

TITLE 9

Public Utilities

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Water Utility Regulations and Rates

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Article A: Rates

Sec. 9-1-1 Public Fire Protection Service—F-1.

- (a) The annual charge for public fire protection service to the City of Owen shall be One Hundred Fifty-three Thousand Nine Hundred Thirteen Dollars (\$153,913.00).
- (b) The annual charge shall never be less than One Hundred Fifty-three Thousand Nine Hundred Thirteen Dollars (\$153,913.00). For all extensions of fire protection service, there shall be an additional annual charge of One Thousand One Hundred Twenty-eight (\$1,128.00) per net hydrant added to the system in excess of eight-one (81) hydrants.
- (c) This service shall include the use of hydrants for fire protection service only and such quantities of water as may be demanded for the purposes of extinguishing fires within the service area only. This service shall also include water used for testing equipment and training personnel. For all other purposes, the metered or other rates set forth, or as may be filed with the Public Service Commission, shall apply.

Sec. 9-1-2 General Service—Metered—Mg-1.

(a) **Quarterly Service Charge:**

5/8-inch meter -	\$ 51.00
3/4-inch meter -	\$ 51.00
1-inch meter -	\$ 81.00
1-1/4-inch meter -	\$ 111.00
1-1/2-inch meter -	\$ 150.00
2-inch meter -	\$ 240.00
3-inch meter -	\$ 420.00
4-inch meter -	\$ 600.00
6-inch meter -	\$ 810.00
8-inch meter -	\$ 1,020.00
10-inch meter -	\$ 1,260.00
12-inch meter -	\$ 1,500.00

(b) **Volume Charge:**

First	20,000 gallons used each quarter	-	\$ 5.87 per 1,000 gallons
Next	80,000 gallons used each quarter	-	\$ 5.57 per 1,000 gallons
Next	900,000.00 gallons used each quarter	-	\$ 5.32 per 1,000 gallons
Over	1,000,000.00 gallons used each quarter	-	\$ 4.77 per 1,000 gallons.

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- (c) **Billing.** Bills for water service are rendered quarterly and become due and payable upon issuance following the period for which service is rendered. A late payment charge of one percent (1%) per month will be added to bills not paid within twenty (20) days of issuance. The late payment charge will be applied to the total unpaid balance for utility service, including unpaid late payment charges. This late payment charge is applicable to all customers. The Water Utility customer may be given a written notice that the bill is overdue no sooner than twenty (20) days after the bill is issued. Unless payment or satisfactory arrangement for payment is made within the next ten (10) days, service may be disconnected pursuant to Chapter PSC 185, Wis. Adm. Code.
- (d) **Monthly Billing.** Upon customer request, bills for water service may be rendered monthly. The Utility shall compute estimated monthly bills for the first two (2) months of a regular quarterly meter reading period and compute the bill for the third month at the regular quarterly rates for service deducting the estimated bills for the first two (2) months.
- (e) **Combined Metering.** Volumetric meter readings will be combined for billing if the Water Utility *for its own convenience* places more than one (1) meter on a single water service lateral. Multiple meters placed for the purpose of identifying water not discharged into the sanitary sewer are *not* considered for Utility convenience and shall not be combined for billing. This requirement does not preclude the Utility from combining readings where metering configurations permit such an approach. Meter readings from individually metered separate service laterals shall *not* be combined for billing purposes.

Sec. 9-1-3 General Service—Suburban—Mg-2.

Water customers residing outside the corporate limits of the City of Owen shall be billed at the regular rates for service (Schedule Mg-1) plus a twenty-five percent (25%) surcharge.

Sec. 9-1-4 General Water Service—Unmetered—Ug-1.

- (a) **Rate.** Where the Water Utility cannot immediately install its water meter, service may be supplied temporarily on an unmetered basis. Such service shall be billed at the rate of One Hundred Nine and 70/100 Dollars (\$109.70) per quarter. This rate shall be applied only to single-family residential and small commercial customers and approximates the cost of ten thousand (10,000) gallons per quarter under Mg-1. If it is determined by the Water Utility that usage is in excess of ten thousand (10,000) gallons per quarter, an additional charge per Schedule Mg-1 will be made for the estimated additional usage.
- (b) **Billing.** Same as Schedule Mg-1.

Sec. 9-1-5 Public Service—Mpa-1.

- (a) Water service supplied to municipal buildings, schools, sewer treatment plants, etc., shall be metered and the regular metered service rates (Schedule Mg-1) applied.
- (b) Water used on an intermittent basis for flushing sewers, street sprinkling, flooding skating rinks, drinking fountains, etc., shall be metered where meters can be set to measure the service. Where it is impossible to measure the service, the Superintendent shall estimate the volume of water used based on the pressure, size of opening and period of time water is allowed to be drawn. The estimated quantity used shall be billed at the rate of ????? per one thousand (1,000) gallons.
- (c) Billing shall be the same as Schedule Mg-1.

Sec. 9-1-6 Reconnection Charges—R-1.

	During Normal Business Hours	After Normal Business Hours
Reinstallation of meter, including valving at curb stop	\$ 30.00	\$45.00
Valve turned on at curb stop	\$ 25.00	\$37.50

NOTE: No charge for disconnection.
Billing shall be the same as Schedule Mg-1.

Sec. 9-1-7 Building and Construction Water Service—Mz-1.

- (a) For single-family and small commercial buildings, apply the unmetered rate, Schedule Ug-1.
- (b) For large commercial, industrial, or multiple apartment buildings, a temporary metered installation shall be made and general, metered rates (Mg-1) applied.
- (c) Billing shall be the same as Schedule Mg-1.

Sec. 9-1-8 Seasonal, Emergency or Temporary Service—Mgt-1.

- (a) Seasonal customers* shall pay an annual seasonal service charge equal to four (4) times the applicable service charge in Schedule Mg-1. Water use in any billing period shall be billed at the applicable volume rates in Schedule Mg-1 and the charge added to the annual seasonal service charge.

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- (b) In addition, customers who have an additional meter pursuant to Schedule Am-1 shall also pay an annual seasonal rental charge equal to four (4) times the applicable additional meter rental charge in Schedule Am-1.
- (c) Further, if service has been disconnected or a meter removed, a charge under Schedule R-1 shall be applied at the time of reconnection or meter reinstallation.
- (d) Billing shall be the same as Schedule Mg-1.

*Seasonal customers are general service customers whose use of water is normally for recurring periods of less than a year. This includes service under Schedule Mg-1 and/or Schedule Am-1.

Sec. 9-1-9 Bulk Water—Bw—1.

- (a) All bulk water supplied from the water system through hydrants or other connections shall be metered, or at the direction of the Water Utility, estimated. Water Utility personnel or a utility-approved party shall supervise the delivery of water.
- (b) Bulk water sales are:
 - (1) Water supplied by tank trucks or from hydrants for the purpose of extinguishing fires outside the Utility's immediate service area;
 - (2) Water supplied by tank trucks or from hydrants for purposes other than extinguishing fires, such as irrigation or the filling of swimming pools; or
 - (3) Water supplied from hydrants or other temporary connections for general service type applications. (Water supplied for construction purposes — see Schedule Mz-1).
- (c) A charge for the volume of water used will be billed to the party using the water at Five and 87/100 Dollars (\$5.87) per one thousand (1,000) gallons. A service charge, in addition to the volumetric charge, will be Thirty Dollars (\$30.00). In addition, for meters that are assigned to bulk water customers for more than thirty (30) days, the applicable service charge in Schedule Mg-1 will apply after the first thirty (30) days.
- (d) The Water Utility may require reasonable deposits for the temporary use of its equipment under this and other rate schedules. The deposit(s) collected will be refunded upon return of the utility's equipment. Damaged or lost equipment will be repaired or replaced at the customer's expense.
- (e) Billing shall be the same as Schedule Mg-1.

Sec. 9-1-10 Private Fire—Protection Service—Unmetered—Upf—1.

- (a) **Availability.** This service shall consist of permanent or continuous unmetered connections to the main for the purpose of supplying water to private fire protection systems such as automatic sprinkler systems, standpipes, and private hydrants.

- (b) **Quarterly Private Fire Protection Service Demand Charges.** Quarterly demand charges for private fire-protection service:

Size of Connection	Charge
2-inch or smaller	\$ 66.90
3-inch	\$ 126.00
4-inch	\$ 210.00
6-inch	\$ 417.00
8-inch	\$ 669.00
10-inch	\$ 1,005.00
12-inch	\$ 1,464.00

- (c) **Billing.** Same provisions as for general service Schedule Mg-1.

Sec. 9-1-11 Water Lateral Installation Charge—Cz-1.

- (a) Subdivision developers shall be responsible, where the main extension has been approved by the Utility, for the water service lateral installation costs from the main through the curb stop and box.
- (b) When the cost of a Water Utility main extension is to be collected through assessment by the municipality, the actual average water lateral installation costs from the main through the curb stop and box shall be included in the assessment of the appropriate properties.
- (c) The initial water lateral(s), not installed as part of a subdivision development or an assessable Utility extension, will be installed from the main through the curb stop and box by the Utility, for which the actual cost will be charged.
- (d) Billing shall be the same as Schedule Mg-1.

Sec. 9-1-12 Non-Sufficient Funds Charges—NSF-1.

A Twenty-five Dollar (\$25.00) charge will be applied to the customer's account when a check rendered for utility service is returned for non-sufficient funds. This charge may not be in addition to, but may be inclusive of, other non-sufficient funds charges when the check was for payment of multiple services.

Sec. 9-1-13 Additional Meter Rental Charge—Am-1.

- (a) If a customer requests the installation of an additional meter* to receive credit for clear water not discharged into the sanitary sewer system, or if a sewerage service customer who

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is not a customer of the water utility requests the installation of a meter to determine the volume of sewage discharged into the sanitary sewer system, the utility shall furnish and install this additional meter. This rate applies to single-family residential and small commercial customers. At utility discretion, it may also be applied to other customers. A rental fee shall be charged for the use of this meter and the following rates shall apply:

5/8-inch meter -	\$	15.00 per quarter
3/4-inch meter -	\$	15.00 per quarter
1-inch meter -	\$	24.00 per quarter
1-1/4-inch meter -	\$	33.00 per quarter
1-1/2-inch meter -	\$	45.00 per quarter

- (b) Initial Meter Installation Charge - \$30.00
- (c) Billing - shall be the same as Schedule Mg-1.

* For this rate to apply, the additional meter must be installed on the same service lateral as the primary meter. For other configurations, Schedule Mg-1 applies.

Sec. 9-1-14 Wholesale Water Service—W-1.

In event of an emergency need, water service will be furnished to the Village of Withee at the following rate:

Volume Charge:

\$4.36 for each 1,000 gallons of water.

Sec. 9-1-15 Purchased Water Adjustment Clause—PWAC-1.

(a) **Application.**

- (1) The Owen Municipal Water Utility (Utility) may apply a purchased water adjustment clause (PWAC) to its water rates set forth under Schedules F-1 and Mg-1 to reflect an increase or decrease in the rates charged by its wholesale water supplier, Withee Municipal Water Utility (wholesaler). The adjustment can be made effective on or after the effective date of the wholesaler's rate change. Adjustment under this PWAC which results in an increase cannot be effective until the Utility has filed the proposed change with the Public Service Commission (Commission) and the Commission has accepted the adjustment for filing. The Utility shall provide notice to its customers of such change in rates resulting from application of the PWAC.

- (2) The Utility must request Commission authorization for a PWAC rate change within ninety (90) days of a change in its wholesale water supplier's rates or forfeit adjustment to its rates under the PWAC until the time of its next rate case.

(b) **Calculation of Adjusted Annual Public Fire Protection Charge—F-1.**

$$AFP = FP + A$$

Where: AFP = Adjusted annual charge for public fire protection service to the City of Owen.

FP = Existing annual retail charge for public fire protection service including additional unit charges under the Utility's Schedule F-1 rate. (Note: State the number of existing hydrants at the time of filing for a PWAC.)

A = New wholesale fire protection charge less existing wholesale fire protection charge.

(c) **Calculation of Adjusted Quarterly Service Charges—Mg-1.**

$$C = Z \times (1 + P)$$

$$P = (N - B)/T$$

Where: C = Adjusted Schedule Mg-1 quarterly retail service charges rounded up to the nearest cent.

