

CHAPTER 15

PUBLIC UTILITIES**15.01 PUBLIC UTILITIES**

(1) The Village Board shall have charge and management of the Water Utility and the Sewer Utility and shall supervise the operation thereof.

15.02 RULES, REGULATIONS AND RATES

(1) Rules, regulations, and rates governing the Water Utility and the Sewer Utility shall be as approved by the Village Board (and with respect to Water Utility as approved and filed with the Wisconsin Public Service Commission). Such rules, regulations and rates shall be considered a part of the contract of every consumer of services of the Water Utility or Sewer Utility and each consumer by acceptance of service assents to such rules, regulations and rates. Any violations of such rules, regulations and rates or provisions of this chapter shall be cause for discontinuance of service.

(2) Because charges for utilities are subject to extensive, lengthy, and sometimes wordy revisions, and are revised from time-to-time, the Village Board will continue to approve rates and charges but such ordinances shall not be placed in the body of this ordinance book and shall instead be placed in the appendices of this ordinance book under the appropriate utilities. Water Utility Rate Ordinance shall be placed under Appendix K, Sewer Utility Rate Ordinance shall be placed under Appendix L. Upon adoption, the date of adoption of the ordinance shall be subscribed in this section.

(A) **Date of Adoption of Water Rate Ordinance:** The Ordinance as authorized by Public Service Commission is located in Appendix K.

Order No. 4080-WR-101 effective February 15, 2006

Order No. 4080-WR-102 effective May 15, 2007

Order No. 4080-WQ-100 effective January 1, 2009

Order No. 4080-WQ-101 effective April 1, 2011

Order No. 4080-WQ-102 effective April 1, 2012

Ord. 17-03 Order No. 4080-WR-103 October 1, 2017 effective September 29, 2017

(B) **Date of Adoption of Sewer Use Ordinance:** The Ordinance as authorized by the governing board is located in Appendix L.

Date of Adoption of Sewer Rate Ordinance October 23, 2005

(3) Because different requirements of the individual utilities may be made a

condition of grant or loans by granting agencies, the specific language of Section 15.03 shall apply to the Water Utility and Section 15.04 shall apply to the Sewer Utility. If the specific requirements of Section 15.03 or 15.04, conflict with general requirements applicable to all utilities, the specific requirements of Section 15.03 (Water Utility) and Section 15.04 (Sewer Utility) shall control.

15.03 WATER UTILITY CREATION - RULES AND REGULATIONS

(1) **MANAGEMENT AND OPERATION.** The management operation, and control of the water system for the Village of New Auburn is vested in the Village Board. The Village Clerk or other designee of the Village of New Auburn shall keep all the financial records.

(2) **POWERS OF UTILITY.** The Water Utility of the Village of New Auburn shall have the power to construct water lines for public use and shall have the power to lay water pipes in and through the alleys, streets, and public grounds of the Village of New Auburn; and generally, to do all such work as may be found necessary or convenient in the management of the water system. The Village Board shall have power by themselves, their officers, agents and servants to enter upon any land for the purpose of making examination or supervise the performance of their duties under this Ordinance, without liability therefore, and the Village Board shall have the power to purchase and acquire for the Village all real and personal property which may be necessary for construction of the water system, or for any repair, remodeling, or additions thereof.

(3) **CONDEMNATION OF REAL ESTATE.** Whenever any real estate or any easement therein, or use thereof, shall in the judgment of the Village of New Auburn be necessary to the water system; and whenever, for any cause, an agreement for the purchase thereof, cannot be made with the owner thereof, the Village Board shall proceed with all necessary steps to take such real estate easement, or use by condemnation in accordance with the Wisconsin Statutes and the Uniform Relocation and Real Property Acquisition Policy Act of 1970, if Federal funds are used.

(4) **TITLE TO REAL ESTATE AND PERSONALTY.** All property, real, personal and mixed, acquired for the construction of the water system, and all plans, specifications, diagrams, papers, books and records connected with said water system, and all buildings, machinery, and fixtures pertaining thereto, shall be the property of the said Village of New Auburn.

(5) **USER RULES AND REGULATIONS.** The rules, regulations, and water rates hereinafter set forth shall be considered a part of the contract with every person, company, or corporation who is connected with the water system and every such person, company, or corporation by connection with the water system shall be considered as expressing his or their assent to be bound thereby. Whenever any of said rules and regulations or such others as the said Village of New Auburn may hereafter adopt are

**Village of New Auburn
Barron & Chippewa Counties, Wisconsin**

Ordinance 2022-07

AN ORDINANCE CREATING SECTION 15.03(5)(B) OF THE NEW AUBURN CODE OF ORDINANCES

The Board of Trustees of the Village of New Auburn, Barron and Chippewa Counties, Wisconsin, do ordain as follows:

Section One: Chapter 15, Section 15.03(5)(B) of the Village of New Auburn code of ordinances is hereby created to read as follows:

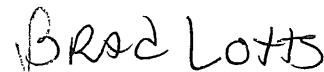
“(B) Tax Incremental District Charge

(1) A tax incremental district charge is hereby imposed upon the Village of New Auburn Sewer Utility for all of the costs of the sewer system, including debt service coverage ratio requirements imposed by a bond resolution, which are allocable to improvements undertaken in connection with the Village’s Tax Incremental District No. 1 (“TID 1”), whether located within or outside TID 1. On or before the first Village Board meeting in October of each year, the Village Clerk or Village Clerk’s designee shall compute the charge. The charge shall be computed by calculating an amount equal to the annual debt service on TID 1’s share of all outstanding sewer utility borrowing, including debt service coverage ratio requirements imposed by any bond resolution.

