

# TITLE 9

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## **Public Utilities**

- Chapter 1**      Water Utility Regulations and Rates
- Chapter 2**      Sewer Utility Regulations and Rates
- Chapter 3**      Identity Theft Prevention Program



# Title 9 ▶ Chapter 1

## Water Utility Regulations and Rates

### Article A

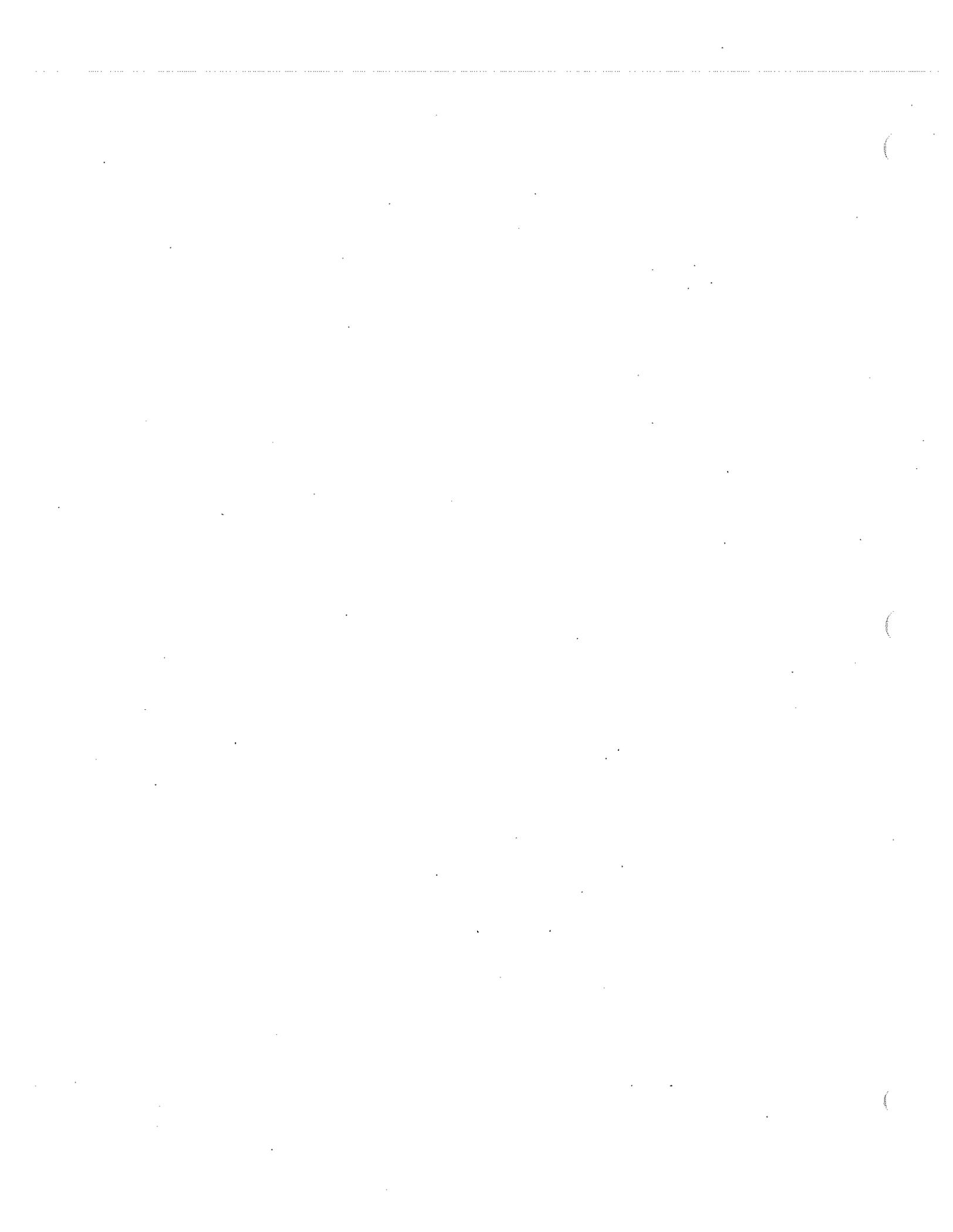
### Rates

- 9-1-1 Public Fire Protection Service—Fd-1
- 9-1-2 Public Fire Protection—F-1
- 9-1-3 General Service—Metered—Mg-1
- 9-1-4 General Service—Suburban—Mg-2
- 9-1-5 General Water Service—Unmetered—Ug-1
- 9-1-6 Public Service—Mpa-1
- 9-1-7 Reconnection Charges—R-1
- 9-1-8 Building and Construction Water Service—Mz-1
- 9-1-9 Seasonal, Emergency or Temporary Service—Mgt-1
- 9-1-10 Bulk Water—BW-1
- 9-1-11 Private Fire Protection Service—Unmetered—Upf-1
- 9-1-12 Water Lateral Installation Charge—Cz-1
- 9-1-13 Additional Meter Rental Charge—Am-1
- 9-1-14 Other Charges—Oc-1
- 9-1-15 through
- 9-1-19 Reserved for Future Use

### Article B

### Rules and Regulations

- 9-1-20 Compliance with Rules
- 9-1-21 Establishment of Service
- 9-1-22 Reconnection of Service
- 9-1-23 Temporary Metered Service, Meter and Deposits
- 9-1-24 Water for Construction
- 9-1-25 Use of Hydrants
- 9-1-26 Operation of Valves and Hydrants; Unauthorized  
Use of Water; Penalty
- 9-1-27 Refunds of Monetary Deposits
- 9-1-28 Service Laterals
- 9-1-29 Service Piping for Meter Settings



<b>9-1-30</b>	Turning on Water
<b>9-1-31</b>	Failure to Read Meters
<b>9-1-32</b>	Complaint Meter Tests
<b>9-1-33</b>	Thawing Frozen Service Laterals
<b>9-1-34</b>	Curb Stop Boxes
<b>9-1-35</b>	Installation of Meters
<b>9-1-36</b>	Repairs to Meters
<b>9-1-37</b>	Replacement and Repair of Service Laterals
<b>9-1-38</b>	Abandonment of Service
<b>9-1-39</b>	Charges for Water Wasted Due to Leaks
<b>9-1-40</b>	Inspection of Premises
<b>9-1-41</b>	Deposits for Residential Service
<b>9-1-42</b>	Deposits for Nonresidential Service
<b>9-1-43</b>	Deferred Payment Agreement
<b>9-1-44</b>	Dispute Procedures
<b>9-1-45</b>	Disconnection and Refusal of Service
<b>9-1-46</b>	Collection of Overdue Bills
<b>9-1-47</b>	Surreptitious Use of Water
<b>9-1-48</b>	Vacation of Premises
<b>9-1-49</b>	Repairs to Mains
<b>9-1-50</b>	Duty of Water Utility with Respect to Safety of the Public
<b>9-1-51</b>	Handling Water Mains and Service Laterals in Excavation Trenches
<b>9-1-52</b>	Protective Devices
<b>9-1-53</b>	Water Main Extension Rules
<b>9-1-54</b>	Water Main Installations in Platted Subdivisions
<b>9-1-55</b>	Cross Connection Control
<b>9-1-56</b>	Private Well Abandonment; Well Operation Permit



## Article A: Rates

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

(a) **Billing for Public Fire Protection.**

- (1) Under Sec. 196.03(3)(b), the Village of Rio has chosen to have the utility bill the retail general service customers for public fire protection service.
- (2) This service shall include the use of hydrants for fire protection service only and such quantities of water as may be demanded for the purpose of extinguishing fires within the service area. This service shall also include water used for testing equipment and training personnel. For all other purposes, the metered or other rates set forth, or as may be filed with the Public Service Commission, shall apply.

(b) **Quarterly Public Fire Protection Service Charges:** Shall be as prescribed in Section 1-3-1.

[**Note:** Customers who are provided service under Schedules Mg-1, Ug-1, Mgt-1 and Mz-1 shall also be subject to the charges in this Schedule F1-1.]

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

### **Sec. 9-1-2 Public Fire Protection—F-1.**

(a) **Annual Charge.** The annual charge for public fire protection service to the Village of Rio shall be as prescribed in Section 1-3-1.

(b) **Use of Hydrants for Fire Protection Service.** This service shall include the use of hydrants for fire protection service only and such quantities of water as may be demanded for the purpose of extinguishing fires within the service area. This service shall also include water used for testing equipment and training personnel. For all other purposes, the metered or other rates set forth, or as may be filed with the Public Service Commission, shall apply.

### **Sec. 9-1-3 General Service—Metered—Mg-1.**

(a) **Quarterly Service Charge:** Shall be as prescribed in Section 1-3-1.

(b) **Plus Volume Charge:** Shall be as prescribed in Section 1-3-1.

(c) **Billing.** Bills for water service are rendered quarterly and become due and payable on the first month following the period for which service is rendered. A late payment charge of three percent (3%) but not less than Fifty cents (\$0.50) will be added to bills not paid within twenty (20) days of issuance. This one-time three percent (3%) late payment charge shall be applied only to any unpaid balance for the current billing period's usage. This late payment charge is applicable to all customers. The Water Utility customer may be given a written notice that the bill is overdue no sooner than twenty (20) days after the bill is

**9-1-3**

issued, and unless payment or satisfactory arrangement for payment is made within the next ten (10) days, service may be disconnected pursuant to Chapter PSC 185, Wis. Adm. Code.

- (d) **Combined Metering.** Volumetric meter readings shall be combined for billing if the utility *for its own convenience* places more than one meter on a single water service lateral. Multiple meters placed for the purpose of identifying water not discharged into the sanitary sewer are *not* considered for utility convenience and shall not be combined for billing. This requirement does not preclude the utility from combining readings when metering configurations support such an approach. Meter readings from individually metered separate service laterals shall *not* be combined for billing purposes.

**Sec. 9-1-4 General Service—Suburban—Mg-2.**

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

**Sec. 9-1-5 General Water Service—Unmetered—Ug-1.**

- (a) **Rate.** Where the Water Utility cannot immediately install its water meter, service may be supplied temporarily on an unmetered basis. Such service shall be billed at the rate prescribed in Section 1-3-1 per quarter. This rate shall be applied only to single-family residential and small commercial customers and approximates the cost of twelve thousand (12,000) gallons per quarter under Mg-1. If it is determined by the Water Utility that usage is in excess of twelve thousand (12,000) gallons per quarter, an additional charge per Schedule Mg-1 will be made for the estimated additional usage.
- (b) **Billing.** Same as Schedule Mg-1.

**Sec. 9-1-6 Public Service—Mpa-1.**

- (a) Water service supplied to municipal buildings, schools, sewer treatment plants, etc., shall be metered and the regular metered service rates (Schedule Mg-1) applied.
- (b) Water used on an intermittent basis for flushing sewers, street sprinkling, flooding skating rinks, drinking fountains, etc., shall be metered where meters can be set to measure the service. Where it is impossible to measure the service, the Superintendent 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 prescribed in Section 1-3-1 per 1,000 gallons.
- (c) Billing shall be the same as Schedule Mg-1.

**Sec. 9-1-7 Reconnection Charges—R-1.**

Shall be as prescribed in Section 1-3-1.

**NOTE:** No charge for disconnection. Billing shall be as per Schedule Mg-1.

**Sec. 9-1-8 Building and Construction Water Service—Mz-1.**

- (a) For single-family and small commercial buildings, apply the unmetered service charge Ug-1.
- (b) For large commercial, industrial, or multiple apartment buildings, a temporary metered installation shall be made and general, metered rates (Mg-1) applied.
- (c) Billing shall be as per Schedule Mg-1.

