

ORDINANCES OF
THE TOWN OF SHEBOYGAN SANITARY DISTRICT NO. 3 (WATER)
WATER USE AND WATER SERVICE CHARGE ORDINANCE

Revised 5/16/2022

INDEX

1.01	Title: Water Usage and Water Service Charge Ordinance	1
1.02	Preamble	1
2.01	Public Fire Protection Service	1
2.02	General Service – Metered	2
2.03	Public Service	3
2.04	Building and Construction Water Service	3
2.05	Reconnection Charges	3
2.06	Rate Schedule to be Maintained	4
3.01	Compliance with Rules	4
3.02	Establishment of Service	4
3.03	Service Contract	5
3.04	Temporary Metered Supply, Meter and Deposits	5
3.05	Water for Construction	5
3.06	Use of Hydrants for Construction; Temporary Supply	6
3.07	Operation of Valves and Hydrants; Unauthorized Use of Water; Penalty	6
3.08	Refunds of Monetary Deposits	6
3.09	Service Connections or Water Laterals	6
3.10	Service Piping for Meter Settings	7
3.11	Turning on Water	7
3.12	Failure to Read Meters	7
3.13	Complaint Meter Testing	7
3.14	Thawing Frozen Services	7
3.15	Stop Boxes	7
3.16	Installation of Meters	8
3.17	Repairs to Meters	8
3.18	Replacement and Repair of Service Pipe	8
3.19	Charges for Water Wasted Due to Leaks	9
3.20	Inspection of Premises	9
3.21	Customer’s Deposits PSC (185.36)	9
3.22	Disconnection and Refusal of Service	10
3.23	Surreptitious Use of Water	13
3.24	Vacation of Premises	14
3.25	Repairs to Mains	14
3.26	Duty of Superintendent with Respect to Safety of the Public	14
3.27	Handling Water Mains and Service Pipes in Sewer or Other Trenches	14
3.28	Settling Main or Service Trenches	14
3.29	Protective Devices	14
3.30	Cross Connection and Interconnection Control	15
3.31	Well Abandonment	16
3.32	Restricted Use of Water During Emergencies	17
3.33	Water Main Extension Rule	18
3.35	Conflict and Separability	18
3.36	Secretary to File Documents Incorporated by Reference	18
3.37	Sanitary District Deputy Director of Utilities	18
3.38	Penalty Provisions	19

TITLE AND PREAMBLE

SECTION 1

1.01 TITLE: WATER USAGE AND WATER SERVICE CHARGE ORDINANCE. An ordinance regulating the use of public and private water supplies and the installation and connection of building water lines into the public water system and providing penalties for violations thereof; and levying and collection of water service charges in the Town of Sheboygan, Sanitary District No. 3-Water, County of Sheboygan, State of Wisconsin.

1.02 PREAMBLE

WHEREAS: Provision has been made in the design, construction, and operation of such facilities to supply water to customers not served by public water system; and

WHEREAS: The Town of Sheboygan Sanitary District No. 3-Water the successor to the Town of Sheboygan Water Utility, has constructed a deep well to supply water to its customers, and

WHEREAS: For the proper protection of its customers, charges, rules, and regulations governing said system must be adopted.

THEREFORE, BE IT RESOLVED, ORDAINED AN ENACTED, BY THE Commissioners of the Town Sheboygan Sanitary District No. 3-Water of the State of Wisconsin, as follows:

SECTION 2

2.01 PUBLIC FIRE-PROTECTION SERVICE

(a) For public fire-protection service to the Town of Sheboygan, the annual charge shall be _____ Dollars to cover the use of mains and hydrants up to and including the terminal hydrant and connection on each main existing upon completion of the initial water supply and distribution system authorized.

(b) For all extensions of fire-protection service, a charge of _____ cents per lineal foot of main shall be charged per annum on the basis of the length of main put into use between hydrants placed, plus a charge of _____ dollars per net hydrant added to the system after the base period.

(c) This service shall include the use of hydrants for fire-protection service only and such quantities of water as may be demanded for the purposes of extinguishing fires. For all other purposes, the metered or other rates set forth, or as may be filed with the Public Service Commission, shall apply.

2.02 GENERAL SERVICE – METERED

(a) QUARTERLY SERVICE CHARGE:

- (1) 5/8" meter = \$23.88
- (2) 3/4" meter = \$23.88

For each additional unit of service over 4,000 gallons minimum on a meter, add \$2.44 per 1,000 gallons used to the above quarterly minimum charge.

(b) VOLUME CHARGE:

First 4,000 gallons used each quarter = minimum charge

(c) BILLING. Bills for water usage are rendered quarterly and become due and payable twenty days after the billing date. A late payment charge of three (3%) percent, but not less than thirty (.30) cents will be added to bills not paid within twenty (20) days to issuance. This late payment charge will be applied to the total unpaid balance for water usage, including unpaid later payment charges. This late payment charge is applicable to all customers. District 3 customer may be given a written notice that the bill is overdue no sooner than twenty (20) days after the bill is issued. A fifteen-dollar charge will be made for processing checks that have been returned for insufficient funds.