(2) The tax incremental district charge shall be billed to the Village of New Auburn Sewer Utility on November 1st of each year for all obligations due during the subsequent year. The payment shall be due within ninety days of billing.”

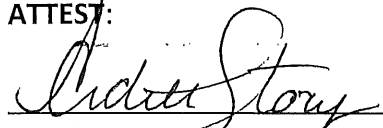
Section Two: This Ordinance shall take effect upon its adoption and publication as required by law.

Adopted this 14th day of April, 2022



Brad Lotts, Village President

ATTEST:



Ardith Story, Clerk-Treasurer

violated, the service shall be shut off from the building or place of such violation (even though two or more parties are receiving service through the same connection) and shall not be reestablished except by order of the Village Board, and on payment of all arrears, the expenses and established charges of shutting off and putting on, and such other terms as the Village may determine, and a satisfactory understanding with the party that no further cause for complaint shall arise. In case of such violation, the said Village of New Auburn furthermore, may declare any payment for the service by the party or parties committing such violation, to be forfeited, and the same shall thereupon be forfeited. The right is reserved to the Village to change the said rules, regulations, and water rates from time-to-time as they may deem advisable; and to make special rate and contracts in all proper cases, all subject to the authority of the Wisconsin Public Service Commission (Water Utility).

(A) Tax Incremental District Charge

(1) A Tax incremental District ("TID") charge is hereby imposed upon the Village for the costs of the Well No. 2 ("the Project") which are allocable to improvements undertaken which benefit the Village Tax Incremental District No. 1. The charge imposed upon the Village and allocable to Tax Incremental District No. 1 for the Project is 100% of the total principal and interest payments plus the debt coverage requirements of the loan to construct the Project. The estimated maximum annual charge for said project is expected to be \$ \$37,500. This utility charge may be modified by paragraph (2) of this section.

(2) Additional TID charge: An additional TID Charge is hereby imposed under the following conditions: If the life of the loan for a project exceeds the legal life of the Village TID No. 1, the Village reserves the right to charge said TID, during the life of the TID, for payments which will become due and payable after the TID has expired, for principal and interest payments allocable to the project.

(3) Billing TID: The TID charge shall be billed to the Village semi-annually, approximately six weeks prior to the debt service date(s). The payment shall be made from the TID within twenty days of billing to the New Auburn Municipal Water Utility. This obligation shall only apply to the debt costs incurred and due for the Project. Upon final debt service payment by the water utility for the Project then this ordinance Section 15.03(5)(A) shall be repealed.

(6) **MISCELLANEOUS RULES.** The following rules and regulations for the government of licensed plumbers, water users and others, are hereby adopted and established:

(A) **Plumbers.** No plumber, pipefitter, or other person will be permitted to do any plumbing or pipe fitting work in connection with the water system without first receiving a license from the State of Wisconsin.

(B) Users

(1) Lateral Charges. "Street Laterals" will be installed by the Utility (on existing mains) according to the schedule of charges as set forth in current PSC rate file.

(C) Tap Permits. After water connections have been introduced into any building or upon any premises, no plumber shall make any alterations, extensions, or attachments, unless the party ordering such tapping or other work shall exhibit the proper permit for the same from the Village of New Auburn.

(D) User to Keep in Repair. All users shall keep their own service pipes in good repair and protected from frost, at their own risk and expense and shall prevent any unnecessary waste of water.

(E) User to Permit Inspection. Every user shall permit the Village of New Auburn or their duly authorized agent, at all reasonable hours of the day, to enter their premises or building to examine the pipes and fixtures and the manner in which the water is used, and they must at all times frankly and without concealment answer all questions put to them relative to its use.

(F) Utility Responsibility. It is expressly stipulated that no claim shall be made against said Village of New Auburn or its employees or agents by reason of the breaking, clogging, stoppage, or freezing of any service pipe or from any damage arising from repairing mains, making connections or extensions or any other work that may be deemed necessary. The right is hereby reserved to cut off the service at any time for the purpose of repairs or any other necessary purpose, any permit granted or regulation to the contrary notwithstanding. Whenever it shall become necessary to shut off the water service within any part of the Village of New Auburn, the Village Board or its designee shall, if practicable, give notice to each and every consumer within said Village of New Auburn of the time when such service will be so shut off.

(G) Meters. It shall be the duty of the owner of any premises to provide a location for a water meter and to maintain such locations and passageway thereto clean and sanitary and free from any obstruction or any conditions of a hazardous nature. No connection for water meters shall be installed in any location not easily accessible, or which is or may be, unclean, unsanitary, or in any manner unsafe to utility employees in the discharge of their duties.

