

**TITLE 6
PUBLIC WORKS**

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**ARTICLE 1
STREETS**

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6.1.01 Director of Public Works

The Director of Public Works shall be that person appointed by the Village Board, to serve as Administrator and shall have such duties and powers as given by these ordinances either in capacity as Director of Public Works or as Administrator, as may be designated by the Utility Commission or as may be established from time to time by the Village Board.

6.1.1 Department Superintendents

The Marathon City Village Board shall appoint persons to serve in the following positions: Street Superintendent, Water Superintendent and Wastewater Superintendent. Appointed staff shall have such duties and powers as given to by these ordinances or as designated by the Director of Public Works.

6.1.2 Street and House Numbering System

- (A) **Establishment of street numbering system:** There is hereby established a uniform system of numbering houses and buildings fronting on all streets, avenues, and public ways in the Village of Marathon City and all such houses and buildings shall be numbered in accordance with the provisions of this ordinance.
- (B) **Base lines for numbering:** The base line for numbering along all streets, avenues, and public ways of the Village shall be as follows:
 - (1) North – South Streets: East Street
 - (2) East – West Streets: North Street
- (C) **Block Numbering:** The numbering for each street shall begin at the base line. The first block from the base line shall be numbered 100 to 199, the second block 200 to 299, etc. All street numbers running north of the base line shall be followed by the designation “north” and all street numbers running south of the base line shall be designated “south.” Street numbers east and west of the base line shall be similarly designated.
- (D) **Method of Numbering:** All lots, houses, and buildings on the south and west side of all streets shall be numbered with odd numbers and all lots, houses and buildings on the north and east side of all streets shall be numbered with even numbers.
- (E) **Un-extended Street Numbering:** All streets not extending through to the base line shall be assigned the same relative numbers as if the said street had extended to the said base line.
- (F) **Assignment of numbers:** The street number for each house and building fronting a public street, avenue or public way shall be set by the clerk with due regard for the length of the block, the number buildings and lots and such other factors as may be deemed relevant.
- (G) **Maps:** For the purpose of facilitating correct numbering, a map of the Village showing the proper number of all lots and buildings fronting upon all streets, avenues, or public ways, shall be kept and maintained by the Clerk and open for public inspection.

- (H) **Numbers to be Displayed:** It shall be the duty of the owners of all houses, buildings, and structures covered under this ordinance to conspicuously show and display the appropriate street number of such house, building, or structure above, on or to one side of the door so that the same may be plainly seen from the street. Whenever any such structure is located more than 50 feet from the street line, the number of such structure shall also be conspicuously displayed in an appropriate place so as to be easily discernible from the street line.
- (I) **New Structures:** Whenever any house, building or other structure shall hereafter be erected or located in the Village of Marathon City, it shall be the duty of the owner thereof to procure the number assigned to said building. No building permit shall be issued for any house, building, or structure until the owner has procured from the Clerk the official number of the premises.
- (J) **Violation:** If the owner or occupant of any building required to be numbered by this ordinance, shall neglect to duly attach and maintain the proper number of such building, the Clerk shall cause to be served upon him the notice requiring such owner or occupant to properly number the same, and if he neglects to do so for ten (10) days after the serving of such notice, he shall be deemed to have violated this ordinance.
- (K) **Penalty:** The penalty for violation of any provision of this section shall be a penalty as provided for in Section 1.1.12 of this code with each day or part thereof during which the violation occurs or continues to be a separate offense.

6.1.3 Village Bid Statute

- (A) Pursuant to Wis. Stat. s. 61.24, all contracts for public construction shall be let by a village board in accordance with s. 62.15. The village board, or a person or body designated by the village board, shall exercise the powers and duties of the board of public works under s. 62.15. Section 62.15 applies to a village in the same manner as to a city.

6.1.4 Left for Future Use

6.1.5 Tree Trimming and Sanitation

- (A) **Trees to be kept trimmed:** Trees standing in and upon and public street , alley, sidewalk or public place, or upon and lot or land adjacent thereto shall be pruned and trimmed by the owner or owners or occupants of the property on or in front of which such trees are growing so that the lowest branches projecting over the public street or alley will provide a clearance of not less than fifteen (15) feet and a clearance of not less than ten (10) feet over any sidewalk or other public place and so that no dead, broken or otherwise hazardous branches shall be likely to fall and do injury to the public. Any tree not trimmed as herein provided shall be deemed hazardous.
- (B) **Hazardous and infected trees:** And tree or part thereof, whether alive or dead, which the Director of Public Works shall find to be infected, hazardous or a nuisance so as to endanger the public or other trees, plants, or shrubs growing within the Village, or to be injurious to sewers, sidewalks or other public improvements whether growing upon public or private premises, shall be removed, trimmed or treated by the owner of the property upon or adjacent to which such tree or part thereof is located. The Director of Public Works shall give written notice to said owner to remedy the situation which shall be served personally or posted upon the affected tree. Such notice shall specifically state the period of time within which the action must be taken which shall be within not less than 24 hours nor more than 14 days as determined by the Director of Public Works on the basis of the seriousness of the condition of the tree or danger to the public. If the owner shall fail to remove, treat, or trim said tree within the time limit, the Director of Public Works shall cause the tree to be removed, treated, or trimmed and shall report the full costs thereof to the Village Clerk who shall thereupon enter such cost as a special charge against the property.
- (C) **Planting of Certain Trees Restricted:** No person shall hereafter plant any Catalpa, Chinese Elm, White Poplar, Lombardy Poplar, or any fruit or nut tree in or upon any public street, parkway, boulevard or other public place within the Village of Marathon City unless he shall first secure written permission from the Director or Public Works, who shall not approve any such planting if in his opinion said tree will constitute a nuisance to the public or adjoining property owners or interfere with the safety of the public or the operation of any sewer or water system. The Director of Public Works shall cause the removal of any tree planted in violation of this subsection.
- (D) **Penalty:** The penalty for violation of any provision of this section shall be a penalty as provided in Section 1.1.12 of this code.

6.1.6 Snow and Ice Removal

- (A) **Responsibility of Owner, Occupant, Etc:** The owner, occupant or person in charge of each and every building or structure or unoccupied lot in the Village fronting or abutting any street shall clean or cause to be cleaned the sidewalk in front of or adjoining each house building or unoccupied lot as the case may be of snow or ice to the width of such sidewalk within twenty-four (24) hours from the time the snow ceased to accumulate and shall cause the same to be kept clear from ice and snow, provided that when the ice has formed on any sidewalk so that it cannot be immediately removed, the persons herein referred to shall keep the same sprinkled with salt, ashes, sawdust, or sand.
- (B) **Penalty:** The penalty for violation of any provision of this section shall be a penalty as provided in Section 1.1.12 of this code. A separate offense shall be deemed committed during each hour or part thereof during which a violation occurs or continues.

6.1.7 Obstructions and Encroachments

- (A) **Obstructions and Encroachments Prohibited:** No person shall encroach upon or in any way obstruct or encumber any street, alley, sidewalk, public grounds or land dedicated to public use, or any part thereof, or permit such encroachment or encumbrance to be placed or remain on any public way adjoining the premises of which he is the owner or occupant, except as provided in the sub (b).
- (B) **Exceptions:** The prohibition of sub (a) shall not apply to the following:
- (1) Awnings which do not extend below any point seven (7) feet above the sidewalk.
 - (2) Public utility encroachments duly authorized by state law or the Village Board.
 - (3) Goods, wares, merchandise or fixtures being loaded or unloaded which do not extend more than three (3) feet onto the sidewalk, provided such goods, wares, etc. Do not remain thereon for a period of more than two hours.
 - (4) Temporary encroachments or obstructions authorized by permit under sub (c).
 - (5) Excavations and openings permitted under section 6.1.9.

- (C) **When Street Privilege Permit is Required:** Permits for the use of the streets, alleys, sidewalks or other public ways or places for the purpose of moving any building or structure or of encumbering the street, alley, sidewalk or way with material necessary in and about the construction or demolition of any building or structure, provided such applicant has complied with the other requirements of this subsection and has obtained a building permit if required by this code. No fee shall be charged for such permit.
- (D) **Bond:** No street privilege permit shall be issued until the applicant shall execute and file with the Village Clerk a bond in an amount determined by the Director of Public Works, conditioned that the applicant will indemnify and save harmless the Village of Marathon City from all liability for accidents or damage caused by reason of operations under said permit and will remove such encumbrance upon termination of the operations and will leave the vacated premises in a clean and sanitary condition or repair any and all damage to the streets, alleys, sidewalks or public property of the Village resulting from such building or moving operations.
- (E) **Conditions of Occupancy:** The permission to occupy or obstruct the streets, alleys, sidewalks or public grounds is intended only for use in connection with the actual erection, alteration, repair, removal or moving of buildings or structures and shall be given upon the following terms and conditions and subject to revocation without notice by the Director of Public Works for violation thereof:
- (1) Such temporary obstruction shall cover no more than 1/3 of any street or alley.
 - (2) Obstruction shall be sufficiently lighted at night so as to be in full view of the public from all directions.
 - (3) Sidewalk traffic shall not be interrupted, but temporary sidewalks of not less than four (4) feet in width guarded by a closed fence at least four (4) feet high on both sides may be maintained during the period of occupancy.
 - (4) The process of moving any building or structure shall be as continuous as practical until completed, and if ordered by the Director of Public Works, shall continue during all hours of the day and night.
 - (5) No building or structure shall be allowed to remain overnight on any street crossing or intersection or so near thereto as to prevent easy access to any fire hydrant.
 - (6) Buildings shall be moved only in accordance with the route prescribed by the Director of Public Works.

- (7) Upon termination of the work necessitating such obstruction, all parts of the streets, alleys, sidewalks, or public grounds occupied under the permit shall be vacated, cleaned of all rubbish and obstructions and placed in a safe condition for public travel at the expense of the permittee.
- (F) **Termination:** All street privilege permits shall be automatically terminated at the end of two (2) months from the date of issuance unless an earlier termination date is specified thereon at the direction of the Director of Public Works.
- (G) **Removal by Village:** In addition to any other penalty imposed, if the owner or occupant of the premises adjoining any unlawfully obstructed sidewalk shall refuse or neglect to remove such obstruction within 24 hours after notice from the Director of Public Works to do so, it shall be the duty of the Director of Public Works to remove such obstruction and make return of the costs and expense thereof to the Village Clerk who shall enter such cost on the next annual tax roll as a special charge against the property abutting such obstructed sidewalk, and such sum shall be levied and collected as other special taxes against real estate.
- (H) **Penalty:** The penalty for violation of any of the provisions of this section shall be a penalty as provided in Section 1.1.12 of this code.

6.1.8 Street and Sidewalk Grades

- (A) **Establishment:** The grade of all streets, alleys, and sidewalks shall be established by resolution by the Village Board and the same recorded by the Village Clerk in his office. No street, alley, or sidewalk shall be worked until the grade thereof is established.
- (B) **Alteration of Grade Prohibited:** No person shall alter the grade of any street, alley, sidewalk, or public ground or any part thereof in the Village of Marathon City by any means whatsoever unless authorized or instructed to do so by the Village board or the director of Public Works. All such alterations of grade shall be recorded in the office of the Village Clerk by the Clerk or the officer authorizing the alteration.
- (C) **Penalty:** The penalty for violation of any provision of this section shall be a penalty as provided in Section 1.1.12 of this code.

6.1.9 Street and Sidewalk Excavations and Openings

- (A) **Permit Required:** No person shall make or cause to be made any excavation or opening in any street, alley, highway, sidewalk or other public way within the Village of Marathon City without first obtaining a permit therefor from the Director of Public Works. No fee shall be charged for such permit.
- (B) **Bond:** Before a permit for excavation or opening any street or public way may be issued, the applicant must execute and deposit with the Village Clerk an indemnity bond, approved by the Village President, in the sum of \$5,000 conditioned that he will indemnify and save harmless the Village of Marathon City and its officers from all liability for accidents and damage caused by any of the work covered by his permit, and that he will fill up and place in good and safe condition all excavations and openings made in the street, and will replace and restore the pavement over any openings he may make as near as can be to the state and condition in which he found it, and keep and maintain the same in such condition, normal wear and tear expected, to the satisfaction of the Director of Public Works for a period of one year, and that he will pay all fines imposed upon him for any violation of any rule, regulation, or ordinance governing street openings or drain laying adopted by the Village Board, and will repair any damage done to existing improvements during the progress of the excavation in accordance with the ordinances, rules and regulations of the villages. Such bond shall also guarantee that if the Village shall elect to make the street repair, the person opening the street will pay all costs of making such repair.

Recovery on such bond for any accident, injury, violation of law, ordinance, rule or regulation shall not exhaust the bond but it shall cover any and all accidents, injuries or violation during the period of excavation for which it is given.

An annual bond may be given under this section covering all excavation work done by the principal for one year beginning January 1, which shall be conditioned as specified above and in the amount determined by the Village Board as necessary to adequately protect the public and the Village.

- (C) **Insurance:** Prior to commencement of excavation work, a permittee must furnish the Director of Public Works satisfactory written evidence that he has in force and will maintain during the life of the permit and the period of excavation, public liability insurance of not less than \$100,000 for one person, \$300,000 for one accident and property damage insurance of not less than \$50,000.

(D) **Regulations Governing Street and Sidewalk Openings:**

- (1) **Frozen Ground:** No opening in the street or sidewalks for any purpose shall be permitted when the ground is frozen, except where necessary as determined by the Director of Public Works.
- (2) **Removal of Paving:** in opening any street or other public way, all paving or ballasting materials shall be removed with the least possible loss of or injury to surfacing material and together with the excavated material from trenches shall be placed so as to cause the least practicable inconvenience to the public and permit free flow of water along gutters.
- (3) **Protection of Public:** Every person shall enclose with sufficient barriers such opening which has been made in the streets or public ways of the Village. All machinery and equipment shall be locked or otherwise effectively safeguarded from unauthorized use when not being used by the permittee, his agents, or employees. Yellow lights or torch lamps shall be kept burning from sunset to sunrise, one yellow light or torch lamp to be placed at each end of the opening in the street or way and other lights sufficient in number and properly spaced to give adequate warning. Except by special permission from the Director of Public Works no trench shall be excavated more than 250 feet in advance of pipe laying nor left unfilled more than 500 feet from where pipe has been laid. All necessary precautions shall be taken to guard the public effectually from accidents or damage to persons or property through the period of the work. Each person making such opening shall be held liable for all damages, action brought against it for damages, as well as costs of any appeal, that may result from the neglect by such person or his employees of any necessary precaution against injury or damage to persons, vehicles, or property of any kind.