Z = Existing Schedule Mg-1 quarterly retail service charges at existing rates.

P = Adjustment factor rounded up to the nearest hundredth of a percent.

N = New quarterly wholesale service charge.

B = Existing quarterly wholesale service charge.

T = Total quarterly dollar revenue from quarterly retail service charges per Schedule Mg-1.

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(d) **Commodity Charge Adjustment—Mg-1.**

$$AVBR = VBR + A$$

Where: AVBR = Adjusted Schedule Mg-1 quarterly retail volume block rates rounded up to the nearest cent.

VBR = Existing Schedule Mg-1 quarterly retail volume block rates.

A = New wholesale volume charge less the existing wholesale volume charge.

Sec. 9-1-16 through Sec. 9-1-19 Reserved for Future Use.

Article B: Rules and Regulations

Sec. 9-1-20 Compliance with Rules.

All persons now receiving a water supply from the City of Owen Water Utility, or who may request service in the future, shall be considered as having agreed to be bound by the rules and regulations as filed with the Public Service Commission of Wisconsin.

Sec. 9-1-21 Establishment of Service.

- (e) Application for water service shall be made in writing on a form furnished by the Water Utility. The application will contain the legal description of the property to be served, name of the owner, the exact use to be made of the service, and the size of the service lateral and meter desired. (Note particularly any special refrigeration, fire protection, or water-consuming air conditioning appliances.)
- (f) Service will be furnished only if:
 - (1) Premises have a frontage on a properly platted street or public strip in which a cast iron or other long-life water main has been laid, or where property owner has agreed to and complied with the provisions of the Water Utility's filed main extension rule.
 - (2) Property owner has installed or agrees to install a service lateral from the curb stop to the point of use that is not less than six (6) feet below the surface of an established or proposed grade, and meets the Water Utility's specifications, and
 - (3) Premises have adequate piping beyond metering point.
- (g) The owner of a multi-unit dwelling has the option of being served by individual metered water service to each unit. The owner, by selecting this option, is required to provide interior plumbing and meter settings to enable individual metered service to each unit and individual disconnection without affecting service to the other units. Each meter and meter connection will be treated as a separate Water Utility account for the purpose of the filed rules and regulations.
- (h) No division of the water service lateral of any lot or parcel of land shall be made for the extension and independent meterage of the supply to an adjoining lot or parcel of land. No division of a water service lateral shall be made at the curb for separate supplies for two (2) or more separate premises having frontage on any street or public service strip, whether owned by the same or different parties. Duplexes shall be served from one lateral, provided that individual metered service and disconnection is provided, and it is permitted by local ordinance.
- (i) The Water Utility may withhold approval of any application wherein full information of the purpose of such supply is not clearly indicated and set forth by the applicant property owner.

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- (j) Buildings used in the same business, located on the same parcel, and served by a single lateral may have the customer's water supply piping installed to a central point so that the volume can be metered in one (1) place.

Sec. 9-1-22 Service Contract; Reconnection of Service.

- (a) The minimum service contract period shall be one (1) year unless otherwise specified by special contract or in the applicable rate schedule. Where the Water Utility has disconnected service at the customer's request prior to expiration of the minimum contract period, a reconnection charge shall be made, payable in advance, when the customer requests reconnection of service. See Schedule R-1 for the applicable rate. The minimum contract period is renewed with each reconnection.
- (b) A reconnection charge shall also be required from customers whose services are disconnected (shut off at curb stop box) because of non-payment of bills when due. (See Schedule R-1 for the applicable rate.)
- (c) If reconnection is requested for the same location by any member of the same household, or if a place of business, by any partner of the same business, it shall be considered as the same customer.

Sec. 9-1-23 Temporary Metered Service, Meter and Deposits.

An applicant for temporary water service on a metered basis shall make and maintain a monetary deposit for each meter installed as security for payment for use of water and for such other charges which may arise from the use of the supply. A charge shall be made for setting the valve and furnishing and setting the meter. See Schedule Bw-1 for the applicable rate.

Sec. 9-1-24 Water for Construction.

- (a) When water is requested for construction purposes or for filling tanks or other such uses, an application shall be made to the Water Utility, in writing, giving a statement of the amount of construction work to be done, or the size of the tank to be filled, etc. Payment for the water for construction may be required in advance at the scheduled rates. The service lateral must be installed into the building before water can be used. No connection with the service lateral at the curb shall be made without special permission from the Water Utility.
- (b) In no case will any employee of the Water Utility turn on water for construction work unless the contractor has obtained permission from the Water Utility.

- (c) Customers shall not allow contractors, masons or other persons to take unmetered water from their premises without permission from the Water Utility. Any customer failing to comply with this provision will have water service discontinued and will be responsible for the cost of the estimated volume used.

Sec. 9-1-25 Use of Hydrants.

- (a) In cases where no other supply is available, permission may be granted by the Water Utility to use a hydrant. No hydrant shall be used until the proper meter and valve are installed. In no case shall any valve be installed or moved except by an employee of the Water Utility.
- (b) Before a valve is set, payment must be made for its setting and for the water to be used at the scheduled rates. Where applicable, see Schedule Bw-1 for deposits and charges. Upon completing use of the hydrant, the customer must notify the Water Utility to that effect.

Sec. 9-1-26 Operation of Valves and Hydrants; Unauthorized Use of Water; Penalty.

Any person who shall, without authority of the Water Utility, allow contractors, masons, or other unauthorized persons to take water from their premises, operate any valve connected with the street or supply mains, or open any fire hydrant connected with the distribution system, except for the purpose of extinguishing fire, or who shall wantonly damage or impair the same shall be subject to a fine as provided by municipal ordinance. Permits for the use of hydrants applies only to such hydrants that are designated for the specific use.

Sec. 9-1-27 Refunds of Monetary Deposits.

All money deposited as security for payment of charges arising from the use of temporary water supply on a metered basis, or for the return of a sprinkling valve wheel or reducer, if the water is used on an unmetered basis, will be refunded to the depositor on the termination of the use of water, the payment of all charges levied against the depositor, and the return of the wheel and reducer.

Sec. 9-1-28 Service Laterals.

- (a) No water service lateral shall be laid through any trench having cinders, rubbish, rock or gravel fill, or any other material which may cause injury to or disintegration of the service

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lateral, unless adequate means of protection are provided by sand filling or such other insulation as may be approved by the Water Utility. Service laterals passing through curb or retaining walls shall be adequately safeguarded by provision of a channel space or pipe casing, not less than twice the diameter of the service connection. The space between the service lateral and channel or pipe casing shall be filled and lightly caulked with an oakum, mastic cement, or other resilient material, and made impervious to moisture.

- (b) In backfilling the pipe trench, the service lateral must be protected against injury by carefully hand tamping the ground filling around the pipe. There should be at least six (6) inches of ground filling over the pipe, and it should be free from hard lumps, rocks, stones, or other injurious material.
- (c) All water service laterals shall be of undiminished size from the street main in to the point of meter placement. Beyond the meter outlet valve, the piping shall be sized and proportioned to provide, on all floors, at all times, an equitable distribution of water supply for the greatest probable number of fixtures or appliances operating simultaneously.

Sec. 9-1-29 Service Piping for Meter Settings.

Where the original service piping is installed for a new metered customer, where existing service piping is changed for the customer's convenience, or where a new meter is installed for an existing unmetered customer, the owner of the premises at his/her expense shall provide a suitable location and the proper connections for the meter. The Water Utility should be consulted as to the type and size of meter setting. The meter setting and associated plumbing shall comply with the Water Utility's standards.

Sec. 9-1-30 Turning on Water.

The water may only be turned on for a customer except by an authorized employee of the Water Utility. Plumbers may turn the water on to test their work, but upon completion must leave the water turned off.

Sec. 9-1-31 Failure to Read Meters.

- (a) Where the Water Utility is unable to read a meter, the fact will be plainly indicated on the bill, and either an estimated bill will be computed or the minimum charge applied. The difference shall be adjusted when the meter is again read, that is, the bill for the succeeding billing period will be computed with the gallons or cubic feet in each block of the rate schedule doubled, and credit will be given on that bill for the amount of the bill paid the

preceding period. Only in unusual cases shall more than three (3) consecutive estimated or minimum bills be rendered.

- (b) If the meter is damaged (see Surreptitious Use of Water) or fails to operate, the bill will be based on the average use during the past year unless there is some reason why the use is not normal. If the average use cannot be properly determined, the bill will be estimated by some equitable method. (See PSC 185.33, Wis. Adm. Code.)

Sec. 9-1-32 Complaint Meter Tests.

See Wis. Adm. Code, Chapter PSC 185.77.

Sec. 9-1-33 Thawing Frozen Service Laterals.

See Wis. Adm. Code, Chapter PSC 185.89.

Sec. 9-1-34 Curb Stop Boxes.

The curb stop box is the property of the Water Utility. The Water Utility is responsible for its repair and maintenance. This includes maintaining, through adjustment, the curb stop box at an appropriate grade level where no direct action by the property owner or occupant has contributed to an elevation problem. The property owner is responsible for protecting the curb stop box from situations that could obstruct access to it or unduly expose it to harm. The Water Utility shall not be liable for failure to locate the curb stop box and shut off the water in case of a leak on the owner's premises.

Sec. 9-1-35 Installation of Meters.

Meters will be owned, furnished and installed by the Water Utility or a Water Utility-approved contractor and are not to be disconnected or tampered with by the customer. All meters shall be so located that they shall be protected from obstructions and permit ready access for reading, inspection, and servicing, such location to be designated or approved by the Water Utility. All piping within the building must be supplied by the owner. Where additional meters are desired by the owner, the owner shall pay for all piping. See Schedule Am-1 for applicable rates.

Sec. 9-1-36 Repairs to Meters.

- (a) Meters will be repaired by the Water Utility and the cost of such repairs caused by ordinary wear and tear will be borne by the Water Utility.

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- (b) Repair of any damage to a meter resulting from the carelessness of the owner of the premises, the owner's agent, or tenant, or from the negligence of any one of them to properly secure and protect same, including any damage that may result from allowing a water meter to become frozen or to be injured from the presence of hot water or steam in the meter, shall be paid for by the customer or the owner of the premises.

Sec. 9-1-37 Replacement and Repair of Service Laterals.

- (a) The service lateral from the main to and through the curb stop will be maintained and kept in repair and, when worn out, replaced at the expense of the Water Utility. The property owner shall maintain the service lateral from the curb stop to the point of use.
- (b) If an owner fails to repair a leaking or broken service lateral from the curb to the point of metering or use within such time as may appear reasonable to the Water Utility after notification has been served on the owner by the Water Utility, the water will be shut off and will not be turned on again until the repairs have been completed.

Sec. 9-1-38 Abandonment of Service.

If a property owner changes the use of a property currently receiving water service such that water service will no longer be needed in the future, the Water Utility may require the abandonment of the water service at the water main. In such case, the property owner may be responsible for all removal and/or repair costs, including the water main and the Utility portion of the water service lateral.

Sec. 9-1-39 Charges for Water Wasted Due to Leaks.

See Wis. Adm. Code, Chapter PSC 185.35.

Sec. 9-1-40 Inspection of Premises.

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

State Law Reference: Sec. 196.171, Wis. Stats.

Sec. 9-1-41 Deposits for Residential Service.

See Wis. Adm. Code, Ch. PSC 185.36.

Sec. 9-1-42 Deposits for Nonresidential Service.

See Wis. Adm. Code, Ch. 185.361.

Sec. 9-1-43 Deferred Payment Agreement.

See Wis. Adm. Code, Ch. 185.38.

Sec. 9-1-44 Dispute Procedures.

See Wis. Adm. Code, Ch. 185.39.

Sec. 9-1-45 Disconnection and Refuse of Service.

- (a) **Disconnection.** See Wis. Adm. Code Chapter PSC 185.37.
- (b) **Disconnection Notice.** The form of disconnection notice to be used is as follows:

DISCONNECTION NOTICE

Dear Customer:

The bill enclosed with this notice includes your current charge for Water Utility service and your previous unpaid balance.

You have 10 days to pay the Water Utility service arrears or your service is subject to disconnection.

If you fail to pay the service arrears, or fail to contact us within the 10 days allowed to make reasonable time payment arrangements, we will proceed with disconnection action.

