

TITLE 9

Public Utilities

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Water Utility Regulations and Rates

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Article A: Rates

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

- (a) **Purpose.** Public fire protection service shall include the use of hydrants for fire protection service only and such quantities of water as may be demanded for the purpose of extinguishing fires within the service area. This service shall also include water used for testing equipment and training personnel. For all other purposes, the metered or other rates set forth, or as may be filed with the Public Service Commission, shall apply.
- (b) **Municipal Charges.** The annual charge for public fire protection service to the City of Abbotsford shall be Eighty-nine Thousand Seven Hundred Eighty-three and no/100 Dollars (\$89,783.00). The Utility may bill for this amount in equal quarterly installments.
- (c) **Direct Charges.**
 - (1) Under Sec. 196.03(3)(b), Wis. Stats., the municipality has chosen to have the utility bill the retail general service customers for public fire protection service.
 - (2) Monthly Public Fire Protection Service Charges:

5/8-inch meter -	\$ 14.65	3-inch meter -	\$ 220.00
3/4-inch meter -	\$ 14.65	4-inch meter -	\$ 367.00
1-inch meter -	\$ 36.70	6-inch meter -	\$ 733.00
1-1/4-inch meter -	\$ 54.30	8-inch meter -	\$ 1,173.00
1-1/2-inch meter -	\$ 73.30	10-inch meter -	\$ 1,759.00
2-inch meter -	\$ 117.30	12-inch meter -	\$ 2,345.00
 - (3) Customers who are provided service under Schedules Mg-1, Ug-1, or Sg-1 shall be subject to the charges in this schedule according to the size of their primary meter.
- (d) **Billing.** Billing shall be the same as Schedule Mg-1.

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

- (a) **Monthly Service Charge (all customer classes):**

5/8-inch meter -	\$ 10.00
3/4-inch meter -	\$ 10.00
1-inch meter -	\$ 15.00
1-1/4-inch meter -	\$ 20.00
1-1/2-inch meter -	\$ 25.00
2-inch meter -	\$ 35.00

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3-inch meter -	\$	55.00
4-inch meter -	\$	85.00
6-inch meter -	\$	150.00
8-inch meter -	\$	230.00
10-inch meter -	\$	330.00
12-inch meter -	\$	430.00

(b) **Plus Volume Charge:**

- (1) For all customer classes, except Abbyland Foods, Inc.:

All water used monthly - \$8.10 per 1,000 gallons

- (2) For Abbyland Foods, Inc. (AFI)*:

All water used monthly - \$8.25 per 1,000 gallons

* Pursuant to the Agreement dated July 6, 2010, in the event that AFI's yearly consumption of Abbotsford Municipal Water Utility water is less than the minimum amount of 90,000,000 gallons per year, AFI shall subsidize the difference between the actual usage and the minimum amount due.

- (c) **Billing.** Bills for water service are rendered monthly and become due and payable upon issuance following the period for which service is rendered. A late payment charge of one percent (1%) but not less than Fifty Cents (\$.50) will be added to bills not paid within twenty (20) days of issuance. This late payment charge shall be applied to the total unpaid balance for utility service, including unpaid late charges. This late payment charge is applicable to all customers. The Water Utility customer may be given a written notice that the bill is overdue no sooner than twenty (20) days after the bill is issued. Unless payment or satisfactory arrangement for payment is made within the next ten (10) days, service may be disconnected pursuant to Chapter PSC 185, Wis. Adm. Code.
- (d) **Combined Metering.** For residential customers, volumetric readings from all meters on a single service lateral shall be combined for billing. For nonresidential customers, volumetric readings may be combined for billing if the Utility for its own convenience places more than one (1) meter on a single water service lateral. Multiple meters placed for the purpose of identifying water not discharged into the sanitary sewer are *not* considered for Utility convenience and shall not be combined for billing. This requirement does not preclude the Utility from combining readings where metering configurations support such an approach. Volumetric readings from individually metered separate service laterals shall *not* be combined for billing purposes.

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

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

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

- (a) **Rates.** Service may be supplied temporarily on an unmetered basis where the Water Utility cannot immediately install a water meter, including water used for construction. Unmetered service shall be billed the amount that would be charged to a metered residential customer using three thousand (3,000) gallons of water per month Schedule Mg-1, including the service charge for a 5/8-inch meter. If the Water Utility determines that actual usage exceeds three thousand (3,000) gallons of water per month, an additional charge for the estimated excess usage shall be made according to the rates under Schedule Mg-1.
- (b) **Applicability.** This schedule applies only to customers with a 1-inch or smaller service connection. For customers with a larger service connection, the Utility shall install a temporary meter and charges shall be based on the rates set forth under Schedule Mg-1.
- (c) **Billing.** Same as Schedule Mg-1.

Sec. 9-1-5 Public Service—Mpa-1.

- (a) **Metered Service.** Water used by the City of Abbotsford on an intermittent basis for flushing sewers, street washing, flooding skating rinks, drinking fountains, etc., shall be metered and billed according to the rates set forth in Schedule Mg-1.
- (b) **Unmetered Services.** Where it is impossible to measure the service, the Utility shall estimate the volume of water used based on the pressure, size of opening and period of time water is used. The estimated quantity used shall be billed at the volumetric rates set forth in Schedule Mg-1, excluding any service charges.
- (c) **Billing.** Same as Schedule Mg-1.

Sec. 9-1-6 Reconnection Charges—R-1.

- (a) **Rates.** The Water Utility shall assess a charge to reconnect a customer, which includes reinstalling a meter and turning on the valve at the curb stop, if necessary. The Water Utility may not assess a charge for disconnecting a customer.

During normal business hours: \$ 45.00
After normal business hours: \$ 60.00

- (b) **Billing.** Same as Schedule Mg-1.

Sec. 9-1-7 Seasonal Service—Sg-1.

(a) **Rates.**

(1) Seasonal customers are general service customers who voluntarily request disconnection of water service and who resume service at the same location within twelve (12) months of the disconnection, unless service has been provided to another customer at that location in the intervening period. The Water Utility shall bill seasonal customers the applicable service charges under Schedule Mg-1 year-round, including the period of temporary disconnection.

(2) Seasonal service shall include customers taking service under Schedule Mg-1 or Schedule Ug-1.

- (b) **Reconnection Charge.** Upon reconnection, the Water Utility shall apply a charge under Schedule R-1 and require payment of any unpaid charges under this schedule.

- (c) **Billing.** Same as Schedule Mg-1, unless the Water Utility and customer agree to an alternative payment schedule for the period of voluntary disconnection.

Sec. 9-1-8 Bulk Water—BW-1.

- (a) All bulk water supplied from the water system through hydrants or other connections shall be metered, or at the direction of the Water Utility, estimated by the Utility. Water Utility personnel or a utility-approved party shall supervise the delivery of water.

- (b) Bulk water sales are:

(1) Water supplied by tank trucks or from hydrants for the purpose of extinguishing fires outside the Utility's immediate service area;

(2) Water supplied by tank trucks or from hydrants for purposes other than extinguishing fires, such as irrigation or the filling of swimming pools; or

(3) Water supplied from hydrants or other temporary connections for general service type applications, except that Schedule Ug-1 applies for water supplied for construction purposes.

- (c) A service charge of Forty-five Dollars (\$45.00) and a charge for the volume of water used shall be billed to the party using the water. The volumetric charge shall be calculated using the highest volumetric rate for residential customers under Schedule Mg-1. In addition, for meters that are assigned to bulk water customers for more than seven (7) days, the applicable service charge in Schedule Mg-1 will apply after the first seven (7) days.

- (d) The Water Utility may require reasonable deposits for the temporary use of its equipment under this and other rate schedules. The deposit(s) collected will be refunded upon return

of the utility's equipment. Damaged or lost equipment will be repaired or replaced at the customer's expense.

- (e) Billing shall be as per Schedule Mg-1.

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

- (a) **Availability.** This service shall consist of permanent or continuous unmetered connections to the main for the purpose of supplying water to private fire protection systems such as automatic sprinkler systems, standpipes and private hydrants. This service shall also include reasonable quantities of water used for testing check valves and other backflow prevention devices.
- (b) **Monthly Private Fire Protection Service Demand Charges.** Monthly demand charges for private fire protection service:

Size of Connection	Charge
2-inch or smaller	\$ 20.20
3-inch	\$ 38.00
4-inch	\$ 63.00
6-inch	\$ 126.00
8-inch	\$ 202.00
10-inch	\$ 303.00
12-inch	\$ 404.00
14-inch	\$ 505.00
16-inch	\$ 606.00

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

Sec. 9-1-10 Water Lateral Installation Charge—Cz-1.

- (a) **Rates.** The Water Utility shall charge a customer for the actual cost of installing a water service lateral from the main through curb stop and box if these costs are not contributed as part of a subdivision development or otherwise recovered under Ch. 66, Wis. Stats.
- (b) **Billing.** Billing shall be as per Schedule Mg-1.

Sec. 9-1-11 Other Charges—OC-1.

- (a) **Non-Sufficient Funds Charge.** The Utility shall assess a Twenty Dollar (\$20.00) charge when a payment rendered for Utility service is returned for non-sufficient funds. This

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charge may not be in addition to, but may be inclusive of, other non-sufficient funds charges when the payment was for multiple services.

- (b) **Special Billing Charge.** The Utility shall assess a Twenty Dollar (\$20.00) charge to the requestor to cover administrative expenses whenever an existing customer or the property owner requests a special billing outside of the normal Utility billing. This charge may not be assessed to a new customer.
- (c) **Special Meter Reading Charge.** The Utility shall assess a Twenty Dollar (\$20.00) charge to the requestor whenever an existing customer or the property owner requests a special billing outside of the normal Utility billing. This charge may not be assessed to a new customer.
- (d) **Special Meter Reading Charge.** The Utility shall assess a Twenty Dollar (\$20.00) charge to the requestor whenever an existing customer or the property owner requests a special meter reading by Utility personnel on a date other than the regularly scheduled meter reading. This charge may not be assessed if the customer or the property owner provides the meter reading. This charge may not be assessed to a new customer.
- (e) **Missed Appointment Charge.** The Utility shall assess a missed appointment charge if a customer schedules an appointment with Utility personnel at the customer's location and, without providing reasonable cancellation notice to the Utility, fails to be present. The Utility may not charge for the first missed appointment during normal business hours but may apply the charge to subsequent missed appointments. The Utility shall apply the charge for the first missed appointment after normal business hours.

During normal business hours: \$ 20.00

After normal business hours: \$ 50.00

- (f) **Billing.** Same as Schedule Mg-1.

Sec. 9-1-12 through Sec. 9-1-19 Reserved for Future Use.

Article B: Rules and Regulations

Sec. 9-1-20 Compliance with Rules.

