

CHAPTER IX

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CHAPTER IX

WATER AND WATERWORKS

9.01 Authorization and Regulation as Public Utility. The West Salem Water Works System provides water as a public utility under Chapters 196 and 197, Wisconsin Statutes, and the rates and regulations of the utility are developed and ordered by the State Public Service Commission as authorized under Sections 197.01, 196.03 and 196.20, Wis. Stats.

The rates and regulations of the West Salem Water Works system in effect at any time are the authorized rates and regulations on file with the Public Service Commission. Copies of these rates and regulations are available in all office and stations of the West Salem Water Works System and at the Village Administrator's office.

Customers of the West Salem Municipal Joint Water and Sewer Utility, Village of West Salem, La Crosse County, a Water Public Utility, are informed of new rates as they become effective as required by S.PSC 185.33(1), Wis. Adm. Code, April 1983.

The provisions of Ch. 196, Wis. Stats. and S.PSC 185, Wis. Adm. Code are hereby adopted by reference and incorporated into this Code as if fully set forth herein.

9.02 Director of Public Works. The Director of Public Works, or his or her duly authorized representative, shall supervise the Village water system. The Director of Public Works shall keep a record of all water consumers and meters and shall read the meters each year during the months of January, April, July, and October. The Director of Public Works shall furnish the meter readings with the names of the user thereof to the Village Administrator on or before the first days of February, May, August, and November. The Director of Public Works shall also repair all meters as necessary and test all meters as provided in this Chapter. The Director of Public Works shall diligently watch for and report any violation of this Chapter to the Village Administrator as soon as discovered.

The Director of Public Works, or his or her duly authorized representative, shall hold and be responsible for all meters which the Village possesses when not in use and shall supply licensed plumbers with meters for installation upon the Village Board's approval of the permit application. The Director of Public Works shall connect and/or disconnect water service as provided in this Chapter.

9.03 Permission Required.

(A) No person may lay, install, repair, break open, or make a connection with any Village water supply without applying for and obtaining permission from the Village of West Salem.

Each application shall be filed by a licensed master plumber on forms furnished by the Village and shall contain the name of the applicant, a legal description of the property to be served, the use to be made of the service and an agreement by the applicant to abide by and accept all of the provisions of this Chapter as conditions governing the applicant's use of the Village water supply.

Before excavating, the master plumber shall also obtain from the Village the necessary permit to operate and excavate in streets and shall adhere to the regulations governing such openings as provided in Section 5.05 of this Code.

(B) The Village Board is hereby empowered to withhold approval of any application unless all required information as indicated on the application is submitted. When the Board approves the application and the approved plans are filed, the Village Administrator shall issue a permit to the plumber to perform the work indicated on the application.

(C) The installation of all water work improvements in the Village shall require inspection by the Village Engineer during the course of construction and shall be subject to Chapter 4.07(C)(1) Inspection; (2) Inspection fee; (5) Engineering fee; and (6) Administrative fee. **(9.03(C) - Created 3/18/96)**

(D) Prior to commencement of construction a preconstruction conference shall be held to familiarize the construction contractor(s) and resident inspector(s) with the erosion control and dewatering requirements and all other provisions and conditions of the approved plans and specifications. **(9.03(D) - Created 3/18/96)**

(E) Waterworks improvements shall be thoroughly disinfected and not be placed in service until bacteriologically safe samples have been obtained in accordance with NR 811.07(3), Wisconsin Administrative Code. **(9.03(E) - Created 3/18/96)**

(F) Erosion control methods shall be used to prevent siltation to lands and waterways adjoining the construction area. These methods shall include, but not be limited to, the following:

- (1) Siltation fences;
- (2) Trench stabilization; and
- (3) Immediate mulching and seeding.

(9.03(F) - Created 3/18/96)

9.04 Cost of Installation.

(A) Water Main Extension Rules. Water mains will be extended for new customers on the following basis:

(1) Where the cost of the extension is to immediately be collected through assessment against the abutting property, the procedure set forth under Section 66.0703 of the Wisconsin Statutes will apply, and no additional customer contribution to the utility will be required.

(2) Where the Village is unwilling or unable to make a special assessment, then extension will be made on a customer-financed basis as follows:

(a) The applicant(s) will advance the total amount equivalent to that which would have been assessed for all property under (1).

(b) Part of the contribution required in (a) will be refundable. When additional customers are connected to the extended main within ten (10) years of the date of completion, contributions will be collected equal to the amount which would have been assessed under (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 (1) nor will it exceed the total assessable cost of the original extension. The Village Board may, pursuant to Section 66.0703, Wis. Stats., determine to reimburse a customer from Water Utility funds or from general municipal funds.

(3) When a new customer(s) is connected to an existing main, not financed by customer contributions, it

shall not be considered as a main extension and no contribution may be collected from the customer(s). This rule is applicable to future additions made after the date of this order.

(4) When a customer connects to a transmission main or connecting loop installed at utility expense within ten (10) years of the date of completion, there will be a contribution required of an amount equivalent to that which would have been assessed under (1) above.

(B) Water Main Installations in Platted Subdivisions. Unless the Village of West Salem approves otherwise, water main installations and connections will only be made to platted subdivisions currently within or annexed into the Village of West Salem. Application for installation of water mains in regularly platted real estate development subdivisions shall be filed with the utility and shall set forth the following information:

- (1) Name of subdivision;
- (2) Legal description;
- (3) Map showing streets, lots and sizes of proposed mains and hydrants, and street laterals;
- (4) Date of approval of subdivision by State Department of Commerce.
- (5) Date of approval of proposed mains by State Department of Natural Resources; and
- (6) Number of houses presently under construction.

Upon receipt of the application, the water utility will prepare detailed estimates of the cost of extending water mains and hydrants of the size deemed necessary in the subdivision and submit same to the Village Board for approval of the extension as it pertains to public fire protection service requirements.

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

(C) Cost of Lateral Service Pipes. Where the main extension has been approved by the water utility, subdivision developers shall be responsible for the water service lateral installation costs from the main through the curb stop and box. When the cost of a utility

main extension is to be collected through assessment by the Village, the actual average water lateral installation costs from the main through the curb stop and box shall be included in the assessment of the appropriate properties. The initial water service lateral(s), not installed as part of a subdivision development or an assessable utility extension, will be installed from the main through the curb stop and box by the utility, for which the actual cost will be charged.

9.05 Deposits. The Utility shall require a cash deposit or other guarantee as a condition of:

(A) New Service, if a customer has an outstanding account balance with the Utility, which accrued within the last six (6) years;

(B) Continued Service, if that service: has been shut off within the last twelve (12) months because of violation of the Utility's filed rules, or for nonpayment of a delinquent service account not now in dispute; and/or subsequent credit information indicates that the initial application for service was falsified or incomplete to the extent that a deposit would be required under this Section;

(C) New Non-residential Service, if the applicant's credit has not yet been satisfactorily established. This deposit may not exceed the estimated gross bill for all water service.