To avoid the inconvenience of service interruption and an additional charge of (amount) reconnection, *we urge you to pay the full arrears IMMEDIATELY AT ONE OF OUR OFFICES.*

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If you have entered into a Deferred Payment Agreement with us and have failed to make the time payment you agreed to, your service will be subject to disconnection unless you pay the amount due within 10 days.

If you have a reason for delaying the payment, call us and explain the situation.

PLEASE CALL THIS TELEPHONE NUMBER, (appropriate telephone number), IMMEDIATELY IF:

1. You dispute the notice of delinquent account.
2. You have a question about your Water Utility service arrears.
3. You are unable to pay the full amount of the bill and are willing to enter into a time payment agreement with us.
4. There are any circumstances you think should be taken into consideration before service is discontinued.
5. Any resident is seriously ill.

Illness Provision

If there is an existing medical emergency in your home and you furnish the Water Utility with a statement signed by either a licensed Wisconsin physician, or a public health official, we will delay disconnection of service up to 21 days. The statement must identify the medical emergency and specify the period of time during which disconnection will aggravate the existing emergency.

Deferred Payment Agreements

If you are a residential customer, and for some reason, you are unable to pay the full amount of the Water Utility service arrears on your bill, you may contact the Water Utility to discuss arrangements to pay the arrears over an extended period of time.

This time payment agreement will require:

1. Payment of a reasonable amount at the time the agreement is made.
2. Payment of the remainder of the outstanding balance in monthly installments over a reasonable length of time.
3. Payment of all future Water Utility service bills in full by the due date.

In any situation where you are unable to resolve billing disputes or disputes about the grounds for proposed disconnection through contacts with our Utility, you may make an appeal to the Wisconsin Public Service Commission, Madison, Wisconsin, by calling (800) 225-7729.

(UTILITY NAME)

Sec. 9-1-46 Collection of Overdue Bills.

An amount owed by the customer may be levied as a tax as provided in Sec. 66.0809, Wis. Stats.

Sec. 9-1-47 Surreptitious Use of Water.

- (a) When the Water Utility has reasonable evidence that a person is obtaining his/her supply of water, in whole or in part, by means of devices or methods used to stop or interfere with the proper metering of the Utility service being delivered to his/her equipment, the Utility reserves the right to estimate and present immediately a bill for service unmetered as a result of such interference and such bill shall be payable subject to a twenty-four (24) hours disconnection of service. If the Water Utility disconnects the service for any such reason, the Water Utility will reconnect the consumer upon the following conditions:
- (1) The customer will be required to deposit with the Water Utility an amount sufficient to guarantee the payment of the consumer's bills for Water Utility service to the Utility.
 - (2) The customer consumer will be required to pay the Water Utility for any and all damages to its equipment on the consumer's premises due to such stoppage or interference with its metering.
 - (3) The customer must further agree to comply with reasonable requirements to protect the Utility against further losses.
- (b) Sections 98.26 and 943.20, Wis. Stats., as relating to water service, are hereby adopted and made a part of these rules.

Sec. 9-1-48 Vacation of Premises.

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

Sec. 9-1-49 Repairs to Mains.

The Water Utility reserves the right to shut off the water supply in the mains temporarily to make repairs, alterations or additions to the plant or system. When the circumstances will permit, the Water Utility will give notification, by newspaper publication or otherwise, of the discontinuance of the water supply. No credit will be allowed to customers for such temporary suspension of the water supply.

State Law Reference: PSC 185.88, Wis. Adm. Code.

Sec. 9-1-50 Duty of Water Utility with Respect to Safety of the Public.

It shall be the duty of the Water Utility to see that all open ditches for water mains, hydrants, and service laterals are properly guarded to prevent accident to any person or vehicle, and at night there shall be displayed proper signal lighting to insure the safety of the public.

Sec. 9-1-51 Handling Water Mains and Service Laterals in Excavation Trenches.

Contractors must ascertain for themselves the existence and location of all water mains and service laterals. Where water mains or service laterals have been removed, cut, or damaged during trench excavation, the contractors must, at their own expense, cause them to be replaced or repaired at once. Contractors must not shut off the water service laterals to any customer for a period exceeding six (6) hours.

Sec. 9-1-52 Protective Devices.

- (a) **Protective Devices in General.** The owner or occupant of every premise receiving water supply shall apply and maintain suitable means of protection of the premise supply, and all appliances, against damage arising in any manner from the use of the water supply, variation of water pressure, or any interruption of water supply. Particularly, such owner or occupant must protect water-cooled compressors for refrigeration systems by means of high and/or low pressure safety cutout devices. There shall be provided means for the prevention of the transmission of water ram or noise of operation of any valve or appliance through the piping of their own or adjacent premises.
- (b) **Relief Valves.** On all "closed systems" (i.e., systems having a check valve, pressure regulator, or reducing valve, water filter or softener) an effective pressure relief valve shall be installed at or near the top of the hot water tank, or on the hot water distribution pipe connection to the tank. No stop valve shall be placed between the hot water tank and the relief valve or on the drain pipe. (See applicable plumbing codes).
- (c) **Air Chambers.** An air chamber or approved shock absorber shall be installed at the terminus of each riser, fixture branch, or hydraulic elevator main for the prevention of undue water hammer. The air chamber shall be sized in conformance with applicable local plumbing codes. Where possible, the air chamber should be provided at its base with a valve for water drainage and replenishment of air.

Sec. 9-1-53 Water Main Extension Rules.

Water mains will be extended for new customers on the following basis:

- (a) Where the cost of the extension is to immediately be collected through assessment by the municipality against the abutting property, the procedure set forth under Sec. 66.0703, Wis. Stats. will apply, and no additional customer contribution to the Utility will be required.
- (b) Where the municipality is unwilling or unable to make a special assessment, the extension will be made on a customer-financed basis as follows:
 - (1) The applicant(s) will advance as a contribution in aid of construction the total amount equivalent to that which would have been assessed for all property under Subsection (a).
 - (2) Part of the contribution required in Subsection (b)(1) will be refundable. When additional customers are connected to the extended main within ten (10) years of the date of completion, contributions in aid of construction will be collected equal to the amount which would have been assessed under Subsection (b)(1) for the abutting property being served. This amount will be refunded to the original contributor(s). In no case will the contributions received from additional customers exceed the proportionate amount which would have been required under Subsection (a) nor will it exceed the total assessable cost of the original extension.
- (c) When a customer connects to a transmission main or connecting loop installed at Utility expense within ten (10) years of the date of completion, there will be a contribution required of an amount equivalent to that which would have been assessed under Subsection (a).

Sec. 9-1-54 Water Main Installations in Platted Subdivisions.

- (a) Application for installation of water mains in regularly platted real estate development subdivisions shall be filed with the Utility.
- (b) If the developer, or a contractor employed by the developer, is to install the water mains (with approval of the Utility), the developer shall be responsible for the total cost of construction.
- (c) If the Utility or its contractor is to install the water mains, the developer shall be required to advance to the Utility, prior to the beginning of the construction, the total estimated cost of the extension. If the final costs exceed estimated costs, an additional billing will be made for the balance of the cost due. This balance is to be paid within thirty (30) days. If final costs are less than estimated, a refund of the overpayment will be made by the Water Utility.

Sec. 9-1-55 Cross Connection Control.

- (a) **Purpose.**
 - (1) Chapters NR 810 and SPS 382, Wis. Adm. Code, require protection for the public water system from contamination due to backflow of contaminants through the water service connection.

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- (2) The Wisconsin Department of Natural Resources requires the development and implementation of a comprehensive cross connection control program to effectively prevent the contamination of potable water systems.
- (b) **Definition of Cross Connection.** A "cross connection" is defined as any physical connection or arrangement between two (2) otherwise separate systems, one (1) of which contains potable water from the City of Owen's public water system, and the other of which contains water from a private source, water of unknown or questionable safety, or steam, gases, or chemicals, whereby there may be a flow from one (1) system to the other, with the direction of flow depending on the pressure differential between the two (2) systems.
- (c) **Unprotected Cross Connections Prohibited.** No person, firm, or corporation may establish or maintain, or permit to be established or maintained, any unprotected cross connection. Cross connections shall be protected as required in SPS 382, Wis. Adm. Code.
- (d) **Inspection.** The Water Utility will inspect residential properties served by the public water system for cross connections. The Water Utility will require industrial, commercial and public authority properties to have their plumbing inspected, at their own expense by a State of Wisconsin Certified Cross Connection Inspector/Surveyor. The frequency of inspections shall be established by the Water Utility in accordance with the Wisconsin Administrative Code. Any unprotected cross connections identified by the inspection shall be promptly corrected. Failure to promptly correct an unprotected cross connection shall be sufficient cause for the Water Utility to discontinue water service to the property, as provided under Subsection (g) below.
- (e) **Right of Entry.** Upon presentation of credentials, a representative of the Water Utility shall have the right to request entry, at any reasonable time, to a property served by a connection to the public water system for the purpose of inspecting the property for cross connections. Refusing entry to such Water Utility representative shall be sufficient cause for the Water Utility to discontinue water service to the property, as provided under Subsection (g) below. If entry is refused, a special inspection warrant under Section 66.0119, Wis. Stats., may be obtained.
- (f) **Provision of Requested Information.** The Water Utility may request an owner, lessee, or occupant of property served by a connection to the public water system to furnish the Water Utility with pertinent information regarding the piping systems on the property. Refusing to provide requested information shall be sufficient cause for the Water Utility to discontinue water service to the property, as provided under Subsection (g) below.
- (g) **Discontinuation of Water for Violation(s).** The Water Utility may discontinue water service to any property wherein any unprotected connection in violation of this Section exists, and take other precautionary measures deemed necessary to eliminate any danger of contamination of the public water system. Water service may be discontinued, however, only after reasonable notice and opportunity for hearing under Chapter 68, Wis. Stats., except as provided in Subsection (h) below. Water service to such property shall not be restored until the unprotected cross connection has been eliminated.

- (h) **Emergency Discontinuance.** If it is determined by the Water Utility that an unprotected cross connection or emergency endangers public health, safety, or welfare, and requires immediate action, and if a written finding to that effect is filed with the City Clerk-Treasurer and delivered to the customer's premises, water service may be immediately discontinued. The customer shall have an opportunity for hearing under Chapter 68, Wis. Stats., within ten (10) days of such emergency discontinuance. Water service to such property shall not be restored until the unprotected cross connection has been eliminated.

State Law Reference: Chs. NR 810 and SPS 382, Wis. Adm. Code

Sec. 9-1-56 Private Well Abandonment.

- (a) **Purpose.**
- (1) **General Purpose.** The purpose of this Section is to prevent contamination of ground-water and to protect public health, safety and welfare by assuring that unused, unsafe or noncomplying wells or wells which may serve as conduits for contamination or wells which may be illegally cross connected to the municipal water system, are properly maintained or abandoned.
 - (2) **State Regulatory Requirements.** Chapter NR 811.10, Wis. Adm. Code, directs suppliers of water for municipal water systems to:
 - a. Require the abandonment of all unused, unsafe or noncomplying wells located on the premises served by their system, and to provide a permit system to allow retention of safe and code complying wells, by local ordinance or water utility rule;
 - b. Eliminate sources of unsafe water and to prevent such wells from becoming channels for vertical movement of contaminated water; and
 - c. Eliminate all existing cross-connections and prevent all future cross-connections.
- (b) **Applicability.** This Section applies to all wells located on premises served by the City of Owen municipal water system. Utility customers outside the jurisdiction of the municipal system may be required under contract agreement or utility rule to adopt and enforce equivalent ordinances within their jurisdictions for purpose stated in Subsection (a) above.
- (c) **Definitions.**
- (1) **Municipal Water System.** A community water system owned or operated 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 water institution as defined in Sec. 49.10(12)(f)1, Wis. Stats., or a privately owned water utility serving any of the above.
 - (2) **Noncomplying.** A well or pump installation which does not comply with Ch. NR 812.42, Wis. Adm. Code, *Standards for Existing Installations*, and which has not been granted a variance pursuant to Ch. NR 812.43, Wis. Stats.