- (4) **Replacing Street Surface:** In opening any street or sidewalks, the paving materials, sand, gravel, and earth or other materials moved or penetrated and all surface monuments or hubs must be removed and replaced as nearly as possible in their original condition or position and the same relation to the remainder as before. Any excavated material which in the opinion of the Director of Public Works is not suitable for refilling shall be replaced with approved backfill material. All rubbish shall be immediately removed, leaving the street or sidewalk in perfect repair. In refilling the opening, the earth must be puddled or laid in layers not more than six (6) inches deep and each layer rammed, tamped or flushed to prevent after-settling. When the sides of the trench will not stand perpendicular, sheathing and braces must be used to prevent caving. No timber, bracing, lagging, sheathing or other lumber shall be left in any trench. The Village may elect to have the Village make the pavement repair for any street or sidewalk opening, in which case the cost of making such repair shall be charged to the person making the street opening.
- (E) **Excavation in New Streets Limited:** Whenever the Village Board determines to provide for the permanent improvement or repaving of any street, such determination shall be made not less than 30 days before the work of improvement or repaving shall begin. Immediately after such determination by the Village Board, the Director of Public Works shall notify in writing each person, utility, Village department or other agency owning or controlling any sewer, water main, conduit, or other utility in or under said street or any real property abutting said street, that all such excavation work in such street must be completed within 30 days. After such permanent improvements or repaving, no permit shall be issued to open, cut or excavate said street for a period of 5 years after the date of the improvement or repaving unless in the opinion of the Director of Public Works, an emergency or other good cause exists which makes it absolutely essential that the permit be issued.
- (F) **Emergency Excavations Authorized:** In the event of an emergency any person owning or controlling any sewer, water main, conduit, or utility in or under any street and his agents or employees may take immediate proper emergency measures to remedy dangerous conditions for the protection of property, life, health, or safety without obtaining an excavation permit; provided that such person shall apply for an excavation permit not later than the end of the next succeeding business day and shall not make any permanent repairs without first obtaining an excavation permit hereunder.

- (G) **Village Work Excluded:** The provisions of this section shall not apply to excavation work under the direction of the Director of Public Works by Village employees or contractors performing work under contract with the Village necessitating openings or excavations in Village streets.
- (H) **Penalty:** The penalty for violation of any provision of this section shall be a penalty as provided in Section 1.1.12 of this code.

6.1.10 Sidewalk Construction and Repair

- (A) **Owner to Construct:** it shall be the duty of the abutting owner to build, repair, construct, and perpetually maintain sidewalks along or upon any street, alley, or highway in the Village of Marathon City and to pay the costs thereof. Whenever the Village Board shall, by resolution, determine that a sidewalk be laid, rebuilt, repaired, lowered or raised along or upon any public street, alley, or highway with the Village, it shall proceed according to Section 66.0907 of the Wisconsin Statutes.
- (B) **Permit Required:** no person shall hereafter lay, remove, replace, or repair any public sidewalk within the Village of Marathon City unless he is under contract with the Village to do such work or has obtained a permit therefor from the Director of Public Works at least seven (7) days before work is proposed to be undertaken. No fee shall be charged for such permits.
- (C) **Specifications:** All sidewalks within the Village of Marathon City hereafter shall be repaired, rebuilt and constructed in accordance with the following specifications:
 - (1) **Subgrade:** All subgrade shall be prepared by excavating the line, grade, and cross section as established by the Village board. Soft and unsuitable material shall be removed and replaced with sand or other satisfactory material, and the subgrade shall be thoroughly and uniformly compacted and moistened immediately before the concrete is placed. When so specified by the Director of Public Works, a sub-base of sand, sand and gravel or other approved porous material shall be placed under the sidewalk. On embankments the subgrade shall extend at least 1 foot beyond each edge of the sidewalk.
 - (2) **Material:** All sidewalks shall be of air entrained concrete composed of six (6) bags per cubic yard of one course construction, and built to the established line and grade. Gravel shall be of good quality and washed. Concrete shall be mixed thoroughly for a minimum of one minute after all materials have been placed in the mixer.

- (3) Forms: Concrete shall be placed in straight forms of wood or metal of sufficient strength to resist springing, tipping or other displacement during the process of depositing and consolidating the concrete. Wood forms shall be surfaced plank of at least 2 inches thickness except for sharply curved sections. Metal forms shall be of approved section. The forms shall be of full depth of the required walk and shall be of such design as to permit secure fastening. Forms shall be thoroughly cleaned and oiled before concrete is placed against them. Concrete shall be placed in the forms on a moist subgrade, deposited just above the finished grade and consolidated and spaded sufficiently to bring the mortar to the surface and to prevent honeycombing. It shall then be struck off level with the top of the forms and finished with wooden flats. To provide adequate drainage the sidewalk shall slope toward the curb at a minimum slope of 1.5%, or 3/16 inch per foot of width of sidewalk. All joints and edges shall be finished with ¼ inch radius tool.
- (4) Width and Thickness: Residential walks shall be five (5) feet in width and not less than four (4) inches thick except within driveway approaches where the minimum thickness shall be six (6) inches; provided that walks in residential areas may be repaired or replaced to a width not less than the existing width on the effective date of this section. Sidewalks in front of commercial or industrial establishments shall be not less than eight (8) feet in width and five (5) inches in thickness except within driveway approaches where the minimum thickness shall be seven (7) inches.
- (5) Finishing: Before the last finish has set, the sidewalk shall be steel troweled and brushed in transverse direction. Before final finishing, the surface shall be checked with a ten (10) foot straight edge and any areas departing more than 1/8 inch from the testing edge shall be corrected by adding or removing concrete while the concrete in the walk is still plastic.
- (6) Jointing: Transverse, full depth, ½ inch thick expansion material shall be located every 40 feet and at the property line, and where the walk intersects another walk, curb line, building or driveway approach, and at buildings, walls, poles, and stop boxes. The expanding joint material shall be placed in a neat and workman like manner with its upper edge slightly below the finished sidewalk surface. Dummy groove joints for controlled cracking, at least an inch in thickness and 5/16 inches in depth, shall be placed at intervals of approximately five (5) feet. Steel division plates shall be placed at right angles to the center line of the sidewalk at intervals of not less than 15 feet. All joints shall be at right angles to the direction and grade of the walk. Diagonal joints may be used only when approved by the Director or Public works.

(7) Curing and Drying: As soon as any of the concrete work herein before mentioned has been finished and hardened sufficiently to prevent excessive marring of the surface, it shall be cured and protected against rapid drying. Failure to comply with this requirement shall be deemed sufficient cause for suspension of the work. Curing shall be accomplished by the "Impervious Coating," "Wet Fabric" or "Paper" methods. For impervious coating or membrane curing, only those materials meeting the requirements of ASTM Specs. C156-44T, "Method of Test of Efficiency of Materials for Curing Concrete" shall be used. Said specifications are hereby adopted by reference as if fully set forth herein. Walks shall be kept free from all traffic at normal temperatures for 48 hours and in cold weather (below 50 degrees F) for 96 hours. No concrete shall be poured when the temperature may be expected to fall below 35 degrees F in any 72 hour period or upon frozen subgrade.

(D) **Penalty:** The penalty for violation of any provision of this section shall be a penalty as provided in Section 1.1.12 of this code.

6.1.11 Driveways

(A) **Approval Required:** No person shall construct or maintain any driveway across any sidewalk or curbing without first obtaining a driveway permit from the Planning Commission. No fee shall be charged for such permit.

(B) **Specifications for Driveway Construction.**

(1) Width: No driveway serving single family residential property shall be less than 10 feet in width or more than 24 feet in width at the outer edge or street edge of the sidewalk unless special permission is obtained from the Village Board. No driveway serving commercial and industrial property shall be more than 35 feet in width at the outer edge or street edge of the sidewalk unless special permission is obtained from the Village Board.

(2) Interference with Intersections Prohibited: At street intersections a driveway shall not provide direct ingress or egress to or from the street intersection area and shall not occupy areas of the roadway deemed necessary by the Village Board for effective traffic control or for highway signs or signals.

(3) Interference with Street: No driveway apron shall extend out into the street further than the face of the curb, and under no circumstances shall such driveway apron extend into the gutter area. All driveway entrances and approaches shall be so constructed that they shall not interfere with the draining of streets, side ditches, or roadside areas or with any existing structure on the right of way.

- (4) Number of Approaches Limited: No more than one driveway entrance and approach shall be constructed for any lot or premises except where deemed necessary and feasible without undue impairment of safety, convenience, and utility of the street by the Director of Public Works. Any two (2) approaches shall be at least 10 feet apart.
 - (5) Workmanship and Materials: All driveway entrances and approaches which are constructed across sidewalks shall be paved in accordance with the requirements for sidewalk construction in Section 6.1.10 (c) of this code insofar as such requirements are applicable, including thickness requirements in Section 6.1.10 (c) (4).
 - (6) Permittee Liable for Damage or Injury: The permittee shall assume all responsibility for any injury or damage to persons or property resulting directly or indirectly during construction or repair of driveway approaches or entrances. When curb or gutter is removed, the new connection shall be of equivalent acceptable material and curb returns provided or restored in a neat, workmanlike manner. Driveway surfaces shall connect with the street pavement and sidewalk in a neat, workmanlike manner. Any sidewalk areas which are damaged or are inadequate by reason of vehicle travel across the sidewalk shall be replaced in accordance with the requirements of Section 6.1.10 (c).
- (C) **Penalty:** The penalty for violation of any provision of this section shall be a penalty as provided in Section 1.1.12 of this code.

ARTICLE 2
UTILITIES

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GENERAL REGULATIONS

6.2.1 Creation of Water Commission

There is hereby provided for and created the Village of Marathon Water Commission for the non-partisan management of all public utility plants and businesses owned and conducted by the Village of Marathon City. Hereafter whenever the terms “utility”, “department”, “water utility”, or “sewer utility” are used in referring to the administrative body of the Village for such utilities, the same shall refer to and designate the Village of Marathon Water Commission.

6.2.2 Membership of Commission

- (A) **Number and Designation:** The Village of Marathon Water Commission shall consist of five (5) “commissioners”, one of whom shall be the Village President and the others to be appointed by the Village Board.
- (B) **Eligibility:** No person shall be eligible for appointment to the position of a water utility commissioner if said person directly or indirectly has any interest in any contract furnishing heat, light, power or other public services to the Village of Marathon City and any position of commissioner shall become immediately vacant upon the person holding the same obtaining such interest.
- (C) **Term of Office:** The members of such commission shall be appointed by the Village Board for three (3) year terms unless such appointment is made to fill a vacancy, in which case, the person appointed shall serve the remainder of the term on that position. One position shall expire each year.

6.2.3 Organization of Commission

At the first meeting following the appointment of the new member or members, the commission shall reorganize itself by electing from their member a chairman and a secretary, except that the Village President shall not hold such positions.

SEC. 6.2.4 Powers of the Commission

- (A) The Village of Marathon Water Commission is hereby granted the following power
 - (1) The management, direction and use of any and all public utility property, plant equipment and business owned by such municipality subject, however, to the general control and supervision of the Village Board.

- (2) When necessary, the commission may utilize the services of the Village Engineer, Attorney, and other official and employees upon such basis as shall be mutually agreed to or as determined by the Village Board and in such cases such services shall be reimbursed by the utility funds;
- (3) To make all necessary rules and lawful regulation governing its own proceedings and the government of its department;
- (4) To construct, extend, improve, operate and maintain the public utilities of the Village of Marathon City subject to the general control of the Village Board and the powers and jurisdiction vested by law in the Public Service Commission or Wisconsin; and
- (5) Such powers as may be necessary and proper to enforce, exert and administer the above and foregoing enumerated powers.

SEC. 6.2.5 Duties of Officers

- (A) **Chairman:** The chairman shall preside at all meetings of the commission to coordinate its various activities and to perform such other duties as may be appropriate to the office and as the commission may direct.
- (B) **Administrator:** The secretary of the commission shall:
 - (1) Keep true and correct minutes of all proceedings of the commission and to notify members of the commission of all meetings;
 - (2) To keep such other records necessary to record all income and disbursements of the commission, such system to comply with the accounting system as may be prescribed by the Wisconsin Public Service Commission;
 - (3) Make all necessary disbursements by check counter signed by the chairman of the commission and the Village Treasurer; and
 - (4) Collect all money and fees due the utility and deposit the same with the village treasurer who shall keep such funds in an account separate from all other funds of the Village. The secretary shall give a surety bond to cover such duties in an amount as the commission may deem necessary.
- (C) **Other Powers Designated:** each of the foregoing officers shall perform such other duties as may be prescribed by law, by direction of the commission or by resolution of the Village Board.

6.2.6 Use of Utility Funds

The revenue, monies, and funds belonging to or derived from the ownership and operation of the public utilities and its properties, shall be held, invested, deposited and disposed of in accordance with the statutes of the State of Wisconsin and the rules and regulations of its Public Service Commission. No funds of said utilities may be placed in or transferred to the Village or any account thereof or used in defraying Village expenses except as may be permitted by law. Any excess funds accumulated by the utility may be invested only in bonds or certificates for which a utility of a city, village or town is security or in general obligations of the United States or any municipal corporation of the State of Wisconsin.

6.2.7 Salaries

Water Commission members shall receive such salary as the Village Board determines or sets for their compensation. The Secretary of the Commission shall receive such additional salary as the Village Board shall determine and fix from time to time according to such additional duties performed.

6.2.8 Extension of Sewer and Water Service Beyond Village Limits

- (A) It is the intent of this Ordinance to prohibit providing sewer and water service beyond the village corporate limits. If a property owner outside the village corporate limits requests sewer and water service, they must annex into the village to obtain service, and will be subject to the provisions of this Ordinance.

6.2.9 Sewer and Water Connections Required

- (A) All buildings used for human habitation, and located adjacent to a sewer and water main, or located within 300 feet of existing water and sewer mains, shall be connected to both water and sewer mains in accordance with the provisions of this ordinance, within 60 days after date of official notice to do so. For a multiple lot development, the Developer and/or property owner is responsible to pay the 100% of the cost to extend the public water and sewer mains to the property and in front of the property.

- (B) If any person fails to cause such connections to be made for more than ten (10) days after notice in writing the Village of Marathon City shall cause such connections to be made, and the expense thereof shall be assessed as a special tax against the property. The owner may, within three (3) days after the completion of the work, file a written option with the Village Clerk stating that he cannot pay such amount in one sum asking that it be levied in not to exceed five (5) equal installments, and the amount shall be so collected with interest at a rate of six percent (6%) per annum from the completion of the work with the unpaid balance to be a special tax lien.
- (C) In addition to the connections with sewer and water mains as hereinbefore provided, the owner of said building shall cause such installation as may be necessary, at the owner's expense, to permit the drainage of household sewage into the public system.
- (D) Any person who shall violate any of the provisions of this code shall be subject to a penalty as provided in Section 1.1.12 of this code. A separate offense shall be deemed committed during each day or part thereof during which a violation occurs or continues.