9.06 Damage Claims and Discovery.

(A) No person shall file a claim for damages against the Village as a water utility, or any officer thereof, for damages to any pipe, fixture, or appurtenance by reason of interrupted water supply; or variation of pressure or temperature; or for any damage of any nature whatsoever caused by the turning off or turning on, either wholly or partially, of the water supply for the extension, lateration or repair of any water main or premises supply; or for discontinuance of the premises water supply for the violation of any rule or regulation of the Village Water Utility. No claims will be allowed against the Village on account of the interruption of the water supply caused by the breaking of pipes or machinery or by stoppage for repairs, or on account of fire or other emergency. The Village does not assume any liability for injuries to any person or any property by reason of any defect in said appliances or installation thereof, or by reason of any inspection or permits authorized herein.

(B) Damage Recovery. The Water Utility shall have the right of recovery from all persons, any expense incurred by said Utility

for the repair or replacement of any water service pipe, water meter, curb stop, valve, valve box, hydrant or other Utility equipment damaged in any manner by any person during the performance of any work under their control or by any negligent act.

Owners or operators of motor vehicles will be held liable for the cost of repair of any hydrant damaged by them, and the water utility will not be responsible for the damage due the motor vehicle by reason of such accident.

9.07 Charges are a Lien on Property. All water rates and service charges shall be a lien on the lot, part of lot, or parcel of land to which the water service was supplied. All sums that have accrued during the preceding year and are not paid by the second week of December in any year shall be certified to the Village Administrator by the Utility, to be placed on the tax roll of collection as provided by the Wisconsin Statutes.

9.08 Protection of Water System. It shall be unlawful for any person to willfully pollute or contaminate any water supplied by the Waterworks System in any reservoir or pipe used in the Waterworks System for holding, conveying or distributing water.

It shall be unlawful for any person to in any way obstruct access to any fire hydrant, valve or corporation box connected with the Village water pipes by placing or planting any building materials, rubbish, bushes, trees or other hindrances thereon or therein. The consumer shall protect the stop box in his terrace or boulevard and shall keep the same free from dirt and other obstructions.

Operation of valves and hydrants. No person shall, without authority of the Manager of Public Works, 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. No person shall wantonly injure or impair any value connected with the street or supply mains or any fire hydrant connected with the distribution system. Permits for the use of hydrants for filling sprinkling carts apply only to such hydrants as are designated for such use.

9.09 Emergency. In case of emergency, where public interest requires immediate action without waiting for compliance with the specific terms of these rules, the rules shall not prevent immediate corrective action by the Utility, which action, however, shall be subject to review by the Public Service Commission.

Emergency Sprinkling Regulations. In cases where the Village Board deems it necessary and so declares, no sprinkling or use of hose shall be permitted from the time a fire alarm is sounded until the fire is extinguished.

9.10 Water Fund. All income from the waterworks system shall be placed in a special water fund and all expenses connected with the waterworks system shall be paid out of this fund, except that when the balance in the fund shall reach the sum of Five Thousand (\$5,000.00) Dollars the Village Board may require any further income from the waterworks system to be placed in the general fund to be used for general Village purposes.

9.11 Penalties. Any person who shall violate any of the provisions of this chapter, or any Ordinances, Rules or Regulations of the Village Board relating to the Water Utility; or who shall violate any provisions of the Wisconsin Statutes, Wisconsin Administrative Code or any other materials which are incorporated by reference, shall upon conviction thereof forfeit not less than \$20.00 nor more than \$500.00.

9.12 Rates. The authorized rates for service and rules in accordance therewith shall be the most recent rate schedule approved by the Wisconsin Public Service Commission, a copy of which is on file and available in the West Salem office of the Village Administrator, which rates may be modified by later approval and authority of the Wisconsin Public Service Commission.

9.13 Operating Rules. The Utility shall operate under utility operating rules and regulations adopted in accordance with the requirements of Chapter PSC 185 Wisconsin Administrative Code, adopted herewith, which rules and regulations may be modified from time to time and which rules are paramount in the event they conflict with any other provision of this Chapter. The Rules are as follows:

SCHEDULE NUMBER: X-1

Water Utility Operating Rules

Compliance with Rules

All persons now receiving a water supply from the West Salem Water Utility, or who may hereafter make application therefor, shall be considered as having agreed to be bound by the rules and regulations as filed with the Public Service Commission of Wisconsin.

Establishment of Service

Application for water service may 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 supply pipe and meter desired. (Note particularly any special refrigeration, fire protection or air conditioning water consuming appliances.)

Service will be furnished only if:

(1) premises have a frontage on a properly platted and annexed street or public strip in the Village of West Salem 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 utility's filed main extension rule, and

(2) property owner has installed or agrees to install a service pipe from the curb line to the point of use, and laid not less than six (6) feet below the surface of an established or proposed grade, and according to utility's specifications, and

(3) premises have adequate piping beyond metering point.

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 other units. Each meter and meter connection will be a separate water utility customer for the purpose of the filed rules and regulations.

No division of the water service of any lot or parcel of land shall be made for the extension and independent metering of the supply to an adjoining lot or parcel of land. No division of a water supply service shall be made at the curb for separate supplies therefrom for two or more separate premises having frontage on any street or public service strip whether owned by the same or different parties.

The 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.

Service Contract.

The minimum service contract period shall be one (1) year unless otherwise specified by special contract or in the applicable rate schedule. Where the utility has disconnected service at the customer's request prior to expiration of the minimum contract

period, a reconnection charge shall be made, payable in advance, when the customer requests reconnection of service. See Schedule R-1 for applicable rate. The minimum contract period is renewed with each reconnection.

A reconnection charge shall also be required from consumers whose services are disconnected (shut off at curb stop box) because of nonpayment of bills when due, (not including disconnection for failure to comply with deposit or guarantee rules). See Schedule R-1 for applicable rate.

A consumer shall be considered as the same consumer provided any member of the same household requests the reconnection for the same location, or if a place of business, by any partner of the same business.

Temporary Metered Supply, Meter and Deposits.

An applicant for temporary water supply 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 applicable rate.

Water for Construction.

When water is requested for construction purposes, or for filling tanks or other such uses, an application therefor shall be made to the utility, in writing, upon application provided for that purpose in the utility's office, 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 inside the building from where the water must be drawn. No connection with the service lateral at the curb shall be made without special permission from the utility. In no case, will any employee of the utility turn on water for construction work unless the contractor has obtained permission from the water utility.

Consumers shall not allow contractors, masons or other persons to take water from their premises without permission from the water utility. Any consumer failing to comply with this provision will have water service discontinued and will be responsible for the costs of the estimated volume of water used.

Use of Hydrants.

In cases where no other supply is available, permission may be granted by the utility to use a hydrant. No hydrant shall be used until the proper meter, valve, and backflow preventer are installed.

In no case, shall any valve be installed or moved except by an employee of the utility.

Before a valve is set, payment must be made for its setting and for the water to be used at the schedule rates. Where applicable, see Schedule BW-1 for deposits and charges. Upon completing use of the hydrant, the customer must notify the utility to that effect.

In the use of a hydrant supply, the hydrant valve will be set at the proper opening by the utility when the sprinkling valve is set, and the flow of water must be regulated by means of the sprinkling valve. If the water is to be used through iron pipe connections, all such pipe installations shall have the swing joint to facilitate quick disconnection from the fire hydrant.

Operation of Valves and Hydrants, and Unauthorized Use of Water - Penalty.

Any person who shall, without authority of the 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 as are designated for the specific use.