- (3) **Pump Installation.** The pump and related equipment used for withdrawing water from a well including the discharge piping, the underground connections, pitless adapters, pressure tanks, pits, sampling faucets and well seals or caps.
 - (4) **Unsafe.** A well or pump installation which produces water which is bacteriologically contaminated or contaminated with substances in exceedance of the drinking water standards of Chs. NR 140 or 809, Wis. Adm. Code, or for which a Health Advisory has been issued by the Wisconsin Department of Natural Resources.
 - (5) **Unused.** A well or pump installation which is not in use or does not have a functional pumping system.
 - (6) **Well.** 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.** The filling and sealing of a well according to the provisions of Ch. NR 812.26, Wis. Adm. Code.
- (d) **Abandonment Required.** All wells located on premises served by the municipal water system shall be abandoned in accordance with the terms of this Section and Ch. NR 112, Wis. Adm. Code, by January 1, 1997 or not later than ninety (90) days from the date of connection to the municipal water system whichever occurs last, unless a well operation permit has been issued to the well owner by the City of Owen under Subsection (e).
- (e) **Well Operation Permit.** Owners of wells on premises served by the municipal water system wishing to retain their wells for any use shall make application for a well operation permit for each well no later than ninety (90) days after connection to the municipal water system. The City of Owen Water Utility may grant a permit to a private well owner to operate a well for a period not to exceed five (5) years providing all conditions of this Section are met. An owner may request renewal of a well operation permit by submitting information verifying that the conditions of this Section are met. The City of Owen or its agent(s) may conduct inspections or have water quality tests conducted at the applicant's expense to obtain or verify information necessary for consideration of a permit application or renewal. Permit applications and renewals shall be made on forms provided by the Clerk-Treasurer. The following conditions must be met for issuance or renewal of a well operation permit:
- (1) The well and pump installation shall meet the Standards for Existing Installations described in NR 812.42, Wis. Adm. Code;
 - (2) The well construction and pump installation have a history of producing bacteriologically safe water as evidenced by at least two (2) samplings taken a minimum of two (2) weeks apart;
 - (3) There are no cross connections between the well and pump installation or distribution piping and the municipal water system;
 - (4) The proposed use of the well and pump installation can be justified as being reasonably necessary in addition to water provided by the municipal water system;
- and

- (5) The private well shall have a functional pumping system.
- (f) **Abandonment Procedures.**
- (1) All wells abandoned under the jurisdiction of this Section shall be abandoned according to the procedures and methods of NR 812.26, Wis. Adm. Code. All debris, pump, 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 notify the Clerk-Treasurer at least forty-eight (48) hours prior to the commencement of any well abandonment activities. The abandonment of the well shall be observed by the City of Owen Water Utility, or by its agent(s).
 - (3) An abandonment report form, supplied by the Wisconsin Department of Natural Resources, shall be submitted by the well owner to the Clerk-Treasurer and the Wisconsin 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 Section shall upon conviction be punished by forfeiture of not less than Fifty Dollars (\$50.00) or more than One Hundred Dollars (\$100.00) and the cost of prosecution. Each day of violation is a separate offense. If any person fails to comply with this Section for more than ten (10) days after receiving written notice of the violation, the municipality may impose a penalty and cause the well abandonment to be performed and the expense to be assessed as a special tax against the property.

Title 9 ► Chapter 2

Sewer Utility Regulations and Rates

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Sec. 9-2-1 Purpose.

The purpose of this Chapter is to provide for the use of the publicly owned sewerage treatment facilities located within the area served by the City of Owen, Clark County, Wisconsin, without damage to the physical facilities and without impairment of their normal function of collecting, transporting, treating and discharging wastewaters from the area served by the City of Owen. This Chapter is intended to prevent the introduction of pollutants into the system which do not receive adequate treatment and which will pass through the system into receiving waters or otherwise be incompatible with the system and to provide for the proper development and use of the user charge system for the City of Owen and treatment facilities.

Sec. 9-2-2 Statement of Authority.

The City of Owen shall control the sewerage system and shall administer and enforce this Chapter. This Chapter shall apply to all dischargers to the City of Owen sewerage system.

Sec. 9-2-3 Definitions.

- (a) **Applicability of Definitions.** Unless the context specifically indicates otherwise, the meaning of terms used in this Chapter shall be as follows:
- (1) **Act.** The Clean Water Act (33 USC 1251 et seq.) as amended.
 - (2) **Approving Authority or Authority.** The Common Council or its authorized deputy, agent, or representative. "Approving Authority", "Common Council", and "City" are used interchangeably.
 - (3) **BOD (Biochemical Oxygen Demand).** The quantity of oxygen utilized in the biochemical oxidation of organic matter, under standard laboratory procedure, in five (5) days at 20 degrees Centigrade and expressed in milligrams per liter.
 - (4) **City Wastewater Collection System.** The system of sewers and manholes located in the City of Owen to collect and transport wastewater to the central lift station.
 - (5) **City Sewerage System.** The wastewater treatment system of the City of Owen, including life stations and force mains. Shall also include force mains and lift station(s) located in the Village of Withee.
 - (6) **Combined Sewer.** A sewer intended to receive both wastewater and storm or surface water.
 - (7) **Commercial and Institutional User.** Those users of the publicly owned treatment works which are not residential and are not classified as an industrial user or as a major industrial user.
 - (8) **Compatible Pollutants.** Those pollutants generally characterized as BOD, suspended solids, pH and fecal coliforms, together with any additional pollutants defined in the WPDES permit issued for the treatment facilities, unless the concentrations of any of these pollutants are such that they interfere with the operation of the treatment works or exceed the limits established under Sections 9-2-4 and 9-2-5.
 - (9) **Debt Service Charge.** That charge to the users in the City service area which shall defray the costs of retiring the debts incurred by the City in construction of the sewage treatment facilities plus the existing debts on the City sewerage facilities.
 - (10) **Domestic Wastewater.** Waterborne wastes normally being discharged from the sanitary conveniences of dwellings, apartment houses, hotels, office buildings, factories and institutions, free of industrial wastes and in which the average concentration of suspended solids is established at or below 175 mg/l and the BOD is established at or below 250 mg/l.
 - (11) **Flat Charge.** The charge made to unmetered users for use of the treatment works.
 - (12) **Incompatible Pollutants.** All pollutants which are not compatible, as defined in Subsection (a)(8) above.
 - (13) **Industrial User as Defined for Industrial User Class.** Any user of the publicly owned treatment works that engages in the processing, blending, assembling or in some way transforming of materials or substance into new products; and:

- a. Discharges a wastewater having BOD concentration in excess of 250 mg/l and/or suspended solids concentrations in excess of 175 mg/l or flows in excess of 10,000 GPD; or
 - b. Has in its waste a toxic pollutant in toxic amounts as defined in Sec. 307 of the Act; or
 - c. Is found by the City, state or the U.S. Environmental Protection Agency (EPA) to have significant impact, either singly or in combination with other contributing industries, on the wastewater treatment system, the quality of sludge, the system's effluent quality, or air emissions generated by the system.
- (14) **Major Industrial User (as Defined for Major Industrial User Class).** Any Industrial User, as defined in Subsection (a)(13), that discharges wastewater in excess of 25,000 GPD. The major industrial user shall comply with all the requirements for the industrial user class set forth in this Chapter.
- (15) **Industrial Waste.** Solid, liquid, or gaseous waste resulting from any industrial, manufacturing, trade, or business process or from the development, recovery, or processing of natural resources.
- (16) **Joint Commission.** The committee appointed by the City of Owen to supervise the operation of the treatment facility. Committee duties shall include supervision and control of plant operation and maintenance, determining plant expenses and revenue requirements, and assessing proportionate shares of expenses to the communities. The Joint Commission shall be composed of three (3) representatives from the City of Owen, one (1) representative from the major industrial class of users and one (1) representative from the Village of Withee. The Joint Commission will contract out the necessary labor to operate the system to the City of Owen.
- (17) **Joint Use Agreement.** The contract between the City of Owen and the Village of Withee (hereafter referred to as Village). A copy of this agreement is incorporated in this Chapter by reference.
- (18) **Minimum Charge.** The amount charged to each user in the City, regardless of use. This charge does not provide the user a minimum of use. This charge is also termed the "fixed charge".
- (19) **Operation and Maintenance Costs.** The treatment plant operation and maintenance costs plus the operation and maintenance costs of the City sewerage system. These costs shall include labor, energy, chemicals and equipment replacement costs but do not include debt retirement, or the cost associated with the wastewater collection.
- (20) **Person.** Any individual, firm, company, association, society, corporation or group.
- (21) **Pretreatment.** The treatment of wastewater by the user before introduction into the City sewerage system.
- (22) **pH.** The logarithm (base 10) of the reciprocal of hydrogen ion concentration in gram moles per liter of solution as determined by acceptable laboratory procedures.
- (23) **Replacement Costs.** Expenditures for obtaining and installing equipment, accessories or appurtenances which are necessary to maintain the capacity and performance during the service life of the treatment works and City sewerage system. The term

"operation and maintenance" includes replacement. The yearly replacement cost is calculated in the user charge calculations. The replacement cost shall be stored in a separate account and used only as needed for replacement of worn equipment.

- (24) **Residential User.** A user of the City owned sewerage system that would occupy an establishment considered a house or apartment and other facilities in which people live.
- (25) **Sanitary Sewer.** A sewer that conveys domestic wastewater or industrial waste or a combination of both, and into which storm, surface and groundwaters or unpolluted industrial wastewater is not intentionally passed.
- (26) **Septage.** The septic tank wastes and holding tank wastes hauled by certified pumpers.
- (27) **Sewer Service Charge.** The sum of the minimum charge, user charge, debt service charge and any applicable surcharge.
- (28) **Slug.** Any discharge of water or wastewater which, in concentrations of any given constituent or in quantity of flow, exceeds, for any period of duration longer than thirty (30) minutes, more than ten (10) times the average twenty-four (24) hour concentration during normal operation, or more than five (5) times the average twenty-four (24) hour flow during normal operation, and which adversely affects the collection system and/or performance of the wastewater treatment plant.
- (29) **Standard Methods.** The examination and analytical procedures set forth in the most recent edition of "Standard Methods for the Examination of Water, Sewage and Industrial Wastes", published jointly by the American Public Health Association, the American Waterworks Association and the Federation of Sewage and Industrial Wastes Association.
- (30) **Storm Sewer.** A sewer which carries storm and surface drainage but excludes domestic wastewater and industrial wastes.
- (31) **Surcharge.** An additional charge related to industrial wastes being discharged by any user having unusual characteristics such as excessive BOD, excessive suspended solids or other pollutants.
- (32) **Suspended Solids (SS).** Total suspended matter that either floats on the surface or are in suspension in water, sewage, or other liquids and which are removable by a laboratory filtration device. Quantitative determination of SS shall be made in accordance with procedures set forth in "Standard Methods".
- (33) **Unpolluted Water.** Water of quality equal to or better than the effluent criteria in effect, or water that would not cause violation of receiving-water quality standards.
- (34) **User.** Any person discharging domestic wastewater or industrial wastes into the collection system.
- (35) **User Charge.** That charge to users of the City sewerage system which adequately provides for proportionate recovery of the operation and maintenance costs.
- (36) **User Class.** A group of users having similar wastewater flows and characteristics, levels of BOD, suspended solids, etc.

- (37) **Wastewater.** A combination of the water-carried waste discharged into the collection system from residences, commercial buildings, institutions and industrial establishments, together with such ground surface and stormwater as may be present.
- (38) **Wastewater Treatment Facilities.** The complete facilities for treating and disposing of the domestic wastewater and industrial wastes from the City of Owen and Village of Withee.
- (39) **WPDES Permit.** The Wisconsin Pollutant Discharge Elimination System Permit, issued for the City of Owen wastewater treatment facilities.

Sec. 9-2-4 General Requirements.

- (a) **Discharge of Wastewater Prohibited.** It shall be unlawful to discharge to any natural outlet within the City, or in any area under the jurisdiction of the City, any wastewater or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this Chapter.
- (b) **Privies, Septic Tanks and Cesspools — Compliance With Provisions Required.** Except as provided in this Section, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool or other facility intended or used for the disposal of wastewater.
- (c) **Connection With Public Sewer Required.** The owner of any house, building or property used for human occupancy, employment, recreation or other purposes, situated within the City of Owen and abutting on any street, alley or right-of-way in which there is now located or may in the future be located a public sanitary sewer of the City, is hereby required, at the owner's 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 ninety (90) days after the date of the official notice to do so, provided that said public sewer is within one hundred (100) feet (30.5 meters) of the property line. Where a public sanitary sewer is not available under the provisions of this Section, the building sewer shall be connected to a private wastewater disposal system complying with the provisions of this Chapter.
- (d) **Inspection of Installation.** A permit for a private wastewater disposal system shall not become effective until the installation is completed to the satisfaction of the Approving Authority. The Approving Authority shall be allowed to inspect the work at any stage of construction and, in any event, the applicant for the permit shall notify the Approving Authority when the work is ready for final inspection and before any underground portions are covered. The inspection shall be made within forty-eight (48) hours of the receipt of notice by the Approving Authority.
- (e) **Compliance with Certain State Provisions Required — Discharge to Natural Outlet Prohibited.** The type, capacities, location and layout of a private wastewater disposal

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system shall comply with all recommendations of pertinent state regulatory agencies. No septic tank or cesspool shall be permitted to the discharge to any natural outlet.