(7) EXCAVATIONS

(A) In making excavations in streets or highways for laying service pipe or making repairs, the paving and earth removed must be deposited in a manner that will occasion the least inconvenience to the public.

(B) No person shall leave any such excavation made in any street or highway open at any time without barricades; and, during the night, warning lights must be maintained at such excavations.

(C) In refilling the opening after the service pipes are laid, the earth must be laid in layers of not more than nine inches in depth and each layer thoroughly compacted to prevent settling. This work, together with the replacing of sidewalks, ballast and paving, must be done so as to make the street as good at least as before it was disturbed and satisfactory to the Village Board or its designee. No opening of the streets for tapping the pipes will be permitted when the ground is frozen without Village Board approval.

(8) TAPPING THE MAINS

(A) No persons except those having special permission from the Village of New Auburn or persons in their service and approved by them will be permitted under any circumstances to tap the water mains or distribution pipes. The kind and size of the connection with the pipe shall be that specified in the permit or order from said Village of New Auburn.

(B) Pipes should be tapped on the top half of the pipe and not within six inches (15 cm) of the joint, or within 24 inches (60 cm) of another connection.

(9) INSTALLATION OF HOUSE LATERALS

(A) All water lines on private property, whether underground or within a structure, will be installed in accordance with State of Wisconsin Administration Code Chapter H-62, "Design, Construction, Installation, Supervision and Inspection of Plumbing"; specifically Section H-62.13, "Water Distribution Systems".

(B) The building's water line shall be inspected upon completion of placement of the pipe and before backfilling, and tested before or after backfilling.

(10) WATER SERVICE RATES--WATER UTILITY RULES: So-called standard rules published by the Public Service Commission of Wisconsin (small utility rules), and the rates as provided by the Public Service Commission Finding of Fact, Certification, and Order are hereby adopted by the Village of New Auburn as applicable to the Water Utility. The provisions of this ordinance are subject to the overriding authority of the Public Service Commission and provisions of current rate order.

(11) MAINTENANCE OF SERVICES. All water services within the limits of the Village of New Auburn from the street main to the property line and including all controls between the same will be maintained by the Water Utility without expenses to the property owner, except when they are damaged as a result of negligence or carelessness on the part of the property owner, a tenant, or an agent of the owner,

in which case they will be repaired at the expense of the property owner. All water services from the point of maintenance by the Utility to and throughout the premises must be maintained free of defective conditions, by and at the expense of the owner or occupant of the property.

(12) PAYMENT OF BILLS

(A) Failure to Receive Bill No Penalty Exemption. Every reasonable care will be exercised in the proper delivery of water bills. Failure to receive a water bill, however, shall not relieve any person of the responsibility for payment of water rates within the prescribed period, or exempt any person from any penalty imposed for delinquency in the payment thereof.

(B) Billing. The property owner is held responsible for all water bills on premises that he owns. Delinquency notices relative to the water service, will be addressed to the owner as well as the renter and delivered to the premises referred to on such bill or notice.

(13) CROSS CONNECTION CONTROL ORDINANCE

(A) PREAMBLE

To provide a program for protecting the public water system from contamination due to backflow of contaminants through the water service connection into the public water system.

WHEREAS, Chapters NR 810 and SPS 382 Wisconsin Administrative Code require protection of the public water system from contamination due to backflow of contaminants through the water service connection; and

WHEREAS, the Wisconsin Departments of Natural Resources requires the development and implementation of a comprehensive cross connection control program to effectively prevent the contamination of all potable water systems; now, therefore,

BE IT ORDAINED by the Board of the Village of New Auburn, State of Wisconsin:

(1) DEFINITION OF CROSS CONNECTION: That 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 New Auburn 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, the direction of flow depending on the pressure differential between the two systems.

(2) UNPROTECTED CROSS CONNECTIONS PROHIBITED:
That no person, firm or corporation shall establish or maintain, or permit to be

established or maintained, any unprotected cross connection. Cross connections shall be protected as required in ch. SPS 382, Wisconsin Administrative Code.

(3) **INSPECTION.** That it shall be the duty of the Village of New Auburn 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 shall be as established by the Village of New Auburn Water Utility in accordance with Wisconsin Administrative Code. Any unprotected cross connections identified by the inspection shall be promptly corrected. Failure to promptly correct an unprotected cross connection shall be sufficient cause for the water utility to discontinue water service to the property, as provided under paragraph 6 of this ordinance.

(4) **RIGHT OF ENTRY.** That upon presentation of credentials, the representative of the Village of New Auburn 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 the Village of New Auburn for the purpose of inspecting the property for cross connections. Refusing entry to such utility representative shall be sufficient cause for the water utility to discontinue water service to the property, as provided under paragraph 6 of this ordinance. If entry is refused, such representative shall obtain a special inspection warrant under s. 66.0199 of the Wisconsin Statutes.