**Sec. 9-1-9 Seasonal, Emergency or Temporary Service—Mgt-1.**

- (a) Seasonal customers\* shall pay an annual seasonal service charge equal to four (4) times the applicable service charge in Mg-1. Water use in any billing period shall be billed at the applicable volume rates in Schedule Mg-1 and the charge added to the annual seasonal service charge.
- (b) In addition, customers who have an additional meter pursuant to Schedule Am-1 shall also pay an annual seasonal rental charge equal to four (4) times the applicable additional meter rental charge in Schedule Am-1.
- (c) For disconnections of service not previously considered as seasonal, emergency, or temporary, if service is resumed at the same premises by the same customer within a twelve (12) month period, and if there has been no service to another customer during the intervening period, the customer shall be billed for the pro rata share of the applicable service charge for the period of disconnection.
- (d) Further, if service has been disconnected or a meter removed, a charge under Schedule R-1 shall be applied at the time of reconnection or meter reinstallation.
- (e) Billing shall be as per Schedule Mg-1.

\*Seasonal customers are general service customers whose use of water is normally for recurring periods of less than a year. This includes service under Schedule Mg-1 and/or Am-1.

**Sec. 9-1-10 Bulk Water—BW-1.**

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

**9-1-10**

- (b) Bulk water sales are:
  - (1) Water supplied by tank trucks or from hydrants for the purpose of extinguishing fires outside the Water Utility's immediate service area;
  - (2) Water supplied by tank trucks or from hydrants for purposes other than extinguishing fires, such as irrigation or the filling of swimming pools; or
  - (3) Water supplied from hydrants or other temporary connections for general service type applications. (Water supplied for construction purposes — see Schedule Mz-1).
- (c) A charge for the volume of water used will be billed to the party using the water as prescribed in Section 1-3-1 per 1,000 gallons. A service charge, in addition to the volumetric charge, will be as prescribed in Section 1-3-1. In addition, for meters that are assigned to bulk water customers for more than 30 days, the applicable service charge in Schedule Mg-1 will apply after the first 30 days.
- (d) The Water Utility may require reasonable deposits for the temporary use of its equipment under this and other rate schedules. The deposit(s) collected will be refunded upon return of the utility's equipment. Damaged or lost equipment will be repaired or replaced at the customer's expense.
- (e) Billing shall be as per Schedule Mg-1.

**Sec. 9-1-11 Private Fire Protection Service—Unmetered—Upf-1.**

- (a) **Service Charge Availability.** This service shall consist of unmetered connections to the main for the purpose of supplying water to private fire protection systems such as automatic sprinkler systems, standpipes and private hydrants. This service shall also include reasonable quantities of water used for testing check valves and other backflow prevention devices.
- (b) **Quarterly Private Fire Protection Service Demand Charges.** Quarterly demand charges for private fire protection service shall be as prescribed in Section 1-3-1.
- (c) **Billing.** Same provisions as for Schedule Mg-1 service.

**Sec. 9-1-12 Water Lateral Installation Charge—Cz-1.**

- (a) Subdivision developers shall be responsible, where the main extension has been approved by the Water Utility, for the water service lateral installation costs from the main through the curb stop and box.
- (b) When the cost of a Water Utility main extension is to be collected through assessment by the municipality, 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.
- (c) The initial water service lateral(s) not installed as part of a subdivision development or an assessable Utility extension will be installed from the main through the curb stop and box by the Water Utility, for which the actual cost will be charged.

- (d) Billing shall be as prescribed in Schedule Mg-1.

### **Sec. 9-1-13 Additional Meter Rental Charge — Am-1.**

- (a) If a customer requests the installation of an additional meter\* to receive credit for clear water not discharged into the sanitary sewer system, or if a sewerage service customer who is not a customer of the Water Utility requests the installation of a meter to determine the volume of sewage discharged into the sanitary sewer system, the Utility shall furnish and install this additional meter. This rate applies to single-family residential and small commercial customers. At Utility discretion, it may also be applied to other customers. A rental fee shall be charged for the use of this meter and the rates prescribed in Section 1-3-1 shall apply.
- (b) Billing shall be as prescribed in Schedule Mg-1.

**Note:** For the Schedule Am-1 rate to apply, the additional meter must be installed on the same service lateral as the primary meter. Also, if the metering configuration is in the Addition Method, the Schedule Am-1 rate will apply only if the additional meter is 3/4 inch or less. If the additional meter is larger than 3/4 inch in the Addition Method, then Schedule Mg-1 rates apply to the primary meter and the additional meter as separate accounts.

### **Sec. 9-1-14 Other Charges—Oc-1.**

- (a) **Non-Sufficient Funds Charge.** A charge as prescribed in Section in 1-3-1 shall apply to the customer's account when a check rendered for utility service is returned for non-sufficient funds. This charge may not be in addition to, but may be inclusive of, other non-sufficient funds charge when the check was for payment of multiple services.
- (b) **Billing.** Same as Schedule Mg-1.

### **Sec. 9-1-15 through Sec. 9-1-19 Reserved for Future Use.**



## Article B: Rules and Regulations

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### **Sec. 9-1-20 Compliance with Rules.**

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

### **Sec. 9-1-21 Establishment of Service.**

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

**9-1-21**

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

**Sec. 9-1-22 Reconnection of Service.**

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

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

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

**Sec. 9-1-24 Water for Construction.**

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

**Sec. 9-1-25 Use of Hydrants.**

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

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

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

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

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

**Sec. 9-1-28 Service Laterals.**

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

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

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

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

### **Sec. 9-1-30 Turning on Water.**

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

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

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

**Sec. 9-1-32 Complaint Meter Tests.**

See Wis. Adm. Code, Chapter PSC 185.77.

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

See Wis. Adm. Code, Chapter PSC 185.88.

**Sec. 9-1-34 Curb Stop Boxes.**

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

**Sec. 9-1-35 Installation of Meters.**

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

**Sec. 9-1-36 Repairs to Meters.**

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

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

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

### **Sec. 9-1-38 Abandonment of Service.**

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

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

See Wis. Adm. Code, Chapter PSC 185.35.

### **Sec. 9-1-40 Inspection of Premises.**

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

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

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

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

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

See Wis. Adm. Code, Ch. 185.361.

**Sec. 9-1-43 Deferred Payment Agreement.**

See Wis. Adm. Code, Ch. 185.38.

**Sec. 9-1-44 Dispute Procedures.**

See Wis. Adm. Code, Ch. 185.39.

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

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

**DISCONNECTION NOTICE**

Dear Customer:

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

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

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

To avoid the inconvenience of service interruption and an additional charge of (amount) reconnection, *we urge you to pay the full arrears IMMEDIATELY AT 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 10 days.

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

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

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

### **Illness Provision**

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

### **Deferred Payment Agreements**

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

This time payment agreement will require:

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

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

(UTILITY NAME)

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

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

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

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

**Sec. 9-1-48 Vacation of Premises.**

When premises are to be vacated, the Water Utility shall be notified, in writing, at once, so that it may remove the meter and shut off the water supply at the curb stop. The owner of the premises shall be liable for prosecution for any damage to the property of the Water Utility. [See Abandonment of Premises, Section 9-1-38.]

**Sec. 9-1-49 Repairs to Mains.**

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

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

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

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

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

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

### **Sec. 9-1-52 Protective Devices.**

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

### **Sec. 9-1-53 Water Main Extension Rules.**

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

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

### **Sec. 9-1-54 Water Main Installations in Platted Subdivisions.**

- (a) Application for installation of water mains in regularly platted real estate development subdivisions shall be filed with the Water Utility.
- (b) If the developer, or a contractor employed by the developer, is to install the water mains (with approval of the Water Utility), the developer shall be responsible for the total cost of construction.
- (c) If the Water Utility or its contractor is to install the water mains, the developer shall be required to advance to the Water Utility, prior to the beginning of the construction, the total estimated cost of the extension. If the final costs exceed estimated costs, an additional billing will be made for the balance of the cost due. This balance is to be paid within thirty (30) days. If final costs are less than estimated, a refund of the overpayment will be made by the Water Utility.

## **Sec. 9-1-55 Cross Connection Control.**

- (a) **Purpose.** Chapters NR 810 and SPS 382, Wis. Adm. Code, require protection for the public water system from contamination due to backflow of contaminants through the water service connection. The Wisconsin Department of Natural Resources (WisDNR) requires the development and implementation of a comprehensive cross connection control program to effectively prevent the contamination of potable water systems.
- (b) **Definition of Cross Connection.** A "cross connection" is defined as any physical connection or arrangement between two (2) otherwise separate systems, one (1) of which contains potable water from the Village of Rio's public water system, and the other of which contains water from a private source, water of unknown or questionable safety, or steam, gases, or chemicals, whereby there may be a flow from one (1) system to the other, with the direction of flow depending on the pressure differential between the two (2) systems.
- (c) **Unprotected Cross Connections Prohibited.** No person, firm, or corporation may establish or maintain, or permit to be established or maintained, any unprotected cross connection. Cross connections shall be protected as required in SPS 382, Wis. Adm. Code.
- (d) **Inspection.** The Water Utility may inspect, or arrange for an inspection of, property served by the public water system for cross connections. As an alternative, the Water Utility may require a person, firm, or corporation who owns, leases, or occupies property to have their plumbing inspected, at their own expense, by a State of Wisconsin Certified Cross Connection Inspector/Surveyor. The frequency of inspections shall be established by the Water Utility in accordance with NR 810.15, Wis. Adm. Code. Any unprotected cross connections identified by the inspection shall be promptly corrected at the user's expense. Failure to promptly correct an unprotected cross connection shall be sufficient cause for the Water Utility to discontinue water service to the property, as provided under Subsection (g) below.
- (e) **Right of Entry.** Upon presentation of credentials, a representative of the Water Utility shall have the right to request entry, at any reasonable time, to a property served by a connection to the public water system for the purpose of inspecting the property for cross connections. Refusing entry to such Water Utility representative shall be sufficient cause for the Water Utility to discontinue water service to the property, as provided under Subsection (g) below. If entry is refused, a special inspection warrant under Section 66.0119, Wis. Stats., may be obtained.
- (f) **Provision of Requested Information.** The Water Utility may request an owner, lessee, or occupant of property served by a connection to the public water system to furnish the Water Utility with pertinent information regarding the piping systems on the property. Refusing to provide requested information shall be sufficient cause for the Water Utility to discontinue water service to the property, as provided under Subsection (g) below.
- (g) **Discontinuation of Water for Violation.** The Water Utility may discontinue water service to any property wherein any unprotected connection in violation of this Section exists, and

take other precautionary measures deemed necessary to eliminate any danger of contamination of the public water system. Water service may be discontinued, however, only after reasonable notice and opportunity for hearing under Chapter 68, Wis. Stats., (Title 4 of this Code of Ordinances), except as provided in Subsection (h) below. Water service to such property shall not be restored until the unprotected cross connection has been eliminated.

- (h) **Emergency Discontinuance.** If it is determined by the Water Utility that an unprotected cross connection or emergency endangers public health, safety, or welfare, and requires immediate action, and if a written finding to that effect is filed with the Village Administrator and delivered to the customer's premises, water service may be immediately discontinued. The customer shall have an opportunity for hearing under Chapter 68, Wis. Stats., (Title 4 of this Code of Ordinances), within ten (10) days of such emergency discontinuance. Water service to such property shall not be restored until the unprotected cross connection has been eliminated.