(d) DISPUTED BILLS. If any bill for water usage is disputed by a customer and is not paid within said twenty (20) days following issuance of the bill, the late payment charge shall be applied only to the portion of the disputed bill later found to be correct and payable to District 3.

No late payment charge shall be waived.

(e) UNIT OF SERVICE

(1) A unit of service shall consist of any aggregation of residential or commercial space or area occupied for a distinct purpose such as a resident, apartment, flat, store or office, which is equipped with one or more fixtures for rendering water service, separate and distinct from other users. Each unit of service shall be regarded as one consumer and the surcharge for additional consumers on a meter assessed accordingly.

(2) Combined metering. When a consumer's premises has several buildings, each supplied with service and metered separately, the full-service charge will be billed for each meter separately and the readings will not be cumulated. If these buildings are all used in the same business and are connected by the consumer, they can be metered in one place. If District 3, for its own convenience, installs more than one meter, the readings will be cumulated for billings.

2.03 PUBLIC SERVICE

(a) Water supplied to municipal buildings, schools, etc., shall be metered and the regular metered service rates applied.

(b) Water used on an intermitted basis for flushing service, street sprinkling, flooding skating rinks, drinking fountains, etc., shall be metered where meters can be set to measure the usage. Where it is impossible to measure the service, the Deputy Director of Utilities, shall estimate the volume of water used based on the pressure, size of opening and period of time water is allowed to be drawn. The estimated quantity used shall be billed at the rate of \$2.44 per 1,000 gallons.

2.04 BUILDINGS AND CONSTRUCTION WATER SERVICE

Metered rates to be applied.

2.05 RECONNECTION CHARGES

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

account is not delinquent and where thereafter requests the reconnection of service in the same or some other location, a reconnection charge as filed with the Public Service Commission, payable in advance, shall be collected. The minimum contract period is renewed with each reconnection.

(b) A customer shall be considered as the same customer if the connection is requested for the same location by any member of the same family or if a place of business, by any partner or employee of the same business.

2.06 RATE SCHEDULE TO BE MAINTAINED

Sanitary District 3 shall maintain the rate schedule so that it is self-sufficient to cover actual operating and maintenance costs.

GENERAL RULES AND REGULATIONS

SECTION 3

3.01 COMPLIANCE WITH RULES

All persons now receiving a water supply from the Town of Sheboygan Sanitary District No. 3 Water (District 3), or who may hereafter make application, therefore, shall be considered as having agreed to be bound by the rules and regulations as filed with the Public Service Commission of Wisconsin.

3.02 ESTABLISHMENT OF SERVICE

(a) Application for water service shall be made in writing. The name of the owner, the exact use to be made of the service, and the size of the supply pipe and design flows of water required in gallons per minute (GPM). Note particularly any special refrigeration and/or air conditioning water-consuming appliances.

(b) Service will be furnished only if:

(1) Premises have a frontage on a properly platted street or public strip in which a long-life water main has been laid or where property owner has agreed to and complied with the provisions of the District 3's filed main extension rule.

(2) Property owner has installed or agrees to install a service pipe, including the connection, from an existing District 3 owned water main extending thru the curb stop to the point of use, and according to District's specification, and

(3) premises have adequate piping beyond metering point.

(c) 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 service customer for the purpose of the filed rules and regulations.

(d) No division of the water service 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 supply service 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.

(e) The District 3 Commissioners are hereby empowered to 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.

3.03 SERVICE CONTRACT

(a) The minimum service contract period shall be one (1) year unless otherwise specified by a special contract or in the applicable rate schedule. Where a customer, at their request, has been disconnected (meter removed) prior to expiration of the minimum contract period and their account is not delinquent, and where thereafter they request the reconnection of service in the same or other location, a reconnection charge payable in advance, shall be collected. (See Section 2.05 for applicable rate.) The minimum contract period is renewed with each reconnection.

(b) A reconnection charge shall also be required from consumers whose service is disconnected (shut off at curb stop) because of non-payments of bills when due, (not including disconnection for failure to comply with deposit or guarantee rules). (See Section 2.05 for applicable rate.)

(c) A consumer shall be considered as the same consumer provided the reconnection is requested for the same location by any member of the same family, or if a place of business, by any partner or employee of the same business.

3.04 TEMPORARY METERED SUPPLY, METER AND DEPOSITS

An applicant for temporary water supply on a metered basis shall make and maintain a monetary deposit of not less than seventy-five (\$75.00) dollars 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. The charge for setting the valve and furnishing and setting the meter will be twenty (\$20.00) dollars, so that of the seventy-five (\$75.00) dollars deposited, fifty-five (\$55.00) dollars will be available to pay for the water used at the scheduled rates. Refunds of deposits will be made upon return of the utility equipment. Damaged or lost equipment will be repaired or replaced at customer's expense.