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

Sec. 9-1-21 Establishment of Service.

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

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- (f) **Withholding of Appeals.** The Water Utility may withhold approval of any application wherein full information of the purpose of such supply is not clearly indicated and set forth by the applicant property owner.

Sec. 9-1-22 Reconnection of Service.

- (a) Where the Water Utility service has been disconnected service at the customer's request, a reconnection charge shall be made when the customer requests reconnection of service. (See Schedule R-1 for the applicable rate.)
- (b) A reconnection charge shall also be required from customers whose services are disconnected (shut off at curb stop box) because of non-payment of bills when due. (See Schedule R-1 for the applicable rate.)
- (c) If reconnection is requested for the same location by any member of the same household, or if a place of business, by any partner of the same business, it shall be considered as the same customer.

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

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

Sec. 9-1-24 Water for Construction.

- (a) When water is requested for construction purposes or for filling tanks or other such uses, an application shall be made to the Water Utility, in writing, giving a statement of the amount of construction work to be done, or the size of the tank to be filled, etc. Payment for the water for construction may be required in advance at the scheduled rates. The service lateral must be installed into the building before water can be used. No connection with the service lateral at the curb shall be made without special permission from the Water Utility.
- (b) In no case will any employee of the Water Utility turn on water for construction work unless the contractor has obtained permission from the Water Utility.
- (c) Customers shall not allow contractors, masons or other persons to take unmetered water from their premises without permission from the Water Utility. Any customer failing to comply with this provision will have water service discontinued and will be responsible for the cost of the estimated volume of water used.

Sec. 9-1-25 Use of Hydrants.

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

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

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

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

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

Sec. 9-1-28 Service Laterals.

- (a) No water service lateral shall be laid through any trench having cinders, rubbish, rock or gravel fill, or any other material which may cause injury to or disintegration of the service lateral, unless adequate means of protection are provided by sand filling or such other insulation as may be approved by the Water Utility. Service laterals passing through curb or retaining walls shall be adequately safeguarded by provision of a channel space or pipe casing, not less than twice the diameter of the service connection. The space between the service lateral and channel or pipe casing shall be filled and lightly caulked with an oakum, mastic cement, or other resilient material, and made impervious to moisture.

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

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

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

Sec. 9-1-30 Turning on Water.

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

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

- (a) Where the Water Utility is unable to read a meter, the fact will be plainly indicated on the bill, and either an estimated bill will be computed or the minimum charge applied. The difference shall be adjusted when the meter is again read, that is, the bill for the succeeding billing period will be computed with the gallons or cubic feet in each block of the rate schedule doubled, and credit will be given on that bill for the amount of the bill paid the preceding period. Only in unusual cases shall more than three (3) consecutive estimated or minimum bills be rendered.
- (b) If the meter is damaged (see Surreptitious Use of Water) or fails to operate, the bill will be based on the average use during the past year unless there is some reason why the use is not normal. If the average use cannot be properly determined, the bill will be estimated by some equitable method. (See PSC 185.33, Wis. Adm. Code.)

Sec. 9-1-32 Complaint Meter Tests.

See Wis. Adm. Code, Chapter PSC 185.77.

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

See Wis. Adm. Code, Chapter PSC 185.88.

Sec. 9-1-34 Curb Stop Boxes.

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

Sec. 9-1-35 Installation of Meters.

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

Sec. 9-1-36 Repairs to Meters.

- (a) Meters will be repaired by the Water Utility and the cost of such repairs caused by ordinary wear and tear will be borne by the Water Utility.
- (b) Repair of any damage to a meter resulting from the carelessness of the owner of the premises, the owner's agent, or tenant, or from the negligence of any one of them to properly secure and protect same, including any damage that may result from allowing a water meter to become frozen or to be injured from the presence of hot water or steam in the meter, shall be paid for by the customer or the owner of the premises.

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

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

Sec. 9-1-38 Abandonment of Service.

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

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

See Wis. Adm. Code, Chapter PSC 185.35.

Sec. 9-1-40 Inspection of Premises.

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

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

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

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

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

See Wis. Adm. Code, Ch. 185.36.

Sec. 9-1-43 Deferred Payment Agreement.

See Wis. Adm. Code, Ch. 185.38.

Sec. 9-1-44 Dispute Procedures.

See Wis. Adm. Code, Ch. 185.39.

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

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

DISCONNECTION NOTICE

Dear Customer:

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

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

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

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

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

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

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

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

Illness Provision

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

Deferred Payment Agreements

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

This time payment agreement will require:

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

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

(WATER UTILITY NAME)

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

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

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

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

Sec. 9-1-48 Vacation of Premises.

When premises are to be vacated, the Water Utility shall be notified, in writing, at once, so that it may remove the meter and shut off the water supply at the curb stop. The owner of the premises shall be liable for prosecution for any damage to the property of the Water Utility. [See "Abandonment of Service", Schedule X-1, for further information.]

Sec. 9-1-49 Repairs to Mains.

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

State Law Reference: PSC 185.87, Wis. Adm. Code.

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

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

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

Contractors must call Digger's Hotline and ensure a location is done to establish the existence and location of all water mains and service laterals as provided in Sec. 182.0175, Wis. Stats. Where water mains or service laterals have been removed, cut, or damaged during trench excavation, the contractors must, at their own expense, cause them to be replaced or repaired at once. Contractors must not shut off the water service laterals to any customer for a period exceeding six (6) hours.

Sec. 9-1-52 Protective Devices.

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

Sec. 9-1-53 Sprinkling Restrictions and Emergency Water Conditions.

Where the City has a policy regarding sprinkling restrictions and/or emergency water conditions, failure to comply with such may result in disconnection of service.

State Law Reference: PSC 185.37, Wis. Adm. Code

Sec. 9-1-54 Water Main Extension Rules—X-2.

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

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

Sec. 9-1-55 Water Main Installations in Platted Subdivisions—X-3.

- (a) Application for installation of water mains in regularly platted real estate development subdivisions shall be filed with the Water Utility.
- (b) If the developer, or a contractor employed by the developer, is to install the water mains (with approval of the Water Utility), the developer shall be responsible for the total cost of construction.

- (c) If the Water Utility or its contractor is to install the water mains, the developer shall be required to advance to the Water Utility, prior to the beginning of the construction, the total estimated cost of the extension. If the final costs exceed estimated costs, an additional billing will be made for the balance of the cost due. This balance is to be paid within thirty (30) days. If final costs are less than estimated, a refund of the overpayment will be made by the Water Utility.

Sec. 9-1-56 Cross Connection Control.

- (a) **Purpose.** Chapters NR 810 and SPS 382, Wis. Adm. Code, require protection for the public water system from contamination due to backflow of contaminants through the water service connection. The Wisconsin Department of Natural Resources (WisDNR) requires the development and implementation of a comprehensive cross connection control program to effectively prevent the contamination of potable water systems.
- (b) **Definition of Cross Connection.** A "cross connection" is defined as any physical connection or arrangement between two (2) otherwise separate systems, one (1) of which contains potable water from the City of Abbotsford's public water system, and the other of which contains water from a private source, water of unknown or questionable safety, or steam, gases, or chemicals, whereby there may be a flow from one (1) system to the other, with the direction of flow depending on the pressure differential between the two (2) systems.
- (c) **Unprotected Cross Connections Prohibited.** No person, firm, or corporation may establish or maintain, or permit to be established or maintained, any unprotected cross connection. Cross connections shall be protected as required in SPS 382, Wis. Adm. Code.
- (d) **Inspection.** The Water Utility may inspect, or arrange for an inspection of, property served by the public water system for cross connections. As an alternative, the Water Utility may require a person, firm, or corporation who owns, leases, or occupies property to have their plumbing inspected, at their own expense, by a State of Wisconsin Certified Cross Connection Inspector/Surveyor. The frequency of inspections shall be established by the Water Utility in accordance with NR 810.15, Wis. Adm. Code. Any unprotected cross connections identified by the inspection shall be promptly corrected at the user's expense. Failure to promptly correct an unprotected cross connection shall be sufficient cause for the Water Utility to discontinue water service to the property, as provided under Subsection (g) below.
- (e) **Right of Entry.** Upon presentation of credentials, a representative of the Water Utility shall have the right to request entry, at any reasonable time, to a property served by a connection to the public water system for the purpose of inspecting the property for cross connections. Refusing entry to such Utility representative shall be sufficient cause for the Water Utility to discontinue water service to the property, as provided under Subsection (g)

below. If entry is refused, a special inspection warrant under Section 66.0119, Wis. Stats., may be obtained.

- (f) **Provision of Requested Information.** The Water Utility may request an owner, lessee, or occupant of property served by a connection to the public water system to furnish the Water Utility with pertinent information regarding the piping systems on the property. Refusing to provide requested information shall be sufficient cause for the Water Utility to discontinue water service to the property, as provided under Subsection (g) below.
- (g) **Discontinuation of Water for Violation.** The Water Utility may discontinue water service to any property wherein any unprotected connection in violation of this Section exists, and take other precautionary measures deemed necessary to eliminate any danger of contamination of the public water system. Water service may be discontinued, however, only after reasonable notice and opportunity for hearing under Chapter 68, Wis. Stats., (Title 4 of this Code of Ordinances), except as provided in Subsection (h) below. Water service to such property shall not be restored until the unprotected cross connection has been eliminated.
- (h) **Emergency Discontinuance.** If it is determined by the Water Utility that an unprotected cross connection or emergency endangers public health, safety, or welfare, and requires immediate action, and if a written finding to that effect is filed with the City Clerk-Treasurer and delivered to the customer's premises, water service may be immediately discontinued. The customer shall have an opportunity for hearing under Chapter 68, Wis. Stats., (Title 4 of this Code of Ordinances), within ten (10) days of such emergency discontinuance. Water service to such property shall not be restored until the unprotected cross connection has been eliminated.

Sec. 9-1-57 Private Well Abandonment; Well Operation Permit.

- (a) **Purpose.** The purpose of this Section is to protect public health, safety and welfare, and to prevent contamination of groundwater by assuring that unused, unsafe or noncomplying wells, or wells which may be illegally cross-connected to the municipal water system, are properly maintained or abandoned.
- (b) **Applicability.** This Section applies to all wells located on premises served by the City of Abbotsford's municipal water system. Water Utility customers outside the jurisdiction of the municipal system may be required under contract agreement or Water Utility rule to adopt and enforce equivalent ordinances within their jurisdictions for the purpose(s) stated in Subsection (a) above.
- (c) **Definitions.** The following definitions shall be applicable in this Section:
 - (1) **Communities Served.** Any jurisdiction having customers supplied by a municipal water system as retail or wholesale customers, including those outside the jurisdiction of the supplying system.

