

CHAPTER 13

MUNICIPAL UTILITIES

ADMINISTRATION

- 13.01 Utility Commission
- 13.02 Discharge Permit
- 13.03 Penalty

WATER UTILITY

- 13.10 Agreement to Comply with Water Utility Operating Rules
- 13.11 Public Service Commission Rules Adopted
- 13.12 Cross Connection Control
- 13.13 Private Well Permits and Abandonment
- 13.14 Wellhead Protection

WASTEWATER TREATMENT

- 13.15 Wastewater Disposal
- 13.16 Wastewater Treatment Service Charges
- 13.17 Connections to System
- 13.18 Septage Disposal Regulations

UTILITIES BILLING

- 13.19 Utilities Billing

WELLHEAD PROTECTION

- 14.01 Wellhead Protection Ordinance

13.01 UTILITY COMMISSION. (1) COMPOSITION. See section 2.12(1) of this Code.

(2) TERMS. See section 2.12(2) of this code.

(3) POWERS AND DUTIES. The Commission shall have the general powers in the construction, extension, improvement and operation of the utilities, as necessary for satisfactory service to consumers. All extension and improvement expenditures larger than \$1,000 shall first obtain the approval of the Village Board. The Commission shall operate the water utility and the wastewater treatment facility as separate enterprises and shall appoint a manager to supervise the operation of the facilities and fix his compensation therefor. The Commission may command the services of the Village Engineer and may employ and fix the compensation of subordinates as necessary. The Commission may make rules for their own proceedings and for the government of their department. The Commission shall keep books of account, in the manner prescribed by the State Public Service Commission, which shall be open to the public.

(4) COMMISSION TO AUDIT. Departmental expenditures shall be audited by the Commission. When approved, they shall be paid by the Village Clerk/Treasurer upon warrant signed by the President and Secretary of the Commission. All water bills shall be collected by Community Bank and deposited in a separate Village utility account under control of the Village Clerk/Treasurer.

13.02 DISCHARGE PERMIT. The Village Superintendent and the Utility Commission shall be the permittee under W.P.D.E.S. permit number WI-0036048-2 and shall operate the wastewater treatment plant according to the conditions of such permit.

13.03 PENALTY. Any person who shall violate any provision of this chapter or any regulation, rule or order made hereunder shall be subject to a penalty as provided by Chapter 25.04 of this Municipal Code.

13.10 AGREEMENT TO COMPLY WITH WATER UTILITY OPERATING RULES. All persons now receiving a water supply from the Utility, or who may hereafter make application therefor, shall be considered as having agreed to be bound by all rules and regulations as filed with the State Public Service Commission.

13.11 PUBLIC SERVICE COMMISSION RULES ADOPTED. The following provisions of Ch. PSC 185, Adm. Code, are adopted by reference and made a part of these rules as if set forth in full. A violation of any such rules shall constitute a violation of this section and shall be punishable as provided in §13.10.

§185.11	Authorization For and Application of Rules.
§185.12	Definitions.
§185.13	General Requirements.
§185.15	Free or Discriminatory Service Prohibited.
§185.16	Protection of Utility Facilities.
§185.17	Interference with Public Service Structures.
§185.18	Location of Records.
§185.19	Retention of Records.
§185.21	Schedules to be Filed with the Commission.
§185.22	Information Available to Customers.
§185.31	Metered Service.
§185.33	Billing.
§185.35	Adjustment of Bills.
§185.36	Deposits.
§185.37	Disconnection and Refusal of Service.
§185.38	Deferred Payment Agreement.
§185.39	Dispute Procedures.
§185.41	Employees Authorized to Enter Customers' Premises.

§185.42	Customer Complaints.
§185.43	Construction Records.
§185.44	Records and Reports of Service Interruptions.
§185.45	Pumpage records.
§185.46	Metering Equipment Records.
§185.47	Other Records.
§185.51	Requirement for Good Engineering Practice.
§185.52	Construction Standards.
§185.61	Meters.
§185.65	Accuracy Requirements for Customer Meters.
§185.71	Meter Testing Facilities and Equipment.
§185.72	Calibration of Meter Testing Equipment.
§185.73	Testing of Customer Meters.
§185.74	Test Flows.
§185.75	Required Tests of Customer Meters.
§185.751	PSC Code.
§185.76	Periodic Tests.
§185.77	Complaint Tests.
§185.78	Referee Tests.
§185.79	Testing of Metering Installations Having Remote Registers.
§185.795	Jumpering Meter Settings.
§185.81	Quality of Water.
§185.815	Adequacy of Water Supply.
§185.82	Pressure Standards.
§185.83	Station Meters.
§185.84	Emergency Operation.
§185.85	System Losses.
§185.86	Flushing Mains.
§185.87	Operation of Distribution System Valves and Hydrants.
§185.88	Interruptions of Service.
§185.89	Thawing Frozen Services.

13.12 CROSS CONNECTION CONTROL. (1) DEFINITION OF CROSS CONNECTION.

A cross connection is defined as any physical connection or arrangement between two otherwise separate systems, one of which contains potable water from the Village of Plain Water Utility, and the other of which contains water from a private source, water of unknown or questionable safety, or steam, gases, or chemicals, whereby there may be a flow from one system to the other, with the direction of flow depending on the pressure differential between the two systems.

(2) **UNPROTECTED CROSS 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 ch. SPS 382, Wisconsin Administrative Code.

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

(4) **RIGHT OF ENTRY.** Upon presentation of credentials, a representative of the water utility shall have the right to request entry, at any reasonable time, to a property served by a connection to

the public water system for the purpose of inspecting the property for cross connections. Refusing entry to such utility representative shall be sufficient cause for the water utility to discontinue water service to the property, as provided under paragraph 6 of this ordinance. If entry is refused, a special inspection warrant under Section 66.0119 of the Wisconsin Statutes, may be obtained.

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

(6) DISCONTINUATION OF WATER FOR VIOLATION. The water utility may discontinue water service to any property wherein any unprotected connection in violation of this ordinance exists, and take other precautionary measures deemed necessary to eliminate any danger of contamination of the public water system. Water service may be discontinued, however, only after reasonable notice and opportunity for hearing under Chapter 68, Wisconsin Statutes, except as provided in paragraph 7 of this ordinance. Water service to such property shall not be restored until the unprotected cross connection has been eliminated.

(7) EMERGENCY DISCONTINUANCE. If it is determined by the water utility that an unprotected cross connection or emergency endangers public health, safety, or welfare, and requires immediate action, and if a written finding to that effect is filed with the Village Clerk and delivered to the customer's premises, water service may be immediately discontinued. The customer shall have an opportunity for hearing under Chapter 68, Wisconsin Statutes, within 10 days of such emergency discontinuance. Water service to such property shall not be restored until the unprotected cross connection has been eliminated.

REV. 03/14/2012

13.13 PRIVATE WELL PERMITS AND ABANDONMENT. (1) PURPOSE. To prevent unused and/or improperly constructed wells from serving as a passage for contaminated surface or near-surface waters or other materials to reach the usable ground water. These wells must be properly filled and sealed.

(2) SCOPE OF ORDINANCE. All private wells located on any premises which are served by the public water system of the Village of Plain shall be properly filled by December 31, 1985. Only those wells for which a well use permit has been granted by the Village Clerk may be exempted from the requirement, subject to conditions of maintenance and operation.

(3) WELL USE PERMITS. A renewable permit may be granted to a private well owner to use a private well for a period not to exceed five (5) years if the following requirements are met. Application shall be made on forms provided by the Village Clerk and a fee shall be submitted with said application. **See fee schedule.**

(a) The well and pump installation shall meet the requirements of Chapter NR 112, Wisconsin Administrative Code, and well contractor's report is on file with the Department of Natural Resources or certification of the acceptability of the well has been granted by the Private Water Supply Section of the Department of Natural Resources.

(b) The well has a history of producing safe water and presently produces bacteriologically safe water as evidenced by at least two (2) samplings taken two (2) weeks apart at the time of application for permit. One further sample shall be taken annually during the term of the permit.

(c) The proposed use of the well can be justified as being a necessary addition to water provided by the public water system.

(d) No physical connection shall exist between the piping of the public water system and the private well.

(e) If the well presently produces bacteriologically unsafe water, a permit will be granted only if all spigots are labeled WATER UNSAFE.

(4) METHODS. Wells to be abandoned shall be filled according to the procedures outlined in Chapter NR 112, Wisconsin Administrative Code. The pump and piping must be removed and the well checked for obstructions prior to plugging. Any obstruction or liner must be removed.

(5) REPORTS AND INSPECTION. A well abandonment report must be submitted by the well owner to the Department of Natural Resources on forms provided by the agency (available at the office of the Village Clerk). The report shall be submitted immediately upon completion of the filling of the well. The filling must be observed by a representative of this municipality.

(6) PENALTIES. Any person, firm or other well owner violating any provision of this ordinance shall upon conviction be punished by a fine (**see fine schedule**), together with the cost of prosecution. Each 24-hour period during which a violation exists shall be deemed and constitute a separate offense.

13.14 WELLHEAD PROTECTION.

(1) CONSTRUCTION OF ORDINANCE

(a) TITLE - This chapter shall be known, cited and referred to as the "Wellhead Protection Ordinance" (hereafter WHP ORDINANCE).

(b) PURPOSE AND AUTHORITY

1. The residents of the Village of Plain (hereafter Village) depend exclusively on groundwater for a safe drinking water supply. Certain land use practices and activities can seriously threaten or degrade groundwater quality. The purpose of the WHP Ordinance is to institute land use regulations and restrictions to protect the Village municipal water supply and well fields, and to promote the public health, safety and general welfare of the residents of the Village.