## **Sec. 9-1-56 Private Well Abandonment; Well Operation Permit.**

- (a) **Purpose.** The purpose of this Section is to protect public health, safety and welfare, and to prevent contamination of groundwater by assuring that unused, unsafe or noncomplying wells, or wells which may be illegally cross-connected to the municipal water system, are properly maintained or abandoned.
- (b) **Applicability.** This Section applies to all wells located on premises served by the Village of Rio's municipal water system.
- (c) **Definitions.** The following definitions shall be applicable in this Section:
- (1) **Municipal Water System.** A community water system owned by a city, village, county, town, town sanitary district, utility district, public inland lake and rehabilitation district, municipal water district or a federal, state, county, or municipal-owned institution for congregate care or correction, or a privately-owned water utility serving the foregoing.
  - (2) **Noncomplying.** A well or pump installation which does not comply with NR 812.42, Wis. Adm. Code, "Standards for Existing Installations," and which has not been granted a variance pursuant to NR 812.43, Wis. Adm. Code.
  - (3) **Pump Installation.** The pump and related equipment used for withdrawing water from a well, including the discharge piping, the underground connections, pitless adapters, and pressure tanks, pits, sampling faucets and well seals or caps.
  - (4) **Served By.** Any property having a water supply pipe extending onto it which is connected to the municipal water system.
  - (5) **Unsafe.** A well or pump installation means one which produces water which is bacteriologically contaminated or contaminated with substances which exceed the

drinking water standards of NR 140 or 809, Wis. Adm. Code, or for which a Health Advisory has been issued by the Wisconsin Department of Natural Resources.

- (6) **Unused.** A well or pump installation that is one which is not used or does not have a functional pumping system.
  - (7) **Well.** A drillhole or other excavation or opening deeper than it is wide that extends more than ten (10) feet below the ground surface constructed for the purpose of obtaining groundwater.
  - (8) **Well Abandonment.** The proper filling and sealing of a well according to the provisions of NR 812.26, Wis. Adm. Code.
- (d) **Well Abandonment Required.** All wells on premises served by the municipal water system shall be properly abandoned (filled in and sealed) in accordance with Subsection (f) below by not later than one (1) year from the date of connection to the municipal water system, unless a valid well operation permit has been issued to the well owner by the Village of Rio Water Utility under the terms of Subsection (e) below.
- (e) **Well Operation Permit.** Owners of wells on premises served by the municipal water system wishing to retain their wells for any use shall make application for a well operation permit for each well no later than ninety (90) days after connection to the municipal water system. The Rio Village Board shall grant a permit to a well owner to operate a well for a period not to exceed five (5) years providing all conditions of this Section are met. A well operation permit may be renewed by submitting an application verifying that the conditions of this Section are met. The Rio Water Utility, or its agent, may conduct inspections and water quality tests or require inspections and water quality tests to be conducted at the applicant's expense to obtain or verify information necessary for consideration of a permit application or renewal. Permit applications and renewals shall be made on forms provided by the Village Administrator. All initial and renewal applications shall be accompanied by the required fee. The following conditions must be met for issuance or renewal of a well operation permit:
- (1) **Administrative Code Compliance.** The well and pump installation shall comply with the *Standards for Existing Installations* described in NR 812.42, Wis. Adm. Code, or repaired to comply with current standards. Compliance shall be verified by inspection for initial issuance of a permit and every ten (10) years thereafter. Inspections shall be conducted by a Wisconsin licensed well driller or pump installer and documented on inspection report form DNR #3300-221, to be submitted to the Village Administrator.
  - (2) **Testing.** The well and pump shall have a history of producing safe water evidenced by a certified lab report for at least one (1) coliform bacteria sample collected within the prior thirty (30) days, and submitted to the Village Administrator. In areas where the Wisconsin Department of Natural Resources has determined that groundwater aquifers are contaminated with substances other than bacteria, additional chemical tests may be required to document the safety of the water.

- (3) **Cross Connections Prohibited.** There shall be no cross connections or interconnections between the well's pump installation or distribution piping and the municipal water system; unless approved by the Water Utility and WisDNR.
  - (4) **Private Well Discharges.** The water from the private well shall not discharge into a drain leading directly to a public sewer utility unless properly metered and authorized by the sewer utility.
  - (5) **Functional Pumping System Requirement.** The private well shall have a functional pumping system or other complying means of withdrawing water.
  - (6) **Necessity Test.** The proposed use of the private well shall be justified as reasonable in addition to water provided by the municipal water system.
- (f) **Abandonment Procedures; Well Filling and Sealing.**
- (1) **Consistency With Administrative Code Requirements; Debris Removal.** All wells abandoned under the jurisdiction of this Section shall be done according to the procedures and methods of NR 812.26, Wis. Adm. Code. All debris, pumps, piping, unsealed liners, and any other obstructions which may interfere with sealing operations shall be removed prior to abandonment.
  - (2) **Abandonment Supervision.** All well filling and sealing under jurisdiction of this Section shall be performed by, or under the supervision of, a Certified Water System Operator employed by the Rio Water Utility or by a Wisconsin-licensed well driller or pump installer, per Sec. 280.30, Wis. Stats.
  - (3) **Notification of Abandonment Procedures.** The owner of the well, or the owner's agent, shall be required to obtain a well abandonment permit prior to any well abandonment and shall notify the Village Administrator or Water Utility at least forty-eight (48) hours in advance of any well abandonment activities. The abandonment of the well may be observed or verified by personnel of the municipal system.
  - (4) **Abandonment Report.** A well filling and sealing report form DNR #3300-005, supplied by the Wisconsin Department of Natural Resources, shall be submitted by the well owner to the Village Administrator and the Wisconsin Department of Natural Resources within thirty (30) days of the completion of the well abandonment.
- (g) **Penalties.** Any well owner violating any provision of this Section shall, upon conviction, be punished by forfeiture as prescribed in Section 1-1-6 and the cost of prosecution. Each day of violation is a separate offense. If any person fails to comply with this Section for more than ten (10) days after receiving written notice of the violation, the Village may impose a penalty and cause the well abandonment to be performed and the expense to be assessed as a special charge against the property.

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



## Title 9 ► Chapter 2

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# Sewer Utility Regulations and Rates

<b>9-2-1</b>	Purpose and Objectives
<b>9-2-2</b>	Definitions
<b>9-2-3</b>	Use of Village Sewer Required
<b>9-2-4</b>	Private Wastewater Disposal
<b>9-2-5</b>	Building Sewers and Connection to Sewers
<b>9-2-6</b>	Use of Village Sewers
<b>9-2-7</b>	Monitoring, Sampling and Reporting
<b>9-2-8</b>	Sewer Service Charges
<b>9-2-9</b>	Sewer Connection Charge
<b>9-2-10</b>	Audit
<b>9-2-11</b>	Disposition of Revenue
<b>9-2-12</b>	Violations and Penalties

### **Sec. 9-2-1 Purpose and Objectives.**

- (a) **Uniform Requirements.** This Chapter sets forth uniform requirements for discharging waters and wastes into the public wastewater facilities of the Village of Rio. This Chapter enables the Village to protect public health in conformity with administrative provisions, water quality requirements, and other discharge criteria required or authorized by local, state and federal law.
- (b) **Objectives.** The objectives of this Chapter are to:
- (1) Regulate the construction and use of public and private sewers and drains, and their disposal into the public sewerage system.
  - (2) Provide for annexations and connection to the public sewerage system.
  - (3) Provide a means of determining wastewater volumes, constituents, and characteristics, and to issue permits to certain users.
  - (4) Set limitations or restrictions on materials or characteristics of waste or wastewaters discharged to the wastewater facilities to prevent the introduction of pollutants into the wastewater treatment facilities that will interfere with the normal adequate treatment in the wastewater facilities, will pass through the system into the receiving waters, or contaminate the resulting municipal sludge.

- (5) Recover from users of the wastewater treatment on an equitable basis, the share of the wastewater facilities cost attributable to such users, and to provide funds for the operation and maintenance, debt retirement and replacement of the wastewater facilities.

## Sec. 9-2-2 Definitions.

- (a) **Chapter Definitions.** The following definitions shall be applicable in this Chapter:
  - (1) **Ammonia Nitrogen (NH<sub>3</sub>-N).** One of the oxidation states of nitrogen, in which nitrogen is combined with hydrogen in molecular form as NH<sub>3</sub> or in ionized form as NH<sub>4</sub><sup>+</sup>. Quantitative determination of ammonia nitrogen shall be made in accordance with procedures set forth in the most recent edition of Standard Methods.
  - (2) **Approving Authority.** The Rio Village Board or its duly authorized deputy, agent or representative, such as the Wastewater Treatment Plan Superintendent or Village Engineer.
  - (3) **Biochemical Oxygen Demand (BOD).** The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at twenty degrees Celsius (20°C), expressed in milligrams per liter or pounds.
  - (4) **Building Drain.** That part of the lowest horizontal piping of a drainage system which receives the discharge from the soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five (5) feet outside the inner face of the building wall. The property owner shall own and be responsible to maintain the building drain sewer.
  - (5) **Category A.** Those sanitary sewer users who discharge wastewater with concentrations of BOD and suspended solids no greater than 250 mg/l.
  - (6) **Category B.** Those sanitary sewer users who discharge wastewater with concentrations of BOD and/or suspended solids greater than 250 mg/l.
  - (7) **Category C.** Those sanitary sewer users who discharge sewage with concentrations of BOD<sup>5</sup> and/or suspended solids greater than 400 mg/l.
  - (8) **Building Sewer.** The extension from the building drain to the public sewer or other place of disposal. The building sewer shall begin five (5) feet outside the inner face of the building wall. The property owner shall own and be responsible to maintain the building drain sewer.
  - (9) **Combined Sewer.** A sewer designed to receive both wastewater and stormwater or surface water.
  - (10) **Commercial User.** Any user whose premises are used primarily for the conduct of a profit-oriented enterprise in the fields of construction, wholesale or retail trade, finance, insurance, real estate or services, and who discharges primarily normal domestic sewage. This definition shall include multifamily residences having three (3) or more units served by a single meter.

- (11) **Compatible Pollutant.** BOD, SS, pH or fecal coliform bacteria, chemical oxygen demand, phosphorus and phosphorus compounds, or nitrogen and nitrogen compounds, plus additional pollutants identified in the Wisconsin Pollution Discharge Elimination System Permit (WPDES) issued to the Village of Rio for their wastewater facilities provided that such facility was designed to treat such pollutants and, in fact, does remove such pollutants to a substantial degree.
- (12) **Composite Sample (24 Hours).** The combination of individual samples taken at intervals of not more than one (1) hour.
- (13) **Debt Service.** Costs to the Village of Rio for the retirement of debts.
- (14) **Easement.** An acquired legal right for the specific use of land owned by others.
- (15) **Excessive.** In such magnitude that, in the judgment of the Village, it will cause damage to any facility; will be harmful to the wastewater facilities to the degree required to meet the requirements of the WPDES permit; can otherwise endanger life, limb, or public property; and/or can constitute a public nuisance.
- (16) **Floatable Oil.** Oil, fat or grease in a physical state such that it will separate by gravity from wastewater by treatment in an approved facility.
- (17) **Flow Proportional Sample.** A sample taken that is proportional to the volume of flow during the sampling period.
- (18) **Garbage.** The residue from the preparation, cooking and dispensing of food, and from the handling, storage, and sale of food products and produce.
- (19) **High-Strength Wastewater.** "High-strength wastewater" is defined as wastewater in which BOD, SS, nitrogen, or phosphorus concentrations exceed domestic strength wastewater. If any waters or wastes are discharged or proposed to be discharged to the public sewers serving the Village of Rio, which waters or waste contain high-strength wastewater and which in the judgment of the approving authority may have deleterious effect(s) upon the sewerage works, processes, equipment or receiving waters, or which otherwise create a hazard to life, health, public safety, or constitute a public nuisance, depending on which component may be in excess, the approving authority may:
  - a. **Total Phosphorus.**
    1. If the total phosphorus strength of the wastewater is between 7 and 15 mg/L, require payment to cover the added costs of handling and treating the waste not covered by existing taxes or sewer charges.
    2. If the total phosphorus strength of the wastewater is between 15 and 20 mg/L, require pretreatment to an acceptable limit for discharge to the public sewers.
    3. If the total phosphorus strength of the wastewater is greater than 20 mg/L, reject the waste.
  - b. **Total Biochemical Oxygen Demand (BOD).** If the BOD strength of the wastewater is over 220 mg/L, require payment to cover the added costs of handling and treating the waste not covered by existing taxes or sewer charges.

