zoning.

(A) The size, type, design, location and manner of installation of all public sewer mains and related sewer system facilities required or proposed to be constructed shall be in accordance with plans and specifications approved by the Commission, DNR and the "Standard Specifications for Sewer and Water Construction in Wisconsin".

(B) The divider shall bear the cost of installing all sewer mains, and sewer system appurtenances within the proposed land division except for the added material costs of installing oversized sewer mains greater than twelve (12") inches in diameter which are necessary to serve areas lying outside of the proposed land division. The divider shall bear the cost of installing all boundary sewer mains which are determined necessary by the Utility. The Utility shall reimburse the divider for the reasonable material costs of the required oversizing.

(C) Installation of all sewer system facilities shall be completed within the first twelve (12) month period following the last required approval of the final plat or certified survey map, unless the Town Board expressly waives or modifies this requirement for good cause shown.

### **13.64 APPEALS.**

(A) **Procedures.** Any user, permit applicant or permit holder affected by any decision, action or determination, including cease and desist orders made by an agent of the Utility interpreting or implementing the provision of this ordinance or in any permit issued herein, may file with the Town Administrator 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 Town Administrator shall render a decision on the request for reconsideration to the user, permit applicant or permit holder in writing within fifteen (15) days of receipt of request. If the ruling on the request for reconsideration is unsatisfactory, the person requesting reconsideration may, within ten (10) days after notification of the action, file a written appeal with the Board of Commissioners for the Utility.

(B) **Appeal Fee.** A fee of One Hundred (\$100.00) Dollars shall accompany any appeal to the Board of Commissioners for their ruling. This fee may be refunded if the appeal is sustained in favor of the appellant.

(C) **Appeal Hearing.** The written appeal shall be heard by the Board of Commissioners within thirty (30) days from the date of filing. The Board shall make a final ruling on the appeal within ten (10) days from the date of hearing.

### **13.65 CONFLICTING ORDINANCES REPEALED.**

(A) **Ordinances Repealed.** All ordinances or provisions of the Town of Somers relating to sewer use, industrial wastewater discharges, sewer connections and constructions which are in conflict or inconsistent with this ordinance are hereby repealed.

(B) **Separability Clause.** Any section, clause, sentence or provision of this ordinance which shall be declared invalid, shall not affect the validity of any other section, clause, sentence or provision of this ordinance which can be given effect without such invalid part or parts.

## **APPENDIX "A"**

The following rates shall be effective beginning with the 4<sup>th</sup> quarter which runs from approximately October 1, 2015 to December 31, 2015 on metered accounts and on flat rate accounts.

### **1 Somers Utility District**

Residential - (REU)	Fixed Charge	\$170.00/3 months
Non-Residential (per REU)		\$170.00/3 months

### **2 KR Utility District (Rates Revised and Effective 1-1-14)**

Residential (all units)	Somers administration fee	\$58.94/3 months
	Mt. Pleasant charge	\$125.00/3 months

### **3 Public Entities**

UW-Parkside	Meter volume billing at	
Petrifying Springs Park	\$6.4184 x 1,000 gallons	

**APPENDIX "B"**

<b>APARTMENT MULTI FAMILY</b>			Page 1
<b>Name</b>	<b>Address</b>	<b>REUs</b>	
<b>Bayside Apartments</b>			
	1455 Sheridan Road	6	
	1465 Sheridan Road	17	
<b>Bayside Town Home</b>			
	1521 Sheridan Road	6	
	1523 Sheridan Road	6	
	1525 Sheridan Road	6	
	1527 Sheridan Road	6	
<b>Benning Apartments</b>	8700 11 <sup>th</sup> Street	9	
<b>Bilotti Apartments</b>	815 16 <sup>th</sup> Place	6	
<b>CP Rentals</b>	1405 Sheridan Road - Building #1	3	
	1405 Sheridan Road - Building #2	3	
	1405 Sheridan Road - house #1	1	
	1405 Sheridan Road - house #2	1	
<b>Cambridge Apartments</b>			
	612 15 <sup>th</sup> Place	23	
	615 15 <sup>th</sup> Place	23	
<b>Carthage Apartments</b>	1625 Sheridan Road	6	
<b>Dejno Apartments</b>	1138 87 <sup>th</sup> Avenue	9	
<b>Edgewater Apartments</b>	1073 Sheridan Road	15	
<b>Evergreen Apartments</b>	1335 Sheridan Road	12	
<b>Elizabeth Manor Apartments</b>	8527 12 <sup>th</sup> Place	9	
<b>Heberling Apartments</b>	1108 87 <sup>th</sup> Avenue	9	
<b>Home Inspired Senior Living</b>	1201 Village Centre Drive	23	
<b>Lakeshore Apartments</b>	1093 Sheridan Road	12	