2. These regulations are established pursuant to the authority granted to Villages by the Wisconsin Legislature in ss. 60.61(1), (2)(g), and 60.62, Wis. Stats., to adopt ordinances to protect groundwater.

(c) APPLICABILITY. The regulations specified in the WHP ORDINANCE shall apply within the Village boundary limits.

(2) DEFINITIONS

(a) EXISTING FACILITIES - "Existing facilities" means current facilities, practices and activities which may cause or threaten to cause environmental pollution within that portion of the Village's wellhead protection area that lies within the corporate limits of the Village. Existing facilities include but are not limited to the type listed in the Department of Natural

Resources' form 3300-215, Public Water Supply Potential Contaminant Use Inventory Form which is incorporated herein as if fully set forth.

(b) GROUNDWATER DIVIDE - "Groundwater divide" means a ridge in the water table or the potentiometric surface from which ground water flows away at right angles in both directions. A groundwater divide is represented by the line of highest hydraulic head in the water table or potentiometric surface.

(c) GROUNDWATER PROTECTION OVERLAY DISTRICT - "Groundwater protection overlay district" means that area described within the Village's wellhead protection plan. A copy of the Village's wellhead protection plan can be obtained from David Warnke, Village Clerk.

(d) RECHARGE AREA - "Recharge area" means the land area which contributes water to a well by infiltration of water into the subsurface and movement with groundwater toward the well.

(e) TIME OF TRAVEL - "Time of travel" means the determined or estimated time required for a contaminant to move in the saturated zone from a specific point to a well.

(f) WELL FIELD - "Well field" means a piece of land used primarily for the purpose of supplying a location for construction of wells to supply a municipal water system.

(3) GROUNDWATER PROTECTION OVERLAY DISTRICT (hereafter DISTRICT).

(a) INTENT. The area to be protected as a District is that portion of the Plain well fields' recharge areas extending to the groundwater divide contained within the Village boundary limits and shown on the attached map. These lands are subject to land use and development restrictions because of their close proximity to the well fields and the corresponding high threat of contamination.

(b) PERMITTED USES. Subject to the exemptions listed in section (3)(e), the following are the only permitted uses within the DISTRICT. Uses not listed are to be considered non-permitted uses.

1. Parks, provided there is no on-site waste disposal or fuel storage tank facilities associated with this use.
2. Playgrounds.
3. Wildlife areas.
4. Non-motorized trails, such as biking, skiing, nature and fitness trails.
5. Municipally sewered residential development, free of flammable and combustible liquid underground storage tanks.

6. Municipally sewered business development zoned B-1, B-2, or B-3, except for the following uses:

- a. Above ground storage tanks.
- b. Asbestos product sales.
- c. Automotive service and repair garages, body shops.
- d. Blue printing and photocopying services.
- e. Car washes.
- f. Equipment repair services.
- g. Laundromats and diaper services.
- h. Dry cleaning.
- i. Gas stations.
- j. Holding ponds or lagoons.
- k. Infiltration ponds.
1. Nurseries, lawn and garden supply stores.
- m. Small engine repair services.
- n. Underground storage tanks.
- o. Wells, private, production, injection or other.
- p. Any other use determined to be similar in nature to the above listed items.

7. Agricultural uses in accordance with the county soil conservation department's best management practices guidelines.

(c) SEPARATION DISTANCES. The following separation distances as specified in s. NR 811.16(4)(d), Wis. Adm. Code, shall be maintained and shall not be exempted as listed in section (3)(e).

The following distances shall apply for both Well #1 and Well #2.

1. Fifty feet between a well and a storm sewer main.
2. Two hundred feet between a well and any sanitary sewer main, lift station or a single family residential fuel oil tank. A lesser separation distance may be allowed for sanitary sewer mains where the sanitary sewer main is constructed of water main materials and joints and pressure tested in place to meet current AWWA 600 specifications. In no case may the separation distance between a well and a sanitary sewer main be less than 50 feet.

3. Four hundred feet between a well and a septic system, tank, or drain field, and receiving less than 8,000 gallons per day, a cemetery or a storm water drainage pond.

4. Six hundred feet between a well and any gasoline or fuel oil storage tank installation that has received written approval from the Wisconsin Department of Commerce (hereafter Commerce) or its designated agent under s. Comm 10.10, Wis. Adm. Code.

5. One thousand feet between a well and land application of municipal, commercial or industrial waste; industrial, commercial or municipal wastewater, lagoons or storage structures; manure stacks or storage structures; and septic tanks or soils absorption units receiving 8,000 gallons per day or more.

6. Twelve hundred feet between a well and any solid waste storage, transportation, transfer, incineration, air curtain destructor, processing, one time disposal or small demolition facility; sanitary landfill; coal storage area; gasoline or fuel oil storage tanks that have not received written approval from Commerce or its designated agent under s. Comm 10.10, Wis. Adm. Code; bulk fuel storage facilities and pesticide handling or storage facilities.

(d) REQUIREMENTS FOR EXISTING FACILITIES

1. Existing facilities shall provide copies of all federal, state and local facility operation approvals or certificate and on-going environmental monitoring results to the Village.

2. Existing facilities shall provide additional environmental or safety structures/monitoring as deemed necessary by the Village, which may include but is not limited to storm water runoff management and monitoring.

3. Existing facilities shall replace equipment or expand in a manner that improves the existing environmental and safety technologies already in existence.

4. Existing facilities shall have the responsibility of devising and filing with the Village a contingency plan satisfactory to the Village for the immediate notification of Village officials in the event of an emergency.

(e) EXEMPTIONS AND WAIVERS

1. Individuals and/or facilities may request the Village in writing, to permit additional land uses in the District.

2. All requests shall be in writing, whether on or in substantial compliance with forms to be provided by the Village and may require an environmental assessment report prepared by a licensed environmental engineer. Said report shall be forwarded to the Village and/or designee(s) for recommendation and final decision by the Village Board.

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

4. Any exemptions granted shall be conditional and may include required environmental and safety monitoring consistent with local, state and federal requirements, and/or bonds and/or securities satisfactory to the Village.

(4) ENFORCEMENT

(a) In the event that an individual and/or facility causes the release of any contaminants which endanger the DISTRICT, the individual and/or facility causing said release shall immediately stop the release and clean up the release to the satisfaction of the Village.

(b) The individual/facility shall be responsible for all costs of cleanup, including all of the following:

1. Village consultant fees at the invoice amount plus administrative costs for oversight, review and documentation.

2. The cost of Village employees' time associated in any way with cleanup based on the hourly rate paid to the employee multiplied by a factor determined by the Village representing the Village's cost for expenses, benefits, insurance, sick leave, holidays, overtime, vacation, and similar benefits.

3. The cost of Village equipment employed.

4. The cost of mileage reimbursed to Village employees attributed to the cleanup.

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

(d) Enforcement shall be provided pursuant to section 13.03 of the Code.

SECTION II. CONFLICT AND SEVERABILITY. Section 25.02 of the CODE OF ORDINANCES OF THE Village OF Plain applies to this ordinance.

SECTION III. EFFECTIVE DATE. This ordinance shall take effect upon passage and posting as provided by law.

13.15 WASTEWATER DISPOSAL. (1)(a) Authority. This Ordinance is adopted under the authority granted by Section 62.18, 62.185, and 62.19 of the Statutes.

13.15(1)(b) Title. This ordinance shall be known as referred to and cited as the "USER CHARGE AND SEWER USE ORDINANCE FOR THE VILLAGE OF PLAIN, STATE OF WISCONSIN, and hereinafter referred to as the Ordinance.

13.15(1)(c) Findings and Declaration of Policy. The Village Board of the Village of Plain, Sauk County, Wisconsin, hereby finds that the requirements for the issuance of State grants and the acceptance of such grants by the Village of Plain under the Wisconsin Department of Natural Resources as set forth in Chapter NR 128, Wisconsin Administrative Code, for the construction of waste treatment works to improve the quality of effluent discharges from the Village of Plain establish:

(1) The necessity of adopting a User Charge System that would be proportionate to all classes of users and produce the revenue required to sustain the sewage collection and waste treatment system;

(2) The necessity of enacting regulations that control the use and inflow into waste treatment works.

13.15(1)(d) Purpose and Intent. The purpose of the Ordinance is to promote the public health, safety, prosperity, aesthetics, and general welfare of the citizens of the Village of Plain, Sauk County, Wisconsin, and is designed to provide the legislative enactments required under S.144.24(8)(a) Stats. NR 128.20(5), Administrative Code, and applicable (state) regulations for the acceptance of construction grants to improve the quality of effluent discharges from waste treatment works. It is further intended to provide for administration and enforcement of the Ordinance and to provide penalties for its violations.

13.15(1)(e) - Abrogation and Greater Restrictions. It is not intended by this Ordinance to repeal, abrogate, annul, impair or interfere with any existing easements, covenants, deed restrictions, agreements, rules, regulations, ordinances or permits previously adopted or issued pursuant to law. However, wherever this Ordinance imposes greater restrictions, the provisions of this Ordinance shall govern.

13.15(1)(f) - Interpretation. In their interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements and shall be liberally construed in favor of the Village and shall not be deemed a limitation or repeal of any other power granted by the Statutes of the State of Wisconsin.

13.15(1)(h) - Repeal. All other ordinances or parts of ordinances of the Village inconsistent or conflicting with the Ordinance, to the extent of the inconsistency only, are hereby repealed.

13.15(1)(i) - Effective Date. This ordinance shall take effect on passage, approval and publication.

13.15(2) - Establishment of Revenue System. A user charge shall be assessed to all users by the Village in accordance with the provisions of the Ordinance.

13.15(3) - User Charge System.