- (2) **Municipal Water System.** A community water system owned by a city, village, county, town, town sanitary district, utility district, public inland lake and rehabilitation district, municipal water district or a federal, state, county, or municipal-owned institution for congregate care or correction, or a privately-owned water utility serving the foregoing.
- (3) **Noncomplying.** A well or pump installation which does not comply with NR 812.42, Wis. Adm. Code, "Standards for Existing Installations," and which has not been granted a variance pursuant to NR 812.43, Wis. Adm. Code.
- (4) **Pump Installation.** The pump and related equipment used for withdrawing water from a well, including the discharge piping, the underground connections, pitless adapters, and pressure tanks, pits, sampling faucets and well seals or caps.
- (5) **Served By.** Any property having a water supply pipe extending onto it which is connected to the municipal water system.
- (6) **Unsafe.** A well or pump installation means one which produces water which is bacteriologically contaminated or contaminated with substances which exceed the drinking water standards of NR 140 or 809, Wis. Adm. Code, or for which a Health Advisory has been issued by the Wisconsin Department of Natural Resources.
- (7) **Unused.** A well or pump installation that is one which is not used or does not have a functional pumping system.
- (8) **Well.** A drillhole or other excavation or opening deeper than it is wide that extends more than ten (10) feet below the ground surface constructed for the purpose of obtaining groundwater.
- (9) **Well Abandonment.** The proper filling and sealing of a well according to the provisions of NR 812.26, Wis. Adm. Code.
- (d) **Well Abandonment Required.** All wells on premises served by the municipal water system shall be properly abandoned (filled in and sealed) in accordance with Subsection (f) below by not later than one (1) year from the date of connection to the municipal water system, unless a valid well operation permit has been issued to the well owner by the Abbotsford Water Utility under the terms of Subsection (e) below.
- (e) **Well Operation Permit.** Owners of wells on premises served by the municipal water system wishing to retain their wells for any use shall make application for a well operation permit for each well no later than ninety (90) days after connection to the municipal water system. The Abbotsford Water Utility shall grant a permit to a well owner to operate a well for a period not to exceed five (5) years providing all conditions of this Section are met. A well operation permit may be renewed by submitting an application verifying that the conditions of this Section are met. The Abbotsford Water Utility, or its agent, may conduct inspections and water quality tests or require inspections and water quality tests to be conducted at the applicant's expense to obtain or verify information necessary for consideration of a permit application or renewal. Permit applications and renewals shall be made on forms provided by the City Clerk-Treasurer. All initial and renewal

applications shall be accompanied by the required fee. The following conditions must be met for issuance or renewal of a well operation permit:

- (1) **Administrative Code Compliance.** The well and pump installation shall comply with the *Standards for Existing Installations* described in NR 812.42, Wis. Adm. Code, or repaired to comply with current standards. Compliance shall be verified by inspection for initial issuance of a permit and every ten (10) years thereafter. Inspections shall be conducted by a Wisconsin licensed well driller or pump installer and documented on inspection report form DNR #3300-221, to be submitted to the City Clerk-Treasurer.
 - (2) **Testing.** The well and pump shall have a history of producing safe water evidenced by a certified lab report for at least one (1) coliform bacteria sample collected within the prior thirty (30) days, and submitted to the City Clerk-Treasurer. In areas where the Wisconsin Department of Natural Resources has determined that groundwater aquifers are contaminated with substances other than bacteria, additional chemical tests may be required to document the safety of the water.
 - (3) **Cross Connections Prohibited.** There shall be no cross connections or interconnections between the well's pump installation or distribution piping and the municipal water system; unless approved by the Water Utility and WisDNR.
 - (4) **Private Well Discharges.** The water from the private well shall not discharge into a drain leading directly to a public sewer utility unless properly metered and authorized by the sewer utility.
 - (5) **Functional Pumping System Requirement.** The private well shall have a functional pumping system or other complying means of withdrawing water.
 - (6) **Necessity Test.** The proposed use of the private well shall be justified as reasonable in addition to water provided by the municipal water system.
- (f) **Abandonment Procedures; Well Filling and Sealing.**
- (1) **Consistency With Administrative Code Requirements; Debris Removal.** All wells abandoned under the jurisdiction of this Section shall be done according to the procedures and methods of NR 812.26, Wis. Adm. Code. All debris, pumps, piping, unsealed liners, and any other obstructions which may interfere with sealing operations shall be removed prior to abandonment.
 - (2) **Abandonment Supervision.** All well filling and sealing under jurisdiction of this Section shall be performed by, or under the supervision of, a Certified Water System Operator employed by the Abbotsford Water Utility or by a Wisconsin-licensed well driller or pump installer, per Sec. 280.30, Wis. Stats.
 - (3) **Notification of Abandonment Procedures.** The owner of the well, or the owner's agent, shall be required to obtain a well abandonment permit prior to any well abandonment and shall notify the City Clerk-Treasurer or Water Utility at least forty-eight (48) hours in advance of any well abandonment activities. The abandonment of the well may be observed or verified by personnel of the municipal system.
 - (4) **Abandonment Report.** A well filling and sealing report form DNR #3300-005, supplied by the Wisconsin Department of Natural Resources, shall be submitted by

the well owner to the City Clerk-Treasurer and the Wisconsin Department of Natural Resources within thirty (30) days of the completion of the well abandonment.

- (g) **Penalties.** Any well owner violating any provision of this Section shall, upon conviction, be punished by forfeiture as prescribed in Section 1-1-7 and the cost of prosecution. Each day of violation is a separate offense. If any person fails to comply with this Section for more than thirty (30) days after receiving written notice of the violation, the City may impose a penalty and cause the well abandonment to be performed and the expense to be assessed as a special charge against the property.

Cross-Reference: NR 140, 809 and 812, Wis. Adm. Code; SFS 382, Wis. Adm. Code

Sec. 9-1-58 Water Curtailment.

- (a) **Purpose.** The purpose of this schedule is to:
- (1) Establish an equitable procedure for limiting or curtailing the amount of water delivered by the Utility to certain customers during a water shortage emergency in a manner that maintains consistent and adequate service to the greatest number of customers; and
 - (2) Restrict the attachment of new customers or the enlargement of existing customers on the system unless the Utility can demonstrate that the additional demand will not adversely affect its ability to provide consistent and adequate service to its existing customers.
- (b) **Definitions.** The following definitions shall be applicable in this Section:
- (1) **High Volume Customer.** Any customer who uses more than fifty thousand (50,000) gallons per day shall be considered a high volume customer. For purposes of this schedule, the Utility may combine the volumetric readings from all meters serving a single property or business.
 - (2) **Water Shortage Emergency.** A declared Stage 3 water shortage emergency, as defined in a municipal ordinance. A copy of this ordinance shall be placed on file with the Wisconsin Public Service Commission.
- (c) **Procedures for Curtailment of Service.**
- (1) **Applicability.**
 - a. The Utility may curtail water service to high-volume customers during a water shortage emergency.
 - b. Except as provided in Subsection (c)(4) below, the Utility may curtail water service to customers other than high-volume customers if the Utility determines that curtailment of service to high volume customers is insufficient to alleviate conditions that present an imminent threat to public health, welfare and safety.
 - (2) **Curtailment and Restoration Orders.**
 - a. When the Utility determines that curtailment of service is necessary to address a water shortage emergency, the Utility shall issue a curtailment order:

1. Identifies each customer affected;
 2. Establishes a minimum and maximum volume, hourly flow, and daily flow of water that each identified customer is entitled to receive during the curtailment period; and
 3. Identifies the time period during which the curtailment order remains in effect.
- b. To the extent practicable, the Utility shall provide each customer subject to a curtailment order with a minimum volume of water that is sufficient to avoid undue economic hardship. The Utility may curtail all service to a customer if such action is necessary to avoid an imminent threat to public health, welfare or safety.
 - c. The Utility shall promptly notify each customer affected by a curtailment or restoration order in writing and by telephone.
 - d. When conditions leading to the declaration of a water shortage emergency have been remedied, the Utility shall issue a restoration order that identifies when unrestricted service will be made available to all customers. The restoration order shall supercede any outstanding curtailment orders.
- (3) **Unauthorized Usage and Water Conservation Surcharge.**
- a. Any customer subject to a curtailment order who uses more than the allowable volume of water during a curtailment period shall be deemed to have unauthorized water use. The Utility shall determine the amount of unauthorized water use based on daily meter readings.
 - b. All unauthorized water use during the curtailment period shall be billed a rate equivalent to three (3) times the highest volumetric rate for the appropriate customer class as established in Schedule Mg-1. The Utility may bill the customer for any unauthorized water on a daily basis and payment shall be due within ten (10) days following issuance of the bill. A late payment charge may be added to any unpaid bills according to the procedures identified in Schedule Mg-1.
 - c. The Utility may disconnect service without prior notice under PSC 185.37(3), Wis. Adm. Code, for any customer that fails to comply with a curtailment order if such failure results in a dangerous condition that threatens public health, welfare or safety.
- (4) **Exceptions.**
- a. The Utility may identify customers that are exempt from curtailment and other water conservation requirements if the Utility determines that these customers provide essential public health, welfare or safety functions that require consistent water service. The Utility shall submit the list of exempt customers to the Public Service Commission and make a copy available for public inspection at the Utility office.

- b. Any customer may petition the Utility in writing for an exemption or modification to a curtailment order. The Utility may grant an exemption or modification to a curtailment order if, in the Utility's sole judgment, curtailment of service would result in undue economic hardship or conditions that would threaten public health, welfare or safety.
- (5) **Reporting.** The Utility shall file a report with the Public Service Commission not later than thirty (30) days after the end of the curtailment period. The report shall identify each affected customer, the amount of water allocated to each customer, and the actual amount of water sold to each customer during the curtailment period.
- (6) **Existing Authority Retained.** Nothing in this Schedule shall be construed to limit or restrict existing authorities under the Wisconsin Statutes, Public Service Commission Rules, or Public Service Commission Orders.
- (d) **Restrictions on Customer Attachment or Enlargement.**
 - (1) **Scope.**
 - a. The Utility may control the attachment or enlargement of a customer taking service or expected to take service, including restricting the volume or rate of flow that the customer is entitled to receive.
 - b. This Section does not apply to a customer taking service for residential purposes.
 - (2) **Application for Service.**
 - a. A new or expanding customer shall make a written application for service on a form provided by the Utility according to the procedures established in Schedule X-1.
 - b. The Utility may not grant service to a new customer, or permit the expansion of service to an existing customer, unless the Utility, in its sole discretion, determines that it has sufficient water production capacity, storage capacity, and distribution system capacity to provide consistent and adequate service to all customers.
 - c. As a condition of granting service, the Utility may require a new or expanding customer whose total water use is expected to exceed twenty thousand (20,000) gallons per day to prepare and submit a plan that describes the measures that will be taken to achieve voluntary and mandatory water use reductions during a declared water shortage emergency.
 - d. The Utility shall notify the applicant in writing of its approval. The Utility may specify a date by when service must be commenced that is no later than one (1) year from the date that approval is granted. If the customer fails to commence service by this date, the Utility may revoke its approval.