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

(6) **DISCONTINUATION OF WATER FOR VIOLATION.** That the Village of New Auburn is hereby authorized and directed to discontinue water service to any property wherein any unprotected connection in violation of this 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, Wisconsin Statutes, except as provided in paragraph 7 of this ordinance. Water service to such property shall not be restored until the unprotected cross connection has been eliminated in compliance with the provisions of this ordinance.

(7) **EMERGENCY DISCONTINUANCE.** If it is determined by the Village of New Auburn that an unprotected cross connection or emergency endangers public health, safety or welfare and requires immediate action, and a written finding to that effect is filed with the Clerk of the Village of New Auburn 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. Water service to such property shall not be restored until the unprotected cross connection has been eliminated.

(8) That the Village of New Auburn adopts by reference the State Plumbing Code of Wisconsin, Wisconsin Administrative Code.

(14) WELL ABANDONMENT ORDINANCE

(A) PREAMBLE

WHEREAS, Ch. NR 111, Wisconsin Administrative Code, directs suppliers of water for municipal water systems to require the abandonment of all unused, unsafe or noncomplying wells located on the premises serviced by their system, by local ordinance or water utility rule to prevent such wells as acting as channels for contamination or vertical movement of water and to eliminate all existing cross connections and prevent all future cross connections.

NOW THEREFORE, the Village of New Auburn of Chippewa and/or Barron County, Wisconsin, does ordain as follows:

(1) **Purpose.** To prevent contamination of groundwater and to protect public health, safety and welfare by assuring that unused, unsafe or noncomplying wells or wells which may serve as conduits for contamination or wells which may be illegally cross connected to the municipal water system, are properly abandoned.

(2) **Applicability.** This ordinance applies to all wells located on premises served by the Village of New Auburn municipal water system.

(3) Definitions

a. "Municipal water system" means a system for the provision to the public of piped water for human consumption when such system has at least 15 service connections or regularly serves at least 25 year-round residents owned or operated by a city, village, county, town, town sanitary district, utility district or public institution as defined in s. 49.10(12)(f)1, Wisconsin Statutes, or a privately owned water utility serving any of the above.

b. "Noncomplying" means a well or pump installation which does not comply with the provisions of Ch. NR 112, Wisconsin Administrative Code, in effect at the time the well was constructed, a contamination source was installed, the pump was installed or work was done on either the well or pump installation.

c. "Pump installation" means the pump and related equipment used for withdrawing water from a well including the discharge piping, the underground connections, pitless adapters, pressure tanks, pits, sampling faucets and well seals or caps.

#17-02
ORDINANCE OF THE VILLAGE OF NEW AUBURN
TO AMEND SECTION 15.03(14)
WITH WELL ABANDONMENT AND PERMIT ORDINANCE

The Village Board of the Village of New Auburn, do hereby ordain as follows:

Section 1: Village of New Auburn Ordinance Section 15.03(14) hereby amended to read as follows:

(14) WELL ABANDONMENT AND PERMIT ORDINANCE

(A) PREAMBLE

WHEREAS, s. NR 810.16, Wisconsin Administrative Code, directs suppliers of water for municipal water systems, to implement a local well regulation program requiring proper abandonment of unused, unsafe or noncomplying wells located on premises served by the municipal water system, and to provide permits for retention of safe, code-complying wells by local ordinance or water utility rule, in order to prevent all unused, unsafe, and noncomplying wells from becoming safety hazards or channels for contamination of aquifers, and to prevent illegal cross connections with the municipal system.

NOW THEREFORE, the Village of New Auburn of Chippewa and Barron County, Wisconsin, does ordain as follows:

(1) Purpose. To protect public health, safety and welfare and to prevent contamination of water supplies 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 properly filled-and-sealed.

(2) Applicability. This ordinance applies to all wells located on premises served by the Village of New Auburn municipal water system.

(3) Definitions

a. "Municipal water system" means a community water system owned by a city, village, county, town, town sanitary district, utility district or public institution, or a privately-owned water utility serving the foregoing.

b. "Noncomplying" means a well or pump installation which does not comply with the provisions of s. NR 812.42, Wisconsin Administrative Code, Standards for Existing Installations, and which has not been granted a variance pursuant to s. NR 812.43 Wisconsin Administrative Code.

c. "Pump installation" means the pump and related equipment used for withdrawing water from a well, including the discharge piping, the underground connections, pitless adapters, pressure tanks, pits, sampling faucets and well seals or caps.

d. "Served by" means any property having a water supply pipe extending onto it which is connected to the municipal water system.

e. "Unsafe" means a well or pump installation which produces water which is bacteriologically contaminated or contaminated with other substances exceeding the drinking water standards of chs. NR 140 and 809, Wisconsin Administrative Code, or for which a Health Advisory has been issued by the Department of Natural Resources.

d. "Unsafe" means a well or pump installation which produces water which is bacteriologically contaminated or contaminated with substances in exceedance of the standards of Ch. NR 109 or 140, Wisconsin Administrative Code, or for which a Health Advisory has been issued by the Department of Natural Resources.

e. "Unused" means a well or pump installation which is not in use or does not have a functional pumping system.

f. "Well" means an excavation or opening into the ground made by digging, boring, drilling, driving, or other methods for the purpose of obtaining groundwater for consumption or other use.

g. "Well Abandonment" means the filling and sealing of a well according to the provisions of Ch. NR 112, Wisconsin Administrative Code.