3.05 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 District 3 Clerk. Application shall be submitted to the District 3 office a minimum of three (3) business days prior to need, giving a statement of the amount of construction work to be done, or the size of the tank to be filled, estimated quantity, etc. Payment for the water for construction shall be made in advance at the scheduled rates. The service pipe must be installed inside the building from where the water must be drawn. No connection with the service pipe at the curb shall be made without special permission from the Deputy Director of Utilities.

(b) In no case will any employee of District 3 turn on water for construction work unless the contractor first obtains a permit. Upon completion of the construction work, the contractor must return the original permit to District 3, together with a statement of the actual amount of construction work performed.

(c) Consumers shall not allow contractors, masons, or other persons to take water from their premises without first showing a permit from District 3. Any consumer failing to comply with this provision will have water service discontinued.

3.06 USE OF HYDRANTS FOR CONSTRUCTION: TEMPORARY SUPPLY

(a) In cases where no other supply is available, permission may be granted by the Deputy Director of Utilities to use a hydrant. No hydrant shall be used until it is equipped with a District 3 supplied reduced pressure backflow preventer, meter, and control valve assembly.

(b) A service charge of ten dollars (\$10.00) will be made for setting the hydrant assembly or relocating it. A ten-dollar (\$10.00) deposit will be required for a hydrant wrench. In no case shall any hydrant assembly be placed or moved except by a member of District 3.

(c) The projected water usage shall be paid for in advance at the scheduled rates. The minimum charge shall be ten (\$10.00) dollars.

(d) The flow of water from a temporary supply hydrant shall be regulated by means of a District 3 provided control valve and backflow preventer assembly. It is the responsibility of the consumer to provide necessary fittings, reducers, or any other approved devices to connect to the output side of the control valve. District 3 will not be held liable for items connected to the temporary hydrant supply assembly.

3.07 OPERATION OF VALVES AND HYDRANTS; UNAUTHORIZED USE OF WATER; PENALTY

Any person who shall, without authority of the Deputy Director of Utilities, 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 want only damage or impair the same shall be subject to a fine as provided by this Ordinance. Permit for the use of hydrants apply only to such hydrants as are designated for the specific use.

3.08 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 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 hydrant wrench, if applicable.

3.09 SERVICE CONNECTIONS OR WATER SERVICE LATERALS

(a) No water service shall be laid through any trench having cinders, rubbish, rock or gravel fill, or any other materials which may cause injury to or disintegration of the service pipe, unless adequate means of protection are provided by sand filling, or such other insulation as may be approved by the Deputy Director of Utilities. Service pipes 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 oakum, mastic cement, or other resilient material, and made impervious to moisture.

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

(c) All water supplies shall be of undiminished size from the street main 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 of appliances operating simultaneously. All such service shall comply with the provisions of the State Plumbing Code and shall be inspected by the Deputy Director of Utilities.

3.10 SERVICE PIPING FOR METER SETTINGS

(a) In cases where a new customer whose service is to be metered installs the original service piping or where an existing metered customer changes the service piping for their own convenience, or where an existing flat rate customer requests to be metered, the customer shall, at their expense, provide an acceptable location and a meter yoke(horn) for the meter. The Deputy Director of Utilities should be consulted as to the type and size of meter and setting. Meter settings shall be installed per District 3 meter setting specifications. Refer to Meter Setting Specifications.

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

3.11 TURNING ON WATER

The water cannot be turned on for a consumer except by a duly authorized employee of the District 3. When a plumber has completed a job, the plumber must leave the water turned off. This does not prevent from testing work. It is the responsibility of the consumer or their contractors to protect the curb stop. District 3 staff shall not be responsible to locate, expose, adjust, or repair damaged curb stops or boxes.

3.12 FAILURE TO READ METERS

(a) Where District 3 is unable to read a meter after two (2) successive attempts, 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 quarter will be computed with the gallons or cubic feet in each block of the rate schedule double and credit will be given on that bill for the amount of the minimum bill paid the preceding month. Only in unusual cases or where approval is obtained from the customer shall more than two (2) consecutive estimated 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 employed, the bill will be estimated by some equitable method.

3.13 COMPLAINT METER TESTING

See Wis. Adm. Code Section PSC 185.77.

3.14 THAWING FROZEN SERVICES

See Wis. Adm. Code Section PSC 185.88.

3.15 STOP BOXES

The consumer shall protect the water service stop box in the terrace and shall keep the same free from dirt and other obstructions. District 3 shall not be liable for failure to locate stop box and shut off the water in case of a leak on the consumer's premises.

3.16 INSTALLATION OF METERS

Meters will be furnished and installed by District 3 staff and are not to be disconnected or tampered with by the consumer or their plumber. All meters shall be protected from obstructions and permit ready access thereto for reading, inspection and servicing, such location to be designated or approved by the plumbing inspector. All plumbing materials within the building, including the meter yoke(horn), must be supplied, and maintained by the consumer. Where additional meters are desired by the consumer, the customer shall pay for all piping and an additional amount sufficient to cover the cost of maintenance and depreciation, but not less than twenty-five (.25) cents per month.