WATER SERVICE

6.2.12 Municipal Water Utility Regulations

- (A) **Compliance with the Rules:** All persons now receiving a water supply from the Village of Marathon City Water Department or who may hereafter make application therefore shall be considered as having agreed to be bound by the rules and regulations as filed with the Public Service Commission of Wisconsin.
- (B) **No Claims for Damages:** No person shall enter a claim for damage against the Village of Marathon City as a water utility or any officer thereof, for damage to any pipe, fixture, or appurtenance by reason of interrupted water supply, or variation of pressure, or for damage of any nature whatsoever caused by the water supply for the extension, alteration, or repair of any water main or premise supply for the discontinuance of the premise water supply for the violation of any rules or regulation of the Marathon City Water Department. No claims will be allowed against the Village, on account of the interruption of the water supply caused by the breaking of pipes or machinery, or by stoppage for repairs, on account of fire or other immediate emergency, and no claims shall be allowed for damage caused by the breakage of any pipe or machinery.

- (C) **Inspection of Premises:** Any officer or authorized employee of the utility shall have the right to access during reasonable hours the premises supplied with service, for the purpose of inspection or for the enforcement of the Utility's rules and regulations.
- (D) **Vacation of Premises:** When premises are to be vacated, the utility shall be notified in writing at once, so that it may remove the meter and shut off the supply of water at the curb stop. The owner of the premises shall be liable to prosecution for any damage to the property of the water department by reason of failure to notify the Utility of vacancy.

6.2.13 Main Extensions

- (A) **Statutes Applicable:** Main extension will be provided by the Marathon City Water Utility in accordance with the Wisconsin Statutes, s. 61.36, where applicable, otherwise s. 62.19.
- (B) **Contractor's Responsibility:** Handling water mains and services pipes in sewer or other trenches where excavating machines are used in digging sewers, all water mains shall be maintained at the expense of the contractor.

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

6.2.14 Establishment of Service

- (A) **Service Applications:** Application for the original installation of a supply from the Village water main, or for any extension or alteration of an existing supply from the curb line, or within the street property line, shall be filed by the owner of the property or an authorized agent therefore for the approval of the Village board prior to the performance of any such work. If a master plumber, or the owner makes application, he shall provide, fully and truly, the legal description of the property, the street location, the size and character of the supply pipe, and the fixtures or appliances to be supplied.

The Village Board is hereby empowered to withhold approval of any application wherein full information of the purpose of such supply is not clearly and fully set forth by the application. The signing of the application card or permit will constitute a contract for water supplies and its specific use, which contract embodies these regulations as part of the same.

- (B) **Service Connections:** Each applicant for water service shall at the time of making application for such service, execute and deliver to the utility a contract for such water services, agreeing to put in the service pipe from the water main to each piece of water-using property existing at that point and owned by him where such water is desired, at the expense of such application and to commence payment of such water services when a bill is rendered for the same.

At the discretion of the Village board, no service pipe shall be installed to any lot or parcel of land not now being serviced unless said lot or parcel of land has a frontage on a regularly platted street or public strip of land in which a ductile iron or other long-life water main has been laid and unless that water service connection therewith is made between the property lines, extended to the main. The service pipe shall be laid not less than six (6) feet below the surface of an established or proposed grade line. When laid in a combined sewer and water trench, the series shall be laid on a shelf or solid ground not nearer than twelve (12) inches to the side wall of the sewer trench. No division of the water service of any lot or parcel of land shall be made for the extension and independent meterage of the supply to an adjoining lot or parcel of land. No division of a water supply service shall be made at the curb for separate supplies therefrom for two or more separate premises having frontage on any street or public service strip whether owned by the same or by different parties. No water service shall be laid through any trench having cinders, rubbish, rock or gravel fill, or any other material which may cause injury to or disintegration of the service pipe, unless adequate means of protection are provided by sand filling or such insulation as may be approved by the superintendent of the water department. Service pipes passing through curb or retaining walls, shall be adequately safeguarded by the provision of a channel space or pipe space between the service pipe and the channel or pipe casing shall be filled and lightly caulked with oakum mastic cement or other resilient material, and made impervious to moisture. When a change in direction of a water service is made on either side of a curb, or retaining wall, the pipe fitting shall be securely braced to prevent the loosening of or blowing out of the lead in the caulked joints. The bracing shall be made by concrete backing, or by clamp rods extending from the fitting bell to the next bell or fitting, or by clamp rods securely anchored in the wall. Such clamp rods should not be less than five eighths

(5/8") inches in diameter and when buried in soil, should be protected against corrosion by painting with tar asphaltum or other suitable means. In backfilling the pipe trench, the service pipe must be protected against injury by carefully hand tamping the ground filling free from hard lumps, rocks, stones, and other injurious material, around at least six (6) inches over the pipe. All water supplies shall be of undiminished size from the street main to and including the outlet valve of the water meter.

6.2.15 Meters

- (A) **Installation of Meter:** Meters will be furnished, placed by the utility and are not to be disconnected or interfered with by the consumer. All meters shall be so located that they shall be preserved from obstructions and allow easy access thereto for reading and inspections, such location to be designated by the consumer.
- (B) **Service Piping for Meter Settings:** In installing new service piping (or changing service piping where consumers have been on a flat rate), if meters are to be set, the consumer shall, at his own expense, provide the proper connections for the meter. Where it is possible to set meters in basements, a short nipple shall be inserted after the stop and waste cock, then a union and then another nipple and coupling of the proper length, the nipple attached to the union and coupling shall be cut to a standard length provided by the plans of the superintendent (he may require a horizontal run of 18 inches in such pipe line) which may later be removed for the insertion of the meter into the supply line.
- (C) **Test is Demanded by Consumer:** If a consumer demands a test be made of his meter in addition to the periodic or installation test, he shall pay a test fee of \$1.00 per inch of nominal size or fraction thereof. If the meter is found fast in excess of 2%, the payment of the test will be refunded and meter repaired or replaced; and the usual adjustment made in the past bills.

6.2.16 Turning on Water

- (A) No person other than a duly authorized employee of the water utility, shall turn on or off water service to any consumer by operation of the curb stop valve. If interior plumbing repairs in any structure require such service to be temporarily discontinued, a duly licensed plumber may test his work by the operation of such work stop valve if necessary.

6.2.17 Protective Device

- (A) **Protective Devices in General:** The owner or occupant of every premises receiving water supply shall apply and maintain suitable means of protection of the premises supply, and all appliances thereof, against damage arising in any manner from the use of the water supply, variation of water pressure, or any interruption of water supply. Particularly, such owner or occupant must protect water cooled compressors for refrigeration systems by means of high pressure safety output devices.

There shall likewise be provided means for the prevention of the transmission of water ram or noise of operation of any valve or appliance through the piping from their own to 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 temperature relief valve, shall be installed either on the top tapping or the upper side tapping of the hot water tank, or on the hot water distributing pipe connection at the tank; a one-half ($\frac{1}{2}$) inch drain pipe shall be connected to the relief valve for discharge on the floor or into a sink or open drain. No stop valve shall be placed between the hot water tank and the relief valve or on the drain pipe.
- (C) **Air Chamber:** 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 have a diameter not less than that of the pipe it serves and a length not less than fifteen (15) diameters of said supply pipe. Where possible, air chambers should be provided with a valve and drain cock at its base for water drainage and replacement and replenishment of air.

6.2.18 Cross Connections

- (A) **DEFINITION OF CROSS CONNECTION.** A cross connection is defined as any physical connection or arrangement between two otherwise separate systems, one of which contains potable water from the Village of Marathon City’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 system to the other, with the direction of flow depending on the pressure differential between the two systems.

- (B) **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 Ch. SPS 382, Wisconsin Administrative Code.
- (C) **INSPECTION.** The water utility may inspect, or arrange for an inspection of, property served by the public water system for cross connections. The frequency of inspections shall be established by the water utility in accordance with Wisconsin Administrative Code. Any unprotected cross connections identified by the inspection shall be promptly corrected. Failure to promptly correct an unprotected cross connection shall be sufficient cause for the water utility to discontinue water service to the property, as provided under paragraph 6 of this ordinance.
- (D) **RIGHT OF ENTRY.** Upon presentation of credentials, a representative of the water utility shall have the right to request entry, at any reasonable time, to a property served by a connection to the public water system for the purpose of inspecting the property for cross connections. Refusing entry to such utility representative shall be sufficient cause for the water utility to discontinue water service to the property, as provided under paragraph F of this ordinance. If entry is refused, a special inspection warrant under Section 66.0119 of the Wisconsin Statutes, may be obtained.
- (E) **PROVISION OF REQUESTED INFORMATION.** 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 paragraph F of this ordinance.
- (F) **DISCONTINUATION OF WATER FOR VIOLATION.** The water utility may discontinue water service to any property wherein any unprotected connection in violation of this ordinance 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, Wisconsin Statutes, except as provided in paragraph G of this ordinance. Water service to such property shall not be restored until the unprotected cross connection has been eliminated.

- (G) **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 Clerk and delivered to the customer's premises, water service may be immediately discontinued. The customer shall have an opportunity for hearing under Chapter 68, Wisconsin Statutes, within 10 days of such emergency discontinuance. Water service to such property shall not be restored until the unprotected cross connection has been eliminated.

6.2.19 Repairs

- (A) **Maintenance of Water Lines:** All water mains and service pipes to and including the curb stop valve shall be maintained and kept in repair by the utility at its expense. The consumer shall maintain all service and use pipes from the curb stop valve to the point of use.
- (B) **Maintenance of Meters:** meters shall be repaired by the water utility and the cost thereof borne by the utility where such repairs are necessary due to the ordinary wear and tear thereof. The cost of any repairs made necessary by the carelessness or willful conduct of the owner, his agent or tenant or due to the negligence of any of them to properly secure and protect the same, shall be paid by the consumer or the owner of the premises.
- (C) **Reservation of Rights:** In order to maintain and improve the water mains, service pipes, plant or system, the utility reserves the right to shut off water in the mains to make such repairs, alterations or additions to mains, plant or any other part of this system. When circumstances permit or where there may be a substantial disruption of services, the utility shall give notification thereof by newspaper notification or otherwise. No rebate or damages shall be allowed against the utility or Village by means of such disruption or suspension of services.

6.2.20 Thawing Frozen Pipes

- (A) **Who to Bear Cost:** Frozen services shall be thawed out by and at the expense of the Utility except where the freezing was caused by contributory fault or negligence on the part of the consumer, such as reduction of the grade or undue exposure of the piping in the building on the consumer's property, a failure to comply with water department specifications and requirements as to depth of service and of sufficient backfill, etc.

- (B) **Preventing Re-freezing:** Following the freezing of a service the Utility shall take such steps and issue such instruction as may be necessary to prevent the refreezing of the same service. No charge will be made for re-thawings if the instructions are followed. In case it is necessary to allow the water to flow to prevent refreezing, the consumer must make provisions for proper disposal of the waste water.

- (C) **Computation of Billing:** In the event that there was no contributory fault or negligence on the part of the consumer, then for the period in which water is allowed to run, the consumer will be billed according to his meter readings, but not to exceed the average amount paid in the corresponding billing periods of the previous two years; and a new consumer will be charged the average bill for other consumers of the same class receiving service under comparable conditions.

6.2.21 Curb Stop Boxes

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

6.2.22 Surreptitious use of Water

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

- (A) The consumer will be required to deposit with the Utility an amount sufficient to guarantee the payment of the consumer's bills for utility service to the utility.
- (B) The consumer will be required to pay the utility for any and all damages to its equipment on the consumer's premises due to such stoppage or interference with its metering.
- (C) The consumer must further agree to comply with reasonable requirements to protect the utility against further losses.

FIRE HYDRANTS

6.2.30 Right to Open Hydrants

Only such persons as shall be authorized by the Water Department or the Fire Department shall be permitted to open any fire hydrant for any purpose whatsoever and no one except such persons shall be permitted to take the hydrant wrenches, caps or wheels or suffer the same to be taken from any fire engine house, except for fire department uses and purposes.

6.2.31 Hydrant Connections

If the water is to be used through iron pipe connections, all such pipe installation shall have a swing joint to facilitate quick disconnection from the fire hydrant.

6.2.32 Operation of Valves and Hydrants—Penalty

Any person who shall, without proper authority, 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 fires, or who shall want only injure or impair the same, shall upon conviction thereof, be punished by a fine not to exceed one hundred dollars (\$100.00) and in default of payment of the fine and costs of prosecution, shall be imprisoned in the County Jail for not more than ninety days, unless the fine and costs are sooner paid.

Permits for the use of hydrants for the filling of sprinkling carts apply only to such hydrants as are designated for such use. Owners or operators of motor vehicles will be held for the cost of repairs to any hydrant damaged by being hit by a motor vehicle and the water department will not be responsible for the damage to the motor vehicle by reason of such accident.

PRIVATE WELL ABANDONMENT

6.2.33 Well Abandonment

(A) PURPOSE

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 act as conduits for contamination of groundwater or wells which may be illegally cross-connected to the municipal water system, are properly maintained or abandoned.

(B) APPLICABILITY

This Ordinance applies to all wells located on premises served by the municipal water system. Utility customers outside the jurisdiction of the municipal system may be required under contract agreement or utility rule to adopt and enforce equivalent ordinances within their jurisdictions for purpose stated in Section 1 above.

(C) DEFINITIONS

- (1) Municipal water system means 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 means a well or pump installation which does not comply with s. NR 812.42, Wisconsin Administrative Code, Standards for Existing Installations, and which has not been granted a variance pursuant to s. NR 812.43, Wisconsin Administrative Code.
- (3) Pump installation means the pump and related equipment used for withdrawing water from a well, including the discharge piping, the underground connections, pitless adapters, pressure tanks, pits, sampling faucets and well seals or caps.
- (4) Unsafe well or pump installation means one which produces water which is bacteriologically contaminated or contaminated with substances which exceed the drinking water standards of chs. NR 140 or 809, Wisconsin Administrative Code, or for which a Health Advisory has been issued by the Department of Natural Resources.
- (5) Unused well or pump installation means one which is not used or does not have a functional pumping system.
- (6) Well means a drillhole or other excavation or opening deeper than it is wide that extends more than 10 feet below the ground surface constructed for the purpose of obtaining groundwater.
- (7) Well Abandonment means the proper filling and sealing of a well according to the provisions of s. NR 812.26, Wisconsin Administrative Code.

(D) ABANDONMENT REQUIRED

All wells on premises served by the municipal water system shall be properly abandoned in accordance with Section 6 of this ordinance by no later than 90 days from the date of connection to the municipal water system, unless a valid well operation permit has been issued to the well owner by the Village of Marathon City under terms of Section 5 of this ordinance.