(a) Budget and Appropriation. The Water and Sewer Commission of the Village Board shall annually prepare an estimate of the anticipated costs for each category of user charge, as outlined hereafter, for the forthcoming year. These estimates shall be in the form of a rate ordinance and shall be proposed to the Village Board of the Village for enactment prior to the enactment of the budget of the ensuing year.

(b) Operation and Maintenance Charges. Operation and maintenance costs will be charged to the users on the basis of flow as long as all wastewater contributions to the system do not exceed the defined domestic wastewater concentration of 300 mg/1 and 300 mg/1 of TSS. The unit charge for operation and maintenance shall be calculated using the budget prepared under 13.15(3)(a) and the previous years billable flow. The unit charge shall be expressed in cost per 1000 gallons. When one or more users discharge wastewater with concentrations above the defined domestic wastewater concentrations the operation and maintenance cost will be charged on the basis of flow, billable BOD and billable TSS.

(c) Replacement Charges. (1) The replacement charge shall be sufficient to replace any equipment in the sewers or sewage works owned by the Village, as required to maintain the capacity for which the sewers and sewage works were designed and constructed. The service life for real and personal property shall be established by the Village Engineer, in accordance with experience of the Village, State and Federal guidelines. Each piece of equipment shall be evaluated annually to determine if its useful life has been extended as a result of preventative maintenance programs or repairs.

(2) Yearly replacement costs for each piece of equipment shall be reviewed annually by the Village Engineer and approved by the Water and Sewer Commission and the Village Board.

(3) Annual replacement costs shall be charged on the basis of flow as long as all wastewater contributions do not exceed the defined domestic wastewater concentrations. The unit charge for replacement costs shall be calculated using the annual replacement cost and the previous year's billable flow. The unit charge shall be expressed in cost per 1000 gallons.

(d) Administrative and Sampling Charges. (1) The total administrative and overhead costs associated with billing, collection, and recordkeeping shall be determined by the Water and Sewer Commission of the Village Board and assessed against users.

(2) Any wastewater monitoring or sampling required by the Village to verify wastewater concentrations or for the purpose of establishing quantities for billing and performed by the Village or agents of the Village shall be charged directly to the user where the charges were incurred.

(e) Additional Charges. Additional charges shall be billed as required, for the following:

(1) Actual costs incurred for user-requested samplings and analyses.

(2) Actual costs incurred for special handling not provided for elsewhere in this Ordinance.

(3) Actual costs incurred for handling a user's check returned because of insufficient funds.

(4) Each user which discharges toxic pollutants which cause an increase in the cost of managing the effluent or the sludge of the treatment works shall pay for such increased costs and toxics monitoring.

(f) Excess Revenues and Separation of User Charges. (1) The Village will apply excess revenues collected from a user class to operation and maintenance and replacement costs attributable to that class for the next year.

(2) Users will be notified annually as to that portion of user charges attributable to operation and maintenance and replacement costs.

(3) The Village will maintain such records as are necessary to document compliance with 40 CRF 35 subpart E.

13.15(4) - Wastewater Treatment Charges. (a) All Users. The basic wastewater treatment bill to be paid by all users shall consist of user charges for operation, maintenance, and replacement, using the unit charges from Sections 13.15(3)(b) and (c) of this Ordinance, and user charges for billing and collection as described in Section 13.15(3)(d) of the Ordinance. The unit charges shall be applied to the user's billable flow, BOD and TSS respectively. To the above charge will be added an amount for debt service. This amount will be determined by the Sewer and Water Commission. See Section 13.16(2) and (3) for rates.

(b) Industrial and Commercial Users. (1) In addition to the basic wastewater treatment charges described in section 13.15(4)(a) of the Ordinance for the user charge system, wastewater treatment charges for industrial and commercial users shall consist of industrial waste monitoring charges as described in Section 13.15(3)(d)(2) of the Ordinance.

(2) The Village retains the right to periodically sample and test the wastes of the industrial and commercial users to determine the concentration of BOD, TSS, and any other substance which in the opinion of the Village affects the operation of the treatment facilities. The test results will be used to verify concentrations and for billing purposes. The Village will, at the request of the user, sample the user's waste. All sampling and testing costs will be billed to the user for whom the costs were incurred.

Users with wastes classified by the Village or the Village Engineer as having special problems shall, if so directed by the Village, install at the user's expense and in a structure located on the building service line, whatever sampling devices are deemed necessary by the Village Engineer to obtain appropriate information concerning the waste.

(3) An additional charge for Billable Biochemical Oxygen Demand and for Billable Suspended Solids shall be made to any industrial or commercial user whose waste sample indicates that the wastes contain more than 300 milligrams per liter of BOD or more than 300 milligrams per liter shall be found in Section 13.16(5) Septic Tank and Holding Tank Rates.

(c) Additional Charges. Additional charges as described in Section 13.15(3)(e) of the Ordinance shall, if required, be listed on the wastewater treatment bill.

13.15(5) WASTEWATER TREATMENT BILL. This Section has been renumbered as 13.19 and renamed "UTILITIES BILLING."

13.15(6) DEBT SERVICE. General tax revenues may continue to be collected for general obligation bond principal and interest payments, and for any other purpose provided by law not related to the operation, maintenance, and replacement of the wastewater treatment works.

13.15(7) ACCOUNTING. (a) Money. All user charge payments shall be placed in the sewer department fund. Such money shall be used to cover costs of operation and maintenance,

replacement, toxics, handling and sampling, and other costs as outlined in 13.15(3) and 13.15(4) of the Ordinance.

(b) Expenditures. Expenditures shall be made from the user charge monies by the Village in accordance with the detailed annual budget and Ordinance authorized by the Village Board.

(c) Replacement Reserve Expenditures. Expenditures from the accrued replacement reserve on facilities shall be for making renewals to accommodate wear of physical elements and/or movable property that would result in an extended useful life or meet the anticipated useful life of the present plant, and not for plant expansion or additions.

(d) Renewals. Renewals to accommodate wear of physical elements and/or movable property shall be capital expenditures that cause the annual estimate for accrued reserves from replacement to be evaluated in terms of extended useful life as a result of preventive maintenance programs or of such renewals. The expenditures to overcome physical and/or functional obsolescence shall be capitalized against the element of the facility and charged to the fixed assets groups of accounts as an improvement to such element. Future estimates of accrued reserve requirements shall be evaluated and reflected in the replacement reserve requirements.

(e) Audit. An audit shall be performed annually at the same time that the other books of the account of the Village are audited and in the same manner.

13.15(8) - Conditions for Discharge into Treatment System. (a) Public wastewater collection facilities are required to be used for the deposit of human wastes, garbage or other liquid wastes that cannot be discharged into a receiving stream or disposal or in any other manner in accordance with federal and state statutes and state administrative regulations and approved by the Wisconsin Department of Natural Resources.

(b) No building or facility shall be connected to any sewer unless the entire property on which the building or facility is situated is located within the corporate limits of the Village of Plain, except as provided in Section 13.15(12) of this Ordinance.

(c) No person shall place, deposit, or discharge, or cause to be placed, deposited, or discharged, upon public or privately-owned property any wastewater within the corporate limits of the Village unless done so within adequately-sized holding facilities approved by all federal, state and local agencies.

(d) No person shall deposit or discharge, or cause to be deposited or discharged, to any wastewater collection facilities, any solid, liquid or gaseous waste unless through a connection approved under the terms of this Ordinance.

(e) No person shall discharge any sewage, waste or material, industrial waste, or any polluted water into a stream or in the air or onto the land, except where the person has made and provided for treatment of such wastes which will render the content of such wastes' discharge in accordance with applicable Village, State and federal laws, ordinances and regulations.

(f) In case of natural outlet discharges, at the time construction of the waste treatment works is commenced, each owner or operator shall furnish the Village an approved National Pollutant Discharge Elimination System (NPDES) permit setting forth the effluent limits to be achieved by such pretreatment facilities and a schedule for achieving compliance with such limits by the required date. The NPDES permit shall be kept on file with the Village Engineer and updated by such information as periodically required by the Village, local State and/or Federal agencies.

(g) Any person who owns property within the corporate limits of the Village of Plain, which property is improved with one or more residences, houses, buildings, or structures for or intended for human use, occupancy, employment, or similar purpose whatever, and which property abuts on any

street alley, or right-of-way in which there is located a sewer within one hundred (100) feet from the nearest property line shall, within ninety (90) days after such sewer is in service, at his expense install suitable toilet and waste disposal facilities in the residences, houses, buildings, or structures and connect the facilities with the sewer in accordance with the terms and provisions of the Ordinance; provided, however, that in the event compliance with this Section of the Ordinance causes economic hardship to the person, he may apply to the Village for exemption. An application for exemption shall state in detail the circumstances which are claimed to cause the economic hardship. Exemptions shall only be granted to residential users and shall not apply to commercial and industrial users. Any connection to the sewer under this Ordinance shall be made only if the Village determines that there is capacity, including BOD and TSS capacity, available in all downstream sewer lift stations and sewer lines and in the treatment plant.

(h) Any person who shall not be required to connect to the Village sewer system under 13.15(8) may make an application to the Village for the extension of a sewer line to his property line. If such application is either denied or is not acted upon within 30 days, the applicant may then provide for his own treatment of waste as provided in 13.18(5)(c). Such applicant in such event shall not thereafter be required to hook on to the Village system for a period of five years.

(i) Persons described in 13.15(8)(e) through (h) of this Ordinance shall not avoid connection to the sewer by reason of actual distance between the building or structure and the connecting point of the sewer line.

13.15(9) - Limitations on Discharge. (a) No person shall discharge or cause to be discharged any stormwater, foundation drainwater, groundwater, roof runoff, surface drainage, or unpolluted industrial cooling waters to any sewer connected to the Village's waste treatment plant.