3.17 REPAIRS TO METERS

(a) Meters will be repaired by District 3 and the cost of such repairs caused by ordinary wear and tear will be borne by District 3.

(b) Repair of any damage to a meter resulting from the carelessness of the owner of the premises, their 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 damaged from the presence of hot water or steam in the meter, shall be paid for by the consumer or the owner of the premises.

(c) If estimated material and labor costs to repair and test a meter, described in (b), exceed the cost to replace, the meter will be replaced at the expense of the consumer.

3.18 REPLACEMENT AND REPAIR OF SERVICE PIPE

(a) Installation

Subdivision developers shall be responsible for the water service lateral installation costs from the main through the curb stop and box. In the event water service laterals are being installed as part of an assessable utility (water) main extension by District 3, then 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. District 3 shall install initial water service laterals not installed as part of a subdivision development or an assessable utility (water) main extension, from the main through the curb stop and box, and the property owner shall be responsible for the actual cost of installation. It is the responsibility of the developer and their contractors to set the top of the curb stop box to be flush to top of final grade, by means approved by District 3.

(b) Maintenance

District 3 shall be responsible for the maintenance of the service lateral from the main through the curb stop. The property owner shall maintain the service lateral from the curb stop to the point of use within the building.

(c) Inspection

No water service lateral shall be laid and no opening into or connection with a water main shall be made, re-laid, replaced or repaired, without a District 3 Plumbing Permit and without inspection and approval by the Deputy Director of Utilities or their appointed representative.

(d) Compliance

All water laterals shall comply with the provisions of the State Plumbing Code. Once the water service lateral and curb stop have been installed, service laterals cannot be relocated without approval by District 3.

3.19 CHARGES FOR WATER WASTED DUE TO LEAKS

See Wis. Adm. Code Section PSC 185.35 (6).

3.20 INSPECTION OF PREMISES

During reasonable hours any Commissioner or authorized employee of District 3 shall have the right of access to the premises supplied with service, for the purpose of inspection or for the enforcement of the District's rules and regulations. At least once every twelve (12) months the District 3 will make a systematic inspection of all unmetered water taps for the purpose of checking waste and unnecessary use of water.

3.21 CUSTOMER'S DEPOSITS PSC (185.36)

(a) NEW RESIDENTIAL SERVICE. District 3 may require a cash deposit or other guarantee as a condition of new residential service if, and only if, the customer has an outstanding account balance with District 3 which accrued within the last (6) years, and which at the time of the request for new service remains outstanding and not in dispute.

(b) EXISTING RESIDENTIAL SERVICE. District 3 may require a cash deposit or other guarantee as a condition of continued service if, and only if, either or both the following circumstances apply:

(1) Service has been shut off or discontinued within the last twelve (12) months for violation of these rules and regulations or for nonpayment of a delinquent bill for usage which is not in dispute.

(2) Credit information obtained by District 3 subsequent to the initial application indicates that the initial application for service was falsified or incomplete to the extent that a deposit would be required under these rules and regulations.

(c) COMMERCIAL AND INDUSTRIAL SERVICE. If the credit for an applicant for commercial or industrial service has not been established to the satisfaction of District 3, the applicant may be required to provide a deposit, prior to serves rendered.

(d) CONDITIONS OF DEPOSIT. See Wis. Adm. Code Section PSC 185.36(3).

(e) REFUND OF DEPOSITS. District 3 shall review the payment record of each residential customer with a deposit on file at not less than twelve (12) month intervals and shall not require or continue to require a deposit unless a deposit could be required under the conditions stated above. In the case of a commercial or industrial customer District 3 shall refund the deposit after twenty-four (24) consecutive months of prompt payment if the customer's credit standing is satisfactory to District 3. Payment shall be considered "prompt" if it is made prior to notice of disconnection for nonpayment of a bill not in dispute. Any deposit or portion thereof refunded to a customer and District 3 agree to credit the regular bill or unless service is terminated, in which case the deposit with accrued interest shall be applied to the final bill and any balance returned to the customer promptly.

(f) OTHER CONDITIONS. A new or additional deposit may be required upon reasonable written notice of the need therefore is such new or additional deposit could have been required under the circumstances when the initial deposit was made. Service may be refused or disconnected for failure to pay a deposit request as provided in the rules. When a service has been disconnected for failure to make a deposit, or for failure to pay a delinquent bill, or for failure to comply with the terms of a Deferred Payment Agreement, and satisfactory arrangements have been made to have service restored, a reconnection charge as specified elsewhere in these rules, shall be paid by the customer as a condition to restoration of service.