(E) WELL OPERATION PERMIT

- (1) 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 90 days after connection to the municipal water system. The Village of Marathon City shall grant a permit to a well owner to operate a well for a period not to exceed 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 Village of Marathon City or its agent, may conduct Inspections and water quality tests or require inspections and water quality tests to be conducted at the applicant's expense to obtain or verify information necessary for consideration of a permit application or renewal. Permit applications and renewals shall be made on forms provided by the Clerk. All initial and renewal applications must be accompanied by a fee of \$50.00.
- (2) The following conditions must be met for issuance or renewal of a well operation permit:
 - (a) The well and pump installation shall meet the Standards for Existing Installations described in s. NR 812.42, Wisconsin Administrative Code. The well and pump system shall be evaluated by a licensed well driller or pump installer and certified on the NR 812 Compliance Report Form 3300-305 to comply with ch. NR 812 subch. IV, prior to issuing the initial permit and no less than every 10 years afterwards.

- (b) The well and pump shall have a history of producing safe water evidenced by at least 1 coliform bacteria sample. In areas where the Department of Natural Resources has determined that groundwater aquifers are contaminated with substances other than bacteria, additional chemical tests may be required to document the safety of the water.
- (c) There shall be no cross-connections between the well's pump installation or distribution piping and the municipal water system.
- (d) The water from the private well shall not discharge into a drain leading directly to a public sewer utility unless properly metered and authorized by the sewer utility.
- (e) The private well shall have a functional pumping system.
- (f) The proposed use of the private well shall be justified as reasonable in addition to water provided by the municipal water system.

(F) ABANDONMENT PROCEDURES

- (1) All wells abandoned under the jurisdiction of this ordinance shall be done according to the procedures and methods of s. NR 812.26, Wisconsin Administrative Code. All debris, pumps, piping, unsealed liners and any other obstructions which may interfere with sealing operations shall be removed prior to abandonment.
- (2) The owner of the well, or the owner's agent, shall notify the clerk at least 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.
- (3) An abandonment report form, supplied by the Department of Natural Resources, shall be submitted to the Clerk and the Department of Natural Resources within 30 days of the completion of the well abandonment. The form must be completed by the licensed well driller, pump installer, or certified operator performing the abandonment.

- (G) **Penalties:** Any well owner violation any provision of this ordinance shall upon conviction be punished by forfeiture as provided in Marathon City Section 1.1.12 of this code.

SEWER SERVICES

6.2.40 Sewer Definitions

6.2.40 Definitions

In this chapter, the following terms shall have the following meanings:

- (A) **Ammonia or Ammonia-Nitrogen (NH₃-N)**: shall mean the quantity of elemental nitrogen present, in which nitrogen is combined with hydrogen in the molecular form as NH₃, or in the ionized form as NH⁴⁺ expressed in milligrams of N per liter. Quantitative determination of ammonia-nitrogen shall be made in accordance with procedures set forth in Standard Methods, and as approved in ch. NR 219 of the Wisconsin Administrative Code.
- (B) **Biochemical Oxygen Demand (BOD)**: shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at 20 degrees Celsius expressed in milligrams of O₂ per liter. Quantitative determination of BOD shall be made in accordance with procedures set forth in Standard Methods, and as approved in Ch. NR 219 of the Wisconsin Administrative Code.
- (C) **Building Drain**: shall mean horizontal piping within and/or under a building, installed below the lowest fixture of the lowest floor level from which fixtures can drain by gravity to the building sewer.
- (D) **Building Inspector**: shall mean the Building Inspector of the Village of Marathon City, or said person's appointed assistant, agent, or representative.

- (E) **Building Sewer**: shall mean the part of a drain system beginning at the immediate outside of the foundation wall of any building being served which conveys its discharge to a public sewer, private interceptor main sewer, private sewage system, or other point of disposal.
- (F) **Categorical Pretreatment Standard**: shall mean any standard specifying quantities or concentrations of pollutants or pollutant properties that may be discharged to the wastewater facilities by industrial users in specific industrial categories. The “applicable categorical pretreatment standard” shall mean the most restrictive pretreatment limitations or prohibitive standards for industrial wastewater that are enacted by a federal, state or local governmental entity.
- (G) **Village**: shall mean the Village of Marathon City, Wisconsin.
- (H) **Clear (Unpolluted) Water**: shall mean water having no impurities, or where impurities are below a minimum concentration considered harmful by the Wisconsin Department of Natural Resources, and would not be benefited by discharge to the wastewater treatment facilities provided. Sources of clear water include inflow and infiltration.
- (I) **Compatible Pollutants**: shall mean BOD, suspended solids, ammonia, and phosphorus, plus additional pollutants identified in the Wisconsin Pollutant Discharge Elimination System (WPDES) permit issued to the Village’s wastewater treatment plant, provided that such wastewater treatment plant was designed to treat such pollutants, and does remove such pollutants to a substantial degree.
- (J) **Debt Service**: shall mean a liability for a project incurred in the provision of the Village’s wastewater facilities, including general obligation bonds, revenue bonds, promissory notes and special assessment bonds with both principal and interest.
- (K) **Floatable Oil**: shall mean oil, fat, grease or similar substance in a physical state such that it will separate by gravity from wastewater by treatment in an approved pretreatment facility. A wastewater shall be considered free of floatable oil if it is properly pretreated and the wastewater does not interfere with the sewerage system.

- (L) **Flow Proportional Composite Sample**: shall mean a combination of individual samples taken during operating or discharge hours, whichever is longer, where the individual samples are taken at frequent intervals not exceeding 15 minutes, and are either:
- (1) Such that the volume of each is proportional to the rate of flow at the time it is taken, or
 - (2) Of equal volume and taken at intervals such that there is a constant volume of discharge during each interval.
- (M) **Grab Sample**: shall mean a single sample taken at one moment or a combination of several smaller samples of equal volume taken in less than a 2 minute time period. Where the term is used in connection with monitoring temperature or Ph, it means a single measurement.
- (N) **Grease Interceptor**: shall mean a watertight receptacle designed to intercept and retain grease or fatty substances contained in kitchen and other food wastes. Grease interceptor and grease trap mean the same thing.
- (O) **Holding Tank**: shall mean an approved watertight receptacle for the collection and holding of sewage.
- (P) **Holding Tank Waste**: shall mean the scum, liquid, sludge or other waste from holding tanks such as chemical toilets, campers, trailers, vacuum pump trucks and other temporary holding facilities that collect wastewater from a user. "Holding tank waste" does not include sludge, or waste from a soil absorption field, septic tank, privy or grease trap.
- (Q) **Incompatible Pollutants**: shall mean any pollutant that is not a compatible pollutant. Incompatible pollutants include any wastewater or discharges to the sewerage system that are likely to adversely affect or disrupt the wastewater treatment processes, effluent quality, or sludge quality if discharged to the sewerage system.
- (R) **Industrial Discharge, Industrial Waste or Industrial Wastewater**: shall mean all wastewater discharged by an industrial user.

- (S) **Industrial User:** shall mean:
- (1) Any nongovernmental, nonresidential user of the sewerage system that discharges more than the equivalent of 1,000 gallons per day (gpd) of sanitary waste, and which is identified in the Standard Industrial Classification Manual, 1972 United States Office of Management and Budget, as amended and supplemented as of October 1, 1978, under one of the following divisions:
 - (a) Division A. Agriculture, Forestry, and Fishing
 - (b) Division B. Mining
 - (c) Division D. Manufacturing
 - (d) Division E. Transportation, Communications, Electric, Gas, and Sanitary Services
 - (e) Division I. Services
 - (2) In determining the amount of a user's discharge, the Village will exclude domestic waste or discharges from sanitary conveniences. After applying the sanitary waste exclusion, discharges in the above divisions that have a volume exceeding 1,000 gpd, or the weight of biochemical oxygen demand (BOD), suspended solids (SS), ammonia (NH₃), or phosphorus (P) exceeding the weight found in 1,000 gpd of normal concentration wastewater are considered industrial users. Any non-governmental user of the sewerage system which discharges wastewater that contains toxic or incompatible pollutants or poisonous solids, liquids, or gases in sufficient quantity either singly or by interaction with other waste, to contaminate the sludge of the municipal sewer systems, or to injure or to interfere with any sewage treatment process, or which constitutes a hazard to animals, creates a public nuisance, or creates any hazard in or has an adverse effect on the waters receiving any discharge from the treatment works.
- (T) **Infiltration:** shall mean the water (other than wastewater) from the ground or other sources that enters the sewage system through means such as, but not limited to, defective pipes, pipe joints, connections, or manhole walls. Infiltration does not include, and is distinguishable from, inflow.

- (U) **Inflow**: shall mean the water (other than wastewater) that enters the sewage system from, but not limited to, roof leaders, cellar drains, yard drains, area drains, foundation drains, drains from springs and swampy areas, manhole covers, cross connections between storm sewers and sanitary sewers, catch basins, cooling towers, storm waters, surface runoff, street was waters, or drainage. Inflow does not include, and is distinguishable from, infiltration.
- (V) **Lateral**: See "Building Sewer.
- (W) **Licensed Disposer**: shall mean any person servicing septic and holding tanks, dosing chambers, grease interceptors, seepage beds, seepage pits, seepage trenches, privies, or portable restrooms who holds a valid Wisconsin sanitary license.
- (X) **May**: a term intended to mean permissive.
- (Y) **Milligrams Per Liter (mg/L)**: a measure of the concentration of a pollutant, expressed in the mass of pollutant (milligrams) per volume (liter) of wastewater.
- (Z) **Natural Outlet**: shall mean any outlet into a watercourse, pond, ditch, lake or other body of surface or ground water.
- (AA) **Normal Concentration Wastewater**: shall mean wastewater in which the average concentration has been established as follows:
- (1) BOD of 250 mg/L.
 - (2) Suspended solids content of 200 mg/L.
 - (3) Ammonia content of 29 mg/L.
 - (4) Phosphorus content of 7.8 mg/L.
- (BB) **Normal Wastewater**: shall mean a combination of liquid and waterborne wastes normally discharged from the sanitary conveniences of dwellings, apartments, hotels, office buildings, factories, and institutions, free from industrial wastes, which does not contain incompatible pollutants, and in which BOD, phosphorus, ammonia, or suspended solids concentrations do not exceed normal concentration wastewater.
- (CC) **Operation and Maintenance Costs**: shall mean costs to operate and maintain the sewerage system, including both the collection system and treatment facilities. Operation and maintenance costs include, but are not limited to, labor, utilities, supplies, equipment maintenance and other normal costs necessary for the provision of sewerage service.
- (DD) **Person**: shall mean any and all individuals, firm, company, municipal or private corporation, association, society, institution, enterprise, governmental agency, or other entity.

- (EE) **pH:** shall mean the logarithm (base 10) of the reciprocal of the hydrogen ion concentration expressed in moles per liter.
- (FF) **Phosphorus (P):** shall mean the total phosphorus in wastewater that may be present in any of three principal forms: orthophosphates, polyphosphates, and organic phosphates, expressed in milligrams of P per liter. Quantitative determination of total phosphorus shall be made in accordance with procedures set forth in Standard Methods, and as approved in ch. NR 219 of the Wisconsin Administrative Code.
- (GG) **Portable Restroom:** shall mean fixtures, incorporating holding tank facilities, designed to directly receive human excrement. Portable restrooms are self-contained units, may be designed for one or more person's use at a given time and are readily transportable. Portable restroom wastewater shall be disposed of as holding tank waste.
- (HH) **Pretreatment:** shall mean the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature or characteristics of the pollutant properties of the wastewater of a user prior to or in lieu of discharge to the sewerage system.
- (II) **Private Sewerage System:** shall mean a system for treatment of wastewater that is not owned or operated by the Village.
- (JJ) **Privy:** shall mean a cavity in the ground or a portable above-ground device constructed for toilet uses, which receives human excrement either to be partially absorbed directly by the surrounding soil or stored for decomposition and periodic removal.
- (KK) **Properly Shredded Garbage:** shall mean the wastes from the preparation, cooking, and/or dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in the collection system, with no particle greater than one-half (1/2) inch (1.27 centimeters) in any dimension.
- (LL) **Public Sewer:** shall mean any sanitary sewer owned and controlled by a municipality or public authority and in which all owners of abutting properties have equal rights. For this Chapter, public sewer refers to all sanitary sewers owned and operated by the Village.

- (MM) **Replacement Costs**: shall mean expenditures for purchasing and installing equipment, accessories or appurtenances necessary to maintain the capacity and performance of the sewerage system during the service life for which such works were designed and constructed.
- (NN) **Representative Sample**: shall mean a 24-hour flow proportional composite sample of the appropriate wastewater stream where feasible. Samples to be analyzed for pH, cyanide, total phenols, oil and grease, sulfide, and volatile organics shall be grab samples. A user may use another sampling method if it demonstrates and certifies to the Village's satisfaction that it is more representative than flow-proportional sampling.
- (OO) **Sanitary Sewer**: See "Sewage Collection System."
- (PP) **Septage**: shall mean the wastewater or contents of septic tanks, dosing chambers, grease interceptors, seepage beds, seepage pits, seepage trenches and privies.
- (QQ) **Septic Tank**: shall mean a tank which receives and partially treats sewage through processes of sedimentation, oxidation, flotation and bacterial action, so as to separate solids from the liquid in the sewage and discharges the liquid to a soil absorption system.
- (RR) **Sewage**: is the spent water of a community. The preferred term is "wastewater."
- (SS) **Sewage Collection System**: shall mean the common sanitary sewers within the sewerage system that are primarily installed to receive wastewaters directly from facilities which convey wastewater from individual structures or from private property, and which include service connection fittings designed for connection with those facilities. The sewage collection system collects and carries the wastewater through a system that eventually connects to a wastewater treatment plant. The facilities that convey wastewater from individual structures, or from private property to the public sewer, are specifically excluded from the definition of "sewage collection system"; except that pumping units and pressurized lines for individual structures or groups of structures may be included as part of the "sewage collection system" when such units are owned and maintained by the sewerage system owner.
- (TT) **Sewer**: shall mean a pipe or conduit for carrying wastewater.
- (UU) **Sewerage System**: shall mean all wastewater facilities of the Village, which includes the wastewater treatment plant and collection system, but excludes building drains and building sewers. The preferred term is "wastewater facilities."
- (VV) **Shall**: a term intended to mean mandatory.