(b) Except as hereinafter provided, no person shall discharge or cause to be discharged any of the following material to any sewer connected to the Village's treatment plant:

(1) Any liquid or vapor having a temperature higher than one hundred fifty (150) degrees Fahrenheit.

(2) Any water or wastes which may contain more than one hundred (100) milligrams per liter of fat, oil, grease or hexane extractable material, or substances which may solidify or become viscous at temperatures between thirty-two (32) degrees and one hundred fifty (150) degrees Fahrenheit.

(3) Gasoline, benzene, naphtha, fuel oil, or other combustible, flammable, or explosive liquid, solid, or gas of whatsoever kind or nature.

(4) Any garbage that has not been property shredded.

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

(6) Any water or wastes having a pH lower than 5.5 or higher than 9 or having any other corrosive properties capable of causing damage or hazard to sewers, structures, equipment, or personnel of the waste treatment works.

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

(8) Any waters or wastes containing BOD in excess of 300 mg/liter or suspended solids in excess of 300 mg/liter, except as may be permitted by specific, written agreement with the Village,

which agreement may provide for special charges, payments or provision for treating and testing equipment.

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

(10) Any amount of the following constituents exceeding that listed as follows:

<u>Materials</u>	<u>Concentration – mg/liter</u>
Aldrin	0.0005
Arsenic	0.05
Beryllium	0.1
Boron	1.0
Cadmium	0.05
Chromium	0.01
Cobalt	2.0
Copper	0.1
Cyanide	0.025
Dieldrin	0.0005
Fluoride	2.0
Heptachlor	0.0005
Lead	0.1
Manganese	0.1
Mercury	0.0025
Nickel	0.2
Penols	0.05
Polychlorinated Biphenyls	0.0005
Selenium	0.05
Sulfate	10.0
Sulfide	1.0
Sulfite	2.0
Thallium	0.05
Zinc	0.1

(11) Ammonia Nitrogen in such an amount as would cause the Village to be in noncompliance with regulations of the State of Wisconsin Department of Natural Resources.

(12) No provision of this Section of this Ordinance shall be construed to provide lesser discharge standards than are presently or may hereafter be imposed or required by the United States Environmental Protection Agency or the State of Wisconsin Department of Natural Resources.

13.15(10) - Pretreatment.

(a) Grease, oil, and sand interceptors or retainers shall be installed by the user at its own expense when, in the opinion of the Village Engineer, such are necessary for the proper handling of liquid wastes containing grease, oils, or sand in excessive amounts, of any inflammable wastes, and of such other harmful ingredients. Such interceptors shall be of a type and capacity approved by the Village Engineer and shall be located as to be readily and easily accessible for cleaning by the user and for inspection by the Village Engineer.

(b) Where installed, all grease, oil, and sand interceptors shall be maintained by the user, at his own expense, and shall be kept in continuous and efficient operation at all times.

(c) In the event the Village approves the admission of any materials into its sewers as set fourth in 13.15(a) of the Ordinance, the Village shall direct the user causing admission of any such

materials to, at his own expense, construct, install, and operate such preliminary treatment plants and facilities as may be required in order to:

(1) Reduce the BOD to three hundred (300) parts per million and the suspended solids to three hundred (300) parts per million by weight.

(2) Reduce objectionable characteristics or constituents to within the maximum limits provided for in 13.15(9) of the Ordinance.

(3) Control the quantities and rates of discharge of such waters or wastes. In order to equalize flows over a 24-hour period, each person discharging a waste into the Village's sanitary sewers having a volume in excess of 30,000 gallons in any one day, shall construct and maintain at his own expense a suitable storage tank. Such tank shall have a capacity of at least 80% of the normal volume of one 24-hour production period of waste and whose outlet to the sewer is controlled by a water works type rate controller, or other approved device, the setting of which shall be directed by the Village Board.

(d) No preliminary treatment plant and facility shall be constructed or operated unless all plans, specifications, technical operating data, and other information pertinent to its proposed operation and maintenance shall conform to all Village, U.S. Environmental Protection Agency, State of Wisconsin Department of Natural Resources, and any other local, state, or federal agency regulations, and unless written approval of the plans, specifications, technical operating data, and sludge disposal has been obtained from U.S. Environmental Protection Agency, State of Wisconsin Department of Natural Resources, and any other local, State, or Federal agency having regulatory authority with respect thereto.

(e) All such preliminary treatment facilities as required by the Ordinance shall be maintained continuously in satisfactory and effective operating condition by the user or person operating and maintaining the facility served thereby, and at the user's expense.

(f) No provision contained in the Ordinance shall be construed to prevent or prohibit a separate or special contract or agreement between the Village and any industrial user whereby industrial waste and material of unusual strength, character, or composition may be accepted by the Village for treatment, subject to additional payment therefor by the industrial user; provided, however, that such contract or agreement shall have the prior approval of the Village Board.

(g) The Village reserves the right to reject admission to the system of any waste harmful to the treatment of collection facilities or to the receiving stream.

13.15(11) - Private Sewage Treatment and Disposal. (a) Where a public sewer is not available, as set forth in 13.15(8) of the Ordinance, the building or structure shall be connected to a private sewer, and a disposal or treatment system shall be constructed in compliance with the terms and provisions of all applicable Village, County, State and Federal laws and regulations.

(b) Within ninety (90) days after a property served by a private sewer or disposal system as described in this Section shall become subject to the terms and provisions of 13.15(8)(g) of the Ordinance, a direct connection shall be made to the public sewer according to the terms and provisions of the Ordinance, and all private sewers, disposal systems, septic tanks, cesspools, and other appurtenances of such private sewer and disposal system shall be disconnected and abandoned and all openings, tanks, or other containers of human wastes, garbage and other wastes shall be permanently filled with granular material.

(c) The Village shall not be responsible in any way for the operation and maintenance of a private sewer or disposal system of facility.

(d) No provisions of the Ordinance shall be construed to provide lesser requirements for private sewers and disposal systems than are presently or may hereafter be imposed and required by any other local governmental body or the State or Federal Government.

13.15(12) - Service to Outlying Territory. (a) The Village, by proper resolution of the Village Board, shall have the right at its discretion, upon payments, terms, and conditions as may be mutually agreed upon, to contract in writing for the right to use any sewer serving property located wholly or partly outside the Village's corporate limits.

(b) In the event a contract is made pursuant to 13.15(12)(a) of the Ordinance, a user of any sewer serving property wholly or partly outside the Village's corporate limits shall be subject to all of the terms and provisions of this Ordinance, and in addition to all payments and charges, be required to pay all equivalent costs, taxes, charges, and expenses as would be imposed upon and paid by a user situated within the corporate limits of the Village.

(c) If any property of a person desirous of becoming a user is situated outside the Village and not contiguous thereto so that it may not properly be annexed to and become part of the Village, the Village at its discretion may permit such a connection, provided that a contract providing essentially the following be entered into between the Village and the user:

(1) The user may connect buildings situated only on the fully described tract set forth in the agreement and in accordance with all applicable laws, ordinances, and regulations of the Village and local, State and Federal Governments.

(2) The wastes and material discharged shall meet all present and future standards for content and volume, and the user shall further agree to pay all future connections, user, and treatment or service charges which are applicable to all property and users uniformly.

(3) The user, his successors and assigns, shall, in addition to costs noted previously, pay annually an amount equivalent to Village taxes computed in the manner following:

(i) The equalized assessed value of the user's taxable property, or of any subdivided part or separate tract thereof, shall be multiplied by that part or portion of the Village's rate of tax upon real estate and personal property situated within its corporate area for the year when the tax rate is determined, as is attributable to the installation of its sewer facilities.

(ii) The amount, when computed by the Village, shall be charged to the user, its successors and assigns, and the statement sent to the user shall be paid within thirty (30) days after the date of sending. Any amount remaining unpaid after due date shall draw interest at the rate of nine percent (9%) per annum until paid.

(iii) The amount computed for use shall be prorated from the date of the contract in the initial year if the user used the sewer system for only a partial year.

(iv) If the user, or any successor or assigns thereof, shall fail to pay the amount when due, each and every sewer upon the property, or any subdivided tract thereof, for which payment is not made shall be disconnected by the owner from any other sewer which was connected under the contract and ultimately attaches to the Village treatment plant. The user shall have caused or required its sewer system to be constructed within the property in order that separate tracts may be so disconnected, and does hereby give and grant the Village an irrevocable easement for the purpose of going upon the same and disconnecting any such sewer if the producer, its successors or assigns, fails to disconnect promptly when such is required.

(v) In addition to the right of disconnection, the Village shall have a lien upon the property or subdivided portion of it in the amount of any unpaid charges due therefrom. Upon the filing of notice,

the lien shall be deemed perfected, and the lien may be charged and redeemed or foreclosed and the property sold to satisfy the unpaid charges in accordance with the Wisconsin Statutes.

(vi) The Village shall have the additional right to file a civil suit to recover the amount of the lien, the full cost incurred in disconnection, and all its reasonable legal expenses and attorney's fees incurred as a result of the suit.

(vii) All amounts charged under Section 13.15(12)(c) of this Ordinance are due and shall continue to be due hereunder, whether or not said sewer is disconnected, and no sewer shall be reconnected until the Village is paid in full for all amounts due it and, in addition, the Village shall be paid a deposit equal to the estimated charge for the next succeeding year. This deposit shall be held by the Village in escrow, and will be returned upon satisfactory payment of amounts due the Village for a period of two years.

(4) The Village shall not, without its prior written consent and acceptance, have dedicated to it, or own, any sewer system installed within the property, and the producer, its successors and assigns, shall maintain the same at its own cost; provided, however, that this provision shall not be construed to prohibit the dedication of part or all of said sewer system to another unit of government.