(4) **Abandonment Required.** All wells located on premises served by the municipal water system shall be abandoned in accordance with the terms of this ordinance and Ch. NR 112, Wisconsin Administration Code no later than 1 year from the date of connection to the municipal water system whichever occurs last, unless a well operation permit has been obtained by the well owner from the Village of New Auburn.

(5) **Well Operation Permit.** The Village of New Auburn may grant a permit to a private well owner to operate a well for a period not to exceed 5 years providing the conditions of this section are met. An owner may request renewal of a well operation permit by submitting information verifying that the conditions of this section are met. The Village of New Auburn, or its agent, may conduct inspections or have water quality tests conducted at the applicant's expense to obtain or verify information necessary for consideration of a permit application or renewal. Permit applications and renewals shall be made on forms provided by the Clerk. The following conditions must be met for issuance or renewal of a well operation permit:

a. The well and pump installation meet or are upgraded to meet the requirements of Ch. NR 112, Wisconsin Administrative Code.

b. The well construction and pump installation have a history of producing bacteriologically safe water as evidenced by at least 2 samplings taken a minimum of 2 weeks apart. No exception to this condition may be made for unsafe wells, unless the Department of Natural Resources approves, in writing, the continued use of the well.

c. There are no cross connections between the well and pump installation and the municipal water system, and

f. "Unused" well means one which does not have a functional pumping system or other complying means of withdrawing water.

g. "Well" means a drill hole or other excavation or opening deeper than it is wide that extends more than 10 feet below the ground surface constructed for the purpose of obtaining groundwater.

h. "Well Abandonment" means the proper filling-and-sealing or decommissioning of a well according to the provisions of s. NR 812.26, Wisconsin Administrative Code.

(4) Well Abandonment Required. All wells located on premises served by the municipal water system shall be properly filled-and-sealed in accordance with the terms of this ordinance and Wisconsin Administration Code no later than 1 year from the date of connection to the municipal water system, or discovery or construction of a well, unless a valid well operation permit has been issued to the well owner from the Village of New Auburn under terms of Section 5 of this ordinance.

(5) Well Operation Permit. Owners of wells on premises served by the municipal water system shall make application for a well operation permit for each well no later than 90 days after connection to the municipal water system or date of discovery of a well. The Village of New Auburn may grant a permit to a private well owner to operate a well, if the premises is **not** served by the Municipal Water System of the Village of New Auburn, for a period not to exceed 5 years providing all conditions of this section are met. An owner may request renewal of a well operation permit by submitting an application verifying that the conditions of this section are met. The Village of New Auburn, or its agent, may conduct inspections and water quality tests or require inspections and water quality tests to be conducted at the applicant's expense to obtain or verify information necessary for consideration of a permit application or renewal. Permit applications and renewals shall be made on forms provided by the Clerk. Applications must be accompanied by a fee. See Appendix E, Fee Schedule. No fee is required if not established in Appendix E.

The following conditions must be met for issuance or renewal of a well operation permit:

a. The well and pump installation shall comply with the *Standards for Existing Installations* described in s. NR 812.42 Wisconsin Administrative Code, or repaired to comply with current standards. Compliance shall be verified by inspection for initial issuance of a permit and every 10 years thereafter. Inspections shall be conducted by a Wisconsin licensed well driller or pump installer and documented on inspection report from DNR #3300-221, to be submitted to the Clerk.

b. The well and pump shall have a history of producing safe water evidenced by a certified lab report for at least one coliform bacteria sample collected within prior 30 days, and submitted to the Clerk. In areas where the Department of Natural Resources (DNR) has determined that groundwater aquifers are contaminated with substances other than bacteria, additional chemical test may be required to document the safety of the water.

c. There shall be no cross connections or interconnection between the well's pump installation or distribution piping and the municipal water system, unless approved by the utility and DNR.

d. The water from the private well shall not discharge into a drain leading directly to a public sewer utility unless properly metered and authorized by the sewer utility.

e. The private well shall have a functional pumping system or other complying means of withdrawing water.

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

(6) No new wells may be drilled in the Village of New Auburn if the premises are served by the Municipal Water System of the Village of New Auburn.

(7) Well Filling-and-Sealing Procedures

a. All wells abandoned under the jurisdiction of this ordinance shall be filled-and-sealed according to the procedures of s. NR 812.26, Wisconsin Administrative Code. All debris, pump, piping, unsealed liners and any other obstructions which may interfere with sealing operations shall be removed prior to abandonment.

b. All well filling-and-sealing under jurisdiction of this ordinance shall be performed by, or under the supervision of, a Certified Water System Operator employed by the Village of New Auburn, or by a Wisconsin licensed Well Driller or Pump Installer, per s. 280.30 Wisconsin Statutes.

c. The owner of the well, or the owner's agent, shall notify the Clerk at least 48 hours in advance of any well abandonment activities. The abandonment of the well shall be observed or verified by personnel of the Village of New Auburn.