3.22 DISCONNECTION AND REFUSAL OF SERVICE

(a) REASONS FOR DISCONNECTION. Service may be disconnected or refused for any of the following reasons:

- (1) Failure to pay a delinquent account or failure to comply with the terms of a Deferred Payment Agreement.
- (2) Violation of District 3 rules and regulations pertaining to the use of service in a manner which interferes with the service of other or to the operation of nonstandard equipment if the customer has first been notified and provided with reasonable opportunity to remedy the situation.
- (3) Failure to comply with deposit or guarantee arrangements as provided for in these rules and regulations.
- (4) Diversion of service around the meter.
- (5) Refusal or failure to permit authorized District 3 personnel to read the meter at least once every six (6) months. Said period commences to run with the date of the last meter reading.

(b) DISCONNECTION FOR DELINQUENT ACCOUNTS

(1) If charges under this ordinance are not paid as required, District 3 may issue a disconnect service notice by first class mail or personal service to the customer at least eight (8) calendar days prior to the first date of the proposed disconnection. For the purposes of this rule, the due date shall not be less than twenty (20) days after issuance of bill. If billing address is different from service address, notice shall be posted in each individual dwelling unit of the service address not less than five (5) days before disconnection. If access is not possible, this notice shall be posted, at a minimum, to all entrances to the building and in the lobby.

If disconnection is not accomplished on or before the fifteenth (15th) day after the first notice date, a subsequent notice shall be left on the premises no less than twenty-four (24) hours nor more than forty-eight (48) hours prior to disconnection.

Disconnection shall comply with Chapter PSC 185, Wisconsin Administrative Code.

(2) District 3 may disconnect without notice where a dangerous condition exists for as long as the condition exists. Service may be denied to a customer for failure to comply with the applicable requirements of the rules and regulations of the Public Service Commission or of these rules and regulations, or if a dangerous or unsafe conditions exist on the customer's premises.

(3) District 3 shall notify the County Department of Health and Social Services at least five (5) calendar days prior to any scheduled disconnection of residential service if the customer or responsible person has made a written request for this procedure. District 3 shall apprise customers of this right upon application for service. If service to a residential customer which has been disconnected has not been restored within twenty-four (24) hours after disconnection, District 3 shall notify the appropriate County Sheriff's Department of the billing name and service address and that a threat to health and life might exist to persons occupying the premises.

(c) DEFFERED PAYMENT AGREEMENT

(1) District 3 shall offer Deferred Payment Agreements to residential customers. The Deferred Payment Agreement shall provide that service will not be discontinued for the outstanding bill if the customer pays a stated reasonable amount of the outstanding bill and agrees to pay a stated reasonable portion of the remaining outstanding balance in installments until the bill is paid. In determining what amounts are "reasonable", the parties shall consider the:

- a. Size of the delinquent account.
- b. Customer's ability to pay.
- c. Customer's payment history.
- d. Time that the debt has been outstanding.
- e. Reasons why the debt has been outstanding.
- f. Any other relevant factors concerning the circumstance of the customer.

(2) In the Deferred Payment Agreement, it shall state immediately preceding the space provided for the customer's signature and in boldface print at least two (2) sizes larger than any other used thereon, the following:

"IF YOU ARE NOT SATISFIED WITH THIS AGREEMENT, DO NOT SIGN. IF YOU DO SIGN THIS AGREEMENT YOU GIVE UP YOUR RIGHT TO DISPUTE THE AMOUNT DUE UNDER THE AGREEMENT EXCEPT FOR THE UTILITY'S FAILURE OR REFUSAL TO FOLLOW THE TERMS OF THIS AGREEMENT."

(3) A Deferred Payment Agreement shall not include a finance charge.

(4) If an applicant for service has not fulfilled the terms of a Deferred Payment Agreement, the utility shall have the right to disconnect service or refuse service in accordance with these rules and under such circumstance, it shall not be required to offer subsequent negotiation of a Deferred Payment Agreement prior to disconnection.

(5) Any payments made by the customer in compliance with a Deferred Payment Agreement, or otherwise, shall be first considered made in payment of the previous balance with any remainder credited to the current bill.

(d) DISPUTE PROCEDURES (PSC 185.39)

(1) Whenever the customer advises District 3's Clerk prior to the disconnection of service that all or part of any billing as rendered is in dispute, or that any matter relating to the disconnection is in dispute, District 3 shall investigate the dispute promptly and completely, advise the customer of the results of the investigation, attempt to resolve the dispute, and provide the opportunity for the customer to

enter into a Deferred Payment Agreement when applicable in order to settle the dispute.

(2) After the customer has pursued the available remedies with District 3, they may request that the Public Service Commission's staff informally review the disputed issue and recommend terms of settlement.

(3) Any party to the dispute after informal review may make a written request for a formal review by the Commission. Said request must be made in writing to the Commission within five (5) days of the date that the terms of the informal review are communicated to the parties. If the Commission decides to conduct a formal hearing on the dispute, the customer must pay fifty (50%) percent of the bill in dispute or post a bond for that amount on or before the hearing date. Failure to pay the amount or post the bond will constitute a waiver of the right to a hearing. Service shall not be disconnected because of any disputed matter while the disputed matter is being pursued under the dispute procedure. In no way does this relieve the customer from the obligation of paying charges which are not disputed.