- c. **Total Suspended Solids (SS).** If the total SS strength of the wastewater is over 200 mg/L, require payment to cover the added costs of handling and treating the waste not covered by existing taxes or sewer charges.
  - d. **Total Kjeldahl Nitrogen (TKN).** If the total TKN strength of the wastewater is over 75 mg/L, require payment to cover the added costs of handling and treating the waste not covered by existing taxes or sewer charges.
- (20) **Incompatible Pollutants.** Wastewater with pollutants that will adversely affect or disrupt the quality of wastewater treatment if discharged to a wastewater treatment facility.
- (21) **Industrial User.** Any nongovernmental, nonresidential user of the public sewer system which discharges more than the equivalent of twenty-five thousand (25,000) gallons per day of sanitary wastes and which is further defined in NR 110.03, Wis. Adm. Code. In determining the amount of the user's discharge, domestic wastes may be excluded.
- (22) **Industrial Waste.** Any solid, liquid, or gaseous substance discharged, permitted to flow or escaping from any industrial, manufacturing, commercial or business establishment or process or from the development, recovery or processing of any natural resources, as distinct from sanitary sewage.
- (23) **Major Contributing Industry.** An industrial or commercial facility that is a discharger to the Village wastewater facilities and:
  - a. Has a waste discharge of twenty-five thousand (25,000) gallons or more per average work day;
  - b. Has a waste discharge flow greater than five percent (5%) of the flow carried by the Village system;
  - c. Has in its waste, a toxic pollutant in amounts defined in NR 215, Wis. Adm. Code;
  - d. Has a waste which the Village or WisDNR determines has, or in the case of a new source, will have a significant impact either singularly or in combination with other wastes on the Village's wastewater treatment facilities or on the quality of facilities effluent.
- (24) **Natural Outlet.** Any outlet into a watercourse, pond, ditch, lake or other body of surface or ground water.
- (25) **Non-Village Customer.** Any person receiving wastewater collection and treatment facility services whose property receiving such services was not within the corporate limits of the Village of Rio on January 1, 1983.
- (26) **Normal Domestic Sewage.** Sanitary sewage resulting from the range of normal domestic activities, in which BOD, SS, TKN, and P concentrations do not exceed 220, 200, 75, and 13 mg/l respectively and which contains none of the prohibited discharges set forth in Section 9-2-6.
- (27) **Operation and Maintenance Costs.** Includes all costs associated with the operation and maintenance of the wastewater collection and treatment facilities as well as the

- costs associated with periodic equipment replacement necessary for maintaining capacity and performance wastewater collection and treatment facilities.
- (28) **Parts Per Million.** A weight ratio; the parts per million value multiplied by the factor 8.34 shall be equivalent to pounds per million gallons of water.
- (29) **Person.** Any and all persons, including any individual, firm, company, municipal or private corporation, association, society, institution, enterprise, governmental agency, or other entity. [Reference: United States Department of Agriculture Form FmHA 1942-52A (USDA) Section 1.00].
- (30) **pH.** The logarithm of the reciprocal of the hydrogen-ion concentration. The concentration is the weight of hydrogen ions in grams per liter of solution. Neutral water, for example, has a pH of seven (7) and a hydrogen-ion concentration of  $10^{-7}$ .
- (31) **Phosphorus (P).** Total phosphorus in wastewater, which may be present in any of three (3) principal forms: orthophosphate, polyphosphate, or organic phosphates. Quantitative determination of total phosphorus shall be made in accordance with procedures set forth in the most recent edition of *Standard Methods*.
- (32) **Pretreatment.** The treatment of wastewater to remove or reduce the quantity of one (1) or more pollutants prior to discharge to the Village wastewater facilities.
- (33) **Properly Shredded Garbage.** The wastes from the preparation, cooking, and dispensing of food that has been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers with no particle greater than one and one-half (1 1/2) inch in any dimension.
- (34) **Public Sewer.** Any sewer provided by or subject to the jurisdiction of the Village of Rio. It shall also include sewers within or outside the Village boundaries that serve one or more persons and ultimately discharge into the Village sanitary or combined sewer system, even though those sewers may not have been constructed with Village funds.
- (35) **Replacement Costs.** Are those expenditures for obtaining and installing equipment, accessories or appurtenances which are necessary during the life of the facilities to maintain the capacity and performance for which said facilities were designed and constructed. Operation and maintenance costs include replacement costs.
- (36) **Residential Unit or Residential Equivalent Unit (REU).** Equivalent to an average residential household contributing 52,000 gallons of wastewater per year with BOD and suspended solids concentrations of 250 mg/l and 250 mg/l respectively.
- (37) **Residential User.** A user whose contributions to the wastewater treatment works consist only of normal domestic strength waste originating from a house, apartment, flat or other living quarters occupied by a person or persons constituting a distinct household.
- (38) **Sanitary Sewer.** A sewer that carries liquid and water carried wastes from residences, commercial buildings, industrial plants and institutions, together with minor quantities of ground, storm or surface waters that are not admitted intentionally.

- (39) **Sewage.** The spent water of a community. From the standpoint of source, it may be a combination of the liquid and water carried wastes from residences, commercial storm water that may be present.
- (40) **Sewage Treatment Plant.** Any arrangements of devices and structures used for treating sewage.
- (41) **Sewer.** A pipe or conduit that carries wastewater or drainage water.
- (42) **Sewer Connection Charge.** A charge assessed to non-Village customers for connecting to public sanitary sewers that discharge to the sewerage works.
- (43) **Sewer Service Charge.** A charge levied to all users of the wastewater facilities for financing and maintaining the said facilities. Sewer service charges include capital expenditures, debt service, operation and maintenance costs and replacement cost.
- (44) **Slug.** Any discharge of water, sewer or industrial waste which in concentration of any given constituent or in quantity of flow, causes the capacity of a public sewer to be exceeded or which adversely affects the operation of the treatment facilities.
- (45) **Standard Methods.** The examination and analytical procedures set forth in the latest addition of *Standard Methods for Examination of Water and Wastewater*, as prepared, approved and published jointly by the American Public Health Association, American Water Works Association, and the Water Pollution Control Federation, and is in compliance with Federal Regulations 40 CFR 136 "*Guidelines Establishing Test Procedures of Analysis of Pollutants.*"
- (46) **Storm Sewer.** A sewer for conveying surface water, subsurface water or unpolluted water from any source.
- (47) **Stormwater Runoff.** That portion of the rainfall that is drained into the sewers.
- (48) **Suspended Solids (SS).** Total suspended matter that either floats on the surface, or is in suspension in, water, wastewater or other liquids and that is removable by laboratory filtering as prescribed in *Standard Methods for the Examination of Water and Wastewater* and is referred to therein as nonfilterable residue.
- (49) **Total Kjeldahl Nitrogen (TKN).** The quantity of organic nitrogen and ammonia. Quantitative determination of TKN shall be made in accordance with procedures set forth in the most recent edition of *Standard Methods*.
- (50) **Unpolluted Water.** Water of a quality equal to or better than the effluent criteria in effect of water that would not cause violation of receiving water quality standards and would not be benefited by discharge to and treatment by the wastewater facilities.
- (51) **User Charges.** Charges levied to the users of the wastewater facilities for financing the operation, maintenance and replacement costs of said facilities.
- (52) **Wastewater.** The spent water of the Village. It may be a combination of the liquid and water-carried wastes from residences, commercial buildings, industrial plants and institutions, together with any ground water, surface water and stormwater that may be present.
- (53) **Wastewater Facilities.** The structures, equipment, and processes required to collect, transport, treat and dispose of the wastewater from the Village.
- (54) **Wastewater Treatment Works.** The Village of Rio arrangement of devices and structures for treating wastewater, industrial wastes, and sludge. Sometimes used as synonymous with waste treatment.

- (55) **Water Course.** A channel in which a flow of water occurs either continuously or intermittently.
- (56) **Wisconsin Pollutant Discharge Elimination System (WPDES) Permit.** A document issued by the Wisconsin Department of Natural Resources (WisDNR) which establishes conditions for the collection and conveyance of wastewater or which establishes effluent limitations and monitoring requirements for the municipal wastewater treatment facility.

### **Sec. 9-2-3 Use of Village Sewers Required.**

- (a) **Prohibited Waste Deposits.** It shall be unlawful for any person to place, deposit or permit to be deposited in any unsanitary manner on public or private property within the Village of Rio or in any area under jurisdiction of the Village of Rio, any human or animal excrement, garbage or objectionable waste.
- (b) **Prohibited Discharges to Natural Outlets.** It shall be unlawful to discharge to any natural outlet within the Village of Rio or in any area under the jurisdiction of the Village, any wastewater or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this Chapter.
- (c) **Prohibited Septic Tanks and Other Private Disposal Methods.** Except as herein provided, it shall be unlawful in areas served by the Village sewer system, as determined by the Village Board, to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of wastewater, and use of such facilities are hereby declared a public nuisance and a health hazard. [Reference: USDA Section 6.06].
- (d) **Required Connection.** Except as provided in Section 9-2-4 below, the owner(s) of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes located within the Village of Rio and abutting on any street, alley or right-of-way in which there is now located or may in the future be located (as determined by the Village), a public sewer, is hereby required to install suitable sanitary conveniences therein and to connect such facilities to the public sewer in accordance with the provisions of this Chapter within ninety (90) days after the date of Village notice to do so. The cost of the installation of the sanitary conveniences and connection to the public sewer is entirely the responsibility of the property owner(s).

### **Sec. 9-2-4 Private Wastewater Disposal.**

- (a) **Limited Exception for Private Facilities.** Where a public sewer is not available under the provisions of Section 9-2-3(d) above, as determined by the Village Board, the Village

of Rio may allow the building sewer to connect to a private wastewater disposal system complying with the provisions of this Section. Such determination shall be made by the Village Board.

(b) **Permit Requirement; Application; Inspections.**

(1) **Application; Fee.** Before commencement of construction of a private waste disposal system, the owner(s) shall first make a written application to the Village for a permit. The application shall be supplemented by any plans, specifications or other information as deemed necessary by the Village. A fee per Section 1-3-1 shall accompany the application. Said fee to be determined from time to time as the Village Board determines.

