

Chapter 335

VEHICLES AND TRAFFIC

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[HISTORY: Adopted by the Village Board of the Village of Ontario 7-7-1986 as Title 8, Ch. 1 of the 1986 Code. Amendments noted where applicable.]

GENERAL REFERENCES

Bicycles and play vehicles — See Ch. 125.
Junkyards — See Ch. 219.
Mobile homes — See Ch. 240.
Nuisances — See Ch. 252.

Peace and good order — See Ch. 267.
Snowmobiles — See Ch. 304.
Streets and sidewalks — See Ch. 309.
Abandoned vehicles — See Ch. 331.

§ 335-1. State traffic laws adopted.

- A. Statutes adopted. Excepted as otherwise specifically provided in this Code, the statutory provisions in Chs. 340 to 348, Wis. Stats., describing and defining regulations with respect to vehicles and traffic, for which the penalty is a forfeiture only, including penalties to be imposed and procedures for prosecution, are hereby adopted and by reference made a part of this chapter as if fully set forth herein. Any act required to be

performed or prohibited by any regulation incorporated herein by reference is required or prohibited by this chapter. Any future amendments, revisions or modifications of the statutory regulations in Chs. 340 to 348, Wis. Stats., incorporated herein are intended to be made part of this chapter in order to secure to the extent legally practicable uniform statewide regulation of vehicle traffic on the highways, streets and alleys of the State of Wisconsin. Any person who shall within the Village of Ontario, Wisconsin, violate any provisions of any statute incorporated herein by reference shall be deemed guilty of an offense under this section.

- B. Other state laws adopted. There are also hereby adopted by reference the following sections of the Wisconsin Statutes, but the prosecution of such offenses under this chapter shall be as provided in Chs. 340 through 348, Wis. Stats., and the penalty for violation thereof shall be limited to a forfeiture as hereinafter provided in this chapter:
 - (1) Section 941.01, Negligent operation of vehicle off highway.
 - (2) Section 346.935, Intoxicants in motor vehicles.
- C. Statutes specifically incorporated by reference. Whenever this chapter incorporates by reference specific sections of the Wisconsin Statutes, such references shall mean the Wisconsin Statutes as from time to time amended, repealed or modified by the Wisconsin Legislature.
- D. General references. General references in this chapter to Wisconsin statutory sections or chapters describing or defining procedures or authority for enactment or enforcement of local traffic regulations shall be deemed to refer to the most recent enactments of the Wisconsin Legislature describing or defining such procedures or authority.

§ 335-2. Official traffic signs and control devices.

- A. Duty of Village Maintenance Employee to install uniform traffic control devices. Whenever traffic regulations created by this chapter, including a State of Wisconsin traffic regulation adopted by reference in § 335-1, require the erection of traffic control devices for enforcement, the Village Maintenance Employee, with the cooperation of the Village law enforcement officers, shall procure, erect and maintain uniform traffic control devices conforming to the Uniform Traffic Control Device Manual promulgated by the Wisconsin Department of Transportation giving notice of such traffic regulation to the users of the streets and highways on which such regulations apply. Whenever state law grants discretion to local authorities in the erecting or placement of a uniform traffic control device, devices shall be erected in such locations and in such a manner as in the judgment of the Village Maintenance Employee or his designee will carry out the purposes of this chapter and give adequate warning to users of the streets and highways of the Village of Ontario.
- B. Code numbers to be affixed to official traffic control devices. The Village Maintenance Employee or his designee shall cause to be placed on each official traffic control sign, guide board, mile post, signal or marker erected under Subsection A a code number assigned by the Wisconsin Department of Transportation and shall also place or direct

the placing of code numbers on all existing official traffic control devices as required by the laws of the State of Wisconsin.

- C. Prohibited signs and markers in highways. No person, other than an officer authorized by this chapter to erect and maintain official traffic control devices or his or her designee, shall place within the limits of any street or highway maintained by the Village any sign, signal, marker, mark or monument, unless permission is first obtained from the Village Maintenance Employee or, where applicable, the State Highway Commission. Any sign, signal, marker, mark or monument placed or maintained in violation of this subsection shall be subject to removal as provided in Subsection D.
- D. Removal of unofficial signs, markers, signals and traffic control devices. The Village Maintenance Employee or his designee may remove any sign, signal, marking or other device which is placed, maintained or displayed in violation of this chapter or state law. Any charge imposed against premises for removal of a prohibited or illegal sign, signal, marking or device shall be reported by the Village Maintenance Employee or his designee to the Village Board for review and certification at its next regular meeting following the imposition of the charge. Any charge not paid on or before the next succeeding November 15 shall be placed upon the tax roll for collection as other special municipal taxes.

§ 335-3. Restrictions on parking; special limitations.

- A. Forty-eight-hour limitation. No person shall park or leave standing any vehicle on any street in the Village for a period of 48 or more consecutive hours in the same location at any time. When any police officer shall find a vehicle standing upon a street in violation of the provisions of this section, he is authorized to move such a vehicle or to require the operator in charge thereof to move such vehicle to a position permitted under this section. The police officer may cause said vehicle to be removed to a proper impoundment and storage area within the Village where storage space is available, and in such case the owner shall pay the costs of removing said vehicle and the storage fees on said vehicle before he may recover the possession thereof.
- B. Posted limitations.
 - (1) The Village Board may designate certain streets or portions of streets as no parking or no stopping or standing zones or as zones for parking by physically handicapped persons and may limit the hours in which the restrictions apply. The Village shall mark, by appropriate signs, each zone so designated in accordance with the provisions of § 349.13, Wis. Stats.
 - (2) Except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic control device, no person shall stop or park a vehicle in an established no stopping or standing zone when stopping or standing is prohibited. No vehicle shall be parked in a no parking zone during hours when parking is prohibited except physicians on emergency calls or as permitted by state law or elsewhere by this Code.

- (3) The Village police officers are hereby granted the authority, within the reasonable exercise of police power, to prohibit, limit the time or otherwise restrict the stopping, standing or parking of vehicles beyond the provisions of Ch. 346, Wis. Stats., and shall also have the authority to restrict the turning or movement of heavy traffic and to impose special weight limitations on any highway or portion thereof which, because of the weakness of the roadbed due to deterioration or climatic conditions or other special or temporary conditions, would likely be seriously damaged or destroyed in the absence of any restrictions on heavy traffic movement or special weight limitations.
- (4) No prohibition, restriction or limitation on parking or restriction on movement or turning of heavy traffic and imposition of special weight limits is effective unless official traffic control devices have been placed or erected indicating the particular prohibition, restriction or limitation.
- (5) After the parking limitations on any given street have expired, any change of location of not more than one stall following expiration of the parking period allowed shall be and constitute a violation of this chapter.

§ 335-4. Operators to obey traffic control devices.

Every operator of a vehicle approaching an intersection at which an official traffic control device is erected in accordance with this chapter shall obey the direction of such official traffic control device as required by the Wisconsin Statutes incorporated by reference in § 335-1 of this chapter. Operators