- (WW) **Slug**: shall mean any discharge of water or wastewater, which in concentration of any given constituent or in quantity of flow exceeds for any period longer than fifteen (15) minutes more than five (5) times the average twenty-four (24) hour concentration or flow rate during normal operation.
- (XX) **Standard Methods**: shall mean the examination and methods set forth in the most recent edition of "Standard Methods for the Examination of Water and Wastewater" as prepared, approved, and published jointly by the American Public Health Association, American Waterworks Association, and the Water Pollution Control Federation, and is in compliance with 40 CFR sis. 136, "Guidelines Establishing Test Procedures for Analysis of Pollutants," all as amended from time to time.
- (YY) **Storm Sewer**: shall mean a sewer which carries storm waters and surface drainage, and/or unpolluted (clear) water, but excludes domestic and industrial wastewater.
- (ZZ) **Suspended Solids (SS)**: shall mean insoluble solids that either float on the surface of, or are in suspension in water, wastewater or other liquids, and are removable by laboratory filtering and referred to as non-filterable residue, expressed in milligrams per liter. Quantitative determination of total suspended solids shall be made in accordance with procedures set forth in Standard Methods, and as approved in ch. NR 219 of the Wisconsin Administrative Code.
- (AAA) **User**: shall mean any person who discharges, or causes to be discharged, normal wastewater or industrial discharges or any other wastewater into the sewerage system.
- (BBB) **User Charge**: shall mean a charge levied on the users of the wastewater facilities for the cost of provision of facilities and service including operation and maintenance, replacement cost, debt service, and other related costs.
- (CCC) **Utility**: shall mean the Utility Commission of the Village of Marathon City.
- (DDD) **Wastewater**: shall mean the water-carried wastes created in and conducted away from residencies, commercial buildings, industrial establishments, and public buildings or institutions as defined in s. 101.01(12) Wisconsin Stats., with such surface water or groundwater as may be present.
- (EEE) **Wastewater Department or Department**: shall mean the Village of Marathon City Wastewater Department.

- (FFF) **Wastewater Facilities**: shall mean all structures, conduits, and pipes, by which wastewater is collected, treated, and disposed of, except plumbing inside and in connection with buildings served, and building sewers, from the building to the sewage collection system.
- (GGG) **Wastewater Treatment Plant**: shall mean an arrangement of equipment and structures for treating wastewater, owned and operated by the Village. Sometimes used as synonymous with “waste treatment plant,” “wastewater treatment facility,” “wastewater treatment works,” or “water pollution control plant.”
- (HHH) **Watercourse**: shall mean a natural or artificial channel for the passage of water, either continuously or intermittently.
- (III) **WPDES**: shall mean the Village’s permit to discharge pollutants, obtained under the Wisconsin Pollutant Discharge Elimination System (WPDES) pursuant to Chapter 147 of the Wisconsin Statutes.

6.2.41 General Requirements

- (A) Disposing of Wastewater and Pollutants on Land. It shall be unlawful for any person to place, deposit, or permit to be deposited in any manner wastewater or other polluted waters, any human or animal excrement, or other incompatible pollutant on public or private property within the Village or in any area under the jurisdiction of said Village.
- (B) Discharge into Waterways. It shall be unlawful to discharge to any natural outlet within the Village, or any area under the jurisdiction of said Village, any wastewater or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this Ordinance, and with all applicable federal, state, or local statutes, ordinances, and regulations.
- (C) Privies, Septic Tanks, Etc. Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, holding tank, cesspool or other facility intended or used for the disposal of sewage within the Village limits.
- (D) Maintenance of Services. The property owner shall maintain building sewer (service laterals) free from defective conditions, by and at the expense of the owner or occupant of the property, except if they are damaged as a result of negligence or carelessness on the part of the Village.
- (E) Protection from Damage. No unauthorized person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance, or equipment which is a part of the wastewater facilities. Any person(s) violating this provision shall be subject to immediate arrest under charge of criminal damage to property or disorderly conduct.

6.2.42 Building Sewers And Connection To The Public Sewerage System

- (A) Authorization Required. No unauthorized person shall uncover, make any connections with or opening into, use, alter or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the Building Inspector.
- (B) Building Sewer Permit Applications. There shall be two (2) classes of building sewer permits:
 - (1) For residential and commercial service, and

- (2) For industrial wastes service. In either case, the owner or the owner's 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 Department. Industrial waste dischargers shall also pay a special permit and inspection fee to the Village at the time the application is filed sufficient to cover Village engineering review expenses.

(C) Contribution-in-Aid-of Construction (CAC) Charge. There is hereby levied and assessed upon each lot or parcel of land within the Village, a Contribution-in-Aid-of- Construction (CAC) charge as recommended by the Wastewater Department. All applicants for building sewer permits, following adoption of this Ordinance, shall be assessed a CAC charge. Current CAC charges shall be as approved by the Village Board and from time to time amended by resolution:

- (1) A CAC charge for one and two family residences.
- (2) The CAC charge for multi-family (three units or larger) residencies shall be per living unit.
- (3) A CAC charge for non-residential customer discharging less than 500 gallons per day on an average daily basis.
- (4) A CAC charge for non-residential customers discharging more than 500 gallons per day, but less than 1,000 gallons per day on an average daily basis.
- (5) The Department shall establish the CAC charge for non-residential customers discharging more than an average of 1,000 gallons per day, or discharging wastewater having any pollutant concentration greater than "normal concentration wastewater", on a case-by case basis.

- (6) The CAC charge shall be payable prior to issuance of the building sewer permit. Should the wastewater volume or characteristics not be sufficiently known at the time of application for the CAC charge determination, an initial CAC payment shall be made based on estimated volume and wastewater characteristics. An adjustment to the CAC charge shall be made on the first anniversary of sewer system use based upon metered water sales and measured wastewater quality where applicable. Any CAC undercharge shall be immediately due and payable to the Village, whereas any CAC overcharge shall be refunded to the user.

(D) Connection to Utility Sewers.

- (1) The size, slope, alignment, materials of construction of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing, and backfilling the trench, shall all conform to the requirements of ch. ILHR 82 "Design, Construction, Installation, Supervision, and Inspection of Plumbing" of the Wisconsin Administrative Code, and other applicable rules and regulations of the Village.
- (2) Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer at the owner's expense.
- (3) Old building sewers may be used in connection with new buildings only when they are found to be in suitable condition and meet all requirements of this Ordinance upon examination and testing by the Building Inspector. Capping and marking of abandoned sanitary sewer service shall be the responsibility of the owner. The Department shall be notified of the location and marking of each abandoned sewer service.
- (4) New connections from sources that include inflow and/or infiltration are prohibited.
- (5) All excavations for building sewer installations shall be adequately guarded with barricades and lights so as to protect the public from hazard. 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) The applicant for the building sewer permit shall notify the Building Inspector when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the Building Inspector or its duly authorized agent.
- (7) All costs and expenses incident to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the Village from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

(E) Powers and Authority of Inspections.

- (1) Every user shall permit the Building Inspector or its duly authorized agent, at all reasonable hours of the day, to enter their premises or building to examine the pipes and fixtures and the manner in which the drains, and sewer connections operate; and they must at all times, frankly and without concealment, answer all questions asked them relative to its use, all in accordance with s. 196.171 Wisconsin Statutes, and this Ordinance.
- (2) The Village or duly authorized employees or agents are authorized to obtain information concerning industrial processes that 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 inspection on private properties referred to in Section 13.03(5)(a) above, the Village, or duly authorized employees or agents of the Village, shall observe all safety rules applicable to the premises or established by the company, the company shall be held harmless for injury or death to the Village employees, and the Village shall indemnify the company against loss or damage to its property by Village 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 as required in this code of Ordinances.
- (4) The Village 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.

(F) Special Assessments. The cost of any sewerage system work or improvement and the cost of required fees may be levied at approved rates and collected by special assessments upon property in accordance with the provisions of ss. 66.60 and 60.309, Wisconsin Statutes.

6.2.43 Use of Public Sewers

(A) General.

- (1) The applicant for wastewater service under an agreement pursuant to this Ordinance shall agree to assume user charges, industrial waste charges and capital surcharges, if applicable.
- (2) The applicant for wastewater service under an agreement pursuant to this Ordinance shall agree to obtain from the Village the proper building permit by which the connection is allowed and the discharge permit, if applicable, which indicates what discharge will be made to the wastewater facilities.
- (3) No provision contained in this Ordinance shall be construed to prevent or prohibit a separate or special contract or agreement between the Village and any industrial user, whereby industrial waste or material of unusual strength, character, or composition maybe accepted by the Village for treatment, subject to additional payment by the industrial user, provided that such contract or agreement has the prior approval of the Village.
- (4) No provision contained in this Ordinance shall be construed to provide lesser discharge standards than are presently or may hereafter be imposed or required by any federal, state, or local regulating agency.

(B) Discharge Information. The Village may require a user of sewer services to provide information needed to determine compliance with this Ordinance. This information may include:

- (1) Wastewater discharge average and peak flow rate and/or volume over a specified time period.
- (2) Chemical analyses of wastewaters. All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this Ordinance shall be determined by a laboratory, approved for the respective test parameter, in accordance with approved methodologies and procedures as published in ch. NR 219, Wisconsin Administrative Code, and registered with the State of Wisconsin.

- (3) Information on raw materials, processes and products affecting wastewater volume and quality.
- (4) Quantity and disposition of specific liquid, sludge, oil, solvent or other materials important to sewer use control.
- (5) A plot plan of sewers for the user's property showing sewer and pretreatment facility location.
- (6) Details of wastewater pretreatment facilities.
- (7) Details of systems to prevent and control the losses of materials through spills to the municipal sewer.

(C) Prohibition of Clear (Unpolluted) Water. No person shall discharge or cause to be discharged any storm water, surface water, ground water, roof runoff, subsurface drainage, non-contact cooling water or clear water to any sanitary sewer. Roof-leaders, swimming pool drains, surface drains, ground water drains, sump pumps, foundation footing drains, and other clear water drains shall be connected wherever possible with a storm sewer, or to a natural outlet approved by the Department and other regulatory agencies. They shall not be connected to a building sewer that discharges into a sanitary sewer or private wastewater treatment plant. All such connections existing at the time of passage of this Ordinance shall thereafter be illegal. If storm water or clear water is being discharged into a sanitary sewer, the Department shall give the offending person 30 days notice to disconnect. Failure to disconnect after such notice shall authorize the Department to cause disconnection and assessment of the costs of such disconnection against the property involved. In alternative, the Department may institute action for violation of this subsection.

(D) Prohibited Discharges. No person shall discharge or cause to be discharged into the sewerage system any of the following described waters or wastes:

- (1) Gasoline, benzene, naphtha, fuel oil or any other flammable or explosive substance that may create a fire or explosion hazard in the wastewater facilities.

- (2) Any discharge containing toxic or poisonous solids, liquids or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any wastewater treatment process, constitute a hazard to humans, flora or fauna, create a public nuisance, or create any hazard in the receiving waters of the wastewater treatment plant. The toxins prohibited shall include but not be limited to those published under s. NR 215.03, Wisconsin Administrative Code.
- (3) Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in 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, un-shredded garbage, whole blood, paunch manure, hair and fleshings, entrails and paper dishes, cups, milk container, sanitary napkins, etc., either whole or ground by garbage grinders.
- (4) Any wastewater containing floatable oil.
- (5) Wastes that cause or are capable of causing, either alone or in combination with other substances, air pollution as defined in s. 285.01 (3), Wisconsin Statutes, as amended from time to time, and any regulation and/or orders of any regulatory agency issued there under.
- (6) Discharges that prevent effective operation and maintenance of the wastewater facilities
- (7) Any waste that presents a detrimental environmental effect, a nuisance, or any condition unacceptable to any public agency having regulatory jurisdiction.
- (8) Any wastewater that contains organo-sulfur or organo-phosphate pesticides, herbicides or fertilizers.
- (9) Any waste which, in combination with other discharges, causes:
 - (a) The wastewater treatment plant's effluent to exceed 0.1 mg/L total phenols, or
 - (b) The wastewater treatment plant's effluent to exceed 0.002 mg/L polychlorinated biphenols (PCBs), or

- (c) The wastewater treatment plant's digested sludge to exceed a PCB concentration of 10.0 milligrams/kilogram on a dry-weight basis.
- (10) Industrial discharges that exceed the applicable categorical pretreatment standard, pursuant to ch. NR 211 of the Wisconsin Administrative Code.
- (11) Wastes prohibited by s. NR 211.10, Wisconsin Administrative Code.
- (E) Limitations on Discharge Characteristics. The following described substances, materials, waters, or waste shall be limited in discharges to concentrations or quantities which will not harm either the sewers, wastewater treatment process or equipment, will not have an adverse effect on the receiving stream, will not result in violation of the Village's WPDES permit, or will not otherwise endanger lives, limb, public property, or constitute a nuisance. The Department may set limitations more stringent than those established below if, in its opinion, more severe limitations are necessary to meet the above objectives. The following limitations or restrictions on materials or characteristics of waste or wastewaters discharged to the sanitary sewer shall not be violated without prior approval of the Department:
 - (1) Wastewater having a temperature higher than 150 degrees Fahrenheit (65 degrees Celsius), or any wastewater having a temperature which may inhibit biological activity in the wastewater treatment plant, thereby resulting in interference.
 - (2) Any waters or wastes having a pH lower than 5.5 or higher than 10.0, or having any other corrosive property capable of causing damage or hazard to the wastewater facilities or personnel.
 - (3) Wastewater containing more than 25 milligrams per liter of petroleum oil, non- biodegradable cutting oils or products of mineral oil origin.
 - (4) Wastewater containing more than 300 milligrams per liter of oils, fat, grease, wax, or any other similar substances of animal or vegetable origin
 - (5) Wastewater which contains in excess of (note: actual numbers not reviewed):

2.0	Mg/L cadmium		0.0005	Mg/L mercury
3.6	Mg/L hexavalent chromium		6.7	Mg/L nickel
21.8	Mg/L total chromium		1.0	Mg/L selenium
17.6	Mg/L copper		0.1	Mg/L zinc
1.2	Mg/L cyanide		16.5	Mg/L zinc
1.5	Mg/L lead		1.0	Mg/L aluminum

- (6) Radioactive wastes which, alone or with other wastes, results 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.
- (7) Quantities of flow, concentrations, or both which constitute a “slug” as defined herein.
- (8) Waters or wastes containing substances which are not amenable to treatment or reduction by the wastewater treatment processes employed, or are amenable to treatment only to such degree that the wastewater treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.
- (9) Any water or wastes which, either singly or by interaction with other water or wastes in the public sewer system, release obnoxious gases, form suspended solids which interfere with the collection system, create a public nuisance or hazard to life, are sufficient to prevent entry into the sewers for their maintenance or repair, or create a condition deleterious to structures and treatment processes.