ADD
d. A well filling-and-sealing report form DNR#3300-005 supplied by the Department of Natural Resources, shall be submitted by the well owner to the Clerk and the Department of Natural Resources within 30 days of the completion of the well abandonment.

(8) Penalties. Any well owner violating any provision of this ordinance shall upon conviction be punished by forfeiture of not less than \$10.00 nor more than \$200.00 and the cost of prosecution. Each day of violation is a separate offense. If any person fails to comply with this ordinance for more than 30 days after receiving written notice of the violations, the Village of New Auburn may impose a penalty and cause the well abandonment to be performed and the expense to be assessed as a special tax against the property.

Section 2: This amendment to existing ordinances shall be effective upon passage and publication as provided by Law.

Passed by the Village Board, New Auburn, Wisconsin this 8th day of June, 2017.

Village of New Auburn by:

Donna Bischel
Donna Bischel, Village President

Attest:

Peggy Stanford
Peggy Stanford, Village Clerk/Treasurer

Adoption 6-8-17

Publication 6-14-17

d. The proposed use of the well and pump installation can be justified as being necessary in addition to water provided by the municipal water system.

(6) No new wells may be drilled in the Village of New Auburn if the premises are served by the Municipal Water System of the Village of New Auburn.

(7) Abandonment Procedures

a. All wells abandoned under the jurisdiction of this ordinance or rule shall be abandoned according to the procedures and methods of Ch. NR 112, Wisconsin Administrative Code. All debris, pump, piping, unsealed liners and any other obstructions which may interfere with sealing operations shall be removed prior to abandonment.

b. The owner of the well, or the owner's agent, shall notify the Clerk at least 48 hours prior to commencement of any well abandonment activities. The abandonment of the well shall be observed by the Village of New Auburn.

c. An abandonment report form, supplied by the Department of Natural Resources, shall be submitted by the well owner to the Clerk and the Department of Natural Resources within 10 days of the completion of the well abandonment.

(8) Penalties. Any well owner violating any provision of this ordinance shall upon conviction be punished by forfeiture of not less than \$10.00 nor more than \$200.00 and the cost of prosecution. Each day of violation is a separate offense. If any person fails to comply with this ordinance for more than 10 days after receiving written notice of the violations, the Village of New Auburn may impose a penalty and cause the well abandonment to be performed and the expense to be assessed as a special tax against the property.

(15) DAMAGE RECOVERY. The Utility shall have the right of recovery from all persons, of any expense incurred by said Utility for the repair or replacement of any water pipe, curb stop, gate valve, hydrant, or valve box damaged in any manner by any person by 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 Utility will not be responsible for the damage due the motor vehicle by reason of such accident.

(16) PENALTIES. Any person who shall violate any of the provisions of this ordinance or rules or regulations of the Village of New Auburn; or who shall connect a service pipe without first having obtained a permit therefore; 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 \$10 nor more than \$200 and the costs of prosecution.

(17) CHARGES ARE A LIEN ON PROPERTY. All water services, charges and special assessments shall be a lien on a lot, part of a lot, or land on which water services were supplied. All sums which have accrued during the preceding year, and which are unpaid by the first day of October of any year, shall be certified to the Village Clerk to be placed on the tax roll for collection as provided by Section 66.069(1) of Wisconsin Statutes.

(18) ADOPTION OF OTHER RULES. There is hereby adopted all the rules and regulations of the State Plumbing and State Building Codes and the building rules of the Department of Industry, Labor and Human Relations; and the Department of Natural Resources of the State of Wisconsin as the same are amended from time-to-time, insofar as the same are applicable to the Village of New Auburn.

(19) SEVERABILITY. If any section, subsection, sentence, clause, or phrase of the ordinance is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of the ordinance. The Village Board hereby declares that it would have passed this ordinance and section, subsection, clause, and phrase thereof, irrespective of the fact that any one or more section, subsection, sentence, clause, and phrase be declared unconstitutional.

15.04 SEWER UTILITY CREATION - RULES AND REGULATIONS

(1) MAINTENANCE OF SERVICES

(A) The utility shall maintain sewer service within the limits of the Village from street main to the property line and including all controls between the same, without expenses to the property owner, except when they are damaged as a result of negligence or carelessness on the part of the property owner, a tenant, or an agent of the owner in which case they will be repaired at the expense of the property owner. All sewer services from the point of maintenance by the system to and throughout the premises must be maintained free of defective conditions, by and at the expense of the owner or occupant of the property.

(B) For purposes of allocating maintenance responsibility under subsection (A), in the event maintenance is required to the lateral between the sewer main and the building or dwelling, the property owner shall have the duty to determine and ascertain to a reasonable degree of certainty whether the maintenance or repair is required on the Village's side of the property line or the owner's side of the property. After said determination is made, the maintenance or repairs shall be remedied in accordance with subsection (A).