(2) **Effective Date; Inspection.** Upon approval of the Village Board, construction may commence; however, the permit to install and operate the system does not become effective until the installation is complete to the satisfaction of the Village. A representative of the Village shall be allowed to inspect the work at any stage of construction and in any event, the applicant for the permit shall notify the said representative when the work is ready for final inspection and before any underground portions are covered. The inspection shall be made within forty-eight (48) hours of the receipt of notice.

(c) **Acceptable Types of Private Disposal Systems.** The type, capacities, location and layout of a private waste disposal system shall comply with all regulations of the appropriate Wisconsin Administrative Code chapters and be approved by the pertinent state regulatory agencies. No permit shall be issued for any private waste disposal system employing subsurface soil absorption facilities where the area of the lot is less than twenty thousand (20,000) square feet. No septic tank shall be permitted to discharge to a natural outlet.

(d) **Future Connection to Public System.** At such time as the public sewer system becomes available to a property served by a private wastewater disposal system, as determined by the Village Board, the property shall connect to the public sewer as required in Section 9-2-3(d). Any septic tanks, cesspools or similar facilities abandoned under this Section shall be removed or cleaned or sludge and filled with clean gravel and sand, at the owner's expense.

(e) **Proper Maintenance Required.** The owner(s) of a private wastewater disposal system shall provide proper operation and maintenance of the system at all times. Sludge removal shall be performed by a licensed person. Sludge removal shall be no less frequent than once every three (3) years, or as otherwise directed by the County Sanitarian.

## **Sec. 9-2-5 Building Sewers and Connection to Sewers.**

(a) **Unauthorized Connections; Permit Application; Fees; System Limitations.**

(1) **Work by Unauthorized Person(s).** No unauthorized person(s) shall uncover, make any connections with or opening into, use, alter or disturb any public sewer or appurtenance thereof without first obtaining written permit from the Village of Rio.

- (2) **Permit; Application; Fee.** A written application for a permit shall be submitted to the Village. The application shall be supplemented by any plans, specifications or other information deemed necessary by the Village. A non-refundable fee per Section 1-3-1 for each application shall accompany the application.
  - (3) **Classes of Sewer Permits.** There shall be two (2) classes of building sewer permits: one for residential and commercial services and one for service to establishments producing industrial wastes. In either case, the owner or his/her agent shall make application on a special form furnished by the Village. The permit application shall be supplemented by any plans, specifications or other information considered pertinent in the judgment of the Village Board.
  - (4) **Wastewater Facilities Capacity.** New connections to the wastewater facilities shall not be permitted if there is insufficient capacity in the wastewater facilities to adequately transport and/or treat, as required by the WPDES permit, the additional wastewater anticipated to be received from such connections.
  - (5) **Usage Data.** Each establishment desiring to make a new connection to public sewer for the purpose of discharging industrial wastes shall prepare and file with the approving authority a report that shall include the actual or predicted data relating to the quantity and characteristics of the waste to be discharged.
- (b) **Responsibility for Costs.** All costs and expenses incidental to the installation and connection of the building sewer to the public sewer shall be borne by the owner(s). The owner(s) shall indemnify the Village from any loss or damage that may directly or indirectly result from the installation.
- (c) **Specifications.**
- (1) **Separate Building Sewer.** A separate and independent building sewer shall be provided for every building, except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer. Where existing property is served by one building sewer and is subdivided into two (2) or more parcels which contain buildings used for human occupancy, employment, recreation or other purposes, such buildings will have separate building sewers connecting the building drains to the public sewers. Old building sewers may be used with new buildings only when they are found, upon examination, to meet all requirements of a new building sewer.
  - (2) **Materials.** The size, slope, alignment, materials or construction of a building sewer and the methods used in excavating, placing of the pipe, jointing, testing and backfilling shall conform to the requirements of H82.23, Wis. Adm. Code, and Sec. 182.0715(2a), Wis. Stats., regarding use of tracer wire.
  - (3) **Elevation Below Basement Floor.** Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in

which the building drain is too low to permit gravity flow to the public sewer, sanitary wastes carried by the building drain shall be lifted by an approved means and discharged to the building sewer.

(4) **Connections to Comply With Standards.**

a. The connection of the building sewer to the public sewer shall be performed in a manner approved by the Village in compliance with the Wisconsin Administrative Code. All connections shall be gas tight and water tight.

b. The connection of the building sewer into the public sewer shall conform to the requirements of the building and plumbing code(s) or other applicable rules and regulations of the Village or the procedures set forth in appropriate specifications of the ASTM and the *WEF Manual of Practice No. 9*. All such connections shall be made gastight and watertight. Any deviation from the prescribed procedures and materials must be approved by the approving authority before installation.

(5) **Excavation Safety.** All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazards. Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the Village.

(6) **Inspection.** The applicant for the building sewer permit shall notify the proper representative of the Village when the building sewer is ready for inspection and connection to the public sewer system. The connection shall be made under the supervision of said Village representative.

(7) **Connections to Existing Sewer Mains.** All connections to existing sewer mains shall be made with a saddle "T" or "Y" fitting set upon a carefully cut opening centered in the upper quadrant of the main sewer pipe and securely strapped on with corrosion-resistant straps or rods, or with solvent-welded joints in the case of plastic pipe, and not within six (6) inches of any joint or twenty-four (24) inches of another lateral connection.

(d) **Other Improper Connections.**

(1) **Prohibited Connections.** No person(s) shall make connection of roof downspouts, foundation drains, areaway drains, sump pumps or other inflow sources of surface runoff or ground water to a building sewer or building drain which, in turn, is connected directly or indirectly to a public sanitary sewer, unless such connection is approved by the Village for purpose of disposal of polluted surface drainage.

(2) **Timeline for Disconnection.** All existing downspouts, sump pumps or groundwater drains, etc., connected directly or indirectly to a public sanitary sewer must be disconnected no later than sixty (60) days from the date of an official written notice by the approving authority. Failure to disconnect after such notice shall authorize the Village to cause disconnection and assessment of the costs of such disconnection against the property involved. The Village may, in the alternative, institute legal action for violation of this Section. Exceptions to the above shall be made only by the approving authority in writing.

- (e) **Connection Information; Design Criteria.**
- (1) **Connection Description; Conveyance to Village.** Any person desiring to connect a sanitary sewer other than a building sewer to a public sewer, shall make application to the Village in writing. The application shall describe the location of the requested connection and the volume and characteristics of the wastewater to be transmitted and shall include a statement that the new sewers and connections to the public sewer system shall be properly designed and constructed and shall be subject to the lawful rules and regulations of the Village. Connections will be allowed only when the capacity of downstream collection and treatment facilities are adequate. All construction costs including engineering, materials, labor, inspection, and easements shall be the responsibility of the owners(s) of the property for which such connection is desired. Upon completion and Village acceptance of the project for which the connection is desired, all of the facilities constructed other than the building sewers shall be conveyed to the Village free and clear of any liens, and the Village shall assume the responsibility for the operation and maintenance of said facilities.
  - (2) **Direction of Licensed Engineer.** Design and construction of sanitary sewers and their connection to the public sewers shall be under the direction of a licensed professional engineer authorized by the owner(s) of the property or the Village's engineer, if requested by the owner(s). Such engineer shall keep accurate records of the location, depth, and length of sewers as built and the location of the "Y" branches or slants. All costs of such engineering shall be the responsibility of the owner(s). The owner(s) of the property shall notify the proper representative of the Village when the sewer is ready for inspection and connection to the public sewer. The connection and testing shall be inspected by said representative.
- (f) **Improper Connection to Laterals.** No user shall allow others or other services to connect to a sanitary sewer through his/her sewer lateral.
- (g) **Annexation Required.** No person shall be permitted to connect his/her parcel to the sewer system if the parcel to be connected is outside the Village limits, unless the parcel to be connected is first annexed to the Village of Rio or authorized by the Village Board due to unique circumstances.
- (h) **Vacation of Premises; Service Discontinuation.** Whenever premises served by the wastewater facilities are to be vacated, or whenever any person desires to discontinue service from the system, the Village shall be notified in writing to request a hearing before the Village Board and receive Village approval subject to the terms and conditions of these sewer utility regulations and rates. 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 or the sewer system other than through the fault of the system or its employees, representatives or agents.

## **Sec. 9-2-6 Use of Village Sewers.**

- (a) **Hazardous or Detrimental Discharges Prohibited.** No person shall discharge wastes to a Village of Rio sewer which causes or is capable of causing, either alone or with other substances, a fire or explosion, obstruction of flow or damage of wastewater facilities, danger to life and safety, prevention of effective maintenance or operation of the wastewater facilities, a detrimental environmental impact unacceptable to any public agency having regulatory jurisdiction over the Village, overloading of the wastewater facilities, excessive Village collection and treatment costs or a violation of the Village's WPDES permit.
- (b) **Prohibited Discharges.** Prohibited discharges shall include, but are not limited to, the following:
- (1) Any gasoline, benzene, naphtha, fuel oil; or other flammable or explosive liquid, solid or gas.
  - (2) Any wastes containing toxic or poisonous solids, liquids, or gases in sufficient quantity either singly or by interaction or in combination with other wastes to injure or interfere with any waste treatment process; constitute a danger to humans, flora or fauna; create a public nuisance; or create any hazard in the receiving waters of the wastewater treatment plant.
  - (3) Any waters or wastes having a pH lower than 5.5 or higher than 9.5 or having any other corrosive property capable of causing damage or hazard to structures, equipment, or operating personnel.
  - (4) Any solids or viscous substances in quantities or of such size capable of causing obstruction to the flow in the sewers, or other interference with the proper operation of the wastewater facilities, such as but not limited to ashes, bones, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, improperly shredded garbage, whole blood, paunch manure, hair and fleshings, entrails, paper dishes, cups, milk containers, sanitary napkins, disposable diapers, either whole or ground by garbage grinders.
  - (5) Any wastewater from industrial plants containing floatable oils, fats, or greases.
  - (6) Any wastewater which contains organo-sulfur or organo-phosphate pesticides, herbicides, or fertilizers.
  - (7) No person shall discharge or cause to be discharged the following described substances, materials, waters or wastes if it appears likely, in the opinion of the Village Board, that such wastes can harm either the sewers, sewage treatment process or equipment, have an adverse effect on the receiving stream or can otherwise endanger life, limb, public property or constitute a nuisance. In forming their opinion as to the acceptability of these wastes, the Village Board will give consideration to such factors as the quantities of subject wastes in relation to flows and velocities in the sewers, materials of construction of the sewers, nature of the sewage treatment

process, capacity of the sewage treatment plant, degree of treatability of wastes in the sewage treatment plant and other pertinent factors. The substances prohibited are:

- a. Any garbage that has not been properly shredded. Garbage grinders may be connected to sanitary sewers from homes, institutions, restaurants, hospitals, catering establishments or similar places where garbage originates from the preparation of food in kitchens for the purpose of consumption on the premises or when served by caterers.
- b. Any water or wastes containing odor producing substances exceeding limits which may be established by the Village.
- c. Liquid having a temperature higher than sixty-five degrees Centigrade (65°C) or one hundred and fifty degrees Fahrenheit (150°).
- d. Any water or waste containing fats, wax, grease, petroleum oil, nonbiodegradable cutting oil, or products of mineral origin, whether emulsified or not, that may solidify or become viscous at temperatures between thirty-two degrees (32°) and one hundred and forty degrees (140°) Fahrenheit [zero degrees (0°) and sixty degrees (60°) Celsius].
- e. Radioactive wastes which along or with other wastes result in releases greater than those specified by current United States Bureau of Standards handbooks or which violate rules or regulations of any applicable regulatory agency.
- f. Wastewater containing more than twenty-five (25) milligrams per liter of petroleum oil, nonbiodegradable cutting oils or products of mineral oil origin.
- g. Wastewater containing more than one hundred (100) mg/L of oil or grease of animal or vegetable origin.
- h. Wastewater slug.
- i. Wastewater which contains pollutants in amounts exceeding the concentrations stated below; where Federal, State or local regulations prescribe different limitations for the same pollutant, the more stringent limitation shall apply:

Pollutant	Concentration mg/l
Arsenic	0.13
Cadmium	0.05
Chromium	1.71
Copper	2.07
Cyanide	0.58
Lead	0.34
Mercury	0.01
Molybdenum	0.23

Nickel	1.28
Selenium	0.11
Silver	0.24
Zinc	1.48

- j. Any waters or wastes containing iron, chromium, copper, zinc, mercury and similar objectionable or toxic substances to such degree that any such material received in the composite wastewater at the wastewater treatment works exceeds the limits established by the approving authority for such materials.
  - k. Materials which exert, cause, or contain:
    - 1. Unusual BOD, chemical oxygen demand, phosphorus, nitrogen, or chlorine requirements in such quantities as to adversely affect the operation of the wastewater treatment facilities.
    - 2. Unusual concentrations of inert suspended solids (such as, but not limited to, fuller's earth, lime slurries, and lime residues) or of dissolved solids (such as, but not limited to, sodium chloride and sodium sulfate).
    - 3. Excessive discoloration of inert suspended solids (such as, but not limited to, dye wastes and vegetable tanning solutions).
  - l. Water or wastes containing substances that are not amenable to treatment or reduction by the wastewater treatment process employed, or that are amenable to treatment only to such a degree that the wastewater treatment works effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.
  - m. Any water or wastes that, by interaction with other water or wastes in the public sewer system, release obnoxious gases, form suspended solids that interfere with the collection system, or create a condition deleterious to structures and treatment processes.
  - n. Any other solid, liquid or gaseous substance that is identified by the Environmental Protection Agency (EPA) as being a hazardous waste and is included in the most current Federal Register listing of hazardous wastes.
  - o. Water or wastes containing substances which are not amenable to the sewage treatment processes employed or are amenable to treatment only to such degree that the sewage treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.
- (8) The Village may change the above prohibitions, if necessary, to meet the objectives of this Chapter or the requirements of regulatory agencies.

- (c) **Stormwater and Runoff Discharge to System Prohibited.**
- (1) **Stormwater Discharge Prohibited.** No person(s) shall discharge or cause to be discharged any unpolluted waters such as stormwater, ground water, roof run-off, sump pump discharges, subsurface drainage, or cooling water to any sewer except stormwater run-off from limited areas, which may be polluted at times, may be discharged to the sanitary sewer by written permission of the Village.
  - (2) **Permissible Stormwater Discharge.** Stormwater, other than that exempted under Subsection (c)(1) above, and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as storm sewers or to a natural outlet approved by the Village and other regulatory agencies. Unpolluted industrial cooling water or process waters may be discharged on approval of the Village or other regulatory agency to a storm sewer, combined sewer, or natural outlet.
- (d) **Accidental Discharges.** All dischargers shall provide protection from accidental discharge of prohibited or regulated materials or substances established by this Chapter. Dischargers shall notify the Village immediately upon the occurrence of an accidental discharge, including the location of the discharge and the type, concentration and volume of the discharge. Within fifteen (15) days of the discharge, a detailed written statement describing the cause of the discharge and the measures taken to prevent future occurrences shall be submitted to the Village. The dischargers will be liable for any expense, loss or damage to the wastewater facilities caused by the discharge, in addition to any fines imposed by the Village pursuant to this Chapter.
- (e) **Diluting Discharges.** No discharge shall increase the use of potable or process water in any way nor mix separate waste streams for the purpose of diluting a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the standards set forth in this Chapter.
- (f) **Municipal Response to Improper Discharges.**
- (1) **Responses to Prohibited Discharges.** If any waters or wastes are discharged or are proposed to be discharged to the Village sewers in excess of those limitations enumerated in Subsection (b) above, or other substances are not enumerated, and which, in the judgment of the Village, may have deleterious effect upon the wastewater facilities, processes, equipment, or receiving waters; or which otherwise create a hazard to live, the Village may:
    - a. Reject the wastes.
    - b. Require pretreatment to an acceptable condition for discharge to the public sewers.
    - c. Require control over the quantities and rates of discharge.
    - d. Require payment to cover added costs of handling and treating wastes not covered by existing taxes or sewer charges.
  - (2) **Pollutants Regulated by Federal Law.** The toxic pollutants subject to prohibition or regulation under this Section shall include but need not be limited to the list of toxic pollutants or combination of pollutants established by Section 307(a), Clean Water Act

of 1977 and subsequent amendments. Effluent standards or prohibitions for discharge to the sanitary sewer shall also conform to the requirements of Section 307(7)(a) and associated regulations.

- (3) **Pretreatment Under Federal Law.** Pretreatment standards for those pollutants determined not to be susceptible to treatment by the public works or which would interfere with the operation of such works shall conform to the requirements and associated regulations of Section 307(b), Clean Water Act of 1977, and subsequent amendments. The primary source for such regulations shall be 40 CFR 403, relating to general pretreatment regulations for existing and new sources of pollution.
  - (4) **High-Strength Wastewater.** "High-strength wastewater" is defined as wastewater in which BOD, SS, nitrogen, or phosphorus concentrations exceed domestic strength wastewater. If any waters or wastes are discharged or proposed to be discharged to the public sewers serving the Village of Rio, which waters or waste contain high-strength wastewater and which in the judgment of the approving authority may have deleterious effect(s) upon the sewerage works, processes, equipment or receiving waters, or which otherwise create a hazard to life, health, public safety, or constitute a public nuisance, depending on which component may be in excess, the approving authority may:
    - a. **Total Phosphorus.**
      1. If the total phosphorus strength of the wastewater is between 7 and 15 mg/L, require payment to cover the added costs of handling and treating the waste not covered by existing taxes or sewer charges.
      2. If the total phosphorus strength of the wastewater is between 15 and 20 mg/L, require pretreatment to an acceptable limit for discharge to the public sewers.
      3. If the total phosphorus strength of the wastewater is greater than 20 mg/L, reject the waste.
    - b. **Total Biochemical Oxygen Demand (BOD).** If the BOD strength of the wastewater is over 220 mg/L, require payment to cover the added costs of handling and treating the waste not covered by existing taxes or sewer charges.
    - c. **Total Suspended Solids (SS).** If the total SS strength of the wastewater is over 200 mg/L, require payment to cover the added costs of handling and treating the waste not covered by existing taxes or sewer charges.
    - d. **Total Kjeldahl Nitrogen (TKN).** If the total TKN strength of the wastewater is over 75 mg/L, require payment to cover the added costs of handling and treating the waste not covered by existing taxes or sewer charges.
- (g) **Major Contributing Industries – Pretreatment of Wastes.**
- (1) Major contributing industries, as defined in Section 9-2-2 shall pretreat their discharges pursuant to this Chapter and NR 211, Wis. Adm. Code, and industrial users, as defined in Section 9-2-2, shall pretreat their discharges when required by the Village.

- (2) The construction, operation and maintenance of all pretreatment facilities shall be at the expense of the discharger.
- (h) **Grease, Oil and Sand Interceptors.** Grease, oil and sand interceptors shall be provided when, in the opinion of the Village, they are necessary for the proper handling of liquid wastes containing floatable grease in excessive amounts, as specified in Subsection (b) or any flammable wastes, sand, or other harmful ingredients, except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be located as to be readily and easily accessible for cleaning and inspection. In the maintaining of these interceptors, the owner(s) shall be responsible for the proper removal and disposal by appropriate means of the captured material and shall maintain records of the dates and means of disposal which are subject to review by owner's(s') personnel must be performed by currently licensed waste disposal firms.
- (i) **Users to Maintain Service Pipes.** All users are responsible for the lateral ("service pipe") from his/her structure to the sewer main, including the connection to the main. 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 overburdening of the wastewater facilities.
- (j) **Willful, Negligent, or Malicious Damage.** No person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment that is a part of the wastewater facilities. Any persons violating these provisions shall be subject to immediate arrest or citation issuance under a charge of disorderly conduct.
- (k) **Liability to Discharger for Losses.** Any person who intentionally, negligently or accidentally violates any provisions of this Chapter shall become liable to the Village, or any downstream user, for any expense, loss or damage occasioned by reason of such violation by the Village or any downstream user may suffer as a result thereof. This Section shall be applicable whether or not written notice of the violation was given as provided in this Chapter and without consideration for any penalties that may be imposed for a violation of this Chapter. The penalty provisions shall be according to Section 9-2-9.
- (l) **Special Arrangements.** No statements contained in this Chapter shall be construed as preventing any special agreement or arrangement between the Village and a sewer system user whereby an industrial waste of unusual strength or characteristics may be accepted by the Village for treatment, either before or after pretreatment, provided there is no impairment of the functioning of the sewage disposal works due to the admission of such wastes, and no extra costs are incurred by the Village without recompense by the requesting party. All other provisions set forth in this Chapter shall be recognized and complied with. In making such a special arrangement request to the Village, the requesting party shall provide complete information regarding the nature, frequency and characteristics of the unusual waste sought to be discharged, with particular reference to the regulated wastes and substances described in Section 9-2-6.

## **Sec. 9-2-7 Monitoring, Sampling and Reporting.**

### **(a) Monitoring.**

- (1) Wastewater characteristics and constituents of all major contributing industries shall be monitored to determine compliance with this Chapter. To facilitate this monitoring, the discharger shall construct monitoring facilities at the owner's expense and shall maintain these facilities in a safe and accessible condition at all times. The monitoring facilities shall be installed in accordance with plans approved by the Village.
- (2) Any discharger may be required by the Village to monitor its discharge to determine compliance with this Chapter. If such monitoring shows the discharger is a major contributing industry due to the nature of its discharges, the Village may require monitoring facilities to be installed. Such monitoring facilities shall be installed within ninety (90) days after written notice is given by the Village.
- (3) Monitoring facilities shall contain the necessary meters and equipment to facilitate the observation, sampling and measurement of wastes and be appropriate for the specific items requiring monitoring.
- (4) All costs associated with the collection and analysis at a State-certified laboratory of wastewater samples from any industrial discharger shall be borne by that discharger.
- (5) The requirements of this Section may be waived or modified upon special written permission of the Village of Rio.

### **(b) Inspections.**

- (1) The officials or other duly authorized employees of the Village bearing proper credentials and identification shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling and testing pertinent to discharge to the Village wastewater facilities in accordance with the provisions of this Chapter.
- (2) The officials or other duly authorized employees are authorized to obtain information concerning industrial processes which have a direct bearing on the kind and source of discharge to the wastewater collection system. The industry may withhold information considered confidential. The industry must establish that the revelation to the public of the information in question might result in an advantage to competitors.
- (3) While performing the necessary work on private properties referred to above, the official or duly authorized employees of the Village shall observe all safety rules applicable to the premises established by the company, and the company shall be held harmless for injury or death to the Village officials or employees, and the Village shall indemnify the company against loss or damage to its property by Village officials or employees and against loss or damage to its property by the Village officials or employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and

sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions.