**APARTMENT MULTI FAMILY**

Name	Address	REUs
<b>Lasser Apartments</b>		
	1139 87 <sup>th</sup> Avenue	9
	1103 87 <sup>th</sup> Avenue	9
<b>Lichter Apartments</b>	8605 12 <sup>th</sup> Place	3
<b>Milgiano Apartments</b>	1107 88 <sup>th</sup> Avenue	9
<b>Orchard Court</b>		
	932 Wood Road	23
	953 Wood Road	24
	Laundry Unit - 965 Wood Road	2
	969 Wood Road	26
	979 Wood Road	26
	999 Wood Road	16
<b>Villa Rosa</b>		
	702 Sheridan Road	7
	704 Sheridan Road	7
	712 Sheridan Road	7
	716 Sheridan Road	9
	718 Sheridan Road	9
	720 Sheridan Road	9
	724 Sheridan Road	9
	726 Sheridan Road	9
	728 Sheridan Road	9
	730 Sheridan Road	9
	732 Sheridan Road	9
	708 Sheridan Road	9
	Club House - 718 Sheridan Road	1

**TRAILER PARKS**

Name	Address	REUs
<b>Alford Park Mobile Home</b>	1870 Sheridan Road	31
<b>Embassy Park Mobile Home</b>	1784 Sheridan Road	26
<b>Hillcrest Mobile Home &amp; House</b>	3705 27 <sup>th</sup> Street	41
<b>Mid City Park Mobile Home</b>	1530 Sheridan Road	8

**CONDOMINIUMS/TOWNHOUSES**

Name	Address	REUs
<b>Avalon Park Condos</b>	[REDACTED]	[REDACTED]
	6300 44 <sup>th</sup> Street, Bldg. 12	8
	6301 44 <sup>th</sup> Street, Bldg. 11	8
	6308 44 <sup>th</sup> Street, Bldg. 18	8
	6302 43 <sup>rd</sup> Street, Bldg. 10	7
	6503 44 <sup>th</sup> Street, Bldg. 13	8
	6307 43 <sup>rd</sup> Street, Bldg. 17	8
	6316 43 <sup>rd</sup> Street, Bldg. 8	4
	6310 43 <sup>rd</sup> Street, Bldg. 9	8
	6311 44 <sup>th</sup> Street, Bldg. 14	8
	6314 44 <sup>th</sup> Street, Bldg. 15	4
	6313 43 <sup>rd</sup> Street, Bldg. 16	4
	6320 43 <sup>rd</sup> Street, Bldg. 7	8
	6302 45 <sup>th</sup> Street, Units 11-12	2
	6306 45 <sup>th</sup> Street, Units 21-22	2
	6320 45 <sup>th</sup> Street, Units 31-32	2
	6322 45 <sup>th</sup> Street, Units 41-42	2
	4407 64 <sup>th</sup> Avenue, Units 51-52	2



