

ORDINANCE NO. 2022-09

ORDINANCE TO AMEND SEC. 94-66, 94-105, 94-227, 94-219, 94-220, 94-222, 94-227 AND CREATE  
SEC. 94-108 & 94-229 OF CHAPTER OF THE MUNICIPAL CODE  
UTILITIES

THE VILLAGE BOARD OF THE VILLAGE OF KEWASKUM, WASHINGTON COUNTY, WISCONSIN, DO  
ORDAIN AS FOLLOWS:

**Section 1.** That Sections 94-66, 94-105, 94-108, 94-227, 94-219, 94-220, 94-222, 94-227, 94-229 of the Municipal Code of the Village of Kewaskum, relating to Utilities, shall be amended and created as follows:

Sec. 94-66. - Applications.

- (a) All applications for the introduction of water shall be made, in writing, to the village clerk/treasurer by the owner, or occupant with the written consent of the owner of the premises.
- (b) Upon the filing of an application for water, if there is no objection, the village clerk/treasurer shall authorize account setup.

Sec. 94-105. - Delinquent water bills.

- (a) On quarterly water bills due and not paid on the due date, a late payment charge will be added to the bills per PSC rate file Mg-1 and a past due notice will be mailed warning of possible disconnection. This late payment charge will be applicable to all customers. The utility customer may be given written notice that the bill is overdue no sooner than 20 days after the bill is issued. If water bill is still not paid ten business days after the past due notice was mailed a disconnection notice will be attached to the front entry of the building. Unless payment or satisfactory arrangement for payment is made with the clerk/treasurer service will be disconnected between 24 and 48 hours after the disconnection notice was attached to the front entry of the building, pursuant to public service commission rule 185.37, Wis. Adm. Code. The total amount due and a reconnection fee of \$35.00 (\$45.00 if outside office hours per public service commission rate form R-1) must be paid before the water service is restored.
- (b) If the customer requests a deferred payment agreement the standard agreement offered is 50% of the outstanding balance down at time of agreement, 25% of the outstanding balance after one month and the remaining balance two months after the agreement is entered upon. All other payment agreement terms must go before the Village Board for approval. If payments are not made per the agreed upon payment plan, the agreement will be nullified and may result in service disconnection. After two (2) failed payment arrangement plans, the customer no longer qualifies for Payment Agreement plans and will be required to make all past payments and remain current in future billings to avoid disconnection.
- (c) Failure to receive a water bill does not exempt consumers from the provisions of this chapter.
- (d) The water department shall not be responsible for the collection of water bills from renters who are required to pay their own water bills.
- (e) On October 15 in each year notice shall be given to the owner or occupant of all lots or parcels of real estate to which water has been furnished prior to October 1 by the water utility operated by the village and payment for which is owing and in arrears at the time of giving notice. The department in charge of the utility shall furnish the treasurer with a list of all such lots or parcels of real estate, and the notice shall be given by the clerk/treasurer. Such notice shall be in writing and shall state the amount of such arrears, including any penalty assessed pursuant to the rules of such utility and PSC rate file Mg-1; that unless the same is paid by November 1 thereafter a penalty of ten percent of the amount of such arrears will be added thereto; and that unless such arrears, with any such penalty, shall be paid by November 15 thereafter, the same will be levied as a tax against the lot or parcel of real estate to which water was furnished and for which payment is delinquent as above specified. Such notice may be served by delivery to either such owner or occupant personally, or by letter addressed to such owner or occupant at the post office address of such lot or parcel of real estate. On November 16 the department issuing the notice shall certify and file with the clerk/treasurer a list of all lots or parcels of real estate, giving the legal description thereof, and the owner or occupants of which notice of arrears in payment were given as above specified and which arrears

still remain unpaid, and stating the amount of such arrears together with added penalty thereon as herein provided. Each such delinquent amount, including such penalty, shall thereon become a lien upon the lot or parcel of real estate.

#### Sec. 94-108 - Dispute Procedures

Customer shall notify the utility department, in writing, if there is a problem with their utility bill within ten (10) working days of the due date printed on the disputed bill. If the customer is not satisfied with the Utility Clerk's decision, the customer may submit a written request, within ten (10) business days of the decision, to have the disputed bill presented to the Village Board for final decision.