- (4) The officials and other duly authorized employees of the Village bearing proper credentials and identification, shall be permitted to enter all private properties through which the Village holds a duly negotiated easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair and maintenance of any portion of the wastewater facilities lying within said easement. All entry and subsequent work, if any, on said easement shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.
- (c) **Information Required To Be Provided.**
- (1) The Village may require a discharger to provide information concerning, but not limited to:
    - a. Volume, time and peak rate of discharge;
    - b. Chemical analysis of discharge;
    - c. Raw materials, processes and products relevant to discharge characteristics;
    - d. Discharges of specific wastes such as sludge, oil, solvent or incompatible pollutants;
    - e. Plot plans of sewers on the discharger's property showing the location of sewers, monitoring facilities, and pretreatment facilities;
    - f. Details of monitoring and pretreatment facilities; and
    - g. Details of safety systems to prevent spills.
  - (2) Each major contributing industry shall submit to the Village by the fifteenth (15th) of March each year a report on the quality and quantity of its industrial discharges. The report shall be a copy of the form required by NR 101, Wis. Adm. Code, and shall contain analyses for compatible pollutants unless the discharger has obtained specific exemption from reporting certain constituents.
  - (3) If any major contributing industry discharges incompatible pollutants which require pretreatment prior to discharge to the Village wastewater facilities, the quality and quantity of the discharge shall be reported to the Village quarterly by March 15th, June 15th, September 15th and December 15th.
  - (4) The reporting period shall not include the thirty (30) day period immediately proceeding the day that the report is due. All analyses should be done on representative twenty-four (24) hour composite samples taken during a typical operating day.
  - (5) All measurements and test analyses of the characteristics of wastewater shall be determined in accordance with "Standard Methods." Alternate methods of analysis may be used subject to prior written approval of the Village.
  - (6) All dischargers required to submit reports shall retain and preserve for no less than three (3) years, any records, books, documents, memorandum, reports, correspondence and any and all summaries thereof relating to monitoring, sampling and chemical analysis made by or in behalf of the discharger in connection with its discharge.

- (7) All records which pertain to matters which are the subject of enforcement or litigation activities brought by the Village pursuant to this Chapter shall be retained and preserved by the discharger until all enforcement activities have concluded and all periods of limitations with respect to any and all appeals have expired.
  - (8) Determination of the character and concentration of the industrial wastes shall be made by the establishment discharging them, or its agent, as designated and required by the approving authority. The approving authority may also make its own analyses of the wastes, and these determinations shall be binding as a basis for charges.
- (d) **Notification of Process Changes.** Dischargers shall notify the Village, in writing, a minimum of two (2) weeks prior to any significant process change(s) that will affect the characteristics of the processed wastewater to be discharged to the Village's wastewater collection system, with an explanation why such discharges will not conform to the discharger's normal patterns under its discharge permit. With such notification, the discharger shall provide complete information regarding such anticipated process change, the reason for such change, their duration and the characteristics of the waste to be discharged that differs from the normal waste under the party's discharge permit, with particular reference to any impacts on the possible discharge of regulated wastes and substances described in Section 9-2-6.

## **Sec. 9-2-8 Sewer Service Charges.**

- (a) **Sewer Service Charge System Established.**
- (1) A sewer service charge shall be assessed to all users of the wastewater facilities in accordance with the provisions of this Chapter.
  - (2) Sewer service charges shall be established so that revenues collected cover capital expenditures, debt service costs, operation and maintenance costs and replacement costs, except that *ad valorem* taxes may be used to cover any portion of the capital expenditures or debt service costs. *Ad valorem* taxes may not be used for operation, maintenance and replacement costs.
  - (3) The sewer service charges shall consist of two (2) parts: a minimum charge based on water meter size to cover capital expenditures and debt service costs, and a user charge to cover portions of debt service if deemed appropriate, operation, maintenance and replacement costs. The user charges established by resolution shall be such that all users pay a proportionate share of the cost of service based on actual use.
  - (4) Sewer service charges are outlined in this Section, adopted herein by reference and a copy of which is on file with the Village Administrator.
- (b) **Factors in Determining Sewer User Charges.**
- (1) The minimum charge shall be based upon the size of the water meter serving the customer. In the event that multi-family buildings are served by a single residential

- size (5/8" meter or smaller) the minimum charge shall be computed based upon the number of residential equivalent units present.
- (2) The user charges shall be based upon actual water use. Water meter readings shall be used to determine the actual water volume used. Where it is not possible to obtain a water meter reading or in cases where no water meter exists, the customer will be assigned an average water volume by the Village based on previous meter readings or other means, and this shall be so stated on the bill. Any difference between estimated use and actual use shall be adjusted when a meter reading is available.
  - (3) If a portion of the water furnished to any customer is not discharged to the sewer facilities, the quantity of such water will be deducted in computing the sewer service charge, provided that a meter has been installed to measure such water. The customer must purchase, install and maintain any such meter at his/her own expense.
- (c) **Additional Charges.** Additional charges shall be billed to the user to which they apply and shall include the following:
- (1) Actual costs incurred for monitoring or sampling performed by the Village or agents of the Village for the purpose of determining compliance with this Chapter.
  - (2) Actual costs incurred for monitoring and sampling or other services performed by the Village or agents of the Village relative to any pretreatment facility.
  - (3) Any increased costs due to a user's discharge of toxic or other incompatible pollutants.
  - (4) Actual cost for handling a user's check returned for insufficient funds.
  - (5) Actual costs incurred for special handling not provided for elsewhere.
- (d) **High-Strength Wastewater Calculations.** All dischargers of high-strength wastewater shall be charged a user charge. The user charge for high-strength wastewater shall be calculated as follows:

$$\text{User Charge} = (A) + (B) + (C) + (D) + (E)$$

Where:

$$(A) = (\text{Total flow} \times \text{flow charge}/1,000 \text{ gallons})$$

$$(B) = (\text{Total BOD loading greater than domestic strength} \times \text{BOD charge}/\text{lb})$$

$$(C) = (\text{Total SS loading greater than domestic strength} \times \text{SS charge}/\text{lb})$$

$$(D) = (\text{Total TKN loading greater than domestic strength} \times \text{TKN charge}/\text{lb})$$

$$(E) = (\text{Total P loading greater than domestic strength} \times \text{P charge}/\text{lb})$$

- (e) **Annual Review of Service Fees; Replacement Fund; Compliance Records.**
- (1) The sewer service charge rates shall be reviewed at least annually. Any excess revenues collection from a user class for operation, maintenance and replacement shall be attributed to that class the next year.

- (2) A replacement fund shall be established for the exclusive use of replacement as defined in Section 9-2-2.
  - (3) The Village shall maintain adequate records to implement the sewer service charges pursuant to this Chapter and to show compliance with the Wisconsin Department of Natural Resources' user charge regulations.
- (f) **Billing; Unpaid Bills a Lien; Reconnection Charge.**
- (1) Bills for the sewer service charges as herein established shall be mailed following the billing period and shall be paid at such place as designated by the Village. If any bill for sewer service shall not be paid by the twentieth (20th) day following the day of rendition of such bill, a delayed payment charge of one and one-half (1 1/2%) per month of the amount of the bill shall be added thereto and collected therewith. If any bills for sewer use shall remain unpaid after thirty (30) days following the rendition of such bill, the sewer service charges for the lot, parcel of land or premises affected shall be considered delinquent and the Village shall reserve the right to seal off the service connection and service shall not be restored except upon receipt of full payment of the bill including the delayed payment charge and a reconnection fee as prescribed in Section 1-3-1.
  - (2) Sewer service charges shall be a lien on the property served pursuant to Sec. 66.0821(4)(d), Wis. Stats., and shall be collected in the manner therein provided.
  - (3) Each user shall be notified annually, in conjunction with a regular billing, the sewer service charge rate.
- (g) **Manner of Determining Charges; Rates Established.** The sewer service charge for any lot, parcel of land, building or premises within the corporate limits and for any lot, parcel of land, building or premises outside the corporate limits which is connected to the sanitary sewer system shall be based upon the quantity of water used therein or thereon and quality of wastewater generated as measured by the water meter or sewage meter in use as follows:
- (1) **Category A.** Category A is defined as normal or domestic strength wastewater having organic concentrations of biochemical oxygen demand (BOD) and suspended solids no greater than 250 mg/l. Minimum charges are due whether there is any measurable flow or not. The sewer service charge for Category A wastewater is as follows:
    - a. Use Paying Real Estate Taxes to the Village.

Volume Charge	_____	per 1,000 gallons
Minimum Charge	_____	per quarter
    - b. Users Not Paying Real Estate Taxes to the Village shall be billed a surcharge of 25% of the charges above.
  - (2) **Category B.** Category B is defined as those sanitary sewer users who discharge wastewater within concentration of BOD<sup>5</sup> and/or suspended solids greater than 250

mg/l. Minimum charges are due whether there is any measurable flow or not. The sewer service charge for Category B wastewater is as follows:

Minimum Charge	_____	per quarter plus
	_____	per quarter/residential units
Volume Charge	_____	per 1,000 gallons
BOD <sup>5</sup> Surcharge	_____	per pound
		(greater than 250 mg/l)
Suspended Solids Surcharge	_____	per pound
		(greater than 250 mg/l)

\* These rates will be established by the Village when they become necessary.

- (h) **Reassignment of Sewer Users.** The Approving Authority will reassign sewer users in to appropriate sewer service charge categories if wastewater sampling programs and other related information indicates a change of categories is necessary.

### Sec. 9-2-9 Sewer Connection Charge.

- (a) **Requirement.** All customers of the sewerage works receiving such service for the first time after January 1, 1983 shall pay a sewer connection charge to the Village. The Village Board shall establish the number of residential equivalent units assigned to any non-Village customer.
- (b) **Existing Customers.** An existing customer may have to pay a sewer connection charge if its wastewater changes substantially in quantity or quality. The number of additional residential equivalent units shall be assigned by the Village Board.
- (c) **Connection Charge Established.** The sewer connection charge per residential equivalent unit shall be as follows:

#### Sewer Connection Charge

1989 and thereafter

Per Section 1-3-1

- (d) **Limits on Sewer Connections.** The Village Board shall limit sewer connections if the downstream public sewers or sewage treatment plant does not have sufficient capacity to accept the additional charge.

### **Sec. 9-2-10 Audit.**

- (a) **Annual Audit.** The Village shall conduct an annual audit, the purpose of which shall be to maintain the proportionality between users and user classes of the user charge system and to insure that adequate revenues are available relative to increasing operation, maintenance and replacement costs.
- (b) **Notification.** The Village shall, at least annually, notify the users of current to any change in the portion of user charges and ad valorem taxes attributable to wastewater treatment services.

### **Sec. 9-2-11 Disposition of Revenue.**

- (a) **Generally.** The rates and charges herein set forth shall be applicable to all services furnished and made available by the wastewater treatment facility to the Village and its inhabitants and all other persons, both public and private, until modified by ordinance amendatory or supplemental to this Chapter, providing such rates and charges as amended shall always be fixed, maintained and collected in such amounts as shall produce gross revenues adequate to pay as incurred all costs of the operation and maintenance of the facility and to accumulate an adequate reserve for the depreciation thereof, and to pay when due the principal of and interest on all bonds of the Village which are payable from the revenues of the wastewater treatment facility.
- (b) **Separate Account.** The funds received from the collection of the sewer service charges authorized by this Chapter shall be credited to a sanitary sewerage account and shall be set aside into the operation and maintenance of the facility for a proper and adequate depreciation account and for the payment of the interest and principal of bonds issued and outstanding or which may be hereafter issued to provide funds to construct, improve or extend the public utility. When appropriated by the Village Board, the credits to the account remaining after the payment of operation and maintenance costs, deposits in a separate account of the amount allocated to equipment replacement and interest and principal of bonds issued shall be available for the payment of the following uses:
  - (1) Cost of the replacement of existing sewer mains.
  - (2) Cost of substitution of larger size for existing mains.
  - (3) Cost of new primary sewer mains and installation of same in excess of such charge or cost payable by statutory assessment.
  - (4) Cost of road repair required by such construction.
  - (5) Cost of contracted engineering service to ensure a planned program.
  - (6) Cost of collection.
  - (7) Cost of repairs, renewals or expansion of the sewerage plant in excess of Two Thousand Five Hundred Dollars (\$2,500.00).