- (f) **Connection with Public Sewer Required When.** At such time as a public sewer becomes available to a property serviced by a private wastewater disposal system, as provided in Subsection (c) above, a direct connection shall be made to the public sewer within ninety (90) days, in compliance with this Chapter, and any septic tanks, cesspools and similar private wastewater disposal facilities shall be cleaned of sludge and filled with suitable materials.
- (g) **Sanitary Operation Required.** The owner shall operate and maintain the private wastewater disposal facility in a sanitary manner at all times, at no expense to the City of Owen.
- (h) **Conflict of Provisions.** No statement contained in this Section shall be construed to interfere with any additional requirements that may be imposed by the Health Officer or other Authority.
- (i) **Wastewater Discharge Permit Required.** A wastewater discharge permit shall be required of any person desiring to discharge wastewater to the City sewerage system and shall be of two (2) classes:
 - (1) A domestic wastewater discharge permit shall be required of any person desiring to discharge domestic waste and shall be considered a part of the building permit required and issued by the City of Owen.
 - (2) An industrial wastewater discharge permit shall be required of any person desiring to discharge an industrial waste and shall be completely separate from any other permits issued by the City. Further requirements for this class of permit can be found in Section 9-2-10.
- (j) **Application for Septage Disposal.**
 - (1) Between August 1 and September 1 of each year every licensed disposer wishing to discharge septage to the City of Owen wastewater treatment works shall file a non-refundable filing fee and an application in writing to the City of Owen in such a form as is prescribed for that purpose. During the months of July and August, forms for such application will be furnished at the office of the City Clerk-Treasurer.
 - (2) During the month of September, the City of Owen will evaluate the applications and make a determination as to the amount and conditions of septage disposal at the wastewater treatment facility. The City shall approve or reject all applications by October of each year. If the Treatment Facility cannot accept all the proposed septage disposal, then consideration shall be given first to those generators of septage that lie within the service area.
 - (3) All approvals for septage disposal shall have the conditions that any time the wastewater treatment works has operational problems, maintenance problems, or threat of WPDES permit violation that are indirectly or directly related to septage disposal, the City of Owen may immediately restrict septage disposal until such time as corrective action or mitigative measures have been taken.

- (k) **Owner Responsibility and Compliance with City Regulations.** All costs and expenses incidental to the installation and connection of the building sewer shall be borne by the owner. The size, slope, alignment and materials of construction of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing and backfilling the trench, shall all conform to the requirements of the building and plumbing code, or other applicable rules and regulations of the city or state.
- (l) **Inspection.** The City shall be permitted to have an authorized representative inspect any new or old installations for compliance with the regulations of this Chapter.
- (m) **New Connections.** New connections to the system shall not be allowed unless all downstream components have a reserve capable of accepting them.
- (n) **Manhole.** The City of Owen reserves the right to require any user of the system with flows in excess of 5,000 GPD to install and maintain, at the user's expense, a control or monitoring manhole on the user's discharge pipeline. The user shall provide the City free and unobstructed access to the installed manhole.
- (o) **New Sewers.** All new sewers shall be designed by a professional engineer. Sanitary sewer designs shall be approved by the Wisconsin Department of Natural Resources (DNR). All sewers shall be constructed in accordance with the approved plans and specifications.
- (p) **Septage Acceptance Location.**
- (1) Septage shall only be discharged to the City's sewerage system by a City-approved and State of Wisconsin-licensed disposer and at locations, times and conditions as specified by the Joint Commission.
 - (2) Septage discharges to City-specified manholes may, under special circumstances, be allowed provided discharge rates are restricted as necessary to facilitate mixing, prevent a backup in the receiving sewer and prevent a slug load to the wastewater treatment facility. Discharges may be limited to the normal working hours of the Treatment Plant Personnel and require a written documentation of the discharge to be submitted to the City Clerk-Treasurer within one (1) working day of the discharge to the sewers or wastewater treatment facility.
- (q) **Monitoring Station.** All industrial users with flows in excess of 25,000 GPD shall install and maintain at the user's expense a monitoring facility. This monitoring facility will be capable of continuous flow measurement and composite sampling for all discharges and accessible to City Utility personnel at all times.
- (r) **Inspection and Sampling.** The City may inspect the monitoring facilities of any discharge to determine compliance with the requirements of this Chapter. The Discharger shall allow the City or its representatives to enter upon the premises of the Discharger at all reasonable hours, for the purpose of inspecting installations for compliance with the regulations of this Chapter.

Sec. 9-2-5 Prohibited Discharges.

- (a) **Prohibited Discharges.** No person shall discharge, or cause to be discharged, any unpolluted waters, such as stormwater, groundwater, roof runoff, subsurface drainage or cooling water to any sewer; except that stormwater runoff from limited areas, which may

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be polluted at times, may be discharged to the sanitary sewer by permission of the Approving Authority.

- (b) **Stormwater Discharge.** Stormwater, other than exempted under Subsection (a) above, and all other unpolluted drainage, shall be discharged to such sewers as are specifically designated a storm sewer, or to a natural outlet approved by the Approving Authority. Unpolluted industrial cooling water or process waters may be discharged, on approval of the Approving Authority, to a storm sewer or natural outlet.
- (c) **Specifically Prohibited Wastes.** Except as provided in this Chapter, no person shall discharge or cause to be discharged any of the following described water or wastes to any public sewer:
 - (1) Gasoline, benzene, naphtha, fuel oil or other flammable or explosive liquid, solid or gas.
 - (2) Water or wastes containing toxic or poisonous solids, liquids or gases in sufficient quantity, either singly or by interaction with other wastes, to injure to interferer with any waste treatment process, constitute a hazard to humans or animals, or create a public nuisance in the receiving waters of the wastewater treatment plant. The toxics prohibited are those consistent with Section 307(a) of the Clean Water Act of 1977.
 - (3) Water or wastes having a pH lower than 6.0 or higher than 9.0, or having any other corrosive property capable of causing damage or hazard to structures, equipment and personnel of the City sewerage system.
 - (4) Solid or viscous substances in quantities or of such size as to be capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the City sewerage system such as, but not limited to, ashes, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, ungrounded garbage, whole blood, paunch manure, hair and flashing, entrains and paper dishes, cups, mild containers, etc., either whole or ground by garbage grinders.

Sec. 9-2-6 Limited and Restricted Discharges.

- (a) The following described substances, materials, waters or wastes shall be limited, in discharges to the City sewer system, to concentrations or quantities which will not harm the sewers, lift stations or the wastewater treatment facility, will not have an adverse effect on the receiving stream, or will not otherwise endanger life, limb or public property, or constitute a nuisance. The Approving Authority may set limitations lower than the limitations established in the regulations below, if such limitations are necessary to meet the above objections. In forming an opinion as to acceptability, the Approving Authority will give consideration to such factors as the quantity of subject waste in relation to flows and velocities in the sewers, material of construction of the sewers, the wastewater treatment process employed, capacity of the wastewater treatment plant, and other pertinent

factors. The limitations or restrictions on material or characteristics of waste or wastewaters discharged to the sanitary sewer, which shall not be violated without approval of the Approving Authority, are as follows:

- (1) Wastewater having a temperature higher than one hundred fifty degrees Fahrenheit (150°F) (65° Celsius);
- (2) Wastewater containing more than twenty-five (25) milligrams per liter of petroleum oil, non-biodegradable cutting oils, or products of mineral oil origin;
- (3) Wastewater from industrial plants containing floatable oils, fats, or grease; floatable oil is oil, fat, or grease in a physical state such that it will be separate by gravity from wastewater. Wastewater shall be considered free of floatable oil if the concentration of floatable oil is below 90 mg/l and the wastewater does not interfere with the system.
- (4) Garbage that has not been properly shredded. 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.
- (5) Water or wastes containing iron, chromium, copper, zinc and similar objectionable or toxic substances to such degree that any such material at the point of discharge exceeds the limits established by the Approving Authority in compliance with state and federal regulations.
- (6) Water or wastes containing odor-producing substances exceeding limits which may be established by the Approving Authority in compliance with state regulations;
- (7) Radioactive wastes or isotopes of such half life or concentrations as may exceed limits established by the Approving Authority in compliance with state regulations;
- (8) Quantities of flow, concentrations, or both, which constitute a "slug", as defined in Section 9-2-3.
- (9) Water or wastes containing substances which are not amenable to treatment or reduction by the wastewater treatment processes employed, or as amenable to treatment only to such degree that the wastewater treatment plant effluent cannot meet the requirements of the WPDES permit.
- (10) Water or wastes which, by interaction with other water or wastes in the City of Owen sewerage system, release obnoxious gases, form suspended solids which interfere with the collection system, or create a condition deleterious to structures and treatment processes;
- (11) Materials which exert or cause:
 - a. Unusual BOD, chemical oxygen demand or chlorine requirements in such quantities as to constitute a significant load on the wastewater treatment plant;
 - b. Unusual volume of flow or concentration of wastes constituting "slugs";
 - c. Unusual concentrations of inert suspended solids, such as fuller's earth, lime slurries and lime residues, or of dissolved solids, such as sodium sulfate;

- d. Excessive discoloration, such as dye wastes and vegetable tanning solutions.
- (b) **Septage Disposal.** No person or licensed disposer shall dispose of septage into any storage area or sewer manhole located within the service area without written approval of the City of Owen.

Sec. 9-2-7 Accidental Discharges.

Each discharger shall provide protection from accidental discharge of prohibited or regulated materials or substances established by this Chapter. Dischargers shall notify the Approving Authority immediately upon occurrence of a "slug load", or accidental discharge of substances prohibited by this Chapter and shall follow up within forty-eight (48) hours with a written report. 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 slug load of prohibited materials shall be liable for any expense, loss or damage to the publicly owned sewage treatment facility, in addition to the amount of fines imposed on the authority on account thereof under state or federal law.

Sec. 9-2-8 Pretreatment.

- (a) **Pretreatment Requirements.** When in the opinion of the Approving Authority, and in accordance with Title 40, Part 128 of the Code of Federal Regulations, and other applicable state and federal regulations, pretreatment is required to modify or eliminate wastes that are harmful to the structures, processes or operation of the wastewater treatment facility, the person creating the waste shall provide, maintain and operate, at his/her expense, pretreatment facilities. The pretreatment facilities shall be designed to modify or eliminate wastes that, in the opinion of the Approvaing Authority, are harmful to the structures, processes or operation of the wastewater treatment facility.
- (b) **Interceptor Requirements.** Grease, oil and sand interceptors shall be provided when, in the opinion of the Approving Authority, they are necessary for the proper handling of such wastes, 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 State Plumbing Code, and shall be located so as to be readily and easily accessible for cleaning and inspection. In the maintaining of these interceptors, the owner 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. Any removal and handling of the collected materials not performed by the owner's personnel must be performed by currently licensed waste disposal firms.

Sec. 9-2-9 Special Agreements.

No statement contained in this Chapter shall be construed as prohibiting any special agreement between the City and any person, whereby an industrial waste of unusual strength or character may be admitted to the City sewerage system, either before or after pretreatment, provided that there is no impairment of the functioning of the wastewater treatment facilities by reason of the admission of such wastes or impairment of the quality of the sludge in reuse or disposal, and no extra costs are incurred by the City without recompense by the person provided that all rates and provisions set forth herein are complied with.

Sec. 9-2-10 Industrial Wastes.