Refunds of Monetary Deposits.

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

Service Connections (or Water Laterals).

No water service shall be laid through any trench having cinders, rubbish, rock or gravel fill, or any other material which may cause injury to or disintegration to the service pipe, unless adequate means of protection are provided by sand filling or such other insulation as may be approved by the 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 pipe 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.

In backfilling the pipe trench, the service lateral must be protected against injury by carefully hand tamping the ground filling around the pipe, free from hard lumps, rocks, stones or other injurious material, around and at least six (6) inches over the pipe.

All water supplies shall be of undiminished size from the street main into 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.

Replacement and Repair of Service Laterals.

Where the property owner requests that a larger service lateral be installed to replace an existing smaller diameter pipe, an allowance of \$15 will be made as a deduction in the cost, providing the new service is to be installed in the same ditch as the existing service pipe.

The service pipe 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 utility. The property owner shall maintain the service lateral from the curb stop to the point of use.

If an owner fails to repair a leaking or broken service lateral from curb to point of metering or use within such time as may appear reasonable to the utility after notification have been served on the owner by the utility, the water will be shut off and will not be turned on again until the repairs have been completed.

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.

Charges for Water Wasted Due to Leaks.

See Wis. Adm. Code, Chapter PSC 185.35.

Thawing Frozen Services.

See Wis. Adm. Code, Chapter PSC 185.88.

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 box stop at an appropriate grade level where no direct action by the property owner or occupant has contributed to an elevation problem. The customer shall protect the curb stop box in the terrace and shall keep the same free from dirt and other obstructions. 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 utility shall not be liable for failure to locate curb stop box and shut off the water in case of a leak on the owner's premises.

Installation of Meters.

Meters will be owned, furnished, and installed by the utility or a 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 thereto for reading, inspection and servicing, such location to be designated or approved by the utility. The owner must supply all piping within the building. Where the owner desires additional meters, the owner shall pay for all piping and an additional amount sufficient to cover the cost of maintenance and depreciation. Where applicable, see Schedule Am-1 for rate.

Repairs to Meters.

Meters will be repairs by the utility, and the cost of such repairs caused by ordinary wear and tear will be borne by the utility.

Repair of any damage to a meter resulting from the carelessness of the owner of the premises, 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 consumer or the owner of the premises.

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 meter setting and associated plumbing shall comply with the water utility's standards. The water utility should be consulted as to the type and size of meter setting. Where it is possible to set meters in the basement, or other suitable place within the building, a short nipple shall be inserted after the stop and waste cock, then a union, and then another nipple and coupling of the proper length. The nipple attached to the union and coupling

shall be cut to a standard length provided by the plans of the utility (the superintendent may require a horizontal run of 18 inches in such pipe line), which may later be removed for the insertion of the meter into the supply line.

No permit will be given to change from metered to flat rate service.

Turning on Water.

The water cannot be turned on for a consumer except by a duly authorized employee of the utility. The plumber must leave the water turned off after completing the job. This does not prevent the plumber from testing the work.

Failure to Read Meters.

Where the 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 or when approval is obtained from the customer, shall more than three consecutive estimated bills be rendered where bills are rendered monthly and there shall be not more than two consecutive estimate bills where the billing period is two months or more.

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 Wis. Admin. Code Chapter PSC 185.33.)

Complaint Meter Tests.

See Wis. Adm. Code, Chapter PSC 185.

Inspection of Premises.

During reasonable hours, any officer or authorized employee of the utility shall have the right of access to the premises supplied with service, for the purpose of inspection or for the enforcement of the utility's rules and regulations. Whenever appropriate, the utility will make a systematic inspection of all unmetered water taps for the purpose of checking waste and unnecessary use of water. (See Wis. Stat. Sec. 196.171)

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 water utility's property. See "Abandonment of Service" for further information.

Deposits for Residential Service.

See Wis. Admin. Code, Chapter PSC 185.36.

Deposits for Nonresidential Service.

See Wis. Admin. Code, Chapter PSC 185.361.

Deferred Payment Agreement.

See Wis. Adm. Code, Chapter PSC 185.38.

Dispute Procedures.

See Wis. Admin. Code, Chapter PSC 185.39.

Disconnection and Refusal of Service.

See Wis. Admin. Code, Chapter PSC 185.37

The following is an example of a disconnection notice that the utility may use to provide the required notice to customers.

DISCONNECTION NOTICE

Dear Customer:

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

You have ten (10) days to pay the 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 ten (10) days allowed to make reasonable deferred payment arrangement, or other suitable arrangement, we will proceed with disconnection action.

To avoid the inconvenience of service interruption and an additional charge of (amount) for reconnection, we urge you to pay the full arrears IMMEDIATELY AT THE VILLAGE ADMINISTRATION OFFICES.

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

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

the situation.

PLEASE CALL THIS TELEPHONE NUMBER, 786-1858, IMMEDIATELY IF:

1. You dispute the notice of delinquent account.
2. You have a question about your utility service arrears.
3. You are unable to pay the full amount of the bill and are willing to enter into a deferred 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 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 utility service arrears on your bill, you may contact the 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 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.

Collection of Overdue Bills.

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

Surreptitious Use of Water.

When the utility has reasonable evidence that a consumer is obtaining water, in whole or in part, by means of devices or methods used to stop or interfere with the proper metering of the utility service being delivered, the utility reserves the right to estimate and present immediately a bill for service unmetered as a result of such interference and such bill shall be payable subject to a 24-hour disconnection of service. When the utility shall have disconnected the consumer for any such reason, the utility will reconnect the consumer upon the following conditions:

1. The consumer will be required to deposit with the utility, an amount sufficient to guarantee the payment of the consumer's bills for utility service to the utility.

2. The consumer will be required to pay the utility for any and all damages to its equipment on the consumer's premises due to such stoppage or interference with its metering.

3. The consumer must further agree to comply with reasonable requirements to protect the utility against further losses.

Sections 98.26 and 943.20, Wis. Stats., as relating to water service, are hereby adopted and made a part of these rules.

Repairs to Mains.

The utility reserves the right to shut off the water in the mains temporarily to make repairs, alterations or additions to the plant or system. When the circumstances will permit, the utility will give notification, by newspaper publication or otherwise, of the discontinuance of the supply. No credit will be allowed to consumers for such temporary suspension of supply. (See Wis. Admin. Code Chapter PSC 185.87.)

Duty of Utility with Respect to Safety of the Public.

It shall be the duty of the utility to see that all open ditches for water mains, hydrants and service pipes are properly guarded to prevent accident to any person or vehicle, and at night, there shall be displayed proper signal lighting in such manner as will, so far as possible, insure the safety of the public.

Handling Water Mains and Service Pipes 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. 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 consumer for a period exceeding six (6) hours.

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 thereof, 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 likewise 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 either in the top tapping or the upper side tapping of the hot water tank, or on the hot water distributing pipe connection at the tank. No stop valve shall be placed between the hot water tank and the relief valve or on the drainpipe. See applicable plumbing codes.

C. Air Chambers: An air chamber or approved shock absorber shall be installed at the terminus of each rise, fixture branch, or hydraulic elevator main for the prevention of undue water hammer. The air chamber shall be sized in conformance with local plumbing codes. Where possible, the air chamber should be provided at its base with a valve for water drainage and replenishment of air.