(4) 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 usage and your previous unpaid balance.

You have 8 days to pay the water usage arrears or your service is subject to disconnection.

If you fail to pay usage arrears or fail to contact us within the 8 (eight) days to make reasonable time payment arrangements, we will proceed with disconnection action.

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

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 8 (eight) days.

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

PLEASE CALL THIS TELEPHONE NUMBER 920-451-2320, IMMEDIATELY IF:

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

Illness Provision

If there is an existing medical emergency in your home and you furnish District 3 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, for some reason, you are unable to pay the full amount of the water service arrears of your bill, you may contact District 3 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 service bills in full by the due date.

In any situation where you are unable to resolve billing disputes or disputes about the ground for proposed disconnection through contacts with our utility, you may make an appeal to the Wisconsin Public Service Commission, Madison, Wisconsin.

(5) In the event District 3 is not able to collect any bill for water service even though Deposit and Guarantee Rules are on file, the bill may be put upon the tax roll as provided in Section 66.0701, Wisconsin Statutes.

3.23 SURREPTITIOUS USE OF WATER

(a) When District 3 has reasonable evidence that a consumer is obtaining their 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 service being delivered to their equipment, District 3 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) hour disconnection of service. When District 3 disconnected the consumer for any such reason, District 3 will reconnect the consumer upon the following conditions:

- (1) The consumer will be required to deposit with District 3 an amount sufficient to guarantee the payment of the consumer's bills for water service to District 3.
- (2) The Consumer will be required to pay District 3 for 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 District 3 against further losses.

(b) Sections 98.26 and 943.20, Wisconsin Statutes, as relating to water service, are hereby adopted and made a part of these rules.

3.24 VACATION OF PREMISES

When premises are to be vacated, the owner or licensed plumber shall obtain a permit from District 3 Clerk to schedule District 3 staff to remove the meter and reader and shut off the supply at the curb stop. The owner of the premises shall be liable to prosecution for any damage to the property of District 3 by reason of failure to notify District 3 of vacancy.

3.25 REPAIRS TO MAINS

District 3 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 permit, District 3 will give notice, by newspaper publication or otherwise, of the discontinuance of the supply. No rebate will be allowed to discontinuance of the supply. No rebate will be allowed to consumers for such temporary suspension of supply.

3.26 DUTY OF SANITARY DISTRICT WITH RESPECT TO SAFETY OF THE PUBLIC

It shall be the duty of District 3 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 amber signal light in such manner as will, so far as possible, ensure the safety of the public.

3.27 HANDLING WATER MAIN AND SERVICE PIPES IN SEWER OR OTHER TRENCHES

(a) Where excavating machines are used in digging sewers, all water mains shall be maintained at the expense of the contractor.

(b) Contractors must ascertain for themselves the existence and location of all service pipes. Where they are removed, cut, or damaged in the construction of a sewer, the contractor must at their own expense cause them to be replaced or repaired at once. They shall not shut off the water service pipes from any consumer for a period exceeding six (6) hours.

3.28 SETTLING MAIN OR SERVICE TRENCHES

Trenches in unpaved streets shall be refilled with moist, damp earth, or by means of water tamping. When water tamping is used, the water shall be turned into the trench after the first twelve (12) inches of backfill has been placed and then the trench shall be kept flooded until the remainder of the backfill has been put in.

3.29 PROTECTIVE DEVICES

(a) PROTECTIVE DEVICES IN GENERAL. The owner or occupant of every premise receiving water service 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 compressor for refrigeration systems by means of high-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) and 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.

3.30 CROSS CONNECTION AND INTERCONNECTION CONTROL

(a) DEFINITION. A cross connection is defined as any connection or potential connection between any part of a water supply system and other another environment containing substances in a manner that, under any circumstances, would allow the substances to enter the water supply system by means of back siphonage or back pressure.

An interconnection is any physical connection or arrangement between two otherwise separate systems, one of which contains potable water from District 3's 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 system to the other, with the direction of flow depending on the pressure differential between the two systems.

(b) INTERCONNECTIONS PROHIBITED. No person, firm or corporation may establish or maintain or permit to be established or maintained any interconnection between District 3's water systems and any private well or other water source.

(c) INSPECTION. District 3 may inspect, or arrange for an inspection of, property served by the public water system for cross connections. As an alternative, District 3 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 District 3 in accordance with Wisconsin Administrative Code Section NR 810.15. Any unprotected cross connections identified by the inspection shall be promptly corrected. Failure to promptly correct an unprotected cross connection shall be sufficient cause for District 3 to discontinue water service to the property, as provided under paragraph (f) of this ordinance.