An industrial wastewater discharge permit is required under Section 9-2-4(i) for any new industrial or major industrial user proposing to discharge industrial wastes to the City Wastewater Collection System. In addition, any existing industrial or major industrial user proposing to change their average daily discharge of waters, wastes or septage to the City Wastewater Collection System by more than fifty percent (50%) over a period of five (5) years or less, or change the quantities of limited and restricted substances, materials, waters or wastes discharged, as defined in Section 9-2-6, shall obtain a new industrial wastewater discharge permit. For any new discharge or changed discharge, as defined above, by an industrial user or major industrial user, as defined in Section 9-2-3(m) and (n), this permit must be obtained one hundred eighty (180) days prior to the beginning of discharge or change in discharge. In support of his/her application, the user shall submit the following information:

- (a) **Applicant Information.** Name, address and standard industrial classification number of applicant.
- (b) **Wastewater Discharge Volume.** Average volume of wastewater to be discharged.
- (c) **Wastewater Constituents and Characteristics.** Wastewater constituents and characteristics as determined by examination according to "Standard Methods".
- (d) **Discharge Times/Duration.** Time and duration of discharge.
- (e) **Wastewater Flow Information.** Average and peak wastewater flow rates, including daily, monthly and seasonal variations, if any.
- (f) **Site Plans and Design Information.** Site plans, floor plans, mechanical and plumbing plans and details to show all sewers and appurtenances by size, location and elevation. *Existing factories are exempt, except for new additions or modifications.*
- (g) **Facilities and Activities Description.** Description of activities, facilities and plant processes on the premises including all materials and types of materials which are, or could be, discharged.
- (h) **Other Necessary Information.** Any other information as may be deemed by the Approving Authority to be necessary to evaluate the permit application.

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- (i) **Industrial Discharges.** If any waters, wastes or septage are discharged, or proposed to be discharged, to the public sewers or at the wastewater treatment facility, which contain substances or possess the characteristics enumerated in Section 9-2-5 and which, in the judgment of the City of Owen, may have deleterious effects upon the wastewater treatment facility, processes, equipment, or receiving waters, or which otherwise create a hazard to life, health, or constitute a public nuisance, the City of Owen may:
 - (1) Reject the wastes.
 - (2) Require pretreatment to an acceptable condition for discharge to the public sewers.
 - (3) Require a control over the quantities and rates discharged.
 - (4) Required payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges under the provisions of Section 9-2-4(c).
- (j) **Waste Sampling.**
 - (1) Industrial wastes and septage discharged into the public sewers shall be subject to periodic inspection and a determination of character and concentration of said wastes. The determinations shall be made by the industry or the licensed disposer as often as may be deemed necessary by the City of Owen. Testing facilities shall be the responsibility of the person discharging the waste or septage and shall be subject to the approval of the City of Owen. Access to sampling locations shall be granted to the City of Owen or its duly authorized representatives 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.
 - (2) The Approving Authority may use a consulting engineer or attorney to evaluate the data furnished by the user and may require additional information. After evaluation and acceptance of the data furnished, the Approving Authority may issue a wastewater discharge permit subject to appropriate terms and conditions.

Sec. 9-2-11 Major Industrial User Standards.

- (a) The volume of waste received from each major industrial user will not exceed two hundred thousand (200,000) gallons per day of pretreated wastewaters.
- (b) The five (5) day Biochemical Oxygen Demand (BOD) of the waste received from each industrial user will not exceed four hundred seventeen (417) pounds per day and suspended solids will not exceed three hundred thirty-four (334) pounds per day.
- (c) A monitoring station to automatically sample, gauge and record the effluent shall be provided. The industry shall maintain and operate the sampling station and perform all laboratory tests associated thereto. Records shall be kept on a daily basis. However, the City shall be granted access to the facilities at any time. The City shall be permitted to conduct periodic checks at the monitoring station and shall be free to limit access to the industry's personnel during such checks. However, the industry shall be allowed to have one (1) observer of its choice present during such checks and all flow data, samples taken,

- and other information obtained from such checks at the monitoring station shall be sharing with the Industry upon request.
- (d) The City of Owen reserves the right to deny a major industrial user the use of the sanitary system should the industrial waste stream contain any toxic or poisonous materials or if it possesses corrosive or other adverse properties capable of resulting in damage or hazard at the sewage treatment plant or creates a situation in which the plant cannot meet its discharge limits under standard operational methods. For the sake of this agreement, a liquid having a pH below 5.5 or above 9.0 will be considered corrosive and toxic and therefore, unacceptable.
 - (e) Each major industrial user agrees to install additional pretreatment processes as necessary to maintain the parameters specified in Subsection (k)(1), (2) and (4) above to peak daily volumes not greater than four hundred seventeen (417) pounds of BOD and three hundred thirty-four (334) pounds of suspended solids and provide uniform flow volume and pH discharge.
 - (f) Whenever a major industrial user is aware that the wastewater flow shall exceed two hundred thousand gallons of pre-treated wastewater or that the BOD or suspended solid amounts will change to such an extent that it may affect the operation of the treatment facility, it shall give immediate *written* notice of such possible problem to the City of Owen *and the industry shall correct the situation within two (2) days thereafter. Failing to inform the City of Owen within twenty-four (24) hours or correcting the problem within two (2) days shall result in the following:*
 - (1) Discharges of flows over two hundred thousand (200,000) gallons per day shall result in a penalty of no less than Five Hundred Dollars (\$500.00) nor more than One Thousand Dollars (\$1,000.00) per day, plus the full flow related sewer use rate in the City of Owen on a per one thousand (1,000) gallon basis reflecting debt retirement, operation, maintenance and replacement costs, plus any expense incurred in collecting the same, plus any damage caused to the wastewater treatment facilities.
 - (2) Discharges for BODs loading above the four hundred seventeen (417) pound limitation shall result in a fine of no less than Five Hundred Dollars (\$500.00) nor more than One Thousand Dollars (\$1,000.00) per day plus the full BOD's sewer use rate established in the City of Owen on a per pound basis, reflecting operation, maintenance and replacement costs, plus any expense incurred in collecting the same, plus any damage caused to the wastewater treatment facilities.
 - (3) Discharges for suspended solids above the three hundred thirty-four (334) pound limitation shall result in a fine of no less than Five Hundred Dollars (\$500.00) nor more than One Thousand Dollars (\$1,000.00) per day plus the full BOD's sewer use rate established in the City of Owen on a per pound basis reflecting operation, maintenance and replacement costs, plus any expense incurred in collecting the same, plus any damage caused to the wastewater treatment facilities.
 - (g) Whenever the City is aware that a major industrial user is exceeding its loadings as provided in Subsections (a), (b), and/or (d), the City shall forthwith give written notice of

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said violation to the industry and the industry shall correct the situation within two (2) days thereafter and failing to do so shall result in the following:

- (1) Discharges of flows over two hundred thousand (200,000) gallons per day shall result in a penalty of no less than Five Hundred Dollars (\$500.00) nor more than One Thousand Dollars (\$1,000.00) per day, plus the full flow related sewer use rate in the City of Owen on a per one thousand (1,000) gallon basis reflecting operation, maintenance and replacement costs, plus any expense incurred in collecting the same, plus any damage caused to the wastewater treatment facilities.
- (2) Discharges for BODs loading above the four hundred seventeen (417) pound limitation shall result in a fine of no less than Five Hundred Dollars (\$500.00) nor more than One Thousand Dollars (\$1,000.00) per day plus the full BOD's sewer use rate established in the City of Owen on a per pound basis, reflecting operation, maintenance, and replacement costs, plus any expense incurred in collecting the same, plus any damage caused to the wastewater treatment facilities.
- (3) Discharges for suspended solids above the three hundred thirty-four (334) pound limitation shall result in a fine of no less than Five Hundred Dollars (\$500.00) nor more than One Thousand Dollars (\$1,000.00) per day plus the full BOD's sewer use rate established in the City of Owen on a per pound basis, reflecting operation, maintenance and replacement costs, plus any expenses incurred in collecting the same, plus any damage caused to the wastewater treatment facilities.

Sec. 9-2-12 Sewer Service Charges.

- (a) **Authority.** The Common Council shall have the authority to establish and collect a sewer service charge for the use of the City of Owen sewerage system and the wastewater treatment facility. The Joint Commission shall have the authority to supervise and control the plant operation and maintenance, including the lift stations.
- (b) **Classes of Users.**
 - (1) The following user classes are established:
 - a. Residential.
 - b. Public Accounts.
 - c. Commercial.
 - d. Industrial.
 - e. Major Industrial.
 - f. Withee, Village of.
 - (2) All users will pay at the residential rate plus the appropriate surcharges except those users that provide pretreatment and automatically sample, gauge and record the pretreated wastewater discharged to the City wastewater collection system.

- (c) **Methods of Computing.** The Joint Commission shall determine the cost of operation and maintenance of the joint wastewater treatment facility, the total flow-BOD-suspended solids treated by the facility and resulting flow-BOD-suspended solids unit rates. Quarterly, the Joint Commission shall bill the Village of Witheee and City of Owen based on actual usage. To these expenses, the City of Owen shall add their expenses for debt, and the cost of billing and collecting, and then determine the total sewer service charge for each user of the system. Operation and maintenance costs for the collection system in each community will be added separately when computing the sewer service charge. The flat charge for an unmetered user shall be equal to the minimum charge for the metered users in the same use class, plus the debt retirement and user charge fees under the assumption of twelve thousand (12,000) gallons/quarter of consumption.
- (d) **Debt Service Charge.** The debts, as determined by the City of Owen, for construction of the wastewater treatment works shall be paid for by a debt service charge, which is a part of the total sewer service charge. The amount of this charge will be reviewed at least annually and established by motion passed by the Approving Authority.
- (e) **Minimum User Charge.** The minimum user charge is also termed the "fixed charge". It shall include allocated portions of the general sewer administration, accounting and collecting expenses. Surplus revenue will be applied to the debt retirement. This charge does not provide the user a minimum amount of use. The minimum user charge shall be reviewed at least annually and established by motion passed by the Approving Authority.
- (f) **User Charge.** The operation, maintenance and equipment replacement costs of the City sewerage system and the City's portion of the joint treatment plant shall be recovered by user charges. The residential user charge shall be based upon domestic strength wastewater and the volume used by the users. Unless pretreatment is provided by the user and the pretreated wastewater is automatically sampled, gauged and recorded, the other user classes shall pay the residential user charge plus the necessary surcharges. In either case, the user charge paid shall result in the proportionate recovery of operation, maintenance and equipment replacement by each user class. In the case of a user that provides pretreatment and automatically samples, gauges and records the wastewater discharged to the City wastewater collection system, the user charge shall be based on the actual volume of flow, pounds of BOD and pounds of TSS discharged to the wastewater collection system. The user charges for the volume of flow, pounds of BOD and pounds of TSS discharged will be at the same rates used to determine the residential user charge rate. The amount of this charge will be reviewed at least annually and established by motion passed by the Approving Authority.
- (g) **Surcharges.**
- (1) The commercial and institutional class of users shall be charged at the residential user rate and such additional surcharges as may be shown as equitable.
 - (2) The industrial user class of users shall be charged at the residential user rate plus a surcharge developed at such time as an application is received for a permit to discharge an industrial waste.