Cross-Connections.

Every person owning or occupying a premise receiving municipal water supply shall maintain such municipal water supply free from any connection, either of a direct or of an indirect nature, with a water supply from a foreign source, or of any manner of connection with any fixture or appliance, whereby water from a foreign supply or the waste from any fixture, appliance, waste or soil pipe may flow, be siphoned or pumped into the piping of the municipal water system. (See Wis. Admin. Code Chapter NR 811.09)

9.14 Cross Connection Control.

(Created 3/10/88)

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

(B) No person, firm or corporation shall establish or permit to be established or maintain or permit to be maintained any cross connection. No interconnection shall be established whereby potable water from a private auxiliary or emergency water supply other than the regular public water supply of Village of West Salem may enter the supply or distribution system of said municipality, unless such private, auxiliary or emergency water supply and the method of connection and use of such supply shall have been approved by the West Salem Municipal Water Utility and by the Wisconsin Department of Natural Resources in accordance with Section NR 810.15, Wisconsin Administrative Code.

(C) It shall be the duty of the Village of West Salem to cause inspections to be made of all properties served by the public water system where cross connections with the public water system is deemed possible. The frequency of inspections and reinspections based on potential health hazards involved shall be as established by the Village of West Salem and as approved by the Wisconsin Department of Natural Resources.

(D) Upon presentation of credentials, the representative of the Village of West Salem shall have the right to request entry at any reasonable time to examine any property served by a connection to the public water system of Village of West Salem for cross connections. If entry is refused, such representative shall obtain a special inspection warrant under Sec. 66.0119, Wisconsin Statutes. On request the owner, lessee or occupant of any property so served shall furnish to the inspection agency any pertinent information regarding the piping system or systems on such property.

(E) The West Salem Municipal Water Utility is hereby authorized and directed to discontinue water service to any property wherein any connection in violation of this Ordinance exists, and to take such other precautionary measures deemed necessary to eliminate any danger of contamination of the public water system. Water service shall be discontinued only after reasonable notice and opportunity for hearing under Chapter 68, Wisconsin Statutes,

except as provided in Section (6). Water service to such property shall not be restored until the cross connections have been eliminated in compliance with the provisions of this Ordinance.

(F) If it is determined by the West Salem Municipal Water Utility that a cross connection or any emergency endangers public health, safety or welfare and requires immediate action, and a written finding to that effect is filed with the Administrator of the Village of West Salem and delivered to the customer's premises, service may be immediately discontinued. The customer shall have an opportunity for hearing under Chapter 68, Wisconsin Statutes, within 10 days of such emergency discontinuance.

(G) The Village of West Salem adopts by reference the State Plumbing Code of Wisconsin being SPS 82.41, Wisconsin Administrative Code.

(H) This Ordinance does not supersede the State Plumbing Code and any Village ordinances affecting plumbing, but is supplementary to them.

9.15 Well Abandonment and Well Operation Permit. Wisconsin Administrative Code Sec. NR 810.16 directs suppliers of water for municipal water systems to require the abandonment of all unused, unsafe, or noncomplying wells located on the premises served by its system, and to provide a permit system to allow retention of safe and code complying wells, by local ordinance or water utility rule, to eliminate sources of unsafe water and to prevent such wells from becoming channels for vertical movement of contaminated water and to eliminate all existing cross-connections and prevent all future cross-connections.

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

(B) Applicability. This Ordinance applies to all wells located on premises served by the West Salem Municipal Water Utility municipal water system. Utility customers outside the jurisdiction of the municipal water system may be required under contract agreement or utility rule to adopt and enforce equivalent ordinances within their jurisdictions for purposes stated in Section (A) above.

(C) Definitions.

(1) Municipal Water System shall mean a community water system owned by a city, village, county, town, town sanitary

district, utility district, public inland lake and rehabilitation district, municipal water district, or a federal, state, county, or municipal-owned institution for congregate care or correction, or a privately-owned water utility serving the foregoing.

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

(3) Pump Installation shall mean the pump and related equipment used for withdrawing water from a well, including the discharge piping, the underground connections, pit less adapters, pressure tanks, pits, sampling faucets, and well seals or caps.

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

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

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

(7) Well Abandonment shall mean the proper filling and sealing of a well according to the provisions of Sec. NR 812.26, Wisconsin Administrative Code.

(D) Abandonment Required. All wells on premises served by the municipal water system shall be properly abandoned in accordance with Section (F) of this Ordinance not later than ninety (90) days 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 West Salem Municipal Water Utility under the terms of Section (E) of this Ordinance.

(E) Well Operation Permit. Owners of wells on premises served by the municipal water system wishing to retain their wells for any use shall make an application for a Well Operation Permit for each well no later than ninety (90) days after connection to the municipal water system. The West Salem Municipal 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 West Salem Municipal Water Utility, or its agents, 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 West Salem Municipal Water Utility. All initial and renewal applications must be accompanied by a fee as set forth in the Village of West Salem Schedule of Fees, which schedule is reviewed and updated on an annual basis. The following conditions must be met for issuance or renewal of a Well Operation Permit:

(1) The well and pump installation shall meet the Standards for Existing Installations described in Sec. NR 812.42, Wisconsin Administrative Code. The well and pump system shall be evaluated by a licensed well driller or pump installer and certified on the NR 812 Compliance Report Form 3300-305 to comply with Chapter NR 812(IV), prior to issuing the initial permit and no less than every ten (10) years afterwards.

(2) The well and pump shall have a history of producing safe water evidenced by a least one (1) coliform bacteria sample. In areas where the Department of Natural Resources has determined that groundwater aquifers are contaminated with substances other than bacteria, additional chemical tests may be required to document the safety of the water.

(3) There shall be no cross-connections between the well's pump installation or distribution piping and the municipal water system.

(4) The water from the private well shall not discharge into a drain leading directly to a public sewer utility unless properly metered and authorized by the West Salem Sewer Utility.

(5) The private well shall have a functional pumping system.

(6) The proposed use of the private well shall be justified as reasonable in addition to water provided by the municipal water system.

(F) Abandonment Procedures.

(1) All wells abandoned under the jurisdiction of this Ordinance shall be done according to the procedures and methods of Sec. NR 812.26, Wisconsin Administrative Code. All debris, pumps, piping, unsealed liners, and any other obstructions which may interfere with sealing operations shall be removed prior to abandonment.

(2) The owner of the well, or the owner's agent, may be required to obtain a Well Abandonment Permit prior to any

well abandonment and shall notify the West Salem Municipal 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 water system.

(3) An abandonment report form, supplied by the Department of Natural Resources, shall be submitted to the West Salem Municipal Water Utility and the Department of Natural Resources within thirty (30) days of the completion of the well abandonment. The form must be completed by the licensed well driller, pump installer, or certified operator performing the abandonment.