(5) Upon conveyance by the owner of all or any subdivided portion or tract of said property, the successor in title shall succeed to all rights and liabilities hereunder, and said owner shall have no future liability to the Village thereunder in respect to such tract except as shall have accrued as of the date the instrument of conveyance is recorded in the office of the Register of Deeds of Sauk County, State of Wisconsin.

(6) In the event that such property therein described, or any subdivided or separate tract thereof, shall be annexed to the Village by proper Ordinance, the agreement executed pursuant to 13.15(2)(c) of this Ordinance, as to such property or the subdivided or separate tract thereof which is so annexed, shall then terminate and be of no further force and effect.

(7) The agreement executed under 13.15(2)(c) of this Ordinance shall be recorded in the office of the Register of Deeds of Sauk County, State of Wisconsin, which recording shall constitute notice to any successor or assign of the owner of its terms and provisions, and to which any subsequent conveyance or assignment of the owner shall be subject.

(8) If any part or provision of the agreement shall be found or held by a court of competent jurisdiction to be invalid or unenforceable, then the entire agreement shall terminate and all sewers of the owner or its successors or assigns shall be promptly disconnected from any such system which ultimately connects to the Village treatment plant.

(9) The applicant for treatment service under an agreement pursuant to 13.15(12)(c) of this Ordinance shall agree to assume user charges, industrial waste charges, and capital surcharge, if applicable.

13.15(13) - Discharge Permits and Construction of Sewers and Connections for Buildings.

(a) Any person or persons desiring to connect to the Village sanitary sewers must apply to the Village for a discharge permit.

(b) Any person desiring to deposit or discharge any industrial waste into the sanitary sewers shall make an application for the disposal of industrial waste to the Village Board. The Board shall approve such application only when evidence is submitted by the applicant that the discharge into the sanitary sewer will comply with all of the regulations of this section.

(c) Discharge permits shall not be issued unless it has been determined by the Village that there is capacity available in all downstream sewerage facilities.

(d) The size, slope, alignment and materials of construction of a building sewer, and the methods used in excavating, placing of the pipe, jointing, testing and backfilling the trench, shall conform to the requirement of H62.23 of the Wisconsin Administrative Code.

(e) The design and construction of any sanitary sewer, other than a building sewer, shall be under the direction of a licensed professional engineer and shall conform to the requirements of NR 110 of the Wisconsin Administrative Code. The engineer shall keep accurate records of the location, depth and length of sewers as constructed and the location of all lateral connections.

13.15(14) - Reporting Criteria for Nonresidential Users. (a) The Village reserves the right to require any nonresidential user to submit quarterly to the Village on forms provided by the Village, a certified statement of the characteristics of its industrial wastes discharged in the sewers and treatment works of the Village or to any sewers connected to its treatment works. This statement shall be filed with the Village Engineer no later than the tenth (10th) day of the month following the quarter for which the report is required. The Village Engineer may require additional certified statements at any time if, in his judgement, the same shall be necessary to determine the source of materials which have been found in the Village sewer.

(b) The Waste characteristics to be measured and certified by the user shall be:

(1) BOD in milligrams per liter.

(2) Suspended solids in milligrams per liter.

(3) Such other constituents of wastewater as directed by the Village Engineer.

(c) Should there be a difference in understanding between the Village and user as to the test results, the Village reserves the right to use the Village results from analyses for purposes of billing. Should submission not be made during the ten (10) day period, the Village shall use its results from analyses for purposes of billing.

(d) Whenever required by the Village, the owner of any property serviced by a sewer which carried non-residential wastewater of material shall install a large manhole or sampling chamber in the sewer in accordance with plans and specifications which have been submitted to and approved by the Village Engineer. Such device shall be installed and maintained at all times at the user's expense. Such device shall have ample room in each sampling chamber to accurately sample the wastewater effluent entering the sewer, and shall collect composite samples for analysis. The chamber shall be safely, easily and independently of other premises and buildings of the user, accessible to authorized representatives of the Village at all times. The Village shall have exclusive access to such device, and no keys shall be in the possession of any user of any agent of the user. Where construction of such a device is not economically or otherwise feasible, the Village Engineer may approve alternate arrangements for sampling.

(e) All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this Section shall be determined in accordance with the Standard Methods for The Examination of Water and Wastewater (latest edition) or with any other method approved by the Water and Sewer Commission of the Village Board.

(f) The Village may elect, at its option, to have the metering and sample collection done by the industrial plant personnel and have composite samples delivered to the Village Engineer for analysis. This procedure can also be terminated at any time by the Village upon reasonable notice.

13.15(15) - Septic Hauler. (a) Non-industrial users hauling liquid wastes to the treatment plant shall be assessed user charge unit charges for billable flow, billable BOD, and billable TSS; the volume of which is determined for each by the Village Engineer.

(b) Liquid wastes hauled to the treatment plant containing concentrations of constituents in excess of the limits set forth in 13.15(11) of this Ordinance shall not be accepted.

13.15(16)) Inspection Rights. The Village Engineer or any duly designated agent of the Village bearing proper credentials and identification shall be permitted at any time to enter upon all properties within the corporate limits of the Village, or outside the Village, that have contracted for wastewater treatment service, for the purpose of inspecting, observing, measuring, sampling and testing, as may be required, in pursuance of the implementation and enforcement of the terms and provisions of this Ordinance.

13.15(17) - Liability During Inspections. While performing the necessary work on private properties referred to in 13.15(16) of this Ordinance, the duly authorized employees of the Village shall observe all safety rules applicable to the premises established by the commercial or industrial user, and the user shall be held harmless for injury or death to the Village employees, and the Village shall indemnify the user against loss or damage to its property by Village employees and against liability claims and demands for personal injury or property damage asserted against the user and growing out of any necessary work referred to in said Section 13.15(10), except as such may be caused by negligence or failure of the user to maintain safe conditions.

(b) Any person who shall violate any provision of this Ordinance shall also be:

(1) Liable to the Village for all costs, expenses, loss or damage, if any, incurred by the Village as a result of such violation.

(2) Subject to immediate disconnection of the sewer serving the property upon or in connection with which the violation occurred.

13.15(19) - Definitions.

For the purpose of this Ordinance, the following definitions shall be used. Words used in the present tense include the future; the singular number includes the plural number; and the plural number includes the singular number. The word "shall" is mandatory and not directory, while the word "may" is permissive.

(1) Accrued Reserves shall mean a method of keeping accounts of the segregated resources over several years to determine the funds available to offset capital expenditures to maintain an on-going, on-line waste treatment facility.

(2) Authorized Expenditures shall mean those expenditures authorized by the Village Board and made payable from the accounts kept for the expenditures of the user charge. Expenditures from the reserve funds shall be limited to those for which the fund was created.

(3) Audit shall mean an audit as a separate report from other funds and shall cover the following: (a) to determine that financial operations are properly conducted; (b) financial reports are presented fairly; (c) applicable laws and regulations have been complied with; (d) resources are managed and used in an economical and efficient manner, and (e) desired results and objectives are being achieved in a financially effective manner.

(4) Billable Biochemical Oxygen Demand (BOD) shall mean a user's loading in pounds of BOD calculated using the billable flow and concentration of BOD in the waste as determined by the Village Engineer. Minimum waste strength of BOD shall be the domestic waste concentration of three hundred (300) milligrams per liter for the purpose of billing for user charges.

(5) Billable Flow shall mean a user's recorded semi-annual water usage as metered by the appropriate water utility, plus metered water from wells and other sources, and less any sewer-exempt metered data, times, and Village-approved percentage factor for wastewater entering the sewer system outside of the metered water. Residential users on unmetered wells and users with no

history of billable flow shall have their billable flow estimated by averaging the billable flow of other residential users of the same class.

(6) Billable Total Suspended Solids (TSS) shall mean a users loading in pounds of TSS calculated using the billable flow and concentration of TSS in the waste as determined by the Village Engineer. Minimum waste strength of TSS shall be the domestic waste concentration of three hundred (300) milligrams per liter for the purpose of billing for user charges.

(7) Biochemical Oxygen Demand (BOD) shall mean the quantity of oxygen, expressed in milligrams per liter (mg/l), utilized in the biochemical oxidation of organic matter under standard laboratory procedures in five (5) days at 20 degrees Centigrade.

(8) Building Sewer – Sanitary shall mean the extension from the building drain to the public sewer or other place of disposal and conveys only sanitary or industrial sewage. This is also known as a house connection.

(9) Class of Users means the division of wastewater treatment customers by waste characteristics and process discharge similarities or function, such as residential, commercial and industrial.

(10) Collection Sewer shall mean a sewer whose primary purpose is to collect wastewaters from individual point source discharges.

(11) Combined Sewage shall mean a combination of both wastewater and storm or surface water.

(12) Combined Sewer shall mean a sewer intended to receive both wastewater and storm or surface water.

(13) Commercial User shall mean for the purpose of the user charge system, a user engaged in the purchase or sale of goods, or in a transaction or business, or who otherwise renders a service.

(14) Compatible Pollutant means BOD, suspended solids (SS), pH, and fecal coliform bacteria, plus additional pollutants identified in the NPDES permit, if the publicly-owned treatment works was designed to treat such pollutants and, in fact, does remove them to a substantial degree.

(15) Deposited shall mean placing funds in control of the Village and, if said deposit is in the form of a bank check, deposit shall not be deemed collected within this definition until the applicable rules of the bank's collection procedures are fulfilled.

(16) Depreciation shall mean an annual operating cost reflecting capital consumption and obsolescence (reduction of future service potential) of real and personal properties.

(17) Dissolved Solids shall mean that concentration of matter in the sewage consisting of colloidal particulate matter one micron in diameter or less, and both organic and inorganic molecules and ions present in solution.