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- (h) **Major Industrial User Class Charges.** The major industrial user class will be charged a minimum charge, debt service charge and user charge to cover the proportional share of the existing and new debt on the City sewerage system, and to cover the proportional share of the operation and maintenance of the City wastewater collection system for this class of user. The debt charge will be at the residential user rate and based on the actual volume of wastewater discharged. The user charges for the volume of flow, pounds of BOD and pounds of TSS discharged will be at the same rates used to determine the residential user charge rate. The minimum charge shall be as established in Subsection (e) of this Section.
- (i) **Total Sewer Service Charge.** The total sewer service charge shall be the sum of the minimum charge, the debt service charge, user charge and any applicable surcharges. For those unmetered services, the total sewer charge shall consist of the flat charge as defined in Subsection (c) of this Section.
- (j) **Billing Periods.** The bill will be payable in accordance with the schedule established by the City of Owen. These bills are normally payable in four (4) quarterly payments each year.
- (k) **Due Date.** All portions of the service charges shall be payable within twenty (20) days from the date the charge is issued.
- (l) **Late Penalties.** Charges levied in accordance with this Section shall be a debt due to the City of Owen and shall be a lien upon the property. If this debt is not paid within thirty (30) days after it is due and payable, it shall be deemed delinquent, and a one and one-half percent (1.5%) per month charge added. This debt may then be recovered by civil action in the name of the City against the property owner, the person or both. If payment is not received prior to November 15th, the delinquent bill will be forwarded to the City Clerk-Treasurer for placement on the succeeding tax roll.
- (m) **Failure to Pay; Removal or Closure of Connection; Restoration of Service.**
 - (1) In the event of failure to pay sewer service charges after they become delinquent, the City shall have the right to remove or close sewer connections and enter the property for accomplishing such purposes.
 - (2) The expense of such removal or closing, as well as the expense of restoring service and any unpaid sewage charges of any other nature or description shall be a debt to the City of Owen which may be collected pursuant to Sec. 66.076(7), Wis. Stats., and may be collected in the manner provided therein or by any other action available under the law in the name of the City and against the property owner, the person, or both.
 - (3) Sewer service shall not be restored until all charges, including the expense of removal, closing and restoration, shall have been paid.
 - (4) Change of ownership or occupancy of premises found delinquent shall not be cause for reducing or eliminating these penalties.
- (n) **Audit of General Account.** An audit of the Sewer Department's financial standing shall be made annually. Such audit will be used to review the adequacy of the then-existing

rates and such rates shall be adjusted, if necessary, to provide sufficient revenues to adequately finance the Sewer Department's operation in accordance with the original intent of the rate structure. The annual audit and review shall also be used to ensure that each recipient of the sewage service (or user class) is charged in proportion to the cost of providing the recipient (or user class) with sewage service. Excess revenues collected from a user class for operation, maintenance, and replacement shall be applied to the cost of operation, maintenance and replacement for that user class in the following year.

- (o) **Replacement Fund.** A distinct replacement fund shall be estimated by the City. The replacement fund is for replacing equipment and accessories necessary to maintain the capacity and performance during the service life of the treatment facility.
- (p) **Reassignment of Sewer Users.** The City will reassign sewer users into appropriate sewer service charge categories if wastewater sampling programs and other related information indicate a change of categories is necessary.

Sec. 9-2-13 Enforcement.

- (a) **Emergency Suspension of Service and Discharge Permits.** The Approving Authority may, for good cause shown, suspend the wastewater treatment service and the Wastewater Discharge Permit of a Discharger when it appears to the Authority that an actual or threatened discharge presents or threatens an imminent or substantial danger to the health or welfare of persons, substantial danger to the environment, interference with the operation of the publicly owned wastewater treatment facility violation of any pretreatment limits imposed by this Chapter or any wastewater Discharge Permit issued pursuant to this Chapter. Any Discharger notified of the suspension of the Approving Authority's wastewater treatment service and/or the Discharger's Wastewater Discharge Permit, shall within a reasonable period of time, as determined by the Authority, cease all discharges. In the event of failure of the Discharger to comply voluntarily with the suspension order within the specified time, the Approving Authority shall commence judicial proceedings immediately thereafter to compel the Discharger's compliance with such order. The Authority shall reinstate the Wastewater Discharge Permit and/or the wastewater treatment service and terminate judicial proceedings pending proof by the Discharger of the elimination of the non-complying discharge or conditions creating the threat of imminent or substantial danger as set forth above.
- (b) **Revocation of Permit.** The Approving Authority may revoke the permit of any Discharger which fails to:
 - (1) Factually report the wastewater constituents and characteristics of its discharge;
 - (2) Report significant changes in wastewater constituents or characteristics;
 - (3) Refuses reasonable access to the Discharger's premises by representatives of the Authority for the purpose of inspection or monitoring; or

- (4) Violates the conditions of its permit; or this Chapter, or any final judicial order entered with respect thereto.
- (c) **Notification of Violation — Administrative Adjustment.** Whenever the Approving Authority finds that any Discharger has engaged in conduct which justifies revocation of a Wastewater Discharge Permit, pursuant to Subsection (b) hereof, the Approving Authority shall serve or cause to be served upon such Discharger a written notice either personally or by certified or registered mail, return receipt requested, stating the nature of the alleged violation. Within thirty (30) days of the date of receipt of the notice, the Discharger shall respond personally or in writing to the Approving Authority, advising of its position with respect to the allegations. Thereafter, the parties shall meet to ascertain the veracity of the allegations and where necessary, establish a plan for the satisfactory correction thereof.
- (d) **Show Cause Hearing.** Where violation of Subsection (b) hereof is not corrected by timely compliance by means of administrative adjustment, the Authority may order any Discharger which causes or allows conduct prohibited by Subsection (b) hereof, to show cause before the Approving Authority or its duly authorized representative, why the proposed permit revocation action should not be taken. A written notice shall be served on the Discharger by personal service or certified or registered mail, return receipt requested, specifying the time and place of a hearing to be held by the Approving Authority or its designee regarding the violation, the reasons why the enforcement action is to be taken, the proposed enforcement action, and directing the Discharger to show cause before the Approving Authority or its designee why the proposed enforcement action should not be taken. The notice of the hearing shall be served no less than ten (10) days before the hearing. Service may be made on any agent, officer, and/or authorized representative of a Discharger. The proceedings at the hearing shall be considered by the Approving Authority which shall then enter appropriate orders with respect to the alleged improper activities of the Discharger. Appeal of such orders may be taken by the Discharger in accordance with applicable local or state law.
- (e) **Judicial Proceedings.** Following the entry of any order by the Approving Authority with respect to the conduct of a Discharger contrary to the provisions herein, the Attorney for the Approving Authority may, following the authorization of such action by the Authority, commence an action for appropriate legal and/or equitable relief in the appropriate court.
- (f) **Enforcement Actions – Annual Publication.** A list of all significant Dischargers which were the subject of enforcement proceedings pursuant to Section 9-2-12 during the twelve (12) previous months shall be annually published by the Approving Authority in the official newspaper, summarizing the enforcement actions taken against the Dischargers during the same twelve (12) months which violations remained uncorrected forty-five (45) or more days after notification of non-compliance; or which have exhibited a pattern of non-compliance over the twelve (12) month period, or which involve failure to accurately report non-compliance.

- (g) **Right of Appeal.** Any Discharger or any interested party shall have the right to request in writing an interpretation or ruling by the Approving Authority on any matter covered by this Chapter and shall be entitled to a prompt written reply. In the event that such inquiry is by a Discharger and deals with matters of performance or compliance with this Chapter or deals with a Wastewater Discharge Permit issued pursuant hereto for which enforcement activity relating to an alleged violation is the subject, receipt of a Discharger's request shall stay all enforcement proceedings pending receipt of the aforesaid written reply. Appeal of any final judicial order entered pursuant to this Chapter may be taken in accordance with local and state law.
- (h) **Operating Upsets.**
- (1) Any Discharger which experiences an upset in operation which places the Discharger in a temporary state of non-compliance with this Chapter or a Wastewater Discharge Permit issued pursuant hereto shall inform the Approving Authority thereof within twenty-four (24) hours of first awareness of the commencement of the upset. Where such information is given orally, a written followup report thereof shall be filed by the Discharger with the Approving Authority within five (5) days. The report shall specify:
 - a. Description of the upset, the cause thereof and the upset's impact on a Discharger's compliance status.
 - b. Duration of non-compliance, including exact dates and times of non-compliance, and if the non-compliance continues, the time by which compliance is reasonably expected to occur.
 - c. All steps taken or to be taken to reduce, eliminate and prevent recurrence of such an upset or other conditions of non-compliance.
 - (2) A documented and verified bonafide operating upset shall be an affirmative defense to any enforcement action brought by the Approving Authority against a Discharger for any non-compliance with the Chapter or any Wastewater Discharge Permit issued pursuant hereto, which arises out of violations alleged to have occurred during the period of the upset.

Sec. 9-2-14 Penalties.

- (a) **Civil Penalties.** Any Discharger who is found to have violated an Order of the Approving Authority or who has failed to comply with any provision of this Chapter, and the regulations, or rules of the Approving Authority, or orders of any court of competent jurisdiction or permits issued hereunder, may be subjected to the imposition of a civil penalty of not more than Five Hundred Dollars (\$500.00) or by imprisonment of not more than thirty (30) days or both. Each day in which any violation is continued beyond the notice time limit shall be deemed separate offense.

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- (b) **Recovery of Costs Incurred by the Authority.** Any Discharger violating any of the provisions of this Chapter, or who discharges or causes a discharge producing a deposit or obstruction, or causes damage to or impairs the Approving Authority's wastewater disposal system shall be liable to the Approving Authority for any expense, loss, or damage caused by such violation or discharge. Refusal to pay the assessed costs shall constitute a violation of this Chapter enforceable under the provisions of this Chapter.
- (c) **Falsifying Information.** Any person who knowingly makes any false statement, representation or certification in any application, record, report, plan or other document filed or required to be maintained pursuant to this Chapter, or Wastewater Discharge Permit, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this Chapter shall, upon conviction be punished by the imposition of a civil penalty of not more than Five Hundred Dollars (\$500.00) or by imprisonment for not more than thirty (30) days or by both.
- (d) **Liability for Expense, Loss or Damage.** Any person violating any provisions of this Chapter shall become liable to the City for any expense, loss or damage occasioned by reason of such violation, which the City may suffer as a result thereof.

Sec. 9-2-15 Amendments.

The City of Owen may amend this Chapter in whole or in part whenever it may deem necessary.

Sec. 9-2-16 Sewer Service Charge System Development.

The City of Owen sewer service charge system shall be developed in accordance with the following and shall consist of a minimum user charge, debt charge, use charge and waste surcharge. The system shall also develop a flat charge for unmetered non-industrial users of the treatment works. A summary shall be included in this system development to show that adequate revenues will be collected to cover the estimated expenses of the Sewer Utility:

- (a) **Users of the System.** Users of the system are divided into six (6) user classes and are listed in Table I, which is figured using 1993 actual usage totals:

**TABLE I
ANNUAL LOADING 1993**

Class of Users	Number of Users	Flow (Gallons)	BOD (lbs)	S.S. (lbs)
Residential	348	12,905,321	26,908	18,835
Public Accounts	12	2,141,350	4,465	3,125
Commercial	70	4,672,620	9,742	6,820
Industrial	6	791,970	1,651	1,156
Withee	227	8,055,356	16,795	11,757
Subtotal	663	28,566,617	59,561	41,693
Kerry Ingredients	1	8,441,000	26,151	25,812
Total	664	37,007,617	85,712	67,505

Domestic loading is based on 250 mg/l BOD and 175 mg/l S.S. The Withee flows are taken from actual meter calculations at the homes.

- (b) **Minimum Charges.** The following minimum charges under Table 2 will be paid by the users of the system according to their water meter size. These charges shall also apply to each user on the Withee collection system. Proceeds of the minimum charge will go towards billing, collecting and metering costs, with any surpluses to be applied to the debt retirement.

**TABLE II
QUARTERLY MINIMUM SERVICE CHARGE**

3/4"	12.75
5/8"	12.75
1"	22.00
1-1/4"	27.50
1-1/2"	33.00
2"	44.00
3"	74.25
4"	112.75

TABLE III
1993 ESTIMATED REVENUE FROM SERVICE CHARGES

Meter Size	No. Meters	x	Minimum charge	=	Total
5/8"	632		12.75		32,232.00
3/4"	632		12.75		32,232.00
1"	14		22.00		1,232.00
1-1/4"	—		27.50		—
1-1/2"	4		33.00		528.00
2"	9		44.00		1,584.00
3"	4		74.25		1,188.00
4"	1		112.75		451.00
	664				37,215.00

Minimum Charges		\$ 37,215.00
Office, Billing, Collection	—	33,347.00
		3,868.00
Towards Debt		\$ 3,868.00

- (c) **Debt Service Charge.** Debt service charge is the charge to the users necessary to equitably defray the debts incurred by the City of Owen in constructing the treatment facilities. In order to equitably divide the debt, the facility is separated into major components with the cost of each component further divided into the costs of that component relating to flow, BOD and suspended solids (see Table IV).