(F) Alternatives to Acceptance of Wastewater. If any waters or wastes are discharged or are proposed to be discharged to the public sewers, which contain the substances or possess the characteristics enumerated herein, and which in the judgment of the Village may have a deleterious effect upon the wastewater facilities, processes, equipment, or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the Village may:

- (1) Reject the wastes; – the Village reserves the right to reject admission to the system of any waste harmful to the treatment or collection facilities or to the receiving stream.
- (2) Require pretreatment to an acceptable condition for discharge to the public sewers;
- (3) Require control over the quantities and/or rates of discharge; and/or,
- (4) Require payment to cover the additional cost of handling and treating the wastes not covered by existing user charges under the provisions of this Ordinance.

- (G) Garbage Grinders. Garbage grinders may be connected to sanitary sewers from homes, hotels, 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, where the garbage has been properly shredded.
- (H) Accidental Discharge of Prohibited Wastewater. Any non-residential user who accidentally discharges into the sewerage system wastes or wastewater prohibited under these regulations shall immediately report such discharge to the Department. Such report shall describe the location, time, volume and type of waste or wastewater discharged. Within 15 days of such discharge, a detailed written statement describing the cause of the discharge and measures taken to prevent future occurrences shall be submitted to the Department. Such reporting shall not relieve the person causing the accidental discharge from any penalties imposed by these regulations.

SEC. 6.2.44 Control of Industrial Discharges

- (A) Industrial Request to Discharge for New Users. Any new industrial user wishing to connect to the public sewerage system within the Village shall be required to complete an "Industrial Request to Discharge" before applying for a plumbing permit. The Village will determine whether or not the proposed industrial user must provide further information to the Village. If no further information is needed the prospective industrial user may apply for a plumbing permit.
- (B) Industrial Request to Alter Characteristics of Discharge. Any existing industrial user that desires to increase the amount, or change the nature of the waste discharged to the Village sewer system shall submit an "Industrial Request to Discharge" to the Village. The request will be evaluated to determine if further information is required.

- (C) Baseline Monitoring Report. Upon request of the Village, each industrial user may be required to submit to the Village a “Baseline Monitoring Report.” The report shall contain data on the characteristics of the wastewater discharged from the industrial user, such as projected flows, concentrations of compatible pollutants, oils and grease, and any toxic substances as defined by this Ordinance. The purpose of the “Baseline Monitoring Report” is to determine whether the wastewater discharged by an industrial user is compatible with the Village’s wastewater facilities, or should be regulated through the use of a permit.
- (D) Permit to Discharge Industrial Waste.
- (1) Based upon the information supplied in the “Baseline Monitoring Report,” the Village shall determine if the industrial discharge is subject to categorical pretreatment standards, or if the industrial discharge contains substantial amounts and/or concentrations of substances regulated or limited by this Ordinance. In the event the industrial discharge does contain substances regulated by this ordinance or is subject to categorical pretreatment standards, the Village shall so notify the industrial user and said user shall not discharge industrial wastes into the Village’s wastewater facilities, except pursuant to a permit issued by the Village.
 - (2) Upon receiving notification by the Village pursuant to subparagraph 6.2.44(A) hereof, the industrial user shall make written application to the Village for issuance of a “Permit to Discharge.” The Village may issue a permit to the industrial user, which may include, but not be limited to:
 - (a) The name, address and telephone number of the industrial user; and the identity of an authorized representative to act on its behalf.
 - (b) A description of the industrial user’s permitted connection or connections to the public sewer system and its location.
 - (c) The average and/or maximum limit of various wastewater constituents that may be discharged by such user.
 - (d) Any limit on the maximum rate of industrial discharge or the time of the discharge.

- (e) A requirement for a monitoring manhole or some other means to collect a representative sample of the industrial user's discharge.
 - (f) A description of both the frequency of self-monitoring that is required and of the method of sample collection.
 - (g) A discussion of reports that must be submitted to the Village.
 - (i) A compliance schedule for construction of pretreatment facilities if required.
 - (j) The requirements for records retention.
 - (k) The notification procedure to be followed if the industrial user intends to change the characteristics of its wastewater discharge.
 - (l) A statement concerning the Village's right to inspect the industry's facilities.
 - (m) The agreement of the holders of the permit to indemnify the Village from and against any and all liability for injury or damage arising out of or related to the activities of the holder in discharging industrial wastes.
 - (n) A statement of the applicable pretreatment standards that the user must abide by.
 - (o) A statement that a violation of pretreatment requirements as specified may be subject to various penalties as listed in this Ordinance.
- (2) Upon issuance of such permit, the industrial user shall faithfully comply with all provisions thereof and as contained in this ordinance, as amended from time to time.
- (3) Any permit issued under this section shall be effective for a period not to exceed five (5) years from the date thereof. Any user holding a permit shall apply for a permit renewal at least 180 days prior to the expiration date of the user's existing permit.

- (4) Permits issued under this section are personal as to the user/holder thereof, and may not be subsequently assigned or transferred by operation of law or otherwise, to any successor or assignee, without the prior written approval of the Village.
- (5) All industrial users shall notify the Village in advance of any change in its industrial operations that could have an effect upon the waste and wastewaters generated, or of any substantial change in the volume or character of pollutants in their discharge. In such event, the Village may add to, change or modify the conditions of such permit to give recognition to the change in industrial operation.
- (6) The Village reserves the right to amend any issued permit by adding or deleting such provisions, requirements and conditions as it deems appropriate. The Village shall notify the industrial user of any changes in the permit at least thirty (30) days prior to the effective date of such change. Any change or new condition to the permit shall allow for a reasonable period of time for compliance by the user.
- (7) Any permit issued under this section shall be revocable by the Common Council for violation of the terms and condition thereof, and such violations may be subject to penalties listed in this Ordinance.

(E) Monitoring of Industrial Discharges

- (1) The Village, at its own discretion, may require an industrial user to install a suitable structure together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling and measurement of the wastes being discharged to the public sewerage system. Such structure, when required, shall be accessible and safely located and shall be constructed in accordance with plans approved by the Village. The structure shall be installed by the owner at his expense and shall be maintained by him so as to be safe and accessible at all times. In the event that the industrial user fails to construct such a structure, the Village may do so and shall assess the cost thereof to the industrial user.

- (2) The Village may require the industrial user to collect representative samples of its wastewater discharge, to analyze the sample for parameters specified by the Village, and to report the results to the Village in a timely manner. Any samples collected during such monitoring shall follow a strict chain of custody procedure to ensure security of the samples and anonymity during analysis.
- (3) The Village may elect to independently monitor the discharge of any industrial user to assess compliance with applicable standards. Any samples collected during such monitoring shall follow a strict chain of custody procedure to ensure security of the samples and anonymity during analysis.

(F) Pretreatment Requirements

- (1) The Wastewater Department may require pretreatment of industrial discharges if, in its opinion, pretreatment is necessary to protect the wastewater facilities or prevent the discharge of incompatible pollutants and to comply with the requirements of this Ordinance. The criteria for such a decision are the existing capacity of the plant relative to BOD and SS.
- (2) Existing industries or new industrial users found to be subject to applicable categorical pretreatment standards shall be in compliance with these standards in accordance all federal, state, and local laws or regulations.
- (3) Grease, oil, and/or sand interceptors or traps may be required to be installed by the user at its own expense when, in the opinion of the Wastewater Department, such facilities are necessary for the proper handling of liquid wastes containing grease or floatable oils in excess of limitations specified in Section 6.2.44(5) hereof, or any sand, inflammable wastes, or other harmful ingredients. Such interceptors shall be of a type and capacity approved by the Wastewater Department and shall be located as to be readily and easily accessible for cleaning by the user and for inspection by the Department.

- (4) When pretreatment facilities are required, the industrial user shall construct and install the necessary facilities at its own expense, and in accordance with plans and specifications approved by the Wastewater Department, and any other local, state, or federal agencies having regulatory authority with respect to such pretreatment facilities. No pretreatment plant or facility shall be constructed or operated unless all plans, specifications, technical operating data and other information pertinent to its proposed operation and maintenance has been approved as described.
- (5) All pretreatment facilities shall be operated and maintained continuously in satisfactory and effective operating condition at the user's expense.
- (6) The Wastewater Department shall determine the wastewater discharge requirements for the pretreatment facilities. Dilution of an industrial discharge for purposes of reducing the pollutant characteristics or concentrations to below the limitations established by this Ordinance, or below any other applicable pretreatment standard, is prohibited.

6.2.45 Septage and Holding Tank Waste

- (A) No Discharge into Public Sewers. No person may discharge septage, holding tank waste or any other waste into a manhole or other opening in the sewage collection system without prior approval of the Wastewater Department.
- (B) Septage or Holding Tank Waste Disposal Application.
 - (1) Licensed disposers may make application to the Wastewater Department to dispose of septage or holding tank waste to the Village's wastewater facilities. Applications for disposal during the winter (November 15 to April 15) shall be submitted prior to September 1 of that year (Wis. Adm. Code requirement).

- (2) The licensed disposer shall make a written application containing, as a minimum, the following information:
 - (a) Name of disposer and license number
 - (b) Name, address and telephone number of disposer
 - (c) Type of waste and source(s)
 - (d) Estimates of quantities, disposal dates (by type), and methods for discharge into the sewerage system
 - (e) Statement certifying that:
 1. The waste contains no known toxic substances; and
 2. The disposer is familiar with and understands the Department requirements for waste disposal.
- (3) The Wastewater Department shall require the licensed disposer to analyze representative samples of the waste in order to determine the characteristics of the waste and the compatibility with the sewerage system. The Wastewater Department may not require the analysis of waste from exclusively residential sources.
- (4) The Wastewater Department may deny or approve an application for septage or holding tank waste disposal during the period between April 16 and November 14. The only Septage & Holding Tank Waste requirements that licensed disposers discharge to the sewerage system and that the Department accept and treat said waste during non-winter months are those provided in s. NR 113.07, Wisconsin Administrative Code. If approved, the Department may set conditions for disposal.
- (5) For applications for disposal between November 15 and April 15, the Department shall review the application and provide written approval or denial of disposal to the licensed disposer by October 1 of each year. The Department may deny acceptance of the waste if the Department determines that:

- (a) Treatment of the septage or holding tank waste would cause the wastewater treatment plant to exceed its operating design capacity or to violate any applicable effluent limitations or standards, water quality standards, or any other legally applicable requirements, including court orders or state or federal statutes, rules, regulations, or orders; or
 - (b) The septage or holding tank waste is not compatible with the sewerage system; or
 - (c) The disposer has not applied for and received approval to dispose of septage or holding tank waste to the sewerage system or the disposer fails to comply with the disposal plan or rules promulgated by the Department.
- (6) The Wastewater Department may require the disposer to post a bond or other financial guarantee that the disposer will comply with the Department's requirements.

(C) Limitations on Discharge of Septage and Holding Tank Waste. Any septage, holding tank waste, or similar waste permitted to be discharged under this Section shall be of domestic origin and/or contain compatible pollutants only. The hauler or licensed disposer shall comply with the provisions of any and all applicable laws and regulations, including these regulations. Without limiting other relevant provisions of these regulations, such person or licensed disposer shall not deposit or drain any gasoline, oil, acid, alkali, grease, rags, volatile or flammable liquids, or other deleterious substances into any manhole, building sewer, or public sewer nor shall such person or licensed disposer allow any grease, earth, sand, or other solid materials to pass into any part of the sewerage system; nor shall such person or licensed disposer discharge any liquid, gaseous, or solid wastes determined by the Department to be detrimental to the sewerage system or the Village's employees or to the process of sewage treatment.

6.2.46 Private Wastewater Disposal

(A) General

- (1) Where a public sanitary sewer is not available under the provision of Section 6.2.9, and with the approval of the Village Board, the building sewer shall be connected to a private wastewater disposal system complying with the provisions of this section.
- (2) No statement contained in this Section shall be construed to interfere with any additional requirements that may be imposed by the Building Inspector.
- (3) At such time as a public sewer becomes available to a property served by a private wastewater disposal system, as provided in Section 6.2.9, the building sewer shall be connected to said sewer within ninety (90) days and the private wastewater disposal system shall be cleaned of sludge and filled with sand, gravel or similar material.

(B) Construction and Operation of Private Wastewater Disposal System

- (1) Before commencement of the construction of a private wastewater disposal system or additions to an existing private wastewater disposal system, the owner shall first obtain a written permit from the office of the Building Inspector.
- (2) The type, capacity, location and layout of a private wastewater disposal system shall comply with all requirements of the applicable regulatory agency.
- (3) The owner shall operate and maintain the private wastewater disposal facilities in a sanitary manner at all times, at no expense to the Village.

6.2.47 Penalties

- (A) Violations of this Ordinance. Any person found to be violating any provision of this Ordinance shall be served by the City with written notice stating the nature of the violation and provide a reasonable time limit for the satisfactory correction thereof. Within the period of time stated in such notice, the offender shall permanently cease all violations.

- (B) Monetary Penalties. Any person that continues any violation beyond the time limit provided for in Section 6.2.48(1) shall, upon conviction thereof, pay forfeiture in the amount of at least \$50.00 and not more than \$1,000 for each violation. Each day in which any such violation continues shall be deemed a separate offense.
- (C) Liability for Violations. Any person violating any of the provisions of this Ordinance shall become liable to the City and others, as their interests may appear, for any expense, loss, or damage occasioned the City or others by reason of such violation, including any costs in connection with repairing damages to the wastewater facilities or any downstream user of facilities damaged as a result of a prohibited discharge or any other violation of this Ordinance.

6.2.48 Validity

- (A) Any ordinance or parts of ordinances of the Marathon City Municipal Code in conflict herewith are hereby repealed.
- (B) The invalidity of any section, clause, sentence, or provision of this Ordinance shall not affect the validity of any other part of this Ordinance that can be given effect without such invalid part or parts.

6.2.49 Protection from Damage

No unauthorized person shall maliciously, willfully or negligently break, damage, destroy, uncover, deface, or tamper with any structure appurtenance or equipment which is a part of the sewage works. Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct.

6.2.50 Powers and Authority of Inspectors

- (A) The Superintendent and other duly authorized employees of the Village bearing proper credentials and identification shall be permitted to enter all properties for the purpose of inspection, observation, measurement, sampling and testing in accordance with the provisions of this ordinance. The Superintendent or his representatives shall have not authority to inquire into any processes including metallurgical, chemical, oil refining, ceramic, paper or other industries beyond that point having a direct bearing on the kind and source of discharge to the sewers or waterways or facilities for waste treatment.

- (B) While performing the necessary work on private properties referred to in (A) above, the Superintendent or duly authorized employees or agents of the Village shall observe all safety rules applicable to the premises established by the company and the company and the Village shall indemnify the company against loss or damage to its property by Village employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of gauging and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions as required.

- (C) The Superintendent 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 sewage works 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.