Title 9 ► Chapter 2

Sewer Utility Regulations and Rates

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Sec. 9-2-1 Definitions.

Unless the context specifically indicates otherwise, the meaning of terms used in this Chapter shall be as follows:

- (a) **Act.** The Clean Water Act (33 U.S.C. 1251 et. seq. as amended).
- (b) **Agency.** The authority empowered to adopt the ordinance codified in this Chapter and any board, commission or committee designated by; it to administer and enforce the terms of this Chapter.
- (c) **Biochemical Oxygen Demand (BOD₅).** The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at twenty (20) degrees Celsius, expressed in milligrams per liter.
- (d) **Building Drain.** The lowest horizontal piping of a drainage system which receives the discharge from waste drainage pipes inside the building and conveys same to the building sewer.
- (e) **Building Sewer.** The extension from the building drain beginning at the immediate outside foundation wall to its connection with the sanitary sewer or other place of disposal.
- (f) **Commercial User.** Any place of business which discharges sanitary waste as distinct from industrial wastewater.

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- (g) **Commercial Wastewater.** Domestic wastewater emanating from a place of business as distinct from industrial wastewater.
- (h) **Debt Service Charge.** A charge levied on users of a sewage treatment plant for the cost of repaying money bonded to construct the plant.
- (i) **DNR.** The Wisconsin Department of Natural Resources.
- (j) **Domestic Wastewater.** Water-carried wastes in the amount of approximately one hundred (100) gallons per capita per day containing approximately two hundred fifty (250) mg/BOD₅, and approximately two hundred fifty (250) mg/l suspended solids, consistent with the emanating from a typical household.
- (k) **Equivalent Meter.** A five-eighths inch water meter. Larger size meters shall be converted to equivalent meter sizes based on the maximum rate of flow as defined by the "American Water Works Association Manual of Practice No. 22."
- (l) **Garbage.** Solid wastes from the domestic and commercial preparation, cooling, and dispensing of food, and from the handling, storage and sale of produce.
- (m) **Grant.** Federal and/or state financial assistance for the construction of improvements to the public sewer collection system and/or sewage treatment plant.
- (n) **Grantee.** The local agency which receives a grant.
- (o) **Industrial User.** Any nongovernmental, nonresidential user of a sewage treatment plant which discharges more than the equivalent of twenty-five thousand (25,000) gallons per day of sanitary wastes and which is identified in the "Standard Industrial Classification Manual, 1972, Office of Management and Budget," as amended and supplemented under one of the following divisions:
 - (1) Division A – Agriculture, Forestry and Fishing.
 - (2) Division B – Mining.
 - (3) Division D – Manufacturing.
 - (4) Division E – Transportation, Communication, Electric, Gas and Sanitary Services.
 - (5) Division I – Industrial Services.
- (p) **Industrial Wastewater.** The liquid processing wastes from an industrial manufacturing process, trade or business including but not limited to all Standard Industrial Classification Manual Class D Manufactories as distinct from domestic wastewater.
- (q) **Natural Outlet.** Any outlet into a watercourse, pond, ditch, lake or other body of surface or groundwater.
- (r) **Person.** Any individual, firm, company, association, society, corporation or group.
- (s) **pH.** The negative logarithm of the hydrogen ion concentration in moles per liter of solution.
- (t) **Properly Shredded Garbage.** The wastes from the preparation, cooking, and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half inch in dimension.
- (u) **Public Sewer Collection System.** A system of sanitary sewers owned, maintained, operated and controlled by the agency.

- (v) **Private Sewage System.** A system comprised of a septic tank and effluent absorption area designed for the purpose of processing sewage.
- (w) **Replacement Costs.** Expenditures for obtaining and installing equipment, accessories or appurtenances which are necessary during the service life of the sewage treatment plant to maintain the capacity and performance for which such plant was designed and constructed.
- (x) **Residential User.** Those places which are connected to the public wastewater collection system as distinct from industrial or commercial wastewater.
- (y) **Sanitary Sewer.** A pipe or conduit (owned and maintained by the agency) which carries sewage.
- (z) **Sewage.** A combination of the water-carried wastes from residences, business buildings, institutions, and industrial establishments.
- (aa) **Sewage Treatment Plant.** Any arrangement of devices and structures used for treating sewage.
- (bb) **Sewer Service Charge.** A charge levied on users of a sanitary sewer to maintain the sewer in operational condition.
- (cc) **Shall** is mandatory; "may" is permissive.
- (dd) **Slug.** Any discharge of sewage, or industrial wastewater which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than fifteen (15) minutes more than five (5) times the average twenty-four hour concentration or flows during normal operation.
- (ee) **Standard Industrial Classification Manual.** The "Standard Industrial Classification Manual of the Office of Management and Budget, 1972."
- (ff) **Storm Drain ("Storm Sewer").** A sewer which carries storm and surface waters and drainage, but excludes sewage.
- (gg) **Superintendent.** The superintendent of the agency or authorized deputy, agent or representative.
- (hh) **Suspended Solids.** Solids that are visible and in suspension in the liquid; the quantity being determined by Standard Methods for the Examination of Water and Wastewater.
- (ii) **Unaltered Water.** Waters which are not changed chemically or physically as a result of use.
- (jj) **User Charge.** A charge levied on users of a treatment works, or that portion of the ad valorem taxes paid by a user, for the user's proportionate share of the cost of operation and maintenance (including replacement) of such works under Sections 204(b)(1)(A) and 201(h)(2) of the Act and this Chapter.
- (kk) **User Charge System.** A system based on estimated use of wastewater treatment services where each user (or user class) pays its proportionate share of operation and maintenance (including replacement) costs of treatment works within the grantee's service area, based on the user's proportionate contribution to the total wastewater loading from all users (or user classes). To insure a proportional distribution of operation and maintenance costs to each user (or user class), the user's contribution shall be based on factors such as strength, volume, and delivery flow rate characteristics.

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- (ll) **Users.** Those residential, commercial, institutional and industrial establishments which are connected to the public sewer collection system.
- (mm) **Wastewater.** See "Sewage."
- (nn) **Wastewater Service Charge.** Total of the charges for debt service charge, operation and maintenance costs and sewer service charge.
- (oo) **Watercourse.** A channel in which a flow of water occurs, either continuously or intermittently.

Sec. 9-2-2 Connection to Sanitary Sewers Required.

- (a) It is unlawful for any person to place, deposit, or permit to be deposited (any sewage) on the ground surface of any public or private property within the jurisdiction of the agency.
- (b) It is unlawful to discharge any sewage to any natural outlet within the jurisdiction of the agency except where authorized by the DNR.
- (c) Except as provided in Section 9-2-3(b), it is unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of sewage.
- (d) The owner of all houses, buildings or properties used for human occupancy, employment, recreation, or other purposes, situated within the jurisdiction of the agency and abutting on any street, alley or right-of-way in which there is located a sanitary sewer, is required at his/her expense to install suitable toilet facilities therein, and to connect such facilities directly with the public sewer collection system in accordance with the provisions of this Chapter, within one year (365 days) after the date of official notice by the superintendent of the agency to do so.

Sec. 9-2-3 Private Sewage Disposal.

- (a) Where a sanitary sewer is not available, the building sewer shall be connected to a private sewage system complying with the following provisions in this Section.
- (b) Before commencement of construction of a private sewage system, the owner shall first obtain a written permit signed by the superintendent. The application for such permit shall be made on a form furnished by the agency which the applicant shall supplement by any plans, specifications and/or other information as are deemed necessary by the superintendent. A permit and inspection fee shall be paid at the time the application is filed.
- (c) A permit for a private sewage system shall not become effective until the installation is completed and approved by the superintendent. The superintendent shall be allowed to inspect the work at any stage of construction, and in any event the applicant for the permit shall notify the superintendent when the work is ready for final inspection eliminate

common and before any underground portions are covered. The inspection shall be made within forty-eight (48) hours of the receipt of notice by the superintendent.

- (d) The type, capacity, location and layout of a private sewage system shall comply with H62 and H63, Wis. Adm. Code.
- (e) At such time as a sanitary sewer becomes available to a property served by a private sewage system, as provided in Section 9-2-2(d), a direct connection shall be made to the sanitary sewer in compliance with this Chapter and any septic tanks, cesspools and similar private sewage facilities shall be abandoned in accordance with NR62.20, Wis. Adm. Code.
- (f) The owner shall operate and maintain the private sewage system in accordance with H62 and H63, Wis. Adm. Code.
- (g) No statement contained in this Section shall be construed to interfere with any additional requirements that may be imposed by H62 and H63, Wis. Adm. Code.

Sec. 9-2-4 Building Sewers and Connections.

- (a) No unauthorized person shall alter, disturb or uncover any connections with or opening into any sanitary sewer or appurtenance thereof without first obtaining written permission from the superintendent.
- (b) There shall be two (2) classes of building sewer permits: For establishments producing only domestic wastewaters including residences, institutions, public facilities, and commercial establishments; and for service to establishments producing industrial wastewater. In either case, the owner or his/her representative shall make application on a special form furnished by the agency. The permit application shall be supplemented by any plans, specifications or other information considered pertinent in the judgement of the superintendent. A permit and inspection fee shall be paid at the time the application is filed.
- (c) All costs and expense incident to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the agency from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.
- (d) A separate and independent building sewer shall be provided for every building except where one building stands at the rear of another on an interior lot and no private sewer system is available or can be constructed to the rear building through an adjoining alley, court, yard, or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer.
- (e) Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the superintendent, to meet all requirements of this Chapter.
- (f) The size, slope, alignment, materials of construction of a building sewer and the methods to be used in excavating, placing of the pipe, jointly, testing and backfilling the trench, shall all conform to the requirements of H62 and H63, Wis. Adm. Code.

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- (g) Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the sanitary sewer, sewage carried by such a building drain shall be lifted and discharged to the building sewer by facilities conforming to H62 and H63, Wis. Adm. Code.
- (h) No person shall make connection of roof downspouts, exterior foundation drains, areaway drains, basement sump pumps or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a sanitary sewer.
- (i) The connection of the building sewer into the sanitary sewer shall conform with the requirements of Subsection (g).
- (j) The applicant for the building sewer permit shall notify the superintendent when the building sewer is ready for inspection and connection to the sanitary sewer. The connection shall be made under the supervision of the superintendent or his/her representative.
- (k) All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to minimize the hazard to public welfare and safety. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the agency.