(G) Penalties. Any well owner violating any provision of this Ordinance shall, upon conviction, be punished by forfeiture of not less than One Hundred (\$100.00) Dollars nor more than Five Hundred (\$500.00) Dollars plus the costs of prosecution. Each day of violation is a separate offense. If any person fails to comply with this Ordinance for more than thirty (30) days after receiving written notice of the violation, the West Salem Municipal Water Utility and the Village of West Salem may impose a penalty and cause the well abandonment to be performed and the expenses for same shall be assessed as a special assessment against the property. **(9.15 Adopted 6/4/2019 - Ordinance No. 487)**

9.16 Wellhead Protection for Village Well No. 4

(Created 02/15/96)

(A) Statutory Authority. This Ordinance is adopted pursuant to authority granted by sec. 61.34, 61.35, 62.23 and 66.0415.

(B) Definitions.

(1) **"Recharge Area"** means that area over and through which groundwater is supplied to a protected municipal well site.

(2) **"Area A"** means the zone designated within this ordinance by description as the area within the Village of West Salem, Wisconsin, as the Wellhead Protection Area.

(C) Regulation of Uses.

- (1) Within Area A the following uses are prohibited:
 - (a) Disposal of garbage, refuse, trash, demolition material and construction material.
 - (b) Asphalt product manufacturing plants.
 - (c) Highway salt storage.
 - (d) Industrial liquid or solid waste storage or processing.
 - (e) Mining and quarrying operations,

including sand and gravel extraction.

(f) Paint products storage and processing.

(g) Septage disposal sites.

(h) Sludge disposal sites.

(i) Storage, manufacturing, use or disposal of toxic or hazardous materials as defined and regulated by the Hazardous Substances Act, Sec. 100.37, Wis. Stats., and regulations thereunder as may be amended from time to time.

(j) Underground petroleum products storage tanks for industrial, commercial, residential, or other uses except those meeting DILHR requirements.

(2) Within Area A the following uses may be permitted, provided the minimum separation distances below are provided between the installations and the Village Well No. 4.

NES

LIMITS

VILLAGE

TILSON ST

ST.

LARK

HAMLIN

MILL

ALTERNATIVE WELL SITE "B"

MARK

EAST AVE.

ST.

ST.

ST.

ST.

ROSE

ST.

NESS

VAN

ST.

LINCOLN

MEMORIAL DR.

HOME ST.

SITE FOR PROPOSED WELL NO. 4

ZONE A

ZONE B

1200 ft.

360 ft.

VILLAGE

LIMITS

AVE.

QUINN

RAYS

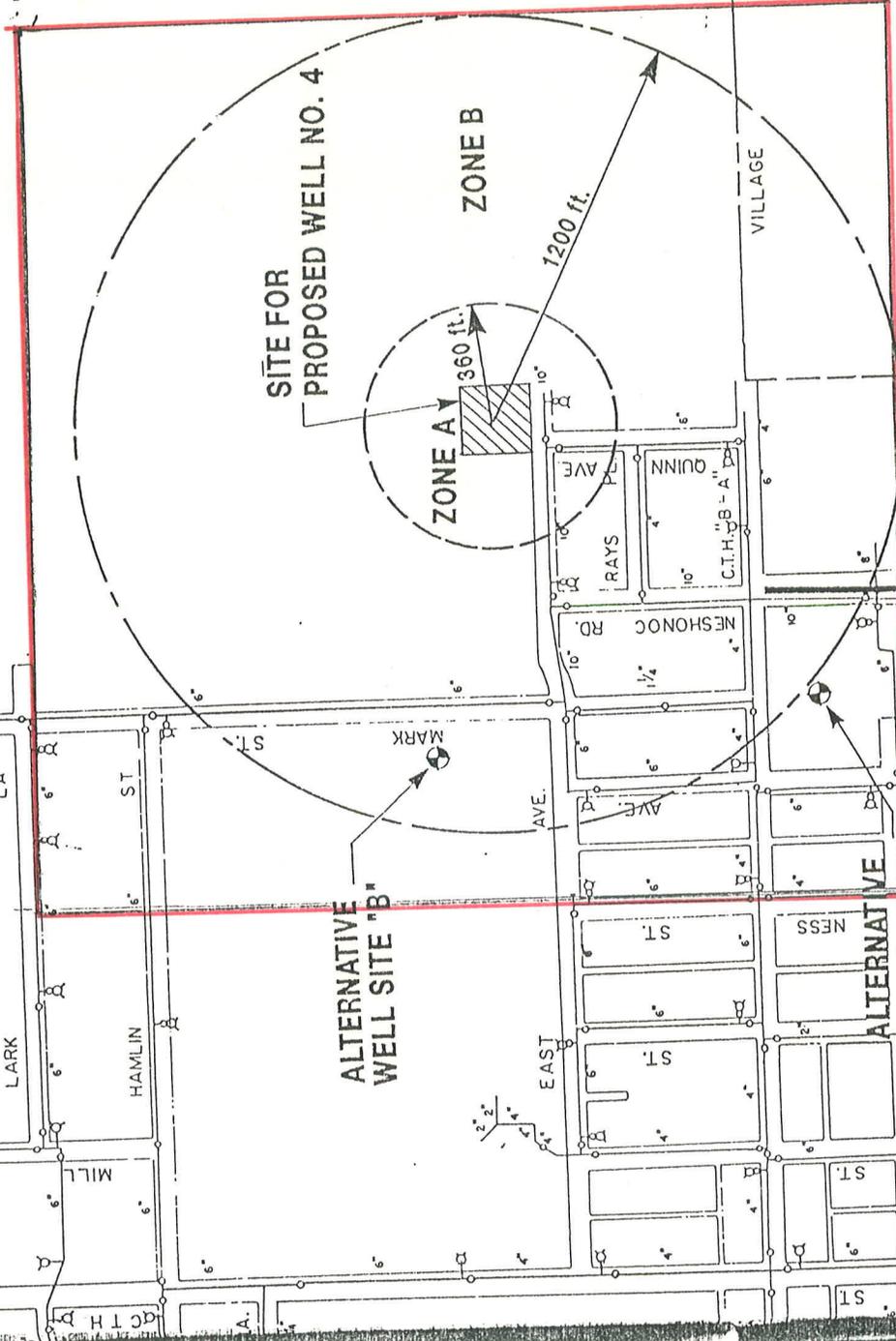
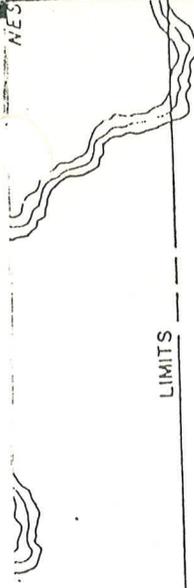
NESHONOC RD.

1/2

ST.

10'

YARD



Potential Contamination Source	Minimum Separation Distance (feet)
Storm Sewer Main	50
Sanitary Sewer Main	200
Lift Station	200
Single Family Residential Fuel Oil Tank	200
Septic Tank (<8,000 gallons per day)	400
Cemetery	400
Storm Water Drainage Pond	400
Gasoline or Fuel Oil Storage Tank Installation (DILHR Approved)	600
Land Application of Municipal, Commercial or Industrial Waste	1,000
Industrial, Commercial or Municipal Wastewater Lagoons or Storage Structures	1,000
Manure Stacks or Storage Structures	1,000
Septic Tanks (>8,000 gallons per day)	1,000
Solid Waste Storage, Transportation, Transfer, Incineration, Air Curtain Destructor, Processing, Wood Burning, One Time Disposal or Small Demolition Facility	1,200
Sanitary Landfill	1,200
Coal Storage Area	1,200
Salt or Deicing Material Storage Area	1,200

Gasoline or Fuel Oil Storage Tank without DILHR Approval	1,200
Bulk Fuel Storage Facilities	1,200
Pesticide or Fertilizer Handling or Storage Facilities	1,200

(3) Within the areas, the following uses may be allowed, subject to other zoning regulations and any conditions established under subs. (C) (4) and (5) of this ordinance:

Any business, commercial, residential or industrial use not otherwise prohibited.