6.2.51 Health Officer My Cause Connection

In the event any owner of any property subject to the provisions of this chapter fails, after notice thereof, to connect his building and property to the public sewer systems of the Village within a reasonable time, the Village Health Officer may cause such connection to be made and the expense thereof shall be assessed as a special tax against the property.

RATES, CHARGES and PENALTIES

6.2.80 Billing Procedure

- (A) Unit of Service: A unit of service shall consist of any aggregation of space or area occupied for a distinct purpose, such as residence, apartment, flat, store, office or factory which is equipped with one or more fixtures for rendering water services, separate and distinct from other users. Each unit of service shall be regarded as one consumer and the surcharge for additional consumers on a meter assessed accordingly.
- (B) Rooming Houses: Suites in houses, or apartments where complete housekeeping functions (such as cooking) are not exercised, shall be classed as rooming houses. Thus houses and apartments having suites of one, two, or more rooms with bathroom facilities but without kitchen for cooking are classed as rooming houses.
- (C) More than one building on premises: When a consumer's premises have several buildings, two or more supplied with service and metered separately, the full service charge will be billed for each meter and the readings will not be cumulated. If these buildings are all used in the same business and are not connected by the consumer, they can be metered in one place, if the utility, for its own convenience, installs more than one meter, the readings will be cumulated for billing.
- (D) Billing: Bills for water and sewer service shall be due and payable March 31, June 30, September 30 and December 31 for the preceding 3 months. When bills are not paid within 10 days after billing, a penalty of 10% will be added. If not paid by the 20th of the month following the due date, service will be discontinued upon 5 days' written notice. A reconnection charge of \$1 will be made for restoring service. Failure to receive a bill in no way exempts consumers from the provision of these rules. (Also See Deposit and Guarantee Rules)
- (E) Delinquent Bills: In the event the Utility is not able to collect any bill for water or sewer service even though Deposit Rules are on file, the bill may be put on the tax roll as provided in Section 66.069 of the Wisconsin Statutes.

6.2.81 Water Rates

- (A) Metered Water Service charges shall be based on the rates established by Resolution by the Marathon City Water Commission and Marathon City Village Board, and as approved by the Wisconsin Public Service Commission.

- (B) Public Service: water service supplied to public building, schools and the like shall be metered and regular service rates applied. Whenever water is used for intermittent public service such as flushing sewers, street sprinkling, drinking fountains, et cetera, where it is impossible to meter such service, the commission or its delegate shall estimate the gallons of water used, based upon pressure, size of opening and period of flow and bill for such service at 22 cents for each 1000 gallons.

- (C) Buildings and construction water service: when a residential structure or small commercial building is under construction and water is being supplied thereto, the minimum quarterly charge shall be applied until a meter can be installed.

- (D) Additional unit charge: for each additional unit of service supplied through a meter, an additional minimum charge of 75 cents per unit shall be charged.

- (E) Rate revision: the Water Commission may request the State of Wisconsin Public Service Commission to establish new rates or conditions as deemed necessary at any time to provide effective management of the utility. An annual audit to determine the need or advisability of such rate revision shall be made by the Village of Marathon Water Commission.

6.2.82 Sewer Rates

(A) Normal Sewerage Service Charges:

(1) There is hereby levied and assessed upon each lot, parcel of land, building or premises having a connection which discharges normal sewage to the Public Sewer System, a Sewage Service Charge based on the quantity of water used, as measured by the Village and upon rates established by Resolution by the Village Board of the Village of Marathon City. Said charges shall be assessed and collected in four calendar quarterly period with the regular quarterly water bills. The water meters shall be furnished by the Village and installed by the Village, all other costs being at the expense of the person requiring the meter. If Residential customers obtain all or part of their water from sources other than the Village, all or any flat rate charge shall be paid for Sewage Service. Should the Village determine that the minimum flat rate charge is less than the charge would be on a metered basis, it shall have the authority to assess a higher rate based on estimated total usage and the metered rate schedule.

(2) Metered Sewage Service charges shall be based on the rates established by Resolution by the Marathon City Village Board.

The Village of Marathon City shall pay the Water Utility the sum of owed as calculated under the fee schedule for usage.

(3) Payment from sewage service shall be made on or before the due date which shall be 30 days new after billing and shall thereafter be considered delinquent and shall be increased by a penalty of 10% if not paid by its due date.

(B) Surcharges:

(1) Industrial and Commercial Charges for other than normal sewage: charges for sewage other than Normal Sewages shall be based on Flow B.O.D., Suspended Solids, and such other constituents which affect the costs of collection and treatment. Charges shall be made in accordance with rates established by the Marathon City Village Board.

- (2) All persons discharging wastes into the public sewers shall be subject to a surcharge, in addition to a Normal Sewage Service charge, if their sewage has a concentration greater than "normal" concentrations (see definition). The volume of Flow used for computing wasted surcharge shall be metered water consumption as shown in the records maintained by the Village subject to the adjustments as otherwise herein provided, or the actual volume of waste as determined by an industrial waste metering installation. The amount of any surcharge shall reflect the costs incurred by the Sewage Utility in removing B.O.D., Suspended Solids, and other pertinent constituents.
- (3) Rates of surcharge: The rates of surcharge for each of the aforementioned constituents will be at the prevailing rates at the time. Said prevailing rates at this time are as follows:
- (a) For B.O.D. in excess of 250 mg/l - \$0.125 per pound.
 - (b) For Suspended Solids in excess of 250 mg/l - \$0.138 per pound.
- (C) Remedies for Failure to Pay Service Charges: each sewage service charge is levied by, or pursuant to this ordinance, is hereby made a lien upon the corresponding lot, land or premises serviced by a connection to the sanitary sewer system of the Village of Marathon City and if the same is not paid within the period allotted for such payment, said charge shall constitute a lien on the property served and be inserted in the Village Tax roll as provided in Section 66.076 (7) of the Wisconsin Statutes in the same manner as water rates are taxed and collected under the provisions of Section 66.069 (1) or 66.071 of the Wisconsin Statutes as same has been, and from time to time may be amended or recreated, so far as applicable.
- (D) The sewage service charges taxed or levied pursuant to this ordinance shall be collected by the Village at the office of the Village Treasurer. Said Village shall make and enforce such by-laws and regulations as may be deemed necessary for the safe, economical and efficient operation, management and protection of the Village Sewer system, the sewage treatment plant and the utility.

- (E) Rate Revision: The Marathon City Village Board may establish new rates or conditions as deemed necessary at any time to provide effect management of the Utility. An annual audit shall be made of the Sewage Utility account to determine the need of a rate revision. Any customer's wastes which change in strength may become subject to surcharges in accordance with conditions stated herein, retroactive to the beginning of the quarter in which determination of the waste strength has been made.

6.2.83 Deposit and Guarantee Rules

- (A) For Property Owners: a deposit may be required if the credit of a consumer has not been established satisfactorily to the Utility.
- (B) For Renters: a deposit may be required of the renters where property owners have notified the utility in writing that they prefer to have the water bills paid by the renter.
- (C) Deposits: the amount of deposit required may be a sum not exceeding the established and estimates gross bills for all water service, both billed and unbilled, which can be supplied before the Utility's filed disconnect rule becomes applicable. The amount of deposit may be a minimum of \$5.00 per quarter for each class of water service furnished. The deposit shall be refunded upon request of the customer after two years service with payment within the prompt payment period, and without such request shall be refunded voluntarily by Utility after three years service with payments within the prompt payment period. In no case, however, will a deposit be refunded if the customer's credit standing is not satisfactory to the Utility.

A new or additional deposit may be required upon reasonable written notice of the need for such a requirement in any case where a deposit has been refunded or is found to be inadequate or where the customer's credit rating is not satisfactory to the Utility. The water service of any customer who fails to comply with these requirements, may be disconnected upon 5 days' written notice.

6.2.84 Reconnection Charge

- (A) When Service Discontinued: where a customer has contracted for yearly service and at this request service has been discontinued prior to the expiration of this contract period and his account is not delinquent and where thereafter he requests the reconnection of service in the same location or some other location, a reconnection charge of \$1.00 payable in advance shall be collected.

- (B) After Disconnection for Non-Payment of Bills: a connection charge of \$1.00 shall be required from consumers whose services are disconnected because of non-payment of bills when due (not including disconnection for failure to comply with deposit rules).
- (C) Who consumer under this Rule: a consumer shall be considered as the same consumer provided the reconnection is requested for the same location, by any member of the same family, or if a place of business, by any partner or employees of the same business.

6.2.85 Failure to Read Meters

- (A) Where Utility Unable to Read: Where the Utility is unable to read meters after two successive trials, the fact shall be plainly indicated upon the quarterly bill, the minimum charged assessed and the difference adjusted with the consumer when the meter is again read, that is, the bill for the succeeding quarter will be computed with the gallons or cubic feet in each block of the rate schedule doubled and credit will be given on that bill for the amount of the minimum bill paid the preceding month.
- (B) Where Meter Damaged: If the meter is damaged (see surreptitious use of water SEC. 6.2.22) or fails to operate for any, the Utility will render a bill for the current period, based upon an average of the last two quarters, providing there is no particular reason why the use during that period has not been normal. In case the last two periods cannot be properly used, then the bill shall be estimated by some equitable method.

6.2.86 Charges for Water Wasted Due to Leakage

When the meter registers losses due to pipe leaks, the Utility shall determine whether or not the defect in the piping or equipment was known to the consumer, or, being known, he had used his best efforts to correct the condition. If the utility is satisfied that the loss occurred without the consumer's knowledge, or having known about it he had tried to correct the condition, the Utility may determine as nearly as possible what is the amount of the loss by comparison with the use of the water during a like period, and the excess may be billed at the lowest step in the rates. If, however, the consumer knew of the leak and failed to give proper attention to it the Utility will bill for the total consumption shown by the meter at regular rates.

6.2.89 Enforcement – Penalties

- (A) Any person found to be violating any provision of this Chapter except 6.44 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.

- (B) Any person who shall violate any provision of this section or any order, rule or regulation made or adopted hereinunder shall be subject to a penalty upon conviction thereof, forfeit not more than \$200.00, together with costs of prosecution. Each day in which any such violation shall continue shall be deemed a separate offense.

- (C) Any person violating any of the provision of this ordinance shall become liable to the Village for any expense, loss or damage occasioned the Village by reason of such violation.

FRANCHISES

6.2.91 Natural Gas: Wisconsin Public Service Corporation

- (A) The Village of Marathon hereby grants unto Wisconsin Public Service Corporation, a Wisconsin corporation, its successors and assigns, and exclusive franchise to construct and maintain facilities within said Village for the distribution and sale of natural gas to customers within the said Village, and for such purposes said company is authorized to enter upon and use and occupy the streets, alleys, bridges, avenues, and public grounds and places of the said Village to construct, lay, maintain, operate and extend thereon, through and thereunder, such mains, pipes, apparatus, equipment, and appliances as may be necessary or appropriate for the sale, distribution and delivery of natural gas to consumers within the said Village, subject, however, to the conditions hereinafter set forth.

- (B) For the purpose of carrying into effect the franchises and privileges granted by Section A hereof, Wisconsin Public Service Corporation, its successors and assigns, is hereby authorized to make all necessary excavations in streets, alleys, avenues and public ground and places, which shall be done with reasonable dispatch and with the least possible interference with, or inconvenience to, the rights of the public. Wisconsin Public Service Corporation shall restore all streets, alleys, avenues and public ground and places when excavated by it, to their original condition of safety and utility. If Wisconsin Public Service Corporation shall use any bridges or viaducts on which to lay mains or other facilities, it shall lay or place such mains or other facilities over, under or upon such bridge or viaducts with the least practicable interference with, or inconvenience to, the rights of the public.

- (C) Except in emergencies, Wisconsin Public Service Corporation shall give the official or committee designated by the Village 24 hours' notice of its intention to excavate in any street, alley, avenue or public ground or place, and such excavation shall be made on the side or portion of the street, alley, avenue or public ground or place as may be directed by such official or committee.

- (D) Prior to commencing the construction of its natural gas distribution system and facilities in this Village, Wisconsin Public Service Corporation shall procure any authority from the Public Service Commission of Wisconsin, and any other regulatory body having jurisdiction, required to authorize construction of said facilities and to supply natural gas to customers with the said Village.

- (E) If Wisconsin Public Service Corporation does not commence the construction of its natural gas distribution system and facilities within the Village of Marathon with 24 months from the date of adoption of this ordinance, then the Village of Marathon shall have the option to terminate and cancel this franchise by giving Wisconsin Public Service Corporation, its successors or assigns, at least 90 days' written notice of its election to do so, such notice to Wisconsin Public Service Corporation to be sent to 700 N. Adams Street, Green Bay, Wisconsin.
- (F) The franchise granted in this ordinance is subject to all lawful rules and regulations of the Village Board of the said Village and to all provision of statutory law applicable thereto, and to all legal orders, rules and regulations of the Public Service Commission of Wisconsin and of any other state agency having authority under law, from time to time, over any phase of the operations of Wisconsin Public Service Corporation under or pursuant to the franchise granted in this ordinance.

(Originally adopted September 7, 1961)

Ordinance 6.95-1A: Cable Communication System

The Village Board of the Village of Marathon City, Marathon County, Wisconsin, do ordain as follows:

Section 1: Section 6.95 of the Village of Marathon City Ordinance Code is created to provide as follows:

6.95 Cable Communication System Franchise

(A) DEFINITIONS

- (1) Cablecasting: shall mean programming carried on a cable system, exclusive of broadcast signals, whether originated by the cable operator or any other party.
- (2) Cable Communication Systems or System: shall mean any system which receives and amplifies signals broadcast, by one or more television and /or radio stations and which transmits programming originated by the system itself or by another party, and distributes such signals and programming by wire, cable, microwave, satellite, or other means to persons who subscribed to such service.
- (3) Village: shall mean the Village of Marathon City in its present incorporated form or as it may be changed by annexation.
- (4) Board: shall mean the Village Board of Trustees and the President of the Village.
- (5) Grantee: shall mean the party or parties to which a franchise under this ordinance is granted by the Board and its or their lawful successors and assigns.
- (6) Gross Revenues: shall mean any and all compensation, in whatever form, exchanges or otherwise, derived from the provision of all cable services in the Village.
- (7) Subscriber: shall mean a recipient of cable television service.

(B) GRANT OF AUTHORITY

There is hereby granted by the Village of Marathon City to the Grantee, the right and privilege to construct, erect, operate and maintain, in, upon, along, across, above, over and under the streets, alleys, public ways and public places no laid out or dedicated and all extensions thereof, and additions thereto, the Village poles, wires, cables, underground conduits, manholes, and other cable conductors and fixtures necessary for the maintenance and operation in the Village of Marathon City of a Cable Communication System, to be used for the sale and distribution of cable services to the residents of the Village. Said broadband cable services shall include, but shall not be limited to, the carriage of television and radio signals and any cablecasting programming.