Sec. 9-2-5 Use of the Sanitary Sewers.

- (a) No person shall discharge or cause to be discharged any stormwater, surface water, groundwater, roof runoff, subsurface drainage, or any other unaltered water to any sanitary sewer.
- (b) The agency reserves the right to refuse or accept any or all industrial wastewater from an industry or combination of industries as may be necessary to insure adequate treatment and proper operation of the public sewer collection system.
- (c) No person shall discharge or cause to be discharged any of the following described fluids or solids into the public sewer collection system:
 - (1) Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive fluid or solid;
 - (2) Any fluids or solids containing toxic or poisonous elements in sufficient quantity, either singly or by interaction with other elements, to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the sewage treatment plant such as but not limited to circuit etching waste or plating wastes;
 - (3) Any fluids or solids having any other corrosive property capable of causing damage or hazard to structures, equipment, and/or personnel of the sewage treatment plant;
 - (4) Fluids or solid substances in quantities or of such size as to cause obstruction to the flow in sanitary sewers, or other interference with the proper operation of the sewage

treatment plant such as, but not limited to, ashes, cinders, clay, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshings, entrails, paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.

- (d) No person shall discharge or cause to be discharged the following specifically discharged the following specifically described substances, materials, fluids, or solids which may harm sanitary sewers, sewage treatment processes and equipment, have an adverse effect on the receiving stream, or may otherwise endanger life, limb, public property or constitute a nuisance without the specific written permission of the superintendent. Such permission is subject to termination at any time upon written notice. In forming his/her opinion as to the acceptability of these wastes, the superintendent will give consideration to such factors as the quantities of subject wastes in relation to flows and velocities in the sanitary sewers, materials of construction of the sanitary sewers, nature of the sewage treatment process, capacity of the sewage treatment plant, and other pertinent factors. The substances prohibited are:
- (1) Any fluid having a temperature higher than one hundred fifty (150) degrees Fahrenheit;
 - (2) Any liquid containing fats, wax, grease, or oils, whether emulsified or not, in excess of one hundred (100) mg/l or containing substances which may solidify or become viscous at temperatures between thirty-two (32) degrees Fahrenheit and one hundred fifty (150) degrees Fahrenheit;
 - (3) Any garbage that has not been properly shredded or solid material having any dimension greater than one-half inch. The installation and operation of any garbage grinder equipped with a motor of three-fourths horsepower or greater shall be subject to the review and approval of the superintendent.
 - (4) Any fluid or solid containing chromium, copper, zinc, cyanide and similar objectionable or toxic substances which exceed the limits which are established for such materials. Unless more restrictive limits are established by a state or federal regulatory agency having jurisdiction the following concentrations in mg/l shall not be exceeded on a grab sample basis:
 - a. Arsenic - 0.50
 - b. Barium - 4.00
 - c. Cadmium - 0.01
 - d. Chromium - 0.6
 - e. Copper - 1.0
 - f. Cyanide - 0.05\
 - g. Lead - 0.2
 - h. Mercury - 0.002
 - i. Nickel - 2.0
 - j. Selenium - 0.004

- k. Silver - 0.1
- l. Zinc - 1.0
- (5) Any fluid or solid containing phenols or other taste or odor-producing substances, in such concentrations exceeding limits which may be established by the superintendent as necessary, or as are established by state, federal, or other public agencies having jurisdiction for such discharge to the receiving waters. Unless other limits are established by a state or federal regulatory agency having jurisdiction, the concentration of phenol shall not exceed 0.005 mg/l on a grab sample basis.
- (6) Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by state or federal regulations;
- (7) Any liquids having a pH lower than 6.0 or in excess of 9.0.
- (8) Materials which exert or cause:
 - a. Unusual concentrations of inert suspended solids (such as, but not limited to, Fuller's earth, clays, lime slurries, and lime residues) or of dissolved solids detrimental to the treatment process.
 - b. Excessive discolorations (such as, but not limited to dye wastes and vegetable tanning solutions).
 - c. Unusual BOD₅'s, chemical oxygen demand or chlorine requirements in such quantities in excess of that found in domestic sewage.
 - d. Unusual volume of flow or concentration of wastes constituting "slugs" as defined herein.
- (9) Fluids or solids containing substances which are not treatable by the sewage treatment processes employed, or are untreatable to such degree that the sewage treatment plant effluent cannot meet the requirements of other agencies having jurisdiction.
- (e) If any sewage is discharged, or proposed to be discharged to the public sewer collection system which contains the substances or possess the characteristics enumerated in Subsections (c) or (d) above, and which in the judgment of the superintendent, may have a deleterious effect upon the sewage treatment works, processes, equipment, or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the superintendent may in writing:
 - (1) Reject the wastes;
 - (2) Require pretreatment to an acceptable condition prior to discharge to the sanitary sewers;
 - (3) Require flow equalization of the rate of discharge; and/or
 - (4) Require payment to cover the added cost of handling and treating the wastes not covered by sewer charges under the provisions of Section 9-2-6(d).

(Note: If the superintendent permits the pretreatment or equalization of waste flows, plans and specifications shall be submitted to the DNR for review and approval).
- (f) Grease and oil separators and sand interceptors shall be provided when, in the opinion of the superintendent, they are necessary for the proper handling of liquids containing grease

in excessive amounts, or any flammable fluid, sand, or other harmful ingredients; except that such interceptors and separators shall not be required for private living quarters or dwelling units. All separators and interceptors shall be of a type and capacity approved by the DNR and/or Division of Health, and shall be located as to be readily and easily accessible for cleaning and inspection.

- (g) Where pre-treatment or flow-equalizing facilities are provided they shall be maintained continuously in satisfactory condition and effectively operated by the owner at his/her expense.
- (h) The owner of any industry discharging industrial wastewaters constituting less than ten percent (10%) of any one of the sewage treatment plant design parameters of volume, BOD₅, and suspended solids shall install a suitable control manhole in accordance with H62, H63 and NR110, Wis. Adm. Code. The manhole shall be installed by the owner at his/her expense, and shall be maintained by him/her so as to be safe and accessible at all times.
- (i) The owner of any industry discharging industrial wastewater in excess of ten percent (10%) of the design capacity of the sewage treatment plant for either volume, BOD₅'s, or suspended solids shall install a suitable control manhole. The special control manhole shall be approved by the DNR and the agency prior to installation. The special control manhole shall consist of a manhole on the discharge line with a volume measuring device and a separate structure for housing volume recording instruments and an automatic proportional sampler. The sampler shall automatically (in proportion to volume) collect samples of the waste. The agency shall record volume and operate the automatic sampler on such occasions as deemed necessary to develop a basis for service charges. The owner shall design, construct, operate and maintain the special control manhole at his/her expense. The agency shall record, sample, test and analyze at the agency's expense. The location and access to the special control manhole shall be as provided for in H62, H63 and NR110, Wis. Adm. Code.
- (j) Special control manholes may be required by the agency should the industrial wastewater contain a fluid or solid not reflected by volume, BOD₅, or suspended solids.
- (k) All measurements, tests, and analyses of the characteristics of fluids and solids to which reference is made in this Chapter shall be determined in accordance with the latest edition of Standard Methods for the Examination of Water and Wastewater, published by the American Public Health Association, et al. The control manhole shall be considered to be the most representative location in the sewage flow system of the premises.
- (l) No statement contained in this Section shall be construed as preventing any special agreement or arrangement between the agency and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the agency for treatment, subject to payment therefor, by the industrial concern provided the agreement is not in conflict with the intent or rates established by this Chapter.

Sec. 9-2-6 Sewage Service Charges.

- (a) The purpose of this Section is to establish the basis for reasonable charges for the cost of collecting and treating domestic wastewaters and industrial wastewaters.
- (b) Two classes of wastewater charges shall be established as follows: (1) domestic wastewater; and (2) industrial wastewater. Domestic wastewater shall include wastewater from commercial, institutional, public and residential sources. Such charges shall be assessed on whatever time period deemed appropriate by the agency but not less frequently than annually. The charges shall be reviewed to determine their adequacy to offset operation, maintenance and capital costs annually. Accordingly the agency reserves the authority to adjust such charges annually to assure their continued adequacy.
- (c) Regarding domestic wastewater charges, the charges for domestic wastewater will be based on a combination of an equivalent meter charge plus a charge for volumes of wastewater discharged.
- (d) Regarding equivalent meter charges, expenses which do not depend on wastewater volume will be charged based on the equivalent number of water meters connected to the utility. This charge includes debt service, fixed plant operation and maintenance, and collection costs.
- (e) Regarding wastewater volume charges, expenses which are related to wastewater volumes will be charged by the number of gallons utilized within the billing period and include replacement, labor and variable operation and maintenance costs.
- (f) Regarding wastewater surcharges, those customers discharging a wastewater of strength greater than domestic strength will be billed an additional charge based on the additional cost necessary to treat the higher strength waste.
- (g) Should the industrial wastewaters contain a fluid or solid not reflected by volume, BOD₅ or suspended solids, special charges shall be determined on a case-by-case basis. These charges shall reflect the costs and difficulties associated with treating that specified wastewater.
- (h) Sampling of industrial wastewaters may be made on a regular basis or as needed to verify the charges.
- (i) Each new Class D industry shall file with the superintendent an initial written statement for each separate connection to the system giving the daily volume, surge rate, peak rate, pounds of suspended solids and pounds of BOD₅ of the wastewater. Initial charges shall be developed on the basis of this statement.
- (j) Changes in operations or use shall be reported by the owner and it shall be his or her sole responsibility to have such changes made to the original statement to remain in compliance with this Chapter.
- (k) The superintendent may sample and test at anytime any industrial wastewater discharge to verify the accuracy of any statement filed by an owner. The costs of any test shall be at the expense of the agency.

Sec. 9-2-7 Service Charge Determination.

- (a) The intent of this Section is to establish the method for recovering capital and operation and maintenance costs invested by the agency on behalf of the industrial user.
- (b) The agency shall maintain annual operational and maintenance costs allocated for volume, BOD₅, and suspended solids. The agency shall adjust the charge for operation and maintenance annually to reflect cost increases and decreases. Operational and maintenance costs for the public sewer collection system shall be allocated to such industry on volume only and shall only apply to that portion of the public sewer collection system used by that industry.
- (c) Industrial users, whose wastewater discharge is at a strength greater than domestic wastewater, shall pay an additional charge for operation and maintenance. The amount of surcharge for BOD₅ and suspended solids shall be determined based on the following formula:

$$CM=(Bc(B) + Sc(S))Vu$$

Where:

Cm = Amount of surcharge, always greater than zero.

B = BOD₅ discharged - 250 mg/l.

S = Suspended solids discharged - 250 mg/l.