(4) Any person proposing to commence use of property located within area which use was not in existence at the time of enactment of this ordinance, and any person proposing to change the size or character of the existing use, shall make application to the Village for a permit to initiate the proposed use or change of use. The application shall be in a form acceptable to the Village and shall include the following:

- (a) Identification of the use, including lessee, if any.
- (b) Address of user.
- (c) Description of property to be used.
- (d) Description of use.
- (e) Drawing of site, indicating location of structures, access roads or driveways, and contemplated site work.
- (f) Measures proposed to minimize groundwater contamination risk, if any.

(5) The Village may set such conditions to the issuance of the groundwater supply for the Village of West Salem, Wisconsin.

(D) Protection Area Described:

Commencing at the intersection of East Avenue and Van Ness Street;

thence South on centerline of Van Ness Street to intersection with South right-of-way line of East Franklin Street;

thence East on South right-of-way line of East Franklin Street extended to a point 2,200 feet East of the intersection of East Franklin and Lincoln Avenue;

thence North 2,500 feet to a point which is 2,000 feet East of intersection of Mark Street with the South right-of-way of Lark Street extended East;

thence West along the South right-of-way line of Lark Street extended 2,000 feet to the intersection with Mark Street and continuing along the South right-of-way line of Lark Street West an additional 500 feet;

thence South 1,500 feet to the intersection of East Avenue and Van Ness Street, being the point of beginning.

(E) Enforcement and Penalties. Any person convicted of a violation of this ordinance shall be subject to a forfeiture of up to \$250.00 per violation. Each day of a continuing violation shall be a separate violation. This forfeiture shall be in addition to any federal or state remedy, enforcement or regulatory order.

(F) Amendment. This Ordinance may be amended only pursuant to the procedures set forth in the Wisconsin Statutes, Section 62.23(7)(a) set forth for the adoption or amendment of municipal ordinances having extra-territorial effect.

9.17 Wellhead Protection for Village Wells No. 2 and No. 3

(Created 2/15/96)

(A) Statutory Authority. This ordinance is adopted pursuant to authority granted by sec. 61.34, 61.35, 62.23 and 66.0415.

(B) Definitions.

(1) **"Recharge Area"** means that area over and through which groundwater is supplied to a protected municipal well site.

(2) **"Area A"** means the zone designated within this ordinance by description as the area within the Village of West Salem, Wisconsin, as the Wellhead Protection Area.

(C) Regulation of Uses.

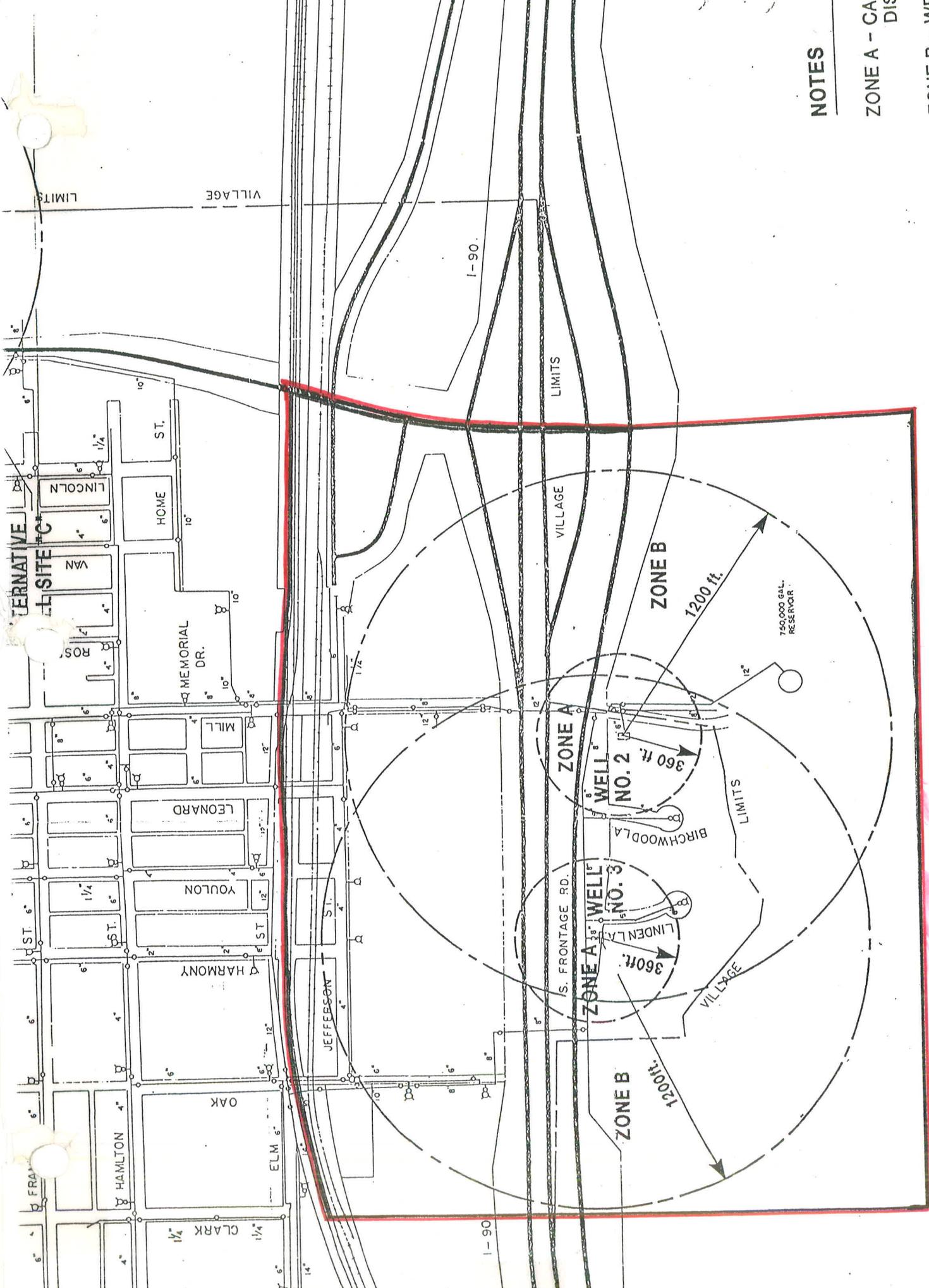
(1) Within Area A the following uses are prohibited:

(a) Disposal of garbage, refuse, trash, demolition material and construction material.

(b) Asphalt product manufacturing plants.

(c) Highway salt storage.

(d) Industrial liquid or solid waste



ALTERNATIVE C
 WELL SITE

NOTES

- ZONE A - CALC DIST
- ZONE B - WEL DIST

storage or processing.

(e) Mining and quarrying operations, including sand and gravel extraction.