**TABLE IV
TREATMENT PLANT COSTS**

Component	Total Cost	%	Flow Cost	%	BOD Cost	%	S.S. Cost
Lift Sta/Forcement	788,000	80	630,400	15	118,200	5	39,400
Cell Construction	366,500	60	219,900	30	109,950	10	36,650
Air Piping/Helixors	105,000	20	21,000	70	73,500	10	10,500
Monitoring	25,000	60	15,000	20	5,000	20	5,000
Control Struct/Pipe	239,000	80	191,200	15	35,850	5	11,950
Blower Bldg/Equip	105,000	20	21,000	70	73,500	10	10,500
Lab Bldg Equip	146,000	20	29,200	40	58,400	40	58,400
Chlorination	18,000	60	10,800	20	3,600	20	3,600
Filtration	160,000	10	16,000	45	72,000	45	72,000
pH Control	8,500	80	6,800	10	850	10	850
Outfall	75,000	80	60,000	10	7,500	10	7,500
Gen. Electrical	20,000	50	10,000	30	6,000	20	4,000
Rehabilitation	310,000	100	310,000	0	0	0	0
Inspection/Eng	230,000	60	138,000	30	69,000	10	23,000
Administration	118,000	60	70,800	30	35,400	10	11,800
Contingency	75,000	60	45,000	30	22,500	10	7,500
Computer	15,000	40	6,000	40	6,000	20	3,000
Total Step III	2,804,000	64.2	1,801,100	24.9	697,250	10.9	305,650

The debt incurred by the City is the total cost of the treatment facility reduced by the amount of any grants.

Step III Plant Cost	\$ 2,804,000
Less State Grant	1,638,370
Total Local Share	1,165,630
Owen local rehab. costs from existing funds	- 80,000
Withee local rehab. costs financed by Withee	- 45,000
Less funding from existing City account	- 220,000
Past debt (Step I and Step II)	59,370
Bonding costs + 1988 refinancing	255,000
Net Debt (Bond) Amount	\$ 1,135,000

The local portion of the sewer rehabilitation costs in each community will be financed through a local lender. Bonding for \$1,135,000 for 20 years. At 7.8505% will require an annual debt retirement of \$131,140. Of this debt \$44,500 annually will be paid by Kerry Ingredients with an additional \$4,868 coming from minimum user charges. The City has also decided to place an additional \$15,000 of the debt on the local tax role to reflect revenue lost to Kerry Ingredients. This results in a total of \$67,722 remaining to be paid. The portion of debt to be recovered by flow and loading charges is presented below. Kerry Ingredients wastewater is not included in the calculations as they pay a fixed fee towards debt retirement.

Annual debt retirement				\$ 131,140
Paid by Kerry Ingredients			-	44,500
Paid from minimum charges			-	3,868
Paid from tax roll			-	15,000
			-	67,722
Debt Remaining				\$ 67,772
Flow	\$ 67,772	x	64.2%	= 43,510
BOD	\$ 67,772	x	24.9%	= 16,875
S.S.	\$ 67,772	x	10.9%	= 7,387

The annual debt service charge per 1,000 gallons of flow, per pound of BOD and per pound of S.S. can be determined by using the billable loadings from Table I.

Cost/1000 gal.	=	\$ 43,510/28,567	=	1.5231
Cost/#BOD	=	16,875/59,561	=	.2833
Cost/#S.S.	=	7,387/41,693	=	.1771

Adjustment for normal domestic customer:

2.0850		#BOD in 1000 gallons flow
1.4593		#S.S. in 1000 gallons flow

Total debt contribution for domestic strength will be:

1000 gallons				= 1.5231
2.0850	x	.28222	=	.5907
1.4593	x	.1771	=	.2584
				2.3722/1000 gal. for debt

(d) **User Charge.**

- (1) User charge is the charge to the users of the system to equitably recover the operation and maintenance costs of the treatment facility. In order to divide this cost the total operation and maintenance cost, including replacement costs, are separated into components. These components are further divided into the costs of the component relating to flow, BOD, and S.S. (See Table V).
- (2) The replacement cost is the expenditure for replacing equipment and accessories necessary to maintain the capacity and performance during the service life of the treatment facility. The replacement cost is calculated as the present replacement cost divided by the projected service life and is shown in Table VI.

**TABLE V
TOTAL ANNUAL COST OPERATION & MAINTENANCE 1993**

Item	Total	60% Flow Cost	27% BOD Cost	13% S.S. Cost
Labor	\$ 29,796			
Electrical/Fuel	49,974			
Chemical	2,966			
Supplies	6,551			
Transportation	1,452			
Maintenance	2,971			
	\$ 93,710	56,226	25,302	12,182

**TABLE VI
TOTAL REPLACEMENT COSTS**

Annual	44% Flow	38% BOD	18% S.S.
\$ 12,280	5,403	4,667	2,210

**TABLE VII
TOTAL ANNUAL COST**

<u>O&M</u>	+	<u>Replacement</u>	=	<u>Total</u>	<u>58% Flow</u>	<u>29% BOD</u>	<u>13% S.S.</u>
93,710		12,280		105,990	61,474	30,737	13,779

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Cost/1000 gal	=	61,474/37,008	=	1.6611
Cost/#BOD	=	30,737/85,712	=	.3586
Coste/#S.S.	=	13,779/67,505	=	.2041

Adjustment for normal domestic customer:

Flow 1000 gal.	=	1.6611
2.0850 x .3586	=	.7477
1.4593 x .2041	=	.2978
Total User Charge		<u>2.7066</u>

- (e) **Flat Charge.** The flat charge will be based on 12,000 gallons per quarter, and computed using the minimum, debt service and user charges for domestic strength wastewater.

$$\text{Minimum } \$12.75 + (12 \times 2.3722) + (12 \times 2.7066) = \$73.70$$

- (f) **Surcharges – Domestic.** The domestic users discharging wastewater containing concentrations of BOD in excess of 250 mg/l and S.S. in excess of 175 mg/l shall be charged a surcharge on the resulting excess poundage:

BOD Surcharge	=	BOD debt unit charge	+	BOD user charge
.6419	=	.2833	+	.3586
S.S. Surcharge	=	S.S. debt unit charge	+	S.S. user charge
.3812	=	.1771	+	.2041

- (g) **Withee Inflow Surcharge.** An additional inflro surcharge of .47/M will be assessed to the Village of Withee flows through the 3rd quarter billing of 1987, at which time the Commission will review the good faith efforts taken by Withee to correct the infiltration and inflow. The Witheee wastewater flow shall be determined by the meters at each of their customers in Withee, rather than at a flow meter located in a minitoring manhole before the lift station wet well or at meters located at each of their wells. The reason for this surcharge is to compensate for the clear water inflor that is coming into the Withee system.

(h) **Summary.**

Estimated Annual Expenses		User Charge Summary	
Debt Service	\$ 131,140	Debt Service Charge	2.3722
Replacement	12,280	Kerry Ingredients Debt	44,500
O & M	93,710	User Service Charge	2.7066
Billing & Office	<u>33,347</u>	Minimum Charges	(See Table II)
	\$ 270,477	Flat Charge	73.70
		BOD Domestic Surcharge	.6419
		S.S. Domestic Surcharge	.3812
		Withee Inflow Surcharge	.4700
		Kerry Ingredients BOD/#	.3586
		Kerry Ingredients S.S./#	.2041
		Kerry Ingredients Flow	1.6611

(i) **Test of Revenues.**

1) Minimum Charges	From TABLE III	\$ 37,215.00
2) Debt Service Charge	28,566,617 gal x 2.3722	67,765.00
3) Kerry Ing. Debt Charge	Annual per Contract	44,500.00
4) User Charge	28,566,617 gal x 2.7066	77,318.00
5) Kerry User Charge		
Flow	8,441,000 gal x 1.6611	14,021.00
BOD	26,151 lbs x .3586	9,378.00
S.S.	25,812 lbs x .2041	5,268.00
6) Withee Surcharge	8,055,356 gal x .4700	3,786.00
7) Taxes in Owen		<u>15,000.00</u>
		\$ 274,251.00

(j) **Recap.**

Estimated Annual Costs	\$ 270,477.00
Estimated Annual Revenue	<u>274,251.00</u>
	+ 1.37%

(k) **Septic Tank and Holding Tank Disposal Charges.**

Annual septic tank and holding tank permit fee: \$100.00

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Income received from the permit fee will be applied towards clerical costs with any remainder being applied towards debt retirement.

Septic Tanks Strengths:

Using EPA developed strengths

Volume = 1,000 gallons assumed for calculation purposes

BOD5 = 8,000 mg/l

Suspended Solids = 11,900 mg/l

Domestic Strength Wastewater

BOD5 = 250 mg/l

Suspended Solids = 175 mg/l

Loading Calculations

lbs BOD5 (8,000-250) (8.34) x .001 = 64.6 lbs

lbs S.S. (11,900-175) (8.34) x .001 = 97.8 lbs.

Dumping Charge Calculations

Septic tank user charges utilizing City of Owen treatment costs are calculated as follows:
Cost reflects debt retirement values and user charge cost.

* Service Charge

Std. Charge Domestic Strength	\$ 12.75
BOD5 Surcharge 64.6 x \$.4262	2.78
S.S. Surcharge 97.8 x \$.2693	<u>26.34</u>
Total Charge per 1,000 gallons of septage	\$ 69.37

Title 9 ► Chapter 3

Miscellaneous Utilities Regulations

9-3-1 Separate Water and Sewage Utilities

9-3-2 Natural Gas Franchise

Sec. 9-3-1 Separate Water and Sewage Utilities.

(a) **Purpose.**

- (1) The City of Owen has operated a combined water utility and sewage system utility for a number of years by virtue of an ordinance creating the Owen Waterworks and Sewage System Public Utility; and
- (2) The Common Council of the City of Owen has concluded, after due consideration, that it would be in the best interest of the City of Owen to separate the utilities.

(b) **Separation of Utilities.** The City of Owen shall separate the combined water and sewer public utility and form a separate Sewage Public Utility Department and separate Water Utility Department.

Sec. 9-3-2 Natural Gas Franchise.

(a) **Grant of Authority.** There is granted to the American Gas Company of Wisconsin, Inc., a Wisconsin corporation, its successors and assigns, hereinafter referred to as "Company", the exclusive right and privilege to acquire, erect, construct, operate and maintain a gas plant, gas system, or both, and to import, transport, sell and distribute gas, whether natural, manufactured or mixed within the City of Owen limits, and for these purposes to establish the necessary facilities and equipment and to lay and maintain gas mains, service pipes and any other appurtenances necessary to the sale and distribution of gas in and along the streets, alleys and other public ways and places of the said City.

(b) **Conditions of Street Occupancy.**

- (1) **Use.** All pipes, mains and other natural, artificial or mixed gas equipment and apparatus laid or placed by the Company shall be so located in the streets, alleys, public ways and placed in the City as not to obstruct or interfere with any water pipes, sewers, drains or other structures. The Company shall, when practicable, avoid

interfering with the use of any street, alley or other highway where the paving or surface of such streets, alley or other highway would be disturbed.

- (2) **Restoration.** If the Company shall disturb any pavement, sidewalk, street, alley, driveway or other surfacing, then in such event the Company shall at its own cost and expense and in a manner approved by the said City, replace and restore to a condition as good as that before such disturbance, any such disturbed pavement, sidewalk, street, alley, driveway or other surfacing.
 - (3) **Relocation.** In the event that at any time during the period of this franchise the City shall lawfully elect to alter or change the grade of any street, alley or other public place or way, the Company, upon reasonable notice by the City shall remove, re-lay and relocate, at its own expense, the Company's pipes, mains and other gas fixtures.
- (c) **Service and Rates.** The Company shall render efficient service and charge fair and reasonable rates in accordance with the rules and regulations of the Public Service Commission of Wisconsin.
 - (d) **Company Rules and Regulations.** The Company shall have the power and authority to promulgate such rules, regulations, terms and conditions governing the conduct of its business as shall be reasonably necessary to enable the Company to exercise its rights and to perform its obligations under this franchise in accordance with the rules and regulations of the Public Service Commission of Wisconsin.
 - (e) **Company Liability — Indemnification.** It is expressly understood and agreed by and between the Company and the City of Owen that the Company shall hold the City harmless from any suit, judgment, execution, claim or demand whatsoever resulting from negligence on the part of the Company in the construction, operation or maintenance of its gas system in the City. The City shall notify the company's representative within five (5) days after the presentation of any claim or demand, either by suit or otherwise, made against the City on account of any negligence as aforesaid on the part of the Company.
 - (f) **Acceptance.** The Company, its successors and assigns, shall, if it accepts this ordinance and the rights hereby granted, file a written acceptance of this ordinance with the City of Owen within sixty (60) days from the date of original publication of this ordinance.