Bc = Unit operating cost attributable to BOD₅.

Sc = Unit operating cost attributable to suspended solids.

Vu = Wastewater volume for the billing period.

- (d) "Cm" shall be the total annual surcharge made to the industry. The agency shall invoice the industry a minimum of once per year. Shorter invoicing periods may be established.
- (e) The total annual operation and maintenance cost shall include a depreciation allowance and may be increased by an amount up to ten percent (10%) of the total as an estimated factor to allow for increased costs during the year of the changes.
- (f) If there is any change in the volume, BOD₅, or suspended solids characteristics by the industry, the industry's share of operation and maintenance cost shall be adjusted accordingly.

Sec. 9-2-8 Service Contracts.

Where individual industrial wastewaters constitute a substantial portion of either the volumetric or organic capacity of the sewage treatment facilities, a service agreement between the industry

and the agency may be executed. Such service agreements shall be required where the industrial wastewaters emanating from an industry contains either thirty percent (30%) or more of the design BOD₅, thirty percent (30%) or more of the design volume or thirty percent (30%) or more of the design suspended solids to the sewage treatment plant. Such agreement shall assure continued participation in capital costs by the industry over the life of the agreement. Should the industry eliminate their discharge, the agency, at its option may elect to assign to another user that portion of design capacity and associated capital costs thereby relieving the industry of continued financial participation.

Sec. 9-2-9 Protection From Damage.

No person shall maliciously, wilfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment which is a part of the sewage collection system or sewage treatment plant. Any person violating this provision shall be subject to a forfeiture per Section 1-1-7.

Sec. 9-2-10 Powers and Authority of Inspectors.

- (a) The superintendent and other duly authorized employees of the agency bearing proper identification shall be permitted to enter properties for the purposes of inspection, observation, measurement, sampling and testing in accordance with this Chapter. The agency employees shall have no authority to inquire into any processes including metallurgical, chemical, oil, refining, ceramic, paper, or other processes beyond that point having a direct bearing on the kind and source of discharge to the sanitary sewers or sewage treatment facilities.
- (b) While performing the necessary work on private properties referred to in Subsection (a) above, the duly authorized employees of the agency shall observe all safety rules applicable to the premises established by the company shall be held harmless for injury or death to the agency employees and the agency shall indemnify the company against loss or damage to its property by agency employees.
- (c) The duly authorized employees of the agency bearing proper identification shall be permitted to enter all private properties for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair and maintenance of any portion of the sewage collection system. All entry and subsequent work, if any, shall be done in full accordance with the terms of this Chapter.

Sec. 9-2-11 Accounting.

- (a) The City will biennially review the wastewater contributions of its users and align its revenue system to recover actual costs.

- (b) The City will maintain the proportionate distribution of operation, maintenance and replacement costs among user and user classes.
- (c) Sufficient revenues will be generated by this Chapter to pay operation, maintenance and replacement costs for the wastewater system.
- (d) Any excess revenues collected from a user class will be attributable to that class for the next year.
- (e) Any user discharging toxic pollutants shall pay for any increased operation, maintenance or replacement costs caused by the toxic discharge.
- (f) Users will be notified annually of the portion of user charges attributable to wastewater treatment facilities.
- (g) The City shall maintain and keep proper books of records and accounts, separate from all other records and accounts, in which shall be made full entries of all system transactions.

Sec. 9-2-12 User Charge System.

- (a) **Purpose.**
 - (1) In order to generate sufficient revenue to provide for debt service on existing and proposed improvements to the sanitary waste disposal system in the City of Abbotsford, and to provide replacement and repair costs, the Common Council has directed the City Engineer to establish a user charge methodology that will determine rates to accomplish such purpose. This Section establishes new rates based on the methodology used by the City Engineer and recommended to the Common Council for adoption.
 - (2) Any industry is charged at the residential rate until exceeding residential strength, then surcharges will come into effect.
- (b) **Rate Schedule For All Users (Except Abbotsford Specialties, LLC, Abbyland Foods, Inc., and Unmetered Users.**

Meter Size	Quarterly Charge
5/8" and 3/4"	\$ 44.90
1"	\$ 112.25
1-1/4"	\$ 179.60
1-1/2"	\$ 224.50
2"	\$ 359.20
3"	\$ 673.50
4"	\$ 1,122.50

Plus a volume charge of \$3.30 per one thousand (1,000) gallons.

- (c) **Abbotsford Specialties.** Abbotsford Specialties, LLC sewer charges shall be calculated as the sum of the following:
 - (1) Flat Charge for Sludge Facility Debt Retirement: \$6,964.33 per quarter.
 - (2) Flat Charge for Phosphorus Facility Debt Retirement: \$1,217.50 per quarter.
- (d) **Abbyland Foods.** Abbyland Foods, Inc., sewer charges shall be calculated as the sum of the following:
 - (1) Flat Charge for Sludge Facility Debt Retirement: \$2,745.75 per quarter.
 - (2) Flat Charge for Phosphorus Facility Debt Retirement: \$533.99 per quarter.
 - (3) Meter Charge (2" Meter): \$359.20 per quarter.
 - (4) Meter Charge (4" Meter): \$673.50 per quarter.
 - (5) Volume Charge: \$3.30 per 1000 gallons.
 - (6) BOD₅ Surcharge for BOD₅ greater than 250 mg/l: \$0.25 per 1000 gallons.
 - (7) Suspended Solids Surcharge for Suspended Solids greater than 250 mg/l: \$0.42 per pound.
 - (8) Phosphorus Surcharge for Phosphorus greater than 6 mg/l: \$9.49 per pound.
- (e) **Unmetered Users.** The rate for unmetered residential users shall be a flat charge of \$87.80 per quarter. The rate for unmetered commercial users shall be a flat charge of \$334.51 per quarter.

Title 9 ► Chapter 3

Cable Television

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Sec. 9-3-1 Grant of Franchise.

This Chapter allows the City of Abbotsford to grant to a Franchise Grantee, its successors and assigns, a nonexclusive license to install, maintain, and operate a cable television system for the

distribution of television signals, frequency-modulated radio signals and any other electronic signals capable of being transmitted on a coaxial or fiber optic network including data transmission and closed circuit television programs for a term of fifteen (15) years, provided that the Franchise Grantee conforms to the conditions, limitations, and requirements of this Chapter. This Chapter may be amended from time to time by the City through the enactment of amendments thereto.

Sec. 9-3-2 Definitions.

For the purpose of this Chapter, the following terms, phrases, words and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number and words in the singular number include the plural number:

- (a) **City.** The City of Abbotsford, Wisconsin, in its present incorporated form or in any later recognized, consolidated, enlarged or reincorporated form.
- (b) **Cable.** Coaxial or fiber optic cables, wave guides, or other conductors and equipment for providing video, audio and data frequencies by cable or through its facilities as herein contemplated, and including closed-circuit special event programs and educational television.
- (c) **Grantee.** A person or entity to whom or which a Franchise under this Chapter is granted by the Common Council and the lawful successors or assigns of such person or entity.
- (d) **Common Council.** The present governing body of the City of Abbotsford or any future body constituting the legislative body of the City.
- (e) **Street.** The surface of and space above and below the public street, road, highway, lane, alley, court, sidewalk, parkway or drive, now or hereafter existing as such within the City.
- (f) **Customer.** Any person or entity receiving and paying for any purpose the services of a Grantee herein.
- (g) **Gross Revenues.** All revenue collected by the Grantee, arising from or attributable to the provision of cable service by the Grantee within the City including, but not limited to: periodic fees charged to subscribers for any basic, optional, premium, per-channel or per-program service; franchise fees; installation and reconnection fees; leased channel fees; converter rentals/and or sales; program guides; late or administrative fees; upgrade, downgrade or other change-in-service fees; local advertising revenues; revenues from home shopping; revenues from sale, exchange, use or cable cast of any programming developed on the system for community or institutional use; provided, however, that this shall not include any taxes on services furnished by the Grantee herein imposed directly on any subscriber or user by the state, local or other governmental unit and collected by the Grantee on behalf of the governmental unit.

Sec. 9-3-3 Renewal.

- (a) A Grantee shall have the right to apply to the City for renewal or extension of the Franchise. The City shall grant such renewal or extension or extension application unless it finds that:
- (1) The Grantee has not substantially complied with the material terms of the Chapter and with applicable law, or its officers have been convicted of a felony;
 - (2) The legal, technical or financial qualifications of the Grantee are inadequate to provide the service proposed by it;
 - (3) The service and facilities to be provided by the Grantee are not reasonable in light of the community need for and cost of such services and facilities;
 - (4) The service quality of the cable system has not been reasonable in light of the community needs; or
 - (5) The proposals contained in the renewal application are otherwise unreasonable.
- (b) A Grantee must file for renewal at least thirty (30) months before the expiration of the Franchise. The City must consider the renewal application and conduct any proceedings necessary to adequately consider the application; and may not request, accept or consider any other Franchise application until the Grantee's application is denied or approved.
- (c) The City shall negotiate in good faith with the Grantee regarding Franchise renewal within sixty (60) days after the completion of proceedings; and shall make a preliminary decision on granting or denying renewal within four (4) months after receipt of an application. If the City denies an application, the City must notify the Grantee by written statement, within seven (7) days after its decision, of the reasons for the denial.
- (d) The Grantee, if adversely affected or aggrieved by a decision of the City made pursuant to this Section, may appeal such decision in any Wisconsin court of competent jurisdiction. The Franchise shall remain in effect pending the completion of such appeal.
- (e) Both the City and Grantee shall comply with all the provisions of Section 626 of the Cable Communication Policy Act of 1984 regarding renewal procedures.
- (f) In the event that the Act changes, the City shall conduct renewal procedures in accordance with then applicable law.

Sec. 9-3-4 Termination or Expiration.

Should a Grantee's Franchise be terminated or expire and there is no judicial or administrative review of the termination or expiration taking place, the Grantee shall begin removal within ninety (90) days of termination or expiration of all property owned by the Grantee and placed on a public right-of-way unless permitted by the City to abandon said property to a purchaser.

Sec. 9-3-5 Transfer Procedure.