(18) Domestic Level User or Residential User shall mean, for the purpose of the user charge system, a user whose premises or building is used primarily as a domicile for one or more persons and whose wastes originate from the normal living activities of its inhabitants.

(19) Easement shall mean an acquired legal right, less than fee simple, for the specific use of land owned by others.

(20) Fecal Coliform shall mean any number of organisms common to the intestinal tract of man and animals whose presence in sanitary sewage is an indicator of pollution.

(21) Floatable Oil shall mean oil, fat or grease in a physical state such that it will separate by gravity from wastewater by treatment in a pretreatment facility approved by the Village.

(22) Force Main shall mean a pipe in which wastewater is carried under pressure.

(23) Functional Betterment shall mean a process improvement in the increased size facilities or a process improvement in existing facilities that is directly anticipated to preclude physical betterments or is an indirect improvement to the process as a result of renewal on a cost effective basis.

(24) Functional Obsolescence shall mean the process deficiency of a functional element of a plant beyond the capacity of a preventive maintenance program to such extent that a new process device or piece of equipment would be more cost-effective.

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

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

(27) Incompatible Pollutants shall mean wastewater or septage with pollutants that will adversely affect or disrupt the wastewater treatment processes of effluent quality or sludge quality if discharged to a wastewater treatment.

(28) Industrial User shall mean any nongovernmental, non-residential user of the public sewer system which discharges more than the equivalent of 25,000 gallons per day (gpd) of sanitary wastes and which is identified in the Standard Industrial Classification Manual, 1972, United States Office of Management and Budget, as amended and supplemented as of October 1, 1978 under one of the following divisions:

Division A. Agriculture, Forestry and Fishing

Division B. Mining

Division D. Manufacturing

Division E. Transportation, Communications, Electric, Gas and Sanitary Services

Division I. Services

In determining the amount of a user's discharge, domestic wastes or discharges from sanitary conveniences may be excluded.

After applying the sanitary waste exclusion, dischargers in the above divisions that have a volume exceeding 25,000 gpd of the weight of biochemical oxygen demand (BOD) or suspended solids (SS) equivalent to that weight found in 25,000 gpd of sanitary wastes are considered industrial users. Sanitary wastes, for purposes of this calculation of equivalency, are the wastes discharged from residential users. The strength of the residential waste discharges is defined as 300 mg/1 biological oxygen demand (BOD) and 300 mg/1 suspended solids (SS).

Any non-governmental user of the public sewer system which discharges wastewater which contains toxic pollutants or poisonous solids, liquids or gases in sufficient quantity either singly or by interaction with other wastes, to contaminate the sludge of any municipal system, or injure or interfere with any sewage treatment process, constitutes a hazard to humans or animal, creates any hazard in or has an adverse effect on the waters receiving any discharge from the treatment works is also considered an "industrial user."

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

(30) Infiltration shall mean the water unintentionally entering the public sewer system, including sanitary building drains and sewers, from ground through such means as, but not limited to defective pipes, pipe joints, connections or manhole walls. Infiltration does not include, and is distinguished from inflow.

(31) Infiltration/Inflow shall mean the total quantity of water from both infiltration and inflow without distinguishing the source.

(32) Inflow shall mean the water discharge into a sanitary sewer system, including building drains and sewers, from such sources as, but not limited to: roof leaders, cellars, yard and area drains, foundation drains, unpolluted cooling water discharges, drains from springs and swampy areas, manhole covers, cross connections from storm sewers and/or combined sewers, catch basins, storm waters, surface runoff, street wash waters, or drainage. Inflow does not include, and is distinguishable from infiltration.

(33) Interceptor Sewer shall mean a sewer whose primary purpose is to transport wastewater from collection sewers to a treatment facility.

(34) Licensed Disposer shall mean a person holding a license under s. 146.20 (3)(a).

(35) Municipal Wastewater shall mean the spent water of a community. From the standpoint of source, it may be a combination of the liquid and water-carried wastes from residences, commercial buildings, industrial plants and institutions, together with any groundwater, surface water, and stormwater that may be present.

(36) National Pollutant Discharge Elimination Permit shall mean a permit issued under the National Pollutant Discharge Elimination System (NPDES) for discharge for wastewater to the navigable waters of the United States pursuant to Section 402 of Public Law 92-500 as amended.

(37) Natural Outlet shall mean any outlet, including storm sewers and combined sewer overflows, into a watercourse, pond, ditch, lake or any other body of surface or ground water.

(38) Normal Domestic Strength Sewage as defined for the purposes of the Ordinance, shall mean wastewater of sewage having an average daily suspended solids (SS) concentration of not more than three hundred (300) milligram per liter and an average daily BOD of not more than three hundred (300) milligrams per liter.

(39) Operation and Maintenance Costs shall include all costs, direct and indirect, not including debt service, but inclusive of expenditures attributable to administration, necessary to insure adequate wastewater collection and treatment on a continuing basis which conforms to applicable regulations and assures optimal long term facility management.

(40) Parts Per Million shall be a weight-to-weight ratio; the parts per million value multiplied by the factor 8.345 shall be equivalent to pounds per million gallons of water.

(41) Person shall mean any individual, firm company, association, society, corporation, or group, discharging any wastewater, to the wastewater facility.

(42) Personal Property shall mean, for the purpose of the user charge system, all equipment owned by the Village, and used in the transport and treatment of sewage. Such equipment must be mechanical, electronic, or have moveable parts.

(43) pH is the logarithm of the reciprocal of the concentration of hydrogen ions in grams per liter of solution. A stabilized pH shall be considered as a pH which does not change beyond the specified limits when the waste is subjected to aeration. A pH value indicates the degree of acidity or alkalinity.

(44) Pre-treatment shall mean the treatment of industrial sewage from privately owned industrial sources by the generator of that source prior to introduction of the waste effluent into a publicly-owned treatment works.

(45) Private Sewer shall mean a sewer which is not owned by the Village.

(46) Properly Shredded Garbage is the waste from the preparation, cooking, and dispensing of food that has been shredded to such degree that all particles will be carried freely under the flow conditions normally prevailing in sanitary sewers, with no particle greater than ½" in any dimension.

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

(48) Pumping Station shall mean a station positioned in the public sewer system at which wastewater is pumped to a higher level.

(49) Real Property shall mean, for the purpose of the user charge, all fixed physical facilities owned by the Village and used in the transport and treatment of sewage which do not have moveable parts, such as buildings, tank, sewers, structures and the like.

(50) Receiving Stream is that body of water, stream or water course receiving the discharge waters from the wastewater treatment plant or formed by the waters discharged from the wastewater treatment plant.

(51) Renewal Costs shall mean the expenditures from reserve funds or other funds to overcome physical and/or functional consumption of plant capacity or function or obsolescence of same, in order that the equivalent in function of plant is present at the end of the anticipated useful life.

(52) Replacement Costs shall mean the expenditures for obtaining and installing equipment, accessories, or appurtenances necessary during the service life of the treatment works to maintain the capacity and performance for which such works were designed and constructed. The term "Operation and Maintenance Costs" as defined in 13.15(19)(39) of the Ordinance, included replacement costs.

(53) Replacement Costs shall mean an account for the segregation of resources to meet capital consumption of personal or real property.

(54) Sanitary Sewer shall mean a sewer which carries only sanitary or sanitary and industrial waste waters from residences, commercial buildings, industrial plants, and institutions and to which storm, surface, and ground water are not intentionally admitted.

(55) Septage shall mean scum, liquid, sludge or other waste from a septic tank, soil absorption field, holding tank, vault toilet or privy. This does not include the waste from a grease trap.

(56) Sewage shall mean the combination of the liquid and water carried wastes from residences, commercial buildings, industrial plants, and institutions including polluted cooling water and unintentionally admitted infiltration/inflow.

(a) Combined Sewage shall mean wastes, including sanitary sewage, industrial sewage, stormwater, infiltration, and inflow carried to the wastewater treatment facilities by a combined sewer.

(b) Industrial Sewage shall mean a combination of liquid and water-carried wastes discharged from any industrial establishment and resulting from any trade or process carried on in that establishment and shall include the wastes from pretreatment facilities and polluted cooling water.

(c) Sanitary Sewage shall mean a combination of liquid and water-carried wastes discharged from toilets and/or sanitary plumbing facilities, together with such ground, surface, and storm waters as may be present.

(57) Shall is mandatory; May is permissible.

(58) Significant Industry shall mean any industry that will contribute greater than ten percent (10%) of the design flow and/or design pollutant loading of the treatment works.

(59) Slug shall mean any discharge of water or wastewater in concentration of any given constituent of in any quantity of flow which exceeds for any period of duration longer than fifteen (15) minutes more than five (5) times the allowable concentration or flows during a normal working day (i.e., 1, 2, or 3 shift operations) and shall adversely affect the collection system and/or performance of the wastewater treatment works.

(60) Standard Methods shall mean the laboratory procedures set forth in the following sources: Standard Method for the Examination of Water and Wastewater, 13th Edition, as amended, prepared and published jointly by the American Public Health Association, American Water Works Association, and Water Pollution Control Federation; Methods for Chemical Analysis of Water and Wastes, 1971, prepared and published by the Analytical Quality Control Laboratory, U.S. Environmental Protection Agency; "Guidelines Establishing Test Procedures for the Analysis of Pollutants", enumerated in 40 C.F.R. Section 136, 1 et. seg. (1975), as amended; and/or any other procedures recognized by the U.S. Environmental Protection Agency and the State of Wisconsin Department of Natural Resources.

(61) Storm Sewer shall mean a sewer that carries only storm waters, surface runoff, street wash, and drainage and to which sanitary and/or industrial wastes are not intentionally admitted.