(2) IMPROPER USE

(A) It shall be unlawful for any person to willfully injure the sewer system, or any building, machinery, or fixture, pertaining thereto; or, to willfully and without authority of the Village, bore or otherwise cause to leak, any tunnel, aqueduct, reservoir, pipe or other thing used in the system for holding, conveying, or collecting sewage.

(3) DAMAGE RECOVERY. The system shall have the right of recovery from all persons, any expense incurred by said system for the repair or replacement of any sewer pipe damaged in any manner by any person by the performance of any work under their control, or by any negligent act.

(4) PENALTIES. Any person who shall violate any of the provisions of this ordinance or rules or regulations of the Village Board of the Village of New Auburn; or who shall connect a service pipe without first having obtained a permit therefore; 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 \$10 nor more than \$200 and the costs of prosecution.

(5) VACATING OF PREMISES AND DISCONTINUANCE OF SERVICE. Whenever premises served by the system are to be vacated, or whenever any person desires to discontinue service from the system; the system must be notified in writing. The owner of the premises shall be liable for any damages to the property or such damage which may be discovered having occurred to the property of the system other than through the fault of the system or its employees, representatives, or agents.

(6) CHARGES ARE A LIEN ON PROPERTY. All sewer services, charges and special assessments shall be a lien on a lot, part of a lot, or land on which sewer services were supplied. All sums which have accrued during the preceding year and which are unpaid by the first day of October of any year, shall be certified to the Village Treasurer to be placed on the tax roll for collection as provided by Wisconsin Statutes, including 66.069 Wis. Stats. and 66.076(7) Wis. Stats.

(7) UNIT OF SERVICE DEFINITION. A unit of service shall consist of any residential, commercial, industrial, or charitable aggregation of space or area occupied for a distinct purpose such as a residence, store, office, industrial plant, church, or school. Each unit of service shall be regarded as one consumer. If there are five (5) or more suites or apartments in the aggregation of space, each suit or apartment shall be classified as a unit of service for purposes of determining the UCF. In mobile home parks, each mobile home unit within the park will be considered as a separate unit of service, for purposes of determining the UCF. When a consumer's premises has several buildings, for which services are eligible and such buildings are used in the same business and connected by the user, the Village shall set a separate rate for such complex.

(8) **ADOPTION OF OTHER RULES.** There is hereby adopted all the rules and regulations of the State Plumbing and State Building code and the building rules of the Department of Industry, Labor and Human Relations; and the Department of Natural Resources of the State of Wisconsin insofar as the same are applicable to the Village of New Auburn. All extensions of the system will comply with administrative rules NR 108 and NR 110 of the Department of Natural Resources.

15.04(8)(A) Created #16-04 TID charge (See next pg)

(9) **SEVERABILITY.** If any section, subsection, sentence, clause or phrase of the ordinance is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of the ordinance. The Village Board hereby declares that it would have passed this ordinance and section, subsection, clause and phrase thereof, irrespective of the fact that any one or more sections, subsection, sentence, clause, and phrase be declared unconstitutional.

15.05 SERVICE BILLING AND CONNECTIONS

(1) **BILLING.** All charges and procedures for furnishing water and meter rental and collecting the same shall be as set forth in the pertinent rate schedules and orders approved by the Public Service Commission, which current schedules and orders shall be available for inspection in the Village Clerk's office.

(2) **SERVICE CONNECTIONS.** Any person desiring the service of a Utility shall make application and pay fee therefor upon forms provided by the Utility. Upon the payment of a fee of \$1.00 and Village approval, the Clerk shall issue the permit. For sewer and water connections, the permit shall show the location of the tap and such other information as may be necessary to properly record the location of the tap. All connections shall be inspected by the Village Board's designee and the permit returned to the Clerk for filing. Connection charges for such utility shall be determined by the Village Board by resolution or order as set forth in the Public Service Commission rate order.

15.06 METERS. All persons taking water from the Village system shall receive the same through a meter installed and paid for by the Village of New Auburn. All meters shall be placed and connected by the Water Utility and the owner of the premises shall pay the standard price fixed by the Public Utilities Commission for such connection. All meters shall be placed in the basement of the building where the service enters the same. Where there is no basement, the meter must be placed indoors to prevent freezing.

15.07 FIRE HYDRANTS. All fire hydrants shall be under the control of the Village Board who shall be responsible for their condition. No person in the Village shall be permitted to use or take any water from any public hydrant for private use unless such person shall have first received a permit signed by the Village Board permitting the use of water from the hydrant for that purpose.

#16-04
ORDINANCE OF THE VILLAGE OF NEW AUBURN
TO CREATE SECTION 15.04(8)(A)
TAX INCREMENTAL DISTRICT CHARGE
WITH RESPECT TO SEWER UTILITY CREATION –ADOPTION OF OTHER RULES

The Village Board of the Village of New Auburn, do hereby ordain as follows:

Section 1: Village of New Auburn Ordinance Section 15.04(8)(A) is hereby created and shall read as follows:

15.04(8)(A) Tax Incremental District Charge

(1) A Tax Incremental District (“TID”) charge is hereby imposed upon the Village for the costs of the East St. Lift Station (“the Project”) which are allocable to improvements undertaken which benefit the Village Tax Incremental District No. 1. The charge imposed upon the Village and allocable to Tax Incremental District No. 1 for the Project is 100% of the total principal and interest payments plus the debt coverage requirements of the loan to construct the Project. The estimated maximum annual charge for said project is expected to be \$15,000. This utility charge may be modified by paragraph (2) of this section.