All of the rights and privileges and all the obligations, duties and liabilities created by this Chapter shall pass to and be binding upon the successors of the City and the successors and

assigns of any Grantee; and the same shall not be assigned or transferred without the written approval of the City hereunder, which approval shall not be unreasonably withheld without a showing of good cause, provided, however, that this Section shall not prevent the assignment or pledge of a Franchise or system by a Grantee as security for debt without such approval; and provided further that transfers or assignments of a Franchise between any parent and subsidiary corporation or between entities of which at least fifty-one percent (51%) of the beneficial ownership is held by the Grantee or any parent corporation shall be permitted without the prior approval of the City of Abbotsford. The sale, transfer, or assignment of a material portion of the tangible assets of a Grantee to an unrelated third party shall be considered an assignment subject to the provisions of this Section:

- (a) The parties to the sale or transfer of a Franchise shall make a written request to the City for its approval of a sale or transfer of the Franchise.
- (b) The City shall reply in writing within thirty (30) days of the request and shall indicate approval of the request or its determination that a public hearing is necessary due to potential adverse effect on the Franchise subscribers.
- (c) If a public hearing is deemed necessary, the City shall conduct such hearing within thirty (30) days of such determination and notice of any such hearing shall be given fourteen (14) days prior to the hearing by publishing notice thereof once in a newspaper of general circulation in the area being served by the Franchise. The notice shall contain the date, time and place of the hearing and shall briefly state the substance of the action to be considered by the City.
- (d) Within thirty (30) days after the public hearing, the City shall approve or deny in writing the sale or transfer request.
- (e) The parties to the sale or transfer of a Franchise only, without the inclusion of a cable communications systems in which at least substantial construction has commenced, shall establish that the sale or transfer of a Franchise only will be in the public interest.
- (f) A Grantee, upon transfer, shall within sixty (60) days thereafter file with the City a copy of the deed, agreement or other written instrument evidencing such sale, transfer of ownership or control or lease, certified and sworn to as correct by the Grantee.

Sec. 9-3-6 Franchise Territory.

Any Franchise is for the present territorial limits of the City of Abbotsford. For any area henceforth added thereto during the term of the Franchise, service shall be extended wherever household density reaches thirty (30) homes per plant mile, including interconnecting trunks.

Sec. 9-3-7 Customer Privacy.

- (a) A Grantee shall not, except as required by governmental action, provide any data concerning specific subscribers or users to their use of subscriber services without notification to the subscribers or users.

- (b) Subscribers and users shall retain the right to deactivate their terminals, but shall continue to be responsible for charges until the Grantee is notified to terminate service.

Sec. 9-3-8 Technical Performance.

- (c) The cable system shall be operated to comply with all guidelines and standards set by the FCC for signal quality and leakage upon proper notification. The City reserves the right to test the system and independently measure the signal quality. The system shall comply at all times with the applicable National Electrical Code of the National Fire Protection Association.
- (d) The City may inspect all construction or installation work during such construction or installation, or at any time after the completion thereof, in order to insure compliance with the provisions of this Chapter and all other governing ordinances.

Sec. 9-3-9 Open Books and Records.

Any Grantee shall manage all of its operations in accordance with the policy of totally open books and records vis-a-vis the City of Abbotsford. The authorized officers of the City shall have the right to inspect, upon notice, during normal business hours all books, records, maps, plans and service complaint logs of the Grantee that relate to the operation of the Franchise.

Sec. 9-3-10 Customer Service Standards.

The Grantee shall maintain resources sufficient and near enough to the franchise territory to provide the necessary facilities, equipment and personnel to comply with this Section and other provisions of this Chapter:

- (a) **Service Standards.** The Grantee shall render efficient service, make repairs promptly and interrupt service between the hours of 7:00 a.m. and 1:00 a.m. only for good cause and for the shortest possible time. Service may be interrupted between 1:00 a.m. and 7:00 a.m. for routine testing, maintenance and repair, except on nights commencing on Saturday and Sunday and on holidays. Scheduled or predictable service interruptions, except for weekly routine maintenance, insofar as possible shall be preceded by notice, which may be provided across the cable system. The interruptions shall occur during periods of minimum use of the system to the extent practicable. The Grantee shall maintain a written log or an equivalent capable of access and reproduction of all service interruptions and requests for service, which log shall be available for City inspection during the franchise period.
- (b) **Telephone Lines.** The Grantee shall provide local toll-free or collect call telephone access to its subscribers within the franchise territory. Any calls should be answered by a

customer service representative during normal business hours; calls outside this period may be answered by an automated response mechanism, but such calls should be processed by a Grantee's representative within twelve (12) hours. The Grantee shall provide sufficient telephone answering capacity that customer calls are answered on average within thirty (30) seconds ninety percent (90%) of the time; and that customers receive a busy signal no more than three percent (3%) of the time. Violations of these standards shall be subject to the penalties under provisions of Sec. 9-3-31.

- (c) **Installation.** The Grantee shall complete requests for subscriber installations within seven (7) business days of order of placement when the installation is within one hundred fifty (150) feet of the existing cable system. Installation requests required to be honored under this Section beyond the one hundred fifty (150) foot standard must be completed within fourteen (14) days. If the Grantee fails to meet these standards the Grantee shall provide the subscriber with a free month of the requested service. The Grantee may request the City toll these periods for reasonable circumstances beyond its control.
- (d) **Repair Standards.** The Grantee shall maintain a repair force capable, under normal operating circumstances, of responding to service interruption and degradation complaints made during normal business hours within four (4) hours. For complaints made outside normal business hours, the Grantee must respond within sixteen (16) hours. For the purpose of this Subsection, "response" shall mean at a minimum contacting the subscriber by telephone or in person. Where a Grantee misses either of these deadlines, Grantee must provide the subscriber with one (1) free month's service. The Grantee may request the City toll the repair period for reasonable circumstances beyond its control.
- (e) **Service Call Scheduling.** When the Grantee needs to arrange a service appointment at a subscriber's location, the Grantee must offer the subscriber a service window not to exceed four (4) hours in duration. Grantee may not cancel a service window without the subscriber's consent. Where a Grantee misses a service window, Grantee must provide the subscriber with one (1) month's service. The Grantee may request the City toll the service call period for reasonable circumstances beyond its control.

Sec. 9-3-11 Description of System.

Upon request by the City, the Grantee shall as part of the acceptance of a Franchise provide a complete written description or map of the cable system in the City of Abbotsford. Such written description or map shall be updated as additions or changes are made.

Sec. 9-3-12 Rates.

- (a) All rates and charges shall be established by a Grantee. Provided, however, the City reserves the right to the maximum extent possible to regulate the rates of a Grantee, as

permitted by Federal or State law, regulation or rule. In the event after the original effective date of this Chapter any Federal or State law, regulation or rule is at any time changed, modified, amended or repealed so as to allow for increased authority of the City to regulate a Grantee's rates, the City shall be permitted to do so to the maximum extent possible.

- (b) A Grantee shall provide the City with a rate schedule of the Grantee's charges at the time of Grantee's acceptance of a franchise. Subsequent additions or amendments to rates and service charges shall be filed with the City at least thirty (30) days prior to the implementation of the addition or amendment. The Grantee shall give subscribers at least thirty (30) days advance written notice before instituting a rate increase.
- (c) Pending such modification, amendment or repeal of current Federal and State laws regarding regulation of a Grantee's rates, the following procedures shall apply, to the extent permitted by law.
- (d) At the time this Chapter was originally adopted, the Federal Communications Commission had developed rules whereby municipalities are given the limited right to regulate rates for basic cable service. A Grantee shall not increase its basic cable service rates without giving the Common Council written notice of any proposed basic cable service rate increase at least thirty (30) days prior to the effective date of such increase. The Common Council may deny the Grantee such increase based upon the procedures and standards to be developed by the Federal Communications Commission. In the event the City would certify to the FCC to regulate a basic service rate and at the discretion of the Common Council, the Common Council may schedule a public hearing to determine whether the Grantee's proposed basic rate increase should be granted. Grantee will cooperate fully with the Common Council in connection with such proceedings and, upon request, to supply to the Common Council, within twenty (20) days, any additional information as may be reasonably required for determining whether the proposed increase should be granted, provided such disclosure would not violate any applicable law, confidentiality obligation or contract to which the Grantee is a party. A Grantee shall be permitted to participate in the public hearing and present its case for the proposed rate increase. Should the Common Council fail to deny the proposed rate increase prior to its taking effect, but determines within thirty (30) days of the effective date of the increase that the increase should be denied or modified under the standards to be developed by the Federal Communications Commission, then the previous basic rate charge shall be the effective basic cable service rate charge from the first day of the month following the Common Council's action. Nothing contained herein shall prevent the Grantee from challenging before any Wisconsin court of appropriate jurisdiction that the action of the Common Council in denying the basic cable service rate increase is arbitrary and capricious and/or violates applicable law.
- (e) Upon request and notice by the City, the Grantee shall attend the regularly scheduled May Council meeting or other meeting as designated by the City to review Grantee's options.

Sec. 9-3-13 Conditions of Street Occupancy.

- (a) All transmission and distribution structures, lines and equipment erected by a Grantee within the City shall be so located as not to cause interference with the proper use of streets, alleys, and other public ways and places, and not to cause interference with the rights of or reasonable convenience of property owners who adjoin any of the streets, alleys or other public ways and places.
- (b) In case of any disturbance of pavement, sidewalk, driveway or other surfacing, the Grantee shall first give notice to the Director of Public Works of any contemplated disturbances of pavement, sidewalk, driveway or other surfacing, and shall, at its own cost and expense and in a manner approved by the Director of Public Works, replace and restore all pavement, sidewalk, driveway or other surface of any street or alley disturbed in as good condition as before such work commenced. The Grantee shall otherwise comply with City ordinances relating to street opening.
- (c) If, at any time during the period of a Franchise, the City shall elect to alter or change the location or grade of any street, alley, or other public way, the Grantee, upon reasonable notice to the City, shall remove, relay and relocate its poles, wires, cables, underground conduits, manholes and other fixtures at its own expense. If any construction by the Grantee is in violation of the provisions of Subsection (a) above, the Grantee shall likewise, upon reasonable notice by the City, remove, relay and relocate its property in such a manner as to remedy such violation at its own expense.
- (d) The Grantee shall not place poles or other fixtures where the same will interfere with any existing gas, electric, telephone, or other fixture, water hydrant, or main. All such poles or other fixtures placed in any street shall be placed between the outer edge of the sidewalk and the curb line, and those placed in alleys shall be placed close to the line of the lot abutting on such alley in such a manner as not to interfere with the usual travel on the streets, alleys and public ways. However, nothing in this Chapter shall prohibit the use by the Grantee of existing public utility poles where practical.
- (e) A Grantee shall, on the request of any person holding a building moving permit issued by the City, temporarily raise or lower its wires to permit the moving of buildings. The expenses of such temporary raising or lowering of the wires shall be paid by the person requesting the same, and the Grantee may require such payment in advance. The Grantee shall be given not less than seventy-two (72) hours in advance notice to arrange for such temporary wire changes.
- (f) The Grantee, to the same extent that the City has such authority, may trim trees that overhang streets, alleys, sidewalks, and public places of the City so as to prevent the branches of such trees from coming in contact with the wires and cables of the Grantee.

Sec. 9-3-14 Indemnity.