#### Sec. 94-219. - Sewer service charges.

- (a) *Basis for sewer service charges.* The sewer service charge shall be based on the sewer use charge. If any user of the sewer system procures any part or all of his water from sources other than the water utility, the user shall furnish, install and maintain at his expense water meters of a type approved by the water utility for the purpose of determining the volume of sewage discharged to the sewerage system as described in section 94-192. At the discretion of the village, a user procuring water from other sources than the water utility may be assigned a residential equivalent connection (REC) to be used as a basis for the sewer use charge as determined from section 94-193. If in the opinion of the village administrator the information in section 94-193 does not accurately reflect the user's wastewater discharge to the sewerage system, the village administrator may assign an REC to the user.
- (b) *Sewer use charge.*
- (1) A sewer use charge is imposed upon all users of the sewerage system. The sewer use charge shall have a component for recovering the operation, maintenance and replacement costs, a portion for recovering the capital costs and a portion for income credits of the sewer utility annual budget. On or before the first village board meeting in October of every year, the village administrator shall compute the sewer use charge. The operation, maintenance and replacement portion of the sewer use charge shall be computed by allocating the proposed net yearly operation, maintenance and replacement budget to the appropriate use factors. The cost per use factor shall be divided by the village in conjunction with the use factor to determine the unit cost (\$/1,000 gallons, \$/##) per use factor. The flow use factor will be determined by the village in conjunction with the water utility. The BOD, total suspended solids and phosphorous use factors will be determined from the concentration assigned to domestic wastewater plus surcharge user data. These use factors and the infiltration/inflow use factor will be determined by the village administrator, considering actual data for the previous 12-month period from the wastewater treatment facility and surcharge user data. The computations for recovering the capital cost portion of the sewer utility budget and for deriving the income credits will be computed in a similar manner.
  - (2) The residential water consumption for sprinkling as determined by the water utility and any water credit meters for any refrigeration, air conditioning system or industrial cooling water not entering the sewerage system shall not be used in computing the sewer use charge.
  - (3) Users with domestic wastewater connected to the sewerage system who derive all or part of their water discharged to the sewer system from other sources than the water utility and who do not have these other water sources metered will be charged for operation, maintenance and replacement costs based upon their assigned number of residential equivalent connections. The flow per residential equivalent connection will be computed by the water utility or the village administrator on or before the first village board meeting in October of every year and shall equal the water used by residential customer.

#### Sec. 94-227. - Delinquent accounts.

Pursuant to the authority granted under §§ 66.60(16)(a) and 66.069(1), Wis. Stats., the following procedure shall apply to collection of delinquent accounts for sewer service:

- (1) *Notice of payment due.* On October 15 in each year notice shall be given to the owner or occupant of all lots or parcels of real estate to which sewer service has been furnished prior to October 1 by the sewer utility operated by the village and payment for which is owing and in arrears at the time of giving notice. The department in charge of the utility shall furnish the clerk/treasurer with a list of all such lots or parcels of real estate, and the notice shall be given by the clerk/treasurer. Such notice shall be in writing and shall state the amount of such arrears,

including any penalty assessed pursuant to the rules of such utility; that unless the same is paid by November 1 thereafter a penalty of ten percent of the amount of such arrears will be added thereto; and that unless such arrears, with any such penalty, shall be paid by November 15 thereafter, the same will be levied as a tax against the lot or parcel of real estate to which sewer service was furnished and for which payment is delinquent as above specified. Such notice may be served by delivery to either such owner or occupant personally, or by letter addressed to such owner or occupant at the post office address of the owner or occupant of such lot or parcel of real estate. On November 16 the department issuing the notice shall certify and file with the clerk a list of all lots or parcels of real estate, giving the legal description thereof, to the owner or occupants of which notice of arrears in payment were given as above specified and which arrears still remain unpaid, and stating the amount of such arrears together with added penalty thereon as herein provided. Each such delinquent amount, including such penalty, shall thereon become a lien upon the lot or parcel of real estate to which the water or sewer service was furnished and payment for which is delinquent, and the clerk shall insert the same as a tax against the lot or parcel of real estate. All proceedings in relation to the collection of general property taxes and to the return and sale of property for delinquent taxes shall apply to such tax if the same is not paid within the time required by law for payment of taxes upon real estate.

Sec. 94-229 - Dispute Procedures

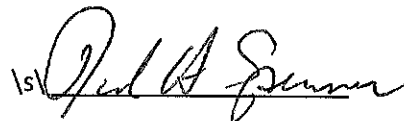
Customer shall notify the utility department, in writing, if there is a problem with their utility bill within ten (10) working days of the due date printed on the disputed bill. If the customer is not satisfied with the Utility Clerk's decision, the customer may submit a written request, within ten (10) business days of the decision, to have the disputed bill presented tot the Village Board for final decision.

**Section 2.** Severability. The several sections of this Ordinance are declared to be severable. If any section or portion thereof shall be declared by a court of competent jurisdiction to be invalid, unlawful or unenforceable, such decision shall apply only to the specific section or portion thereof directly specified in the decision, and shall not affect the validity of any other provisions, sections or portions thereof of the Ordinance. The remainder of the Ordinance shall remain in full force and effect. Any other Ordinances whose terms are in conflict with the provisions of this Ordinance are hereby repealed as to those terms that conflict.

**Section 3.** All other sections of Section 94 not amended as set forth above shall remain in full force and effect.

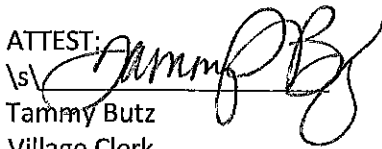
**Section 4.** This Ordinance shall take effect immediately upon passage and publication as provided by law.

Passed and adopted by the Village Board of the Village of Kewaskum, Washington County, Wisconsin, this 20th day of June 2022.



David Spenner  
Village President

ATTEST:

  
/s/ Tammy Butz  
Tammy Butz  
Village Clerk