The Grantee shall, at all times during the operation of this franchise, be subject to all lawful exercise of the police power as may be hereafter provided by the franchising authority.

(C) FRANCHISE TERRITORY

The franchise for the present territorial limits of the Village of Marathon City and for any area henceforth added thereto during the term of the franchise.

Cable service shall be made available to the entire franchise area in accordance with the construction timetable contained in Section 5 of this ordinance.

(D) DURATION OF FRANCHISE: RENEWAL

The duration of the rights, privileges and authorizations hereby granted shall be fifteen (15) years from the date the franchise is awarded.

This franchise may be renewed or extended by the franchising authority, upon application of the Grantee, in accordance with the then existing rules of the FCC and applicable law. Renewal of extension of the franchise shall be considered in a full public proceeding affording due process, during which the performance of the Grantee, and the adequacy of the franchise ordinance will be reviewed. Nothing in this provision shall be construed to require such renewal or extension.

(E) COMMENCEMENT AND COMPLETION OF CONSTRUCTION

Within thirty (30) day of the date of award of this franchise, the Grantee must undertake the necessary steps to secure authorizations to operate from the appropriate governmental agencies regulating cable service. If authorization to operate is not received with twelve (12) months of the date of franchise, the franchise may be cancelled at the option of the Village. The grantee shall begin construction immediately upon receiving said authorization, and shall provide cable service to at least fifty (50%) percent of the franchise area per year until completion.

(F) TRANSFER OF CONTROL

No transfer of control of the cable system shall take place, whether by forced or voluntary sale, lease, mortgage, assignment, encumbrance, or any other form of disposition, without prior notice and approval by the Village Board.

(G) RATES

Rates are established by the Grantee and may be adjusted periodically with proper notification to the Village of Marathon City.

(H) PAYMENTS TO THE VILLAGE

For the use of the street, and other facilities of the incorporated area of the Village of Marathon for operation of the cable communications system and for the supervision by the franchising authority, the Grantee shall pay to the franchising authority an amount equal to three (3%) percent of the Grantee's gross revenues from the operations of the cable communication system in the incorporated area of the Village of Marathon during the year. Payment shall be made to the Village semi-annually from the date of granting the franchise. The Village may inspect the books and records or audit reports of the Grantee upon written request of the Village to verify fees paid to the Village

(I) BROADBAND CABLE COMMUNICATION SERVICE

The communications system permitted to be installed and operated hereunder shall:

- (1) Be operated in conformance with FCC's Technical Standards, 47 C.F.R Section 76.601 et seq.
- (2) Carry on the system all allowable broadcast signals pursuant to the FCC's signal carriage rules.

(J) USE OF STREETS

All transmissions and distribution structures, lines, and equipment erected by the Grantee within the Village shall be so located as to cause minimum interference with the rights and reasonable convenience of property owners and join any of the said streets.

In case of disturbance of any street or paved area the Grantee shall, at its cost and expense and in a manner approved by the Village, replace and restore such street or paved area in as good a condition as before the work involving such disturbance was done.

If any time during the period of the franchise the Village shall lawfully elect to alter or change the grade of any street, the Grantee, upon reasonable notice by the Village, shall remove, relay, and relocate its poles, wires, cables, underground conduits, and manholes, and other fixtures at its own expense.

Any poles or other fixtures placed in or adjacent to any street by the Grantee shall be placed in such manner as to comply with all requirements of the Village.

The Grantee shall, at the request of any person holding a moving permit issued by the Village, temporarily raise or lower its wires to permit the moving of building. The expense of such temporary removal or raising or lowering of wires shall be paid by the person requesting the same, and the Grantee shall have the authority to require such payment in advance. The Grantee shall be given no less than forty eight (48) hours advance notice to arrange for such temporary wire changes.

The Grantee shall have the authority to trim trees upon and overhanging streets of the Village so as to prevent to the branches of such trees from coming in contact with the wires and cables of the Grantee, except at the option of the Village, such trimming may be done by it or under its supervision and direction at the expense of the Grantee.

In all sections of the Village where the cables, wires, or other live facilities of public utilities are placed underground, the Grantee shall place its cables, wires or other like facilities underground.

At the expiration of the term for which the franchise is granted, or upon its termination and cancellation, as provided for herein, the Village shall have the right to require the Grantee to remove at its own expense all portions of the cable television system from all streets within the Village.

(K) INDEMNIFICATION

It shall be expressly understood and agreed by and between the Village and any Grantee hereunder that the Grantee shall save the Village and its agents and employees harmless from and against all claims, damages, losses, and expenses, including attorney's fees sustained by the Village on account of any suit, judgment, execution, claim or demand whatsoever arising out of but not limited to copyright infringements and all other damages arising out of installation, operation, or maintenance of the cable system authorized herein, or violations of this ordinance whether or not any act or omission complained of is authorized, allowed or prohibited by this ordinance and any franchise granted hereunder.

(L) SERVICE STANDARDS

The Grantee shall put, keep, and maintain all parts of the system in good condition throughout the entire franchise period.

Upon termination of service to any subscriber, the Grantee shall promptly remove all its facilities and equipment from the premises of such subscriber upon his requests.

Grantee shall render efficient service, make repairs promptly, and interrupt services only for good cause and for the shortest time possible. Such interruptions, insofar as possible, shall be preceded by notice and shall occur during periods of minimum system use.

Grantee shall not allow its cable or other operations to interfere with television reception of persons not served by Grantee, no shall the system interfere with, obstruct or hinder in any manner, the operation of various utilities serving the residents of the Village.

(M) COMPLAINT PROCEDURE

Village Official Responsible. The Village Clerk is designated by the Village as having primary responsibility for the continuing administration of the franchise and implementation of complaint procedures.

The Grantee shall maintain an office or collection agency in the village, which shall be open during all usual business hours, having publicly listed telephone, and be so operated that complaints and request for repairs or adjustments may be received on a twenty-four (24) hour basis.

The Grantee shall maintain a repair and maintenance crew capable of responding to subscriber complaints or requests for service within twenty-four (24) hours after receipt of the complaint or request. No charge shall be made to the subscriber for this service.

The Grantee shall establish procedures for receiving, acting upon, and resolving subscriber complaints to the satisfaction of the Village Board. The Grantee shall furnish a notice of such procedures to each subscriber at the time of initial subscription to the system.

In the event that a customer complaint is not resolved to the mutual satisfaction of the customer or the Grantee, either the customer or the Grantee may request that the matter be presented to the Village Board for a hearing resolution.

When there have been similar complaints made or when there exists other evidence, which, in the judgment of the Village Board casts doubt on the reliability or quality of cable service, the Village Board shall report on performance of the system. Such report shall be delivered to the Village Board no later than fourteen (14) days after the Village Board formally notifies the Grantee and shall include the following information: the nature of the complaints which precipitated the special tests; what system component was tested, the equipment used, and procedures employed in said testing; the results of such tests; and the method in which said complaints were resolved.

Said tests and analysis shall be supervised by a professional engineer not on the permanent staff of the company. The aforesaid engineer should sign all records of the special tests and forward to the Village Board such records with a report interpreting the results of the tests and recommending actions to be taken by the Village.

(N) RIGHT OF REVOCATION; MONETARY PENALTIES

The franchising authority shall have the right to rescind or revoke the rights herein granted upon any violation by the Grantee of any material obligation or requirement contained herein, or upon the refusal to comply with any reasonable request made by the Village Board concerning compliance with this ordinance, after written notice by the franchising authority to the Grantee, and continuation of such violation or refusal to comply by the Grantee.

Such written notice to the Grantee shall specify precisely the manner in which the Grantee is in violation, with respect to the franchise. The notice shall specify a reasonable amount of time within which the Grantee must correct the violation, but in no event shall the time period be less than thirty (30) days from the date of receipt of the notice to the Grantee.

In the event the Grantee shall be adjudicated bankrupt or placed in receivership, the Village may by resolution declare this franchise herein granted to be forfeited and terminated.

The Village reserves the right to levy fines upon the Grantee in a reasonable amount, not to exceed \$50.00 per violation, for immaterial breaches of the franchise agreement. Failure to pay such fines shall be cause for revocation of the franchise.

(O) PREFERENTIAL OR DISCRIMINATORY PRACTICES PRHIBITED

Grantee shall not, as to rates, charges, service, service facilities, rules, regulations, employment, or in any other respect, make or grant any undue preference or advantage to any party, nor subject any party to any prejudice or disadvantage.

(P) GRANTEE'S APPLICATION INCORPORATED

By its acceptance of the franchise, Grantee specifically grants and agrees that its application is thereby incorporated by reference and make a part of this ordinance. In the event of a conflict between proposed services listed in said application and the previsions of this ordinance, that provision which provides the greatest benefit to the Village, in the opinion of the Village Board, shall prevail. Failure to provide services as promised in Grantee's application as incorporated herein shall be deemed a breach of this ordinance to which the provisions of Section 14 of this ordinance shall apply.

(Q) SEVERABILITY

If any section, sentence, clause or phrase of the ordinance is held unconstitutional or otherwise invalid, such infirmity shall not affect the validity of the ordinance, and any portions in conflict are hereby repealed. Provided, however, that in the event that the Federal Communications Commission declared any section invalid, then such section or sections shall be renegotiated by the Village and the Grantee.

Section 2: All ordinances and parts of ordinance in conflict herewith are hereby repealed.

Section 3: This ordinance shall be in full force and effect from and after its passage and publication.

(Passed: 10/1/1981, Approved: 10/1/1981, Published 10/14/1981)

Ordinance 6.95-2A: Cable Communication System

The Village Board of the Village of Marathon City, Marathon County, Wisconsin, do ordain as follows:

Section 1: Section 6.95 (8) of the Village of Marathon City Ordinance Code is repealed and recreated as follows:

6.95 Cable Communication System Franchise

(8) Payment to the Village.

For the use of the streets, and other facilities of the incorporated area of the Village of Marathon City for the operation of the cable communication system and for the supervision by the franchise authority, the Grantee shall pay to the franchising authority an amount equal to three (3%) percent of the Grantee's gross revenues from the operations of the cable communications system in the incorporated area of the Village of Marathon City during the year. Payment shall be made to the Village annually from the date of granting and franchise. The Village may inspect the books and records or audit reports of the Grantee upon written request of the Village to verify fees paid to the Village.

Section 2: All ordinances and parts of ordinances in conflict herewith are hereby repealed.

Section 3: This ordinance shall be in full force and effect from and after its passage and publication.

(Passed 11/5/1981, Approved 11/5/1981, Published 11/18/1981)

Ordinance 6.95-3A: Cable Communication System

The Village Board of the Village of Marathon City, Marathon County, Wisconsin, do ordain as follows:

Section 1: Section 6.95 (6) of the Village of Marathon City Ordinance Code is repealed and recreated as follows:

6.95 Cable Communication System Franchise

(6) TRANSFER OF CONTROL, MORTGAGE OF SYSTEM

(a) No transfer of control of the cable system shall take place, whether by voluntary sale, lease or assignment, or any other form of disposition, without prior notice to and approval by the Village Board, except as set forth in subparagraph (b) following.

(b) Nothing in the ordinance shall be deemed to prohibit the mortgage or the pledge of the network or any part thereof. However, any such mortgage or pledge shall be subject to and subordinate to the right of the Village under this franchise or applicable laws of this ordinance.

Section 2: All ordinances and parts of ordinances in conflict herewith are hereby repealed.

Section 3: This ordinance shall be in full force and effect from and after its passage and publication.

(Approved: 8/5/1982, Adopted: 8/5/1982, Published: 8/12/1982)

RESOLUTION OF THE MARATHON VILLAGE BOARD AUTHORIZING THE TRANSFER OF FRANCHISE
FROM NORCOM VIDEO, INC. TO NORCOM CABLE INVESTORS

WHEREAS, on October 1, 1980, the Village of Marathon granted a CATV franchise to NorCom Video, Inc. a Wisconsin corporation; and

WHEREAS, the Village of Marathon has received a request for approval of the transfer of such CATV franchise from NorCom Video, Inc. to NorCom Investors, a limited partnership, to be effective upon the acquisition by NorCom Cable Investors of the CATV system serving the Village of Marathon.

NOW, THEREFORE, it is hereby resolved by the Marathon Village Board that the transfer of the CATV franchise for the Village of Marathon from NorCom Video, Inc. to NorCom Cable Investors is hereby approved, effective upon the acquisition of such system by NorCom Cable Investors.

Adopted by the Marathon Village Board on this 2nd day of June, 1983

Gary Ruplinger, President

Ingeborg VanKampen, Clerk

CONSENT RESOLUTION AUTHORIZING THE TRANSFER OF FRANCHES FROM NORCOM CABLE INVESTORS TO CABLEVISION OF CENTRAL WISCONSIN, INC. AND THE ASSIGNMENT OF THE ASSETS AND THE FRANCHISE AS COLLATERAL

WHEREAS, the CATV franchise in the Village of Marathon City is currently owned and operated by NorCom Cable Investors, a Limited Partnership; and

WHEREAS, the Village of Marathon City has received a request for approval of the transfer of such CATV franchise from NorCom Cable Investors to Cablevision of Central Wisconsin, Inc. and form permission to assign the assets and franchise as collateral for financing.

NOW, THEREFORE, it is hereby resolved by the Village Board that, upon consummation of the sale of NorCom Cable Investors' assets to Cablevision of Central Wisconsin, Inc., the transfer of the CATV franchise from NorCom Cable Investors to Cablevision of Central Wisconsin is hereby approved and permission is granted for Cablevision of Central Wisconsin, Inc. to assign its franchise rights and assets as collateral for its financing.

Adopted by the Village Board on this 11th day of September, 1986.

Gary Ruplinger, President

Ingeborg VanKampen, Clerk

CONSENT RESOLUTION AUTHORIZING THE TRANSFER OF CATV FRANCHISE TO STAR
CABLEVISION GROUP AND THE ASSIGNMENT OF THE ASSETS AND THE FRANCHISE AS
COLLATERAL

WHEREAS, the CATV franchise in the City of Marathon City is currently owned and operated by Wisconsin Cablevision Partnership; and

WHEREAS, the City Council has received a request for approval to assign the assets and franchise as collateral for financings and permission to transfer the CATV franchise from Wisconsin Cablevision Partnership to Star Cablevision Group, a Wisconsin general partnership.

NOW, THEREFORE, it is hereby resolved by the City of Marathon City that Star Cablevision Group may assign its franchise rights and assets as collateral for its financings, and it is hereby approved and permission granted for the use of its new name Star Cablevision Group.

Adopted by the City Council on this 7th day of January, 1988.

Gary Ruplinger, Mayor, President

Ingeborg VanKampen, Clerk