(62) Suspended Solids (SS) or Total Suspended Solids (TSS) shall mean total suspended matter that either floats on the surface of, or is in suspension in water, wastewater, or other liquids and is removable by laboratory filtration as prescribed in the "Standard Methods" enumerated in 13.15(19)(60) of this Ordinance.

(63) Total Solids shall mean the sum of suspended and dissolved solids.

(64) Toxic Amount shall mean concentration of any pollutant or combination of pollutants which upon exposure to or assimilation into any organism will cause adverse effects, such as cancer, genetic mutations, and physiological manifestations, as defined in standard issued pursuant to Section 307 (a) of Public Law 92-500, as amended.

(65) Unpolluted Water is water of a quality equal to or better than the effluent criteria in effect, or water that is of sufficient quality that it would not be in violation of federal or state water quality standards if such water were discharged into navigable waters of the state. Unpolluted water

would not be benefited by discharge to the sanitary sewers and wastewater treatment facilities provided.

(66) Useful Life shall mean the anticipated term in years of physical and/or functional productivity of elements and/or the whole of the wastewater treatment system which can be re-evaluated as a result of preventive maintenance, renewal which offsets physical and/or functional betterments, direct or indirect.

(67) User Charge System shall mean the system of charges levied on users for the cost of operation and maintenance, including replacement reserve requirements on new and old wastewater collection and treatment.

(68) Village shall mean the Village of Plain.

(69) Village Engineer shall mean the consulting Village Engineer of the Village of Plain.

(70) Volatile Organic Matter shall mean the material in the sewage solids transformed to gases or vapors when heated at five hundred (500) degrees Centigrade for fifteen (15) minutes.

(71) Wastewater Treatment Works shall mean the structures, equipment, and processes required to collect, transport, and treat domestic and industrial wastes and to dispose of the effluent and accumulated solids.

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

(73) Water Works shall mean all facilities for water supply, treatment, storage reservoirs, water lines, and services and booster stations for obtaining, treating and distributing potable water.

13.16 WASTEWATER TREATMENT SERVICE CHARGES. (1) GENERAL. The Utilities Committee with the approval of the Village Board shall set all rates and assessments for the safe, economical and efficient operations, management and protection of the Village wastewater collection and treatment system.

(2) SERVICE CHARGES. (a) Village Customers. Sewer users served by Plain Water Utility water meters. There is hereby levied and assessed upon each lot, parcel of land, building, or premises having a connection with the wastewater facilities and being served with water solely by the Plain Water Utility a wastewater treatment service charge based, in part, on the quantity of water used as measured by the Plain Water Utility water meter used upon the premises.

(b) Sewer users served by private wells. If any person discharging sewage into the public sanitary sewer procures any part or all of his water from sources other than the Plain Water Utility, all or part of which is discharged into the public sanitary sewer system, the person shall be required to have water meters installed for the purpose of determining the volume of water obtained from these sources. The water meters may be furnished by the Plain Water Utility and installed under its supervision, all costs, including the cost of the meter, being at the expense of the person requiring the meter.

(c) Credit for water not discharged into sewer. The wastewater treatment charge levied and assessed to a premises shall be reduced by that quantity of metered water that is not discharged into the sanitary sewer. In order to be eligible for this credit, a meter measuring such water not discharged into the sanitary sewer shall be installed in the interior of the premises. Upon installation of the necessary plumbing, the Village Public Works Department shall install the meter. The owner of the premises or the person ordering the installation of the meter shall pay all costs associated with the installation of the meter, including plumbing cost, and the cost of installation. Costs owing to the

Village shall be a lien upon the property served pursuant to § 66.0821(4)(d), Wis. Stats., and shall be collected in the manner therein provided.

REV

3/11/2020

(d) All Other Customers. The wastewater treatment service charge shall be based on the water meter reading preceding the billing date according the Table of Charges listed below.

(e) Table of Charges: Village Customers

- | | |
|-----------------------|--------------------------|
| 1. 0-5000 gallons | \$0.00 per 1000 gallons |
| 2. Over 5,000 gallons | \$13.60 per 1000 gallons |

(f) Table of Charges: Non-Village Customers

- | | |
|-----------------------|--------------------------|
| 1. 0-5000 gallons | \$0.00 per 1000 gallons |
| 2. Over 5,000 gallons | \$56.35 per 1000 gallons |

(3) There shall be a minimum service charge to Village customers for 5,000 gallons, or \$68.00 per quarter. There shall be a minimum service charge to Non-Village customers for 5,000 gallons, or \$281.75 per quarter.

REV 12/14/2022

(4) **STANDBY CHARGE.** If a premises is not connected to the wastewater treatment system, but service is available, a standby charge of **(See fee schedule)** per year may be charged against the property benefited.

(5) **SEPTIC TANK AND HOLDING TANK RATES.** The flat rate is **(See fee schedule)** B.O.D. and Suspended Solids in excess of 300 Mgli. The rate shall be Ten (.10) Cents per pound. B.O.D. or SS pounds = B.O.D. or SS Mgli. x 8.345 x amount in million gallons.

13.17 CONNECTIONS TO SYSTEM. (1) **INITIAL CONNECTION.** The charge for connection to the wastewater treatment system shall be \$600.

(2) **SPECIAL ASSESSMENTS FOR MAIN INSTALLATION.** The cost of laying a sewer main shall be assessed against the benefited property pursuant to Section 66.60, Wisconsin Statutes. In the resolution levying the special assessments, the Village Board may allow appropriate credit if a lot is served by two mains or is a corner lot or has unusual characteristics justifying assessing more or less than the rate used in assessing other benefited properties. The full cost of sewer main installation must be assigned against the benefited property.

(3) **SPECIAL ASSESSMENTS FOR SEWER, WATER, CURB AND GUTTER.**

The developer or owner of the property is responsible for payment of all sewer, water, and curb and gutter assessments in the year when the improvements are made. Refer to Section 3.11 for interest on late payments.

REV 10/11/2000

(4) REPAIRS TO SYSTEM. The owner of the property shall be responsible for any repairs to the system from the structure on said property to the sewer main.

PL 01/14/92 REV 11/09/99

13.18 SEPTAGE DISPOSAL REGULATIONS. (1) Whereas, the Village by accepting wastewater and septage assumes all risk for treatment and meeting their WPDES permit but reserves the right to immediately discontinue acceptances of wastewater or septage for operational and permit reasons.

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

(3) APPLICATION FOR SEPTAGE DISPOSAL. (a) Between August 1 and September 1 of each year every licensed disposer wishing to discharge septage to the Village wastewater treatment works shall file a nonrefundable filing fee and an application in writing to the Village 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 Wastewater Treatment Facility. The application must state fully and truly the type, frequency, quality, quantity and location of generated septage to be disposed at the Village wastewater treatment works.

(b) During the month of September, the Village will evaluate the applications and make a determination as to the amount and conditions of septage disposal at the Village wastewater treatment facility. The Village shall approve or reject all applications by October 1 of each year. If the Village cannot accept all the proposed septage disposal, then consideration shall be given to those generators of septage that are within the sewer service area.

(c) All Village 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 Village may immediately restrict septage disposal until such time as corrective action or mitigative measures have been taken.

(4) SEPTAGE ACCEPTANCE LOCATION. (a) Septage shall only be discharged to the Village sewerage system by Village approved and State of Wisconsin licensed disposers and at locations, times, and conditions as specified by the Village.

(b) Septage discharges to Village 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 Village and require written documentation of the discharge to be submitted to the Village within one working day of the discharge to the Village sewers or wastewater treatment facility.

- (c) Septage discharges to the Village septage holding facility at the wastewater treatment facility may be limited to the posted normal working hours of the facility.
- (d) As with discharge to a manhole, documentation of the discharge shall be submitted to the Village within one working day of the discharge to the Village septage holding facility.

(5) SEPTAGE DISPOSAL. No person or licensed disposer shall dispose of septage into any storage area or sewer manhole located within the Village without written approval of the wastewater treatment plant operator.

(6) CONTROL OF INDUSTRIAL AND SEPTAGE WASTES. (a) 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 waters, wastes, or septage contain substances or possess the characteristics enumerated in Article V and which, in the judgment of the Village, 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 Village 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 of discharge.
4. Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges under the provisions of Section IV (C).

(7) ANALYSIS. All measurements, tests, and analysis of the characteristics of waters, wastes and septage to which reference is made in this Ordinance shall be determined in accordance with "Standard Methods for the Examination of Water and Wastewater," published by the American Public Health Association and "Guidelines Establishing Test Procedures for Analysis of Pollutants," (1978, 40 CFR 136). Sampling methods, locations, times, durations, and frequencies are to be determined on an individual basis subject to approval by the Village.

(8) VIOLATIONS AND PENALTIES. Any licensed disposer discharging to the wastewater treatment facility or to a public sewer, found to be violating a provision or of any conditions of the Village approval for septage disposal, may have their approval immediately revoked. This revocation shall be done in writing and state the reason for revoking the septage disposal approval.

13.19 UTILITIES BILLING.

1) Billing period. A utilities bill shall be prepared by the Plain Water Utility and Sewer Department and submitted to each user once every three months.

(2) Delinquent Bills. (a) All bills must be paid in full by the due date printed on the bill. Twenty (20) days after the billing date or the due date of the bill, whichever is later, a late charge of one (1) percent will be added. Failure to receive a bill is not grounds to avoid penalty and interest. The Past Due bill will be mailed to the customer.

REV 144-01: 12/12/2001

(b) A Notice of Disconnection will be mailed with the Past Due bill. The Notice will state the date of disconnection, which will be a weekday and a minimum of ten (10) days from the date of the notice. The Notice will also inform residential customers about the procedures for signing a Deferred Payment Agreement and the terms of the agreement. The residential customer will then have ten (10) days to either pay the bill in full or sign a Deferred Payment Agreement.