(d) RIGHT TO ENTRY. Upon presentation of credentials, a representative of District 3 shall have the right to request entry, at any reasonable time, to a property served by a connection to the public water system of District 3 for the purpose of inspecting the property for cross connections. Refusing entry to such representative shall be sufficient cause for District 3 to discontinue water service to the property, as provided under paragraph (f) of this ordinance. If entry is refused, a special inspection warrant under Section 66.0119 of the Wisconsin Statutes may be obtained.

(e) PROVISION OF REQUESTED INFORMATION. District 3 may request an owner, lessee, or occupant of property served by a connection to the public water system to furnish District 3 with pertinent information regarding the piping systems on the property. Refusing to provide requested information shall be sufficient cause for District 3 to discontinue water service to the property, as provided under paragraph (f) of this ordinance.

(f) DISCONTINUATION OF SERVICE WATER FOR VIOLATION. District 3 may discontinue water service to any property wherein any unprotected connection in violation of this Section ordinance exists, and to take other precautionary measures deemed necessary to eliminate any danger of contamination of the public water system. Water service may be discontinued, however, only after reasonable notice and opportunity for hearing under Chapter 68, Wis. Stats., except as provided in paragraph

(g). Water service to such property shall not be restored until the unprotected cross connection has been eliminated.

(h) EMERGENCY DISCONTINUATION. If it is determined by District 3 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 District 3 Clerk and delivered to the customer's premises, water service may be immediately discontinued. The customer shall have an opportunity for hearing under Chapter 68, Wis. Stats., within ten (10) days of such emergency discontinuance. Water service to such property shall not be restored until the unprotected cross connection has been eliminated.

(h) STATE CODE ADOPTED. District 3 adopts by reference the State Plumbing Code of Wisconsin being Chapter SPS 382, Wisconsin Administrative Codes.

(i) SECTION NOT TO SUPERSEDE OTHER ORDINANCES. This Section does not supersede the State Plumbing Code and any Town plumbing Ordinances but is supplementary to them.

3.31 WELL ABANDONEMENT

(a) APPLICABILITY. All wells within the corporate limits of the Town of Sheboygan Sanitary District No. 3 Water which are in unusable condition, unsafe or do not comply with Chapter NR 812, Wisconsin Administrative Code, or which may serve as conduits for groundwater contamination shall be abandoned in accordance with this Ordinance unless a well operation permit has been granted pursuant to Section 3.31(c).

(1) Premises where municipal water service is not available are exempt from this Ordinance.

(2) Where feasible, noncomplying wells and pump installations may be upgraded to comply with Chapter NR 812, Wisconsin Administrative Code. A private well may be temporarily abandoned under provisions of Chapter NR 812. A well constructed for potable use may not be considered a nonpotable well to avoid the applicability of this Ordinance.

(3) If water from a private well is known to produce water which exceeds a Department of Natural Resources (DNR) health advisory, a primary standard in Chapter NR 809 or an enforcement standard in Chapter NR 140, a Wisconsin Administrative Code, a well operation permit shall not be issued without approval of the Department of Natural Resources.

(4) An illegal cross connection exists where a private well is connected to a plumbing system which is also connected to the municipal system. Chapter NR 811, Wis. Adm. Code prohibits such connections.

(b) WELL OPERATION PERMITS. A permit may be granted to well owner to operate a private well for a period not to exceed five (5) years. At the end of a permit period, the well owner may apply for a renewal of permit upon submittal of updated information necessary for a permit application. District 3 may conduct inspections or have water quality test conducted at the applicant's expense to obtain or verify information necessary for consideration of a permit.

Permit applications shall be made on forms provided by District 3 Clerk. The following requirements must be met before a well operation permit is issued:

(1) The well has a functional pumping system and its continued current use can be justified by the property owner.

(2) The well has a history of producing bacteriological safe water and presently produces bacteriological safe water as demonstrated by providing a copy of the results of a water sample analyzed at a State certified laboratory within three months preceding the request for the well operation permit or permit renewal.

(3) The well and pump installation meets the requirements of Chapter NR 812, Wisconsin Administrative Code, as certified by a Department of Natural Resources licensed well driller or pump installer or by Department of Natural Resources staff evaluation.

(4) No physical connection exists between the piping of the public water system and the private well.

(5) A fee of ten (\$10.00) dollars is paid to District 3 for processing a permit.

(c) ABANDONMENT METHODS. Wells shall be abandoned according to the procedures outlined in Chapter NR 812, Wisconsin Administrative Code. The pump and piping must be removed and the well checked for obstructions prior to abandonment. Any obstruction or liner must be removed, if possible. Filling with unapproved materials or use of unacceptable procedures is prohibited.

(d) REPORT AND INSPECTION. An Abandonment Report Form, Department of Natural Resources No. 3300-5, is available at District 3 Clerk's office and must be submitted to District 3 Clerk within ten (10) days of abandonment completion. Forty-eight (48) hour advanced notice of well abandonment work must be provided to District 3 Clerk so the filling may be observed by a representative of the municipality. District 3 Clerk shall send a copy of Form 3300-5 to the appropriate Department of Natural Resources district office within ten (10) days of receipt of the completed form.