- (8) Refund excess revenues collected from a user class to operation, maintenance and repair costs attributable to that class for the next year.
- (9) Any surplus in the account shall be available for the payment of principal and interest of bonds issued and outstanding or which may be issued to provide funds for the sewerage system or part thereof and all or a part of the expenses for additions and improvements and other necessary disbursements of indebtedness and the Village Board may by resolution pledge such surplus or any part thereof for any such purpose.

## **Sec. 9-2-12 Violations and Penalties.**

### **(a) Violations; Penalties.**

- (1) Any person found to be in violation of any provisions of this Chapter shall be served by the Village with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.
- (2) Any person who shall continue any violation beyond the time limit provided above shall be subject to those penalties prescribed in Section 1-1-6. Each day in which such violation shall continue it shall be deemed a separate offense.
- (3) Continued violation may result in the refusal of the Village to accept the discharges of the violating discharger.
- (4) Any person violating any of the provisions of this Chapter shall become liable to the Village for any expense, loss or damage occasioned the Village by reason of such violation.
- (5) Any person who knowingly makes a false statement, representation or certification in any application, record, report, plan or other document filed or required to be maintained pursuant to this Chapter; or who falsifies, tampers with or knowingly renders inaccurate any monitoring device or method required under this Chapter, shall forfeit to the Village an amount of not more than One Thousand Dollars (\$1,000.00).

### **(b) Appeals.**

- (1) Any discharger or agent of the discharger shall have the right to appeal an interpretation or ruling by the Village on any matter covered by this Chapter. The discharger or his/her agent shall be entitled to a hearing before the Village Board for the purpose of appeal. Such a meeting shall be promptly scheduled by the Village upon receipt of a written appeal from the discharger.
- (2) In the event that such appeal deals with matters of performance or compliance with this Chapter for which enforcement activity relating to an alleged violation is subject, receipt of a discharger's written appeal shall stay all enforcement proceedings pending the hearing before the Village Board. Appeal on a final judgment by the Village entered pursuant to this Chapter may be taken in accordance with the laws of the State of Wisconsin.



## Title 9 ► Chapter 3

# Identity Theft Prevention Program

**9-3-1** Identity Theft Prevention Program.

### **Sec. 9-3-1 Identity Theft Prevention Program.**

(a) **Background.**

(1) **Implementation of Federal Trade Commission Rule.** The Village of Rio Sewer and Water Utility ("Utility") has developed this Identity Theft Prevention Program ("Program") pursuant to the Federal Trade Commission's ("FTC") Red Flag Rule, which implements Section 114 of the Fair and Accurate Credit Transaction Act of 2003 (16 C.F.R. § 681.12). This Program is designed to detect, prevent and mitigate Identity Theft in connection with the opening and maintenance of certain utility accounts.

(2) **Definition – Identity Theft; Accounts Addressed.** For purposes of this Program, "Identity Theft" is considered to be "fraud committed using the identifying information of another person." The accounts ("Accounts") addressed by the Program are defined as:

- An account the Utility offers or maintains primarily for personal, family or household purposes, that involves multiple payments or transactions; and
- Any other account the Utility offers or maintains for which there is a reasonably foreseeable risk to customers or to the safety and soundness of the Utility from Identity Theft.

(b) **Village Board Adoption.** This Program was developed with oversight and approval of the Village Board. After consideration of the size and complexity of the Utility's operations and account systems, and the nature and scope of the Utility's activities, the Village Board determined that this Program was appropriate for the Village of Rio Sewer and Water Utility, and therefore approved this Program on April 6, 2011.

(c) **Identification of Red Flags.** A "Red Flag" is a pattern, practice, or specific activity that indicates the possible existence of Identity Theft. In order to identify relevant Red Flags, the Utility considered the types of accounts that it offers and maintains, the methods it provides to open its accounts, the methods it provides to access its Accounts, and its previous experiences with Identity Theft. The Utility identifies the following Red Flags, in each of the listed categories:

(1) **Notifications and Warnings from Consumer Reporting Agencies.** A utility will likely only have a listing in this category if it reports to or obtains information from consumer reporting agencies. Possible Red Flags for this category include receiving:

- a. A report or notice from a consumer reporting agency of a credit freeze;
  - b. A report of fraud with a consumer report; and
  - c. An indication from a consumer report of activity that is inconsistent with a customer's usual pattern or activity.
- (2) **Suspicious Documents.** Possible Red Flags for this category include:
- a. Receiving documents that are provided for identification that appear to be forged or altered;
  - b. Receiving documentation on which a person's photograph or physical description is not consistent with the person presenting the documentation;
  - c. Receiving other documentation with information that is not consistent with existing customer information (such as if a person's signature on a check appears forged); and
  - d. Receiving an application for service that appears to have been altered or forged.
- (3) **Suspicious Personal Identifying Information.** Possible Red Flags for this category include:
- a. A person's identifying information is inconsistent with other sources of information, such as an address not matching an address on a consumer report or a Social Security number ("SSN") that was never issued;
  - b. A person's identifying information is inconsistent with other information the customer provides (such as inconsistent SSNs or birth dates);
  - c. A person's identifying information is the same as shown on other applications found to be fraudulent;
  - d. A person's identifying information is consistent with fraudulent activity (such as an invalid phone number or fictitious billing address);
  - e. A person's SSN is the same as another customer's SSN;
  - f. A person's address or phone number is the same as municipal records of another person;
  - g. A person fails to provide complete personal identifying information on an application when reminded to do so; and
  - h. A person's identifying information is not consistent with the information that is on file for the customer.
- (4) **Unusual Use of or Suspicious Activity Related to an Account.** Possible Red Flags for the category include:
- a. A change of address for an account followed by a request to change the Account Holder's name;
  - b. An account is being used in a way that is not consistent with prior use (such as late or no payments when the account has been timely in the past);
  - c. Mail sent to the account holder is repeatedly returned as undeliverable;
  - d. The Utility receives notice that a customer is not receiving his/her paper statements; and
  - e. The Utility receives notice that an account has unauthorized activity.

- (5) **Notice Regarding Possible Identity Theft.** Red Flags for this category include situations when the Utility receives notice from a customer, an identity theft victim, law enforcement agency or any other person that it has opened or is maintaining a fraudulent account for a person engaged in Identity Theft.
- (d) **Detection of Red Flags.**
- (1) **Verification Steps.** In order to detect any of the Red Flags identified above with the opening of a new account, Utility personnel will take the following steps to obtain and verify the identity of the person opening the account. Steps can include:
- Requiring certain identifying information such as a name, date of birth, residential or business address, principal place of business for an entity, SSN, driver's license or other identification;
  - Verifying the customer's identity, such as by copying and reviewing a driver's license or other identification card;
  - Reviewing documentation showing the existence of a business entity; and
  - Independently contacting the customer.
- (2) **Optional Photographic Verification.** That as a smaller utilities provider, Rio Sewer and Water Utility may not always find it necessary to obtain photographic identification for accounts. As in all of the steps with the Program, the Utility must determine the specific items to include in this Section.
- (3) **Existing Accounts Verification.** In order to detect any of the Red Flags identified above for an existing account, Utility personnel will take the following steps to monitor transactions with an account:
- Verifying the identification of customers if they request information (in person, via telephone, via facsimile, via email);
  - Verifying the validity of requests to change billing addresses; and
  - Verifying changes in banking information given for billing and payment purposes.
- (e) **Preventing and Mitigating Identity Theft.**
- (1) **Prevention Steps.** In the event Utility personnel detect any identified Red Flags, such personnel shall take one (1) or more of the following steps, depending on the degree of risk posed by the Red Flag. Steps can include:
- Continuing to monitor an account for evidence of Identity Theft;
  - Contacting the customer;
  - Changing any passwords or other security devices that permit access to accounts;
  - Reopening an account with a new number;
  - Not opening a new account;
  - Notifying law enforcement;
  - Determining that no response is warranted under the particular circumstances; or
  - Notifying the Program Administrator (as defined below) for determination of the appropriate step(s) to take.
- (2) **Response Dependent on Circumstances.** Because a Utility will not be able to predict particular circumstances that may arise, this Section describes a range of possible

- responses and identifies a person(s) who will be responsible for the Utility for determining what response is appropriate in particular circumstances. For example, if the Utility receives notice that its system has been compromised such that a customer's personal information has become accessible, the Utility would likely, at a minimum, notify the customer and change passwords. If the Utility receives notice that a person has provided inaccurate identification information, the appropriate response may be to close the Account and contact law enforcement.
- (3) **Internal Operating Procedures.** In order to further prevent the likelihood of identity theft occurring with respect to Utility accounts, the Utility will take the following steps with respect to its internal operating procedures. These steps are not outlined in the FTC's Red Flag Rule, but are identified by the Utility as areas with a possible need for policies. Possible steps may include:
- a. Providing a secure website or clear notice that a website is not secure;
  - b. Ensuring complete and secure destruction of paper documents and computer files containing customer information;
  - c. Ensuring that office computers are password protected and that computer screens lock after a set period of time; and
  - d. Requiring only the last four (4) digits of SSNs on customer applications.
- (f) **Updating the Program and the Red Flags.** This Program will be periodically reviewed and updated to reflect changes in risks to customers and the soundness of the Utility from Identity Theft. At least every year, the Program Administrator will consider the Utility's experiences with Identity Theft situation, changes in Identity Theft methods, changes in types of accounts the Utility maintains and changes in the Utility's business arrangements with other entities. After considering these factors, the Program Administrator will determine whether changes to the Program, including the listing of Red Flags, are warranted. If warranted, the Program Administrator will present the Village of Rio Sewer and Water Utility with his/her recommended changes and the Village Board will make a determination of whether to accept, modify or reject those changes to the Program.
- (g) **Program Administration.**
- (1) **Oversight.** The Utility's Program will be overseen by a Program Administrator. The Program Administrator shall be the Village Administrator of the Village of Rio. The Program Administrator will be responsible for the Program's administration, for ensuring appropriate training of Utility staff on the Program, for reviewing any staff reports regarding the detection of Red Flags and the steps for preventing and mitigating Identity Theft, determining which steps of prevention and mitigation should be taken in particular circumstances, reviewing and, if necessary, approving changes to the Program.
  - (2) **Staff Training and Reports.** Utility and Village staff responsible for implementing the Program shall be trained either by or under the direction of the Program Administrator in the detection of Red Flags, and the responsive steps to be taken when a Red Flag is detected.

- (3) **Service Provider Arrangements.** In the event the Utility engages a service provider to perform an activity in connection with one or more Accounts, the Utility will take the following steps to ensure the service provider performs its activity in accordance with reasonable policies and procedures designed to detect, prevent, and mitigate the risk of Identity Theft. These steps may include:
- a. Requiring, by contract, that service providers have such policies and procedures in place;
  - b. Requiring, by contract, that service providers review the Utility's Program and report any Red Flags to the Program Administrator.