(f) Paint products storage and processing.

(g) Septage disposal sites.

(h) Sludge disposal sites.

(i) Storage, manufacturing, use or disposal of toxic or hazardous materials as defined and regulated by the Hazardous Substances Act, Sec. 100.37, Wis. Stats., and regulations thereunder as 9.17(C)(1)(j)

(j) Underground petroleum products storage tanks for industrial, commercial, residential, or other uses except those meeting DILHR requirements.

(2) Within Area A the following uses may be permitted, provided the minimum separation distances below are provided between the installations and Village Wells No. 2 and No. 3.

Potential Contamination Source	Minimum Separation Distance (feet)
Storm Sewer Main	50
Sanitary Sewer Main	200
Lift Station	200
Single Family Residential Fuel Oil Tank	200
Septic Tank (<8,000 gallons per day)	400
Cemetery	400
Storm Water Drainage Pond	400
Gasoline or Fuel Oil Storage Tank Installation (DILHR Approved)	600
Land Application of Municipal, Commercial or Industrial Waste	1,000
Industrial, Commercial or Municipal Wastewater Lagoons or Storage Structures	1,000
Manure Stacks or Storage Structures	1,000

Septic Tanks (>8,000 gallons per day)	1,000
Solid Waste Storage, Transportation, Transfer, Incineration, Air Curtain Destructor, Processing, Wood Burning, One Time Disposal or Small Demolition Facility	1,200
Sanitary Landfill	1,200
Coal Storage Area	1,200
Salt or Deicing Material Storage Area	1,200
Gasoline or Fuel Oil Storage Tank without DILHR Approval	1,200
Bulk Fuel Storage Facilities	1,200
Pesticide or Fertilizer Handling or Storage Facilities	1,200

(3) Within the areas, the following uses may be allowed, subject to other zoning regulations and any conditions established under subs. (C) (4) and (5) of this ordinance:

Any business, commercial, residential or industrial use not otherwise prohibited.

(4) Any person proposing to commence use of property located within area which use was not in existence at the time of enactment of this ordinance, and any person proposing to change the size or character of the existing use, shall make application to the Village for a permit to initiate the proposed use or change of use. The application shall be in a form acceptable to the Village and shall include the following:

- (a) Identification of the use, including lessee, if any.
- (b) Address of user.
- (c) Description of property to be used.
- (d) Description of use.
- (e) Drawing of site, indicating location of structures, access roads or driveways, and contemplated site work.
- (f) Measures proposed to minimize

groundwater contamination risk, if any.

(5) The Village may set such conditions to the issuance of the groundwater supply for the Village of West Salem, Wisconsin.

(D) Protection Area Described:

All of the property within the limits of the Village of West Salem within a parcel described as:

Commencing on the centerline of the main railroad track of the Soo Line (formerly Milwaukee Railroad Company) where Clark Street extended South intersects said track; thence Easterly along the centerline of said main line track to a point where it intersects the Neshonoc Road overpass of I-90;

thence Southerly along the centerline of said Neshonoc Road overpass to its intersection with South frontage road of I-90;

thence continuing due South 1,200 feet;

thence East 3,466 feet to a point which is 2,533 feet South of point of beginning;

thence 2,533 feet North to point of beginning.

(E) Enforcement and Penalties. Any person convicted of a violation of this ordinance shall be subject to a forfeiture of up to \$250.00 per violation. Each day of a continuing violation shall be a separate violation. This forfeiture shall be in addition to any federal or state remedy, enforcement or regulatory order.

(F) Amendment. This Ordinance may be amended only pursuant to the procedures set forth in the Wisconsin Statutes, Section 62.23(7)(a) set forth for the adoption or amendment of municipal ordinances having extra-territorial effect.

9.18 Water Impact Fee.

(A) Introduction and Purpose. Pursuant to the authority of Section 66.0617, Wis. Stats., the local impact fees enabling legislation, the purpose of this Ordinance is to establish the mechanism for the imposition of water impact fees to finance the capital costs of acquiring, establishing, upgrading, expanding, and constructing public water facilities which are necessary to accommodate future growth and land development. This Section is intended to assure that new development bears a proportionate share of the cost of capital expenditures necessary to provide public water facilities within the Village of West Salem and its service areas, as they are required to serve the needs arising out of land development.

(B) Definitions. In this Section:

- (1) Capital costs means the capital costs to construct, expand, improve public water facilities including the cost of land, and including legal, engineering, and design costs to construct, expand, or improve public facilities, except that not more than ten (10%) percent of capital costs may consist of legal, engineering, and design costs unless such costs which relate directly to the public improvement for which the impact fees were imposed actually exceed ten (10%) percent of capital costs. The term "capital costs" does not include other noncapital costs to construct, expand, or improve public facilities or the costs of equipment to construct, expand, or improve public facilities.
- (2) Developer means a person that constructs or creates a land development.
- (3) Impact fees means cash contributions, contributions of land or interest in land, or any other items of value that are imposed on a developer under this Section.
- (4) Land Development means the construction or modification of improvements to real property that creates additional residential dwelling units with the Village or its service areas or that results in nonresidential uses that create a need for new, expanded, or improved public facilities within the Village or its service areas.
- (5) Public facilities means highway, as defined in Section 340.01(22) Wis. Stats., and other transportation facilities, traffic control devices, facilities for collecting and treating sewage, facilities for collecting and treating storm and surface waters, facilities for pumping, storing, and distributing water, parks, playgrounds, and other recreation facilities, solid waste and recycling facilities, fire protection facilities, law enforcement facilities, emergency medical facilities, and libraries. The term "public facilities" does not include facilities owned by a school district.
- (6) Residential Equivalent User (REU) means a unit of measure for water-related impact fees equivalent to the amount of water capacity needed to supply one (1) residential dwelling unit. For the purposes of the impact fees established under this Ordinance, a REU shall be defined as a water connection with either a 5/8-inch or 3/4-inch meter equal to one REU

based on standards development by the Wisconsin Public Service Commission, which are based on standard flow meter capacities. The REU assessment also utilizes water meter size and a conversion ratio for larger water users.

- (7) Service area means a geographic area delineated by the Village Board within which the Village provides public facilities.
- (8) Service standard means a certain quantity or quality of public facilities relative to a certain number of persons, parcels of land, or other appropriate measure, as specified by the Village.

(C) Public Facilities Water Needs Assessment. New public facilities or improvements or expansions of existing public facilities as related to water that are required because of land development for which impact fees will be imposed are those which are identified in this Section and in a water facilities needs assessment report prepared prior to the adoption of this Section and any amendments hereto. The water facility needs report that forms the basis of any impact fees imposed by the Village by this Ordinance shall be kept on file in the office of the Village Administrator at least twenty (20) days prior to any public hearing to be held on the creation of this Section and any amendments. A Class 1 notice is required prior to any required hearing. The water facilities needs assessment report shall remain on file in the office of the Village Administrator for the entire period during which impact fees arising out of a specific report and this Section are collected prior to expenditure, and such report shall, after expenditure of all impact fees, be maintained as a public record for such time period as required by law.

(D) Water Impact Fee Revenue Administration.