**CONDOMINIUMS/TOWNHOUSES**

Name	Address	REUs
<b>Carrington Court Condos</b>		
	2520 11 <sup>th</sup> Place	12
	2880 11 <sup>th</sup> Place	12
	2825 11 <sup>th</sup> Place	11
	2775 11 <sup>th</sup> Place	12
	2705 11 <sup>th</sup> Place	12
	2750 11 <sup>th</sup> Place	12
	2645 11 <sup>th</sup> Place	12
	2515 11 <sup>th</sup> Place	12
	2660 11 <sup>th</sup> Place	12
<b>Carrington Place Condos</b>		
	2425 11 <sup>th</sup> Place	8
	2320 11 <sup>th</sup> Place	4
	2410 11 <sup>th</sup> Place	8
<b>Country Meadows</b>		
	1901 2 <sup>nd</sup> Place	1
	1903 2 <sup>nd</sup> Place	1
	1905 2 <sup>nd</sup> Place	1
	1907 2 <sup>nd</sup> Place	1
	1909 2 <sup>nd</sup> Place	1
	1911 2 <sup>nd</sup> Place	1
	1913 2 <sup>nd</sup> Place	1
	1915 2 <sup>nd</sup> Place	1
	1917 2 <sup>nd</sup> Place	1

**CONDOMINIUMS/TOWNHOUSES**

Name	Address	REUs
<b>Country Meadows</b>		
	2001 2 <sup>nd</sup> Place	1
	2003 2 <sup>nd</sup> Place	1
	2005 2 <sup>nd</sup> Place	1
	2007 2 <sup>nd</sup> Place	1
	2009 2 <sup>nd</sup> Place	1
	2011 2 <sup>nd</sup> Place	1
	2013 2 <sup>nd</sup> Place	1
	2015 2 <sup>nd</sup> Place	1
	2101 2 <sup>nd</sup> Place	1
	2103 2 <sup>nd</sup> Place	1
	2105 2 <sup>nd</sup> Place	1
	2107 2 <sup>nd</sup> Place	1
	2109 2 <sup>nd</sup> Place	1
	2111 2 <sup>nd</sup> Place	1
	2002 3 <sup>rd</sup> Street	1
	2004 3 <sup>rd</sup> Street	1
	2006 3 <sup>rd</sup> Street	1
	2008 3 <sup>rd</sup> Street	1
	2010 3 <sup>rd</sup> Street	1
	2012 3 <sup>rd</sup> Street	1
	2014 3 <sup>rd</sup> Street	1
	2104 3 <sup>rd</sup> Street	1
	2106 3 <sup>rd</sup> Street	1

**CONDOMINIUMS/TOWNHOUSES**

Name	Address	REUs
<b>Country Meadows</b>		
	2108 3 <sup>rd</sup> Street	1
	2110 3 <sup>rd</sup> Street	1
	2112 3 <sup>rd</sup> Street	1
<b>Durable Properties</b>		
	100 2 <sup>nd</sup> Lane	1
	100 2 <sup>nd</sup> Place	1
	101 2 <sup>nd</sup> Lane	1
	101 2 <sup>nd</sup> Place	1
	102 2 <sup>nd</sup> Lane	1
	102 2 <sup>nd</sup> Place	1
	103 2 <sup>nd</sup> Lane	1
	103 2 <sup>nd</sup> Place	1
	104 2 <sup>nd</sup> Place	1
	104 2 <sup>nd</sup> Lane	1
	105 2 <sup>nd</sup> Place	1
	105 2 <sup>nd</sup> Lane	1
	106 2 <sup>nd</sup> Place	1
	106 2 <sup>nd</sup> Lane	1
<b>Seawall Condos</b>		
	141 Lakeshore Drive – A1–A6	6
	141 Lakeshore Drive – B1–B8	8
	141 Lakeshore Drive – C1–C8	8
	141 Lakeshore Drive – E1–E12	12

**CONDOMINIUMS/TOWNHOUSES**

Name	Address	REUs
<b>Somers Estates Condos</b>		
	1102 25 <sup>th</sup> Avenue	1
	1104 25 <sup>th</sup> Avenue	1
	2601 11 <sup>th</sup> Street	1
	2603 11 <sup>th</sup> Street	1
	2613 11 <sup>th</sup> Street	1
	2615 11 <sup>th</sup> Street	1
	2625 11 <sup>th</sup> Street	1
	2627 11 <sup>th</sup> Street	1
	1107 27 <sup>th</sup> Avenue	1
	1109 27 <sup>th</sup> Avenue	1
	1104 27 <sup>th</sup> Avenue	1
	1106 27 <sup>th</sup> Avenue	1
	2803 11 <sup>th</sup> Street	1
	2805 11 <sup>th</sup> Street	1
	2815 11 <sup>th</sup> Street	1
	2817 11 <sup>th</sup> Street	1
	2827 11 <sup>th</sup> Street	1
	2828 11 <sup>th</sup> Street	1
	2901 11 <sup>th</sup> Street	1
	2903 11 <sup>th</sup> Street	1
	2911 11 <sup>th</sup> Street	1
	2913 11 <sup>th</sup> Street	1
	2921 11 <sup>th</sup> Street	1