REV 144-01: 12/12/2001

(c) Village personnel will make a reasonable effort to contact each residential customer who has received a Notice of Disconnection either by telephone or in person. They will explain the reasons for disconnection and what actions to take to avoid disconnection. A log will be kept of these calls and contact attempts.

(d) If the bill is not paid in full by 2:00 p.m. of the date of disconnection stated on the Notice, or the residential customer has not signed a deferred payment agreement, service will be disconnected that day. Re-connection of service will take place after a fee is paid. For re-connection between the hours of 8:00 a.m. and 5:00 p.m. on Monday through Friday, **(See fee schedule)**. For re-connection at all other times, **(See fee schedule)**.

(e) Disconnection may take place during any season of the year. The one exception is that residential service will not be disconnected during the heating season months of October through April, if the dwelling is warmed by a furnace which heats water.

(f) All owners of property, occupied either by them or by their tenants, who have past due utility bills as of October 1 of each year will be notified by October 15 that the bills must be paid in full by November 1. If the bills are not paid by November 1, a ten (10) percent penalty will be added to the charges. If the charges and penalty are not paid by November 15, the entire amount will be added to the tax roll as a lien against the property.

(3) Authority. The authority for 13.19(1) is Section PSC 185.32 of the Wisconsin Administrative Code. The authority for 13.19(2)(a) is Section PSC 185.33. The authority for 13.19(2) (b,c,d,e) is PSC 185.37. The authority for 13.19(2)(f) is ss. 66.069 and 66.076 of the Wisconsin statutes governing municipalities.

PL 01/11/2000

ORDINANCE TO CREATE
Section 13.14, CODE OF ORDINANCES
OF THE VILLAGE OF PLAIN, WISCONSIN
AS IT RELATES TO
WELLHEAD PROTECTION

The Village Board of the Village of Plain, Sauk County, Wisconsin, does hereby ordain as follows:

SECTION I: Section 13.14 of the CODE OF ORDINANCES OF THE VILLAGE OF PLAIN is hereby created to read as follows:

13.14 WELLHEAD PROTECTION.

(1) CONSTRUCTION OF ORDINANCE

(a) TITLE - This chapter shall be known, cited and referred to as the "Wellhead Protection Ordinance" (hereafter WHP ORDINANCE).

(b) PURPOSE AND AUTHORITY

1. The residents of the Village of Plain (hereafter Village) depend exclusively on groundwater for a safe drinking water supply. Certain land use practices and activities can seriously threaten or degrade groundwater quality. The purpose of the WHP Ordinance is to institute land use regulations and restrictions to protect the Village municipal water supply and well fields, and to promote the public health, safety and general welfare of the residents of the Village.

2. These regulations are established pursuant to the authority granted to Villages by the Wisconsin Legislature in ss. 60.61(1), (2)(g), and 60.62, Wis. Stats., to adopt ordinances to protect groundwater.

(c) APPLICABILITY. The regulations specified in the WHP ORDINANCE shall apply within the Village boundary limits.

(2) DEFINITIONS

(a) EXISTING FACILITIES - "Existing facilities" means current facilities, practices and activities which may cause or threaten to cause environmental pollution within that portion of the Village's wellhead protection area that lies within the corporate limits of the Village. Existing facilities include but are not limited to the type listed in the Department of Natural Resources' form 3300-215, Public Water Supply Potential Contaminant Use Inventory Form which is incorporated herein as if fully set forth.

(b) GROUNDWATER DIVIDE - "Groundwater divide" means a ridge in the water table or the potentiometric surface from which ground water flows away at right angles in both directions. A groundwater divide is represented by the line of highest hydraulic head in the water table or potentiometric surface.

(c) GROUNDWATER PROTECTION OVERLAY DISTRICT - "Groundwater protection overlay district" means that area described within the Village's wellhead protection plan. A copy of the Village's wellhead protection plan can be obtained from the Clerk/Treasurer.

(d) RECHARGE AREA - "Recharge area" means the land area which contributes water to a well by infiltration of water into the subsurface and movement with groundwater toward the well.

(e) TIME OF TRAVEL - "Time of travel" means the determined or estimated time required for a contaminant to move in the saturated zone from a specific point to a well.

(f) WELL FIELD - "Well field" means a piece of land used primarily for the purpose of supplying a location for construction of wells to supply a municipal water system.

(3) GROUNDWATER PROTECTION OVERLAY DISTRICT (hereafter DISTRICT).

(a) INTENT. The area to be protected as a District is that portion of the Plain well fields' recharge areas extending to the groundwater divide contained within the Village boundary limits and shown on the attached map. These lands are subject to land use and development restrictions because of their close proximity to the well fields and the corresponding high threat of contamination.

(b) PERMITTED USES. Subject to the exemptions listed in section (3)(e), the following are the only permitted uses within the DISTRICT. Uses not listed are to be considered non-permitted uses.

1. Parks, provided there is no on-site waste disposal or fuel storage tank facilities associated with this use.
2. Playgrounds.
3. Wildlife areas.
4. Non-motorized trails, such as biking, skiing, nature and fitness trails.
5. Municipally sewerred residential development, free of flammable and combustible liquid underground storage tanks.
6. Municipally sewerred business development zoned B-1, B-2, or B-3, except for the following uses:

- a. Above ground storage tanks.
- b. Asbestos product sales.
- c. Automotive service and repair garages, body shops.
- d. Blue printing and photocopying services.
- e. Car washes.
- f. Equipment repair services.
- g. Laundromats and diaper services.
- h. Dry cleaning.
- i. Gas stations.
- j. Holding ponds or lagoons.
- k. Infiltration ponds.
1. Nurseries, lawn and garden supply stores.
- m. Small engine repair services.
- n. Underground storage tanks.
- o. Wells, private, production, injection or other.
- p. Any other use determined to be similar in nature to the above listed items.

7. Agricultural uses in accordance with the county soil conservation department's best management practices guidelines.

(c) SEPARATION DISTANCES. The following separation distances as specified in s. NR 811.16(4)(d), Wis. Adm. Code, shall be maintained and shall not be exempted as listed in section (3)(e).

The following distances shall apply for both Well #1 and Well #2.

1. Fifty feet between a well and a storm sewer main.
2. Two hundred feet between a well and any sanitary sewer main, lift station or a single family residential fuel oil tank. A lesser separation distance may be allowed for sanitary sewer mains where the sanitary sewer main is constructed of water main materials and joints and pressure tested in place to meet current AWWA 600 specifications. In no case may the separation distance between a well and a sanitary sewer main be less than 50 feet.
3. Four hundred feet between a well and a septic system, tank, or drain field, and receiving less than 8,000 gallons per day, a cemetery or a storm water drainage pond.
4. Six hundred feet between a well and any gasoline or fuel oil storage tank installation that has received written approval from the Wisconsin Department of Commerce (hereafter Commerce) or its designated agent under s. Comm 10.10, Wis. Adm. Code.

5. One thousand feet between a well and land application of municipal, commercial or industrial waste; industrial, commercial or municipal wastewater, lagoons or storage structures; manure stacks or storage structures; and septic tanks or soils absorption units receiving 8,000 gallons per day or more.

6. Twelve hundred feet between a well and any solid waste storage, transportation, transfer, incineration, air curtain destructor, processing, one time disposal or small demolition facility; sanitary landfill; coal storage area; gasoline or fuel oil storage tanks that have not received written approval from Commerce or its designated agent under s. Comm 10.10, Wis. Adm. Code; bulk fuel storage facilities and pesticide handling or storage facilities.

(d) REQUIREMENTS FOR EXISTING FACILITIES

1. Existing facilities shall provide copies of all federal, state and local facility operation approvals or certificate and on-going environmental monitoring results to the Village.

2. Existing facilities shall provide additional environmental or safety structures/monitoring as deemed necessary by the Village, which may include but is not limited to storm water runoff management and monitoring.

3. Existing facilities shall replace equipment or expand in a manner that improves the existing environmental and safety technologies already in existence.

4. Existing facilities shall have the responsibility of devising and filing with the Village a contingency plan satisfactory to the Village for the immediate notification of Village officials in the event of an emergency.

(e) EXEMPTIONS AND WAIVERS

1. Individuals and/or facilities may request the Village in writing, to permit additional land uses in the District.

2. All requests shall be in writing, whether on or in substantial compliance with forms to be provided by the Village and may require an environmental assessment report prepared by a licensed environmental engineer. Said report shall be forwarded to the Village and/or designee(s) for recommendation and final decision by the Village Board.

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

4. Any exemptions granted shall be conditional and may include required environmental and safety monitoring consistent with local, state and federal requirements, and/or bonds and/or securities satisfactory to the Village.

(4) ENFORCEMENT

(a) In the event that an individual and/or facility causes the release of any contaminants which endanger the DISTRICT, the individual and/or facility causing said release shall immediately stop the release and clean up the release to the satisfaction of the Village.

(b) The individual/facility shall be responsible for all costs of cleanup, including all of the following:

1. Village consultant fees at the invoice amount plus administrative costs for oversight, review and documentation.

2. The cost of Village employees' time associated in any way with cleanup based on the hourly rate paid to the employee multiplied by a factor determined by the Village representing the Village's cost for expenses, benefits, insurance, sick leave, holidays, overtime, vacation, and similar benefits.

3. The cost of Village equipment employed.

4. The cost of mileage reimbursed to Village employees attributed to the cleanup.

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

(d) Enforcement shall be provided pursuant to section 13.03 of the Code.

SECTION II. CONFLICT AND SEVERABILITY. Section 25.02 of the CODE OF ORDINANCES OF THE Village OF Plain applies to this ordinance.

SECTION III. EFFECTIVE DATE. This ordinance shall take effect upon passage and posting as provided by law.