(2) Additional TID charge: An additional TID Charge is hereby imposed under the following conditions: If the life of the loan for a project exceeds the legal life of the Village TID No. 1, the Village reserves the right to charge said TID, during the life of the TID, for payments which will become due and payable after the TID has expired, for principal and interest payments allocable to the project.

(3) Billing TID: The TID charge shall be billed to the Village semi-annually, approximately six weeks prior to the debt service date(s). The payment shall be made from the TID within twenty days of billing to the New Auburn Municipal Sewer Utility. This obligation shall only apply to the debt costs incurred and due for the Project. Upon final debt service payment by the sewer utility for the Project then this ordinance Section 15.04(8)(A) shall be repealed.

Section 2: Severability.

If any provision of this Ordinance is found invalid or unconstitutional, or if the application of this Ordinance to any person or circumstances is invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the other provisions or application of this Ordinance which can be given effect without the invalid or unconstitutional provision or application.

Section 3: This amendment to existing ordinances shall be effective upon passage and publication as provided by Law.

15.08 PLUMBING. All plumbing and all connections to the sanitary sewer system, and all rain water connections to the Village of New Auburn Sanitary Sewer System, including roof drains, cistern overflows, building foundation drains, and all other types of connections, shall conform to the Wisconsin State Plumbing Code which is hereby made by reference a part of this chapter.

15.09 LIABILITY. The Village shall not be liable for any disruption of water or sewer service.

15.10 GAS UTILITY REGULATIONS. Every gas utility operating in the Village of New Auburn shall comply with Chapter PSC135, Wisconsin Administrative Code, which is adopted by reference and made a part of this chapter.

15.11 GRANTING PERMISSION TO NORTHERN STATES POWER CO. AND TO CHIPPEWA VALLEY ELECTRIC COOPERATIVE

(1) The Village of New Auburn, Chippewa and/or Barron County, Wisconsin, does hereby grant to Northern States Power Company and to Chippewa Valley Electric Cooperative certain Franchises and Easements for electric utility purposes. Such Franchise and Easements for utilities are set forth in Appendix N.

(2) There is also granted to said grantee its successors and assigns, permission and authority to trim all trees and shrubs in the streets, alleys and public grounds of said Village interfering with the proper erection and maintenance of any poles, cables, wires, or any other fixtures or appliances installed or to be installed in pursuance of the authority hereby granted, provided, that said grantee shall keep said Village harmless from any liability, cost, or damage, by reason of the authority hereby granted in this Section.

(3) The grantee agrees to furnish twenty four (24) hour electrical service in conformity with the rules, regulations and standards of the Railroad Commission of the State of Wisconsin and distribute electrical energy to public and private consumers within the corporate limits of the Village at rates to be established from time-to-time by the Railroad Commission of Wisconsin.

(4) The grantee shall have full right and authority to assign to any person, firm, or corporation all the rights conferred upon it by this ordinance provided that the assignee of such rights, by accepting to the terms and provisions of this ordinance.

15.12 GRANTING PERMISSION TO NATURAL GAS DISTRIBUTORS, INC.

(1) The Village of New Auburn does hereby grant to Natural Gas Distributors, Inc., a corporation organized and existing under the laws of the State of Wisconsin, its successors and assigns, upon the conditions hereinafter set forth, the exclusive right, authority and permission to construct, maintain, operate, enlarge and repair in said Village a system for the furnishing and distribution of gas and gaseous fuels, and to use the streets, alleys, lanes, boulevards, parks, public ways, public grounds and bridges in said Village for constructing, maintaining, operating, enlarging and repairing its transmission and distribution pipe lines with all the necessary, usual or convenient manholes, valves, passageways and appurtenances for the purpose of supplying and selling gas and gaseous fuels to said Village and its inhabitants and to any building, structure, factory, processing plant, industry or public or private house or other gas user therein.

(2) Provided, however, that this franchise is granted subject to such reasonable rules and regulations as the Village Board of said Village may by ordinance from time-to-time prescribe, and is further subject to all general provisions of statutory laws in force and applicable thereto, and to the legal orders, rules and regulations of the Public Service Commission of Wisconsin, and to such reasonable rules and regulations respecting the use of said streets, highways, public ways, alleys and bridges, and the construction, maintenance and operation of such gas and transmitting system as the public bodies of the State of Wisconsin, having authority under the law, may from time-to-time enact.

15.13 PENALTY. Any person who shall violate any provision of this chapter or rules, regulations, or orders adopted hereunder for which a specific penalty is not adopted, shall be subject to the penalty provided in Section 1.05 of this code. Each violation and each day a violation continues or occurs shall constitute a separate offense. This section shall not preclude the Village from maintaining any appropriate action to prevent or remove a violation of this chapter.

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