(e) PENALTIES. Any person, firm, or other well owner violating any provision of this Ordinance shall upon conviction be punished by forfeiture of not less than twenty (\$20.00) dollars nor more than five hundred (\$500.00) dollars together with the cost of prosecution. Each day during which a violation exists shall be deemed and constitute a separate offense. If any person fails to comply with this Ordinance for more than thirty (30) days after notice in writing, the municipality may impose a penalty or may cause the abandonment to be done and the expense thereof shall be assessed as a special tax against the property.

3.32 RESTRICTED USE OF WATER DURING EMERGENCIES

(a) AUTHORITY. District 3 Commissioners are hereby authorized to declare a water emergency whenever, in the opinion of said issuing authority, conditions exist which make it necessary in the interest of the public health, safety or welfare to conserve or otherwise restrict the use of water supplied by District 3.

(b) DECLARATION OF EMERGENCY. Notice of a water emergency shall be proclaimed by the issuing authority through one or more news mediums likely to give notice in the area affected. Once an emergency has been declared, said emergency and any rules or regulations issued in conjunction therewith shall continue to exist until such time as terminated by the issuing authority in the same manner as initially proclaimed.

(c) COMPLIANCE WITH RULES AND REGULATIONS REQUIRED. It shall be unlawful for any person to use or allow water to be used in any fashion contrary to the rules and regulations hereunder. Any person violating any provision of this regulation adopted or issued pursuant to the subchapter shall upon conviction be subject to a forfeiture of not less than twenty (\$20.00) dollars nor more than five hundred (\$500.00) dollars together with the costs of prosecution.

3.33 WATER MAIN EXTENSION RULE

(a) GENERALLY. District 3 will extend water mains, fire hydrants, and appurtenances for new customers according to standards and criteria determined by District 3's engineers.

(b) COST TO CUSTOMERS. District 3 may, by resolution, levy and collect special assessments upon property benefited by water main extensions in accordance with sec. 66.0701, Wis. Stats. (2019-2020), and as same may be amended, and may provide for the payment of all or any part of the cost of the extensions out of the proceeds of such special assessments.

(c) OUTSIDE SERVICE BOUNDARIES. District 3 may, at its discretion, extend its service outside of its corporate limits, including to and/or through property in adjoining municipalities.

3.35 CONFLICT AND SEPARABILITY

(1) Conflict of Provisions. If the provisions of the different sections of this code conflict with or contravene each other, the provisions of each section shall prevail as to all matter of such section.

(2) Separability of Code Provisions. If any sections, subsection, sentence, clause, or phrase of this code is for any reason held to be invalid or unconstitutional by reason of any decision of any court of competent jurisdiction, such decision shall not affect the validity of any other section, subsection, sentence, clause or phrase or portion thereof.

3.36 SECRETARY TO FILE DOCUMENTS INCORPORATED BY REFERENCE

Whenever in this code any standard, code rule, regulation or other written or printed matter, other than the Wisconsin Statutes or other sections of this code, are adopted by reference, they shall be deemed incorporated in this code as if fully set forth herein and the Secretary of the Commission is hereby directed and required to file, deposit and keep in his office a copy of the code, standard, rule, regulation or other written or printed matter as adopted. Materials so file, deposited and kept shall be public records open for examination with property care by any person, subject to such orders or regulations which District 3 Clerk may prescribe for their preservation.

3.37 SANITARY DISTRICT DEPUTY DIRECTOR OF UTILITIES

(1) Deputy Director of Utilities of District 3 is vested with the authority and responsibility to enforce the provisions of this code and issue citations. The Deputy Director shall have the power and authority, at all reasonable hours for any proper purpose, to enter upon any public or private premises and make an inspection thereof.

3.38 PENALTY PROVISIONS

(1) General Penalty. Whenever so provided in this code, any person who shall violate any of the provisions of this code shall upon conviction of such violation, be subject to a penalty, which shall be as follows:

(a) First Offense – Penalty. Any person found guilty of violating any part of this code, upon conviction thereof, shall forfeit not less than twenty-five (\$25.00) dollars nor more than two-hundred (\$200.00) dollars together with the costs of prosecution and in default of payment of such forfeiture and costs of prosecution shall be imprisoned in the County Jail until said forfeiture and costs are paid, but not exceeding ninety (90) days.

(b) Second Offense – Penalty. Any person found guilty of violating any part of this code who shall previously have been convicted of a violation of the same Ordinance shall upon conviction thereof, forfeit not less than twenty-five (\$25.00) dollars nor more than five-hundred (\$500.00) dollars for each such offense, together with the costs of prosecution and in default of payment of such forfeiture and costs shall be imprisoned in the County Jail until said forfeiture and costs of prosecution are paid, but not to exceed six (6) months.