- (a) The Grantee shall defend and save the City of Abbotsford and its agents and employees harmless from all claims, damages, losses, and expenses including attorney's fees sustained

by the City on account of any suit, judgement, execution, claim or demand whatsoever arising out of:

- (1) The enactment of this Chapter and granting of a franchise thereunder, except such claims as may arise from the City's selection of a Grantee to be awarded a franchise pursuant to this Chapter.
 - (2) The installation, operation or maintenance of the cable system except for acts of the City, its agents or employees, unless said acts are at the request of and under the direction or supervision of the Grantee.
- (b) The City shall notify the Grantee within thirty (30) days after the presentation of any claim or demand, either by suit or otherwise made against the City on the part of the Grantee. The Grantee shall furnish to the City, before any franchise becomes effective, satisfactory evidence in writing that the Grantee has in force and will maintain in force during the term of the franchise public liability insurance.
- (c) All Grantees shall maintain throughout the term of the permit a general comprehensive liability insurance policy naming as additional insured the City, its officers, Councils, commissions, agents, and employees in a form satisfactory to the City Attorney. The policy shall protect the City and its agencies and employees against liability for loss or damages for personal injury, death or property damage occasioned by the operations of Grantee under any franchise granted hereunder, in the amounts of One Million Dollars (\$1,000,000.00) for bodily injury or death to any one person with the limit, however, of Two Million Dollars (\$2,000,000.00) for bodily injury or death resulting from any one accident, and One Million Dollars (\$1,000,000.00) for property damage resulting from any one accident. The City shall be named as an additional insured under such insurance and a copy of the current in-force policy shall be deposited with the City Clerk.

Sec. 9-3-15 Service Remedies; Service Interruptions and Degradation.

- (a) When the Grantee has failed to provide a subscriber with appropriate service due to service outage or significant audio or video degradation not due to the subscriber's equipment or action, the subscriber may request a rebate of any fees paid for the affected service(s) under the following schedule, and the Grantee of the outage or degradation. The City shall waive or modify the rebate provisions for reasonable circumstances beyond the control of the Grantee. Outages for initial construction, upgrading and normal maintenance shall be exempt from this Section.
- (b) For periods at least four (4) hours long but under twenty-four (24) hours, a rebate of one-thirtieth of the monthly fee for affected services for each instance.
- (c) For periods of at least twenty-four hours, a rebate of one-tenth of the monthly fee for affected services for each twenty-four (24) hour period.

Sec. 9-3-16 Franchise Fees.

- (a) A Grantee of a Franchise hereunder shall pay to the Grantor a fee in an amount equal to three percent (3%) of Grantee's gross revenues. Such payment shall commence as of the effective date of the franchise or any renewal date. The Grantor, on an annual basis, shall be furnished a statement within one hundred twenty (120) days of the close of the calendar year, either audited and certified by a financial officer of the Grantee, reflecting the total amount of the revenue and all payments, deductions and computations for the period covered by the payment. Upon ten (10) days prior written notice, Grantor shall have the right to conduct an independent audit of the Grantee's records, in accordance with Generally Accepted Accounting Principles.
- (b) No acceptance of any payment by the Grantor shall be construed as a release or as an accord and satisfaction of any claim the Grantor may have for further or additional sums payable as a franchise fee under this Chapter or for the performance of any other obligations of the Grantee.
- (c) The franchise fee shall be paid on an annual basis according to the following schedule: revenues for January through December shall be paid by March 31 of each calendar year.

Sec. 9-3-17 Rights of Residents.

- (a) An owner or operator of an apartment building, condominium, nursing home, mobile home park, or any other rental facility may not interfere with or charge a fee for the installation of cable system facilities for the use of a lessee of said property or premises, except that such owner or operator may require:
 - (1) Installation to conform to reasonable conditions necessary to protect the safety, appearance and functioning of the premises.
 - (2) The Grantee, occupant or tenant to pay for the installation, operation or removal of such facilities.
 - (3) The Grantee, occupant or tenant to agree to indemnify the owner or operator for any damages caused by the installation, operation or removal of such facilities.
- (b) It shall be unlawful for the Grantee to reimburse or offer to reimburse any person, or for any person to demand or receive reimbursement from the Grantee, for the placement upon the premises of such person of Grantee's facilities necessary to connect such person's premises to the distribution lines of Grantee to provide cable service to said premises.
- (c) A landlord may not discriminate in the amount of rent charged to tenants or occupants who receive cable service and those who do not.

Sec. 9-3-18 Rights of the City.

- (a) The right is hereby reserved by the City to adopt, in addition to the provisions contained in this Chapter and existing applicable ordinances, such additional regulations as it shall find necessary in the exercise of its police powers. Such regulations, by ordinance or

otherwise, shall be reasonable and not be in conflict with the rights granted in this Chapter and not be in conflict with the laws of the State of Wisconsin.

- (b) The City may, during the term of a Franchise, free of charge where aerial construction exists, maintain upon the poles of the Grantee within the City limits wire and pole fixtures necessary for a police and fire alarm system, such wires and fixtures to be constructed and maintained to the satisfaction of the Grantee and in accordance with its specifications.

Sec. 9-3-19 Waiver of Charges.

During the term of a Franchise, the Grantee shall provide free service to municipal buildings used solely for municipal purposes and all schools whether private, public or parochial, within the area of the Franchise. Grantee may charge for usual installation costs.

Sec. 9-3-20 Severability.

Should any word, phrase, clause, sentence, paragraph or portion of this Chapter and/or a Franchise be declared to be invalid by a court of competent jurisdiction, such adjudication shall not affect the validity of this Chapter and the Franchise as a whole, but shall only affect the portion thereof declared to be invalid; and the Common Council hereby expressly states and declares that it would nonetheless have passed this Chapter and granted the Franchise had it known that any such word, phrase, clause, sentence, paragraph or portion of said Chapter or Franchise were invalid.

Sec. 9-3-21 Acceptance By Grantee.

Any Franchise granted under this Chapter shall be effective upon acceptance of the Franchise by both parties within thirty (30) days from the adoption hereof, and the Franchise shall continue in force for a period of fifteen (15) years.

Sec. 9-3-22 Arbitration.

- (a) Controversies arising from a Grantee's performance under the terms of this Chapter shall be submitted to arbitration. Arbitration shall not be demanded by any party until such time as that party has served written notice upon the opposing party, setting forth its proposed determinations or actions which are to be the subject matter of the arbitration. Such notice shall be in writing and mailed to the other party by certified mail, return receipt requested.

- (b) In the event of arbitration, the parties shall select the arbitrator or if they fail to do so a State of Wisconsin circuit court judge shall select the arbitrator. The expenses of the arbitration and compensation of the arbitrator shall be borne by the City and the Grantee as the award shall provide, but in no event shall the City or the Grantee be obligated to pay more than one-half such expenses and compensation. The arbitration award shall be binding upon the parties.

Sec. 9-3-23 Incorporation of Amendments.

This Chapter shall be amended to incorporate all amendments to the statutes, rules and regulations of the Federal government as they are promulgated by the Federal government. Any provision herein, in conflict with or pre-empted by said rules, regulations or statutes, shall be superseded.

Sec. 9-3-24 Protection of Nonsubscribers.

A Grantee shall at all times keep its cables and other appurtenances used for transmitting signals shielded in such a manner that there will be no interference with signals received by radios or televisions not connected to the Grantee's service.

Sec. 9-3-25 Grantee Rules.

A Grantee may promulgate such rules, regulations, terms and conditions governing the conduct of its business as shall be reasonably necessary to enable the Grantee to exercise its rights and perform its obligations under the Franchise and to assure uninterrupted service to all its subscribers. However, such rules, regulations, terms and conditions shall not be in conflict with the provisions of this Chapter or the laws of the State.

Sec. 9-3-26 Waiver of Objections.

By the adoption of this Chapter, the City expressly waives all objections it has or may have to the legal rights of the Grantee to attach its cables, equipment, and transmission lines to the poles of the City, pursuant to an agreement or to the poles of the public utilities and the authority of such public utilities to grant such right to the Grantee.

Sec. 9-3-27 Grantee Without Recourse.

A Grantee shall have no recourse whatsoever against the City for any loss, cost or expense, or damage arising out of any provisions or requirements of a Franchise or because of the

enforcement thereof by the City, or for the failure of the City to have authority to grant all or any part of the Franchise. Grantee expressly acknowledges that in accepting any Franchise it does so relying on its own investigation and the understanding of the power and authority of the City to grant the Franchise. By accepting a Franchise, a Grantee acknowledges that it has not been induced to enter in to the Franchise by any understanding or promise or other statement, whether verbal or written, by or on behalf of the City or by any other third person concerning any term or condition of the Franchise not expressed herein. The Grantee further acknowledges by acceptance of the Franchise that it has carefully read the terms and condition hereof, and is willing to and does accept all the risks of the meeting of such terms and conditions and agrees that in the event of any ambiguity therein or in the event of any dispute over the meaning thereof the same shall be construed strictly against the Grantee and in favor of the City.

Sec. 9-3-28 Work Performed By Others.

- (a) A Grantee shall give prior notice to the City specifying the names and addresses of any entity, other than the Grantee, that performs services pursuant to the Franchise, provided, however, that all provisions of the Franchise remain the responsibility of the Grantee.
- (b) All provisions of any Franchise shall apply to any subcontractor or other performing any work or services pursuant to the provisions of the Franchise.

Sec. 9-3-29 Contest Of Validity.

Grantee agrees by acceptance of a Franchise that it will not at any time set up against the City in a claim for proceeding any condition or term of the Franchise as unreasonable, arbitrary or void, or that the City had no proper authority to make such term or condition, but shall be required to accept the validity of the terms and conditions of the Franchise in their entirety.

Sec. 9-3-30 Violations.

- (a) It shall be unlawful for any person, firm or corporation to make any unauthorized connection, whether physically, electrically, acoustically, inductively or otherwise, with any part of the Company's community antenna system within the City of Abbotsford for the purpose of enabling himself/herself or other to receive any television signal, radio signal, picture, program or sound, without payment to the Company.
- (b) It shall be unlawful for any person, without the consent of the Company, to willfully tamper with, remove or injure any cables, wires or equipment used for distribution of television, signals, radio signals, picture, programs or sound.

Sec. 9-3-31 Penalties.

Any person violating or failing to comply with any of the provisions of Sections 9-3-10, 9-3-17 and/or 9-3-30 shall be subject to a forfeiture for each day of violation or failure to comply, not to exceed Three Hundred Dollars (\$300.00).

Sec. 9-3-32 Level Playing Field.

The City of Abbotsford shall not grant any overlapping franchise for cable service within its jurisdiction on terms or conditions more favorable or less burdensome than those in any existing franchise within the City.