**CONDOMINIUMS/TOWNHOUSES**

Name	Address	REUs
<b>Somers Estates Condos</b>		
	2923 11 <sup>th</sup> Street	1
<b>Village Center</b>		
	1262 Village Center Drive B1	8
	1264 Village Center Drive B1	8
	1260 Village Center Drive B1	8
	1256 Village Center Drive B2	8
	1254 Village Center Drive B2	8
	1250 Village Center Drive B2	4
	1252 Village Center Drive B2	8
	1292 Village Center Drive B3	8
	1294 Village Center Drive B3	4
	1296 Village Center Drive B3	8
	1290 Village Center Drive B3	8
	1280 Village Center Drive B4	8
	1284 Village Center Drive B4	8
	1282 Village Center Drive B5	8
	1270 Village Center Drive B5	8
	1274 Village Center Drive B5	8
	1272 Village Center Drive B5	8
	1276 Village Center Drive B5	8
<b>Watring</b>	517 Sheridan Road	3

**COMMERCIAL**

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<b>Name</b>	<b>Address</b>	<b>REUs</b>
We Energies Gas	201 1 <sup>st</sup> Street	2
Hoppe Com, LLC	515 11 <sup>th</sup> Place	1
Church & Daycare	1918 12 <sup>th</sup> Street	3
Southport Supply	7426 12 <sup>th</sup> Street	1
Neumiller Farms & buildings	7831 12 <sup>th</sup> Street	3
Beauty Shop & Eye Care	8001 12 <sup>th</sup> Street	2
Tina's Somers Inn Bar	8013 12 <sup>th</sup> Street	4
Firefly art store	8101 12 <sup>th</sup> Street	1
Metal Building Erectors	8126 12 <sup>th</sup> Street	4
Shoreland Lutheran School	9026 12 <sup>th</sup> Street	4
Randy's Landscape	8100 12 <sup>th</sup> Place	1
LM Holdings/Co-Op	8101 12 <sup>th</sup> Place	1
Kenosha Country Club	500 13 <sup>th</sup> Avenue	11
AT&T	255 22 <sup>nd</sup> Avenue	1
Kenosha Country Club Outbuilding	601 22 <sup>nd</sup> Avenue	1
Diann's Bar	1543 22 <sup>nd</sup> Avenue	2
Clear View Design, Inc.	1952 22 <sup>nd</sup> Avenue	1
Schuch Wagner Investments	3617 27 <sup>th</sup> Street	1
Suburban Garden & Pet	2704 30 <sup>th</sup> Avenue	1
Smith Holdings, LLC	6410 60 <sup>th</sup> Street	1
Somers Elementary School	1245 72 <sup>nd</sup> Avenue	5
House & Commercial Building	1211 88 <sup>th</sup> Avenue	1

**COMMERCIAL**

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<b>Name</b>	<b>Address</b>	<b>REUs</b>
Birchell & store	1266 100 <sup>th</sup> Avenue	1
Hell's Kitchen Sturino	1200 Birch Road	1
Taco El Rey	2000 Birch Road	2
Sam's Club	3300 Brumback Blvd.	10
Walmart	3500 Brumback Blvd.	14
Sam's Club Gas & Car Wash	3520 Brumback Blvd.	13
7 Eleven & gas station	1150 Green Bay Road	2
Scores Bar	1200 Green Bay Road	2
R&B Enterprises	1952 Green Bay Road	1
Platinum Systems	4600 Green Bay Road	2
Metz Medical, Inc.	4720 Green Bay Road	1
Church of Christ of Kenosha	4806 Green Bay Road	2
JW Property Management	4816 Green Bay Road	2
Esther Falcone Hair Salon	4928 Green Bay Road	1
Mastercraft Builders	5008 Green Bay Road	1
Vic Tanny Gym	144 Lakeshore Drive	1
Hob Nob	277 Sheridan Road	9
Bob's Campers	306 Sheridan Road	1
Aaen Performance	316 Sheridan Road	1
Kawasaki Dealer	321 Sheridan Road	1
Linstroth Manufacturing	386 Sheridan Road	1
Jensen Ice Cream	410 Sheridan Road	1
Bob's Restaurant	422 Sheridan Road	2
Woodworking Norton	540 Sheridan Road	1