- (1) Revenues from water impact fees shall be placed in one or more segregated, interest-bearing accounts and shall be accounted for separately from other Village General and Utility Funds. Water impact fee revenues and interest earned thereon may be expended only for capital costs for which the impact fees were imposed.
- (2) Water impact fee revenues imposed and collected but not used within a specified period of time after collection to pay the capital costs for which they are imposed shall be refunded on a prorated proportional basis, as determined by the Village Board, to the current record owner or owners of the property with respect to which the impact fees were

imposed. Reasonable time periods for expenditure of water impact fee revenues shall be within five (5) years after the recommended time for commencement of construction, expansion, or improvement of a specific public facility identified in a facilities needs assessment report, or within five (5) years after the projected loan obligations undertaken for a project should be satisfied.

(E) Use of Water Impact Fees. Funds collected from water impact fees shall be used solely for the purpose of paying the proportionate costs of providing public water facilities that become necessary due to land development. These costs may include the costs of debt service on bonds or similar debt instruments when the debt has been incurred for the purpose of proceeding with designated public water facilities projects prior to the collection of all anticipated impact fees for that project.

(F) Payment of Water Impact Fee.

- (1) All required water impact fees are hereby imposed on all developments and land divisions within the Village of West Salem or any development sub-area thereof.
- (2) For all unplatted lands, no final plat or certified survey map approval shall be given unless the water impact fees set forth in this Section are imposed and calculated pursuant to this Ordinance. Fees are payable in full at the time of final plat or certified survey map approval.
- (3) For all developments not subject to subsection (2) above, no building permit shall be issued for a development unless the water impact fees as set forth in this Section are imposed and calculated pursuant to this Ordinance. Fees shall be paid prior to the issuance of building permits.
- (4) Annexations.
 - (a) Any property or parcel of land annexed by the Village of West Salem is subject to the payment of water impact fees under the conditions set forth in this Section. Properties annexed are benefited by the availability of water and its distribution system.
 - (b) Any property annexed by the Village of West Salem which is developed and currently connected to the water system is exempt from the water impact fees.
 - (c) Undeveloped property annexed to the Village of West Salem is subject to the payment of water

impact fees at the time of development. Time of development is defined as the date of application of any and all applicable building permits.

- (d) Payment of impact fees for developed property requesting annexation shall be paid prior to the final action of the Village Board on the annexation petition.

(5) Undeveloped Land/Existing Building Permits/Previously Developed Land.

- (a) Undeveloped Land. Undeveloped land which has existing water laterals shall pay impact fees at the time of issuance of a building permit. This applies to undeveloped land in the Village of West Salem and to undeveloped land outside the Village which is within the water service area.
- (b) Existing Building Permits. Lands that have been issued building permits prior to the adoption of this Ordinance are exempt from the water impact fees set forth herein. However, the exemption shall not exceed two (2) years from the date of the issuance of the building permit for the property issued (prior to the adoption of this Ordinance) to the date of connection to the water system.
- (c) Previously Developed Land. Land which has water laterals due to previous development are exempt from the payment of impact fees only if the lateral(s) have been unused for less than one (1) year as of the date of application for a building permit. In the event the laterals have been unused one (1) year or more, impact fees for water shall be paid prior to the issuance of a building permit. In the event a building permit is not required, the impact fees shall be paid prior to the initiation of service.

(G) Appeals.

- (1) The developer or property owner upon whom a water impact fee is imposed may contest the amount, collection, or use of an impact fee as specified herein. An appeal to contest the amount, collection, or use of an impact fee may be commenced within thirty (30) days of application for a building permit. An appeal to contest the use of an impact

fee shall be commenced not later than thirty (30) days prior to the award of any public contract for expenditure of the fee revenues.

(2) It shall be a condition precedent to the commencement of such an appeal that the water impact fee from which the developer or property owner appeals shall be paid as and when the fee becomes due and payable, and upon default in making any such payment, such appeal may be dismissed.

(3) The appellant shall pay a filing fee as set forth in Appendix "A" Fee Schedule at the time of filing of the appeal.

(4) An appeal is commenced by filing a written complaint with the Village Administrator. The complaint shall specify the impact fee amount or collection objected to and the basis for the objection. The appeal shall be scheduled for a public hearing before the Planning Commission at a regular meeting. The Planning Commission shall take evidence and testimony on the matter, including reports from Village staff and consultants, and shall make its recommendation to the Village Board based upon the standards set forth in Section 66.0617, Wis. Stats.

(5) The Village Board shall consider the appeal, review the record made before the Planning Commission and the recommendation of the Planning Commission and decide the appeal, based upon the standards for impact fees in Section 66.0617, Wis. Stats. If the Village Board determines that the appeal has merit, it shall determine appropriate remedies. The remedies may include: Reallocation of the proceeds of the challenged impact fee to accomplish the purposes for which the fee was collected, refunding the impact fee in full or in part; whether interest collected by the Village thereon should be returned; granting the appellant the opportunity to make the impact fee payments in installments; or such other remedies as it deems appropriate by the Village Board in a particular case. The decision of the Village Board is final.

(H) Water Impact Fees.

- (1) The basis for the imposition of water impact fees is the facilities needs assessment report and its attachment "Water Facilities Needs Assessment" which is on file in the office of the Village Administrator.
- (2) The water impact fees are based on a residential

equivalent user (REU) basis to determine impact on the water system. A residential unit is assumed to be equivalent to an average residential household with 2.64 people per household. The REU assessment utilizes a water meter size and a conversion ratio to determine the fee for other larger water users. The conversion ratio to be utilized is as shown below with a standard 5/8-inch or 3/4-inch meter equal to one REU based on standards developed by Wisconsin Public Service Commission, which are based on standard meter flow capacities. The meter size and conversion ratio are as follows:

<u>Meter Size</u>	<u>Conversion Ratio</u>
5/8" and 3/4"	1.0
1"	2.5
1 1/4"	3.75
1 1/2"	5.0
2"	8.0
2 1/2"	12.5
3"	15
4"	25
6"	50
8"	80

- (3) The property owner shall be charged a water impact fee based on the size of the meter connection as set forth in Appendix "A" Fee Schedule.
- (4) The Village Board shall, from time to time, review and adjust such rates based on inflation or capital costs or other related costs.
- (5) The water impact fees shall be paid prior to the issuance of any building permit.
- (6) Low Cost Housing. As provided by Section 66.0617(7), Wis. Stats., the Village Board may, on a case-by-case basis, provide for an exemption from or a reduction in the amount of the water impact fees. However, no amount of water fees may be shifted to any other development in the land development in which the low-cost housing is located or to any other land development in the Village.

(I) Park Facilities Impact Fees. Nothing in this Section shall limit the authority of the Village to impose land dedication requirements contained elsewhere in the Code of Ordinances on developers as part of plat and certified survey map approvals under Chapter 236, Wisconsin Statutes and the Code of Ordinances of the Village of West Salem.

(J) Severability. If any section, phrase, sentence, or portion of this Ordinance is for any reason held invalid or unconstitutional by a court of competent jurisdiction, such portions shall be deemed separate, distinct, and independent provisions, and such holding shall not affect the validity of the remaining portions thereof. All ordinances or parts of ordinances inconsistent with or contravening the express provisions of this Ordinance are hereby repealed.

(9.18 Adopted 2/06/07-Ordinance No. 416)