**COMMERCIAL**

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<b>Name</b>	<b>Address</b>	<b>REUs</b>
Bluebird Motel & House	777 Sheridan Road	2
Bluebird Motel	779 Sheridan Road	3
The Mart	804 Sheridan Road	1
Wally's Sales & Service	966 Sheridan Road	1
White Brick Motel & 1 House	973 Sheridan Road	7
Surfside Lanes & Bar	1015 Sheridan Road	2
Sand's Bar & Rentals	1091 Sheridan Road	2
Red Oaks Motel	1098 Sheridan Road	6
Commercial	1104 Sheridan Road	1
Lakeshore Finishing	1110 Sheridan Road	1
Car Lot	1128 Sheridan Road	1
Red Olive	1146 Sheridan Road	1
Beachaire Motel & House	1147 Sheridan Road	6
Arjay's Floor & 2 house rentals	1155 Sheridan Road	3
Aaen Olav	1266 Sheridan Road	1
Badger self-storage Units	1280 Sheridan Road	1
Cortese Restaurant	1300 Sheridan Road	2
2 rental units	1444 Sheridan Road	1
Eagle Trading Gun Shop	1452 Sheridan Road	1
Office building & paint store	1545 Sheridan Road	1
Somers House Bar	1548 Sheridan Road	4
El Farcazo Apartment & Bar	1778 Sheridan Road	3
Superette Store	1810 Sheridan Road	1
Queensway Laundry	1814 Sheridan Road	11



**COMMERCIAL**

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<b>Name</b>	<b>Address</b>	<b>REUs</b>
Parkview Motel & House	2101 Sheridan Road	3
Parkview Bar	2101 Sheridan Road	1

## APPENDIX “C”

(1) **Amount–Residential Users.** The Developer or individual residential users shall pay a sanitary sewer connection fee to the Town Clerk/Treasurer for each installation in the amount of Two Thousand Eight Hundred (\$2,800.00) Dollars at the time of application for the connection permit for a single-family residential dwelling or the first unit of a multi-family residential building and Two Thousand (\$2,000.00) Dollars for the second unit and One Thousand Six Hundred (\$1,600.00) Dollars for the third and each subsequent unit in multi-family buildings.

(2) **Amount–Non-Residential Users.** The Developer or owner shall pay to the Town Clerk/Treasurer as a condition of approval by the Town Board of a final plat, site plan, certified survey map, planned unit development or condominium plat a sanitary sewer connection fee of Two Thousand Eight (\$2,800.00) Dollars multiplied by the residential equivalency unit (REU) ratio for the applicable water meter size and type from the table set forth below for each buildable lot or unit included in the final plat, site plan, certified survey map, planned unit development or condominium plat. The total sanitary sewer connection fee attributable to each buildable lot or unit within the proposed non-residential use development shall be payable upon the issuance of a building permit, unless otherwise agreed by the Town and the Developer by written Development Agreement.

<b>Meter Size (Inches)</b>	<b>Meter Type</b>	<b>AWWA Standards Flow (GPM)</b>	<b>REU Ratio</b>
¾" or less	Displacement	15	1.0
1	Displacement	25	1.7
1½	Displacement	50	3.3
2	Displacement	80	5.3
2	Compound	80	5.3
2	Turbine	100	6.7
3	Compound	160	10.7
3	Turbine	240	16.0
4	Compound	250	16.7
4	Turbine	420	28.0
6	Compound	500	33.3
6	Turbine	920	61.3
8	Compound	800	53.3
8	Turbine	1600	106.7
10	Compound	1150	76.7
10	Turbine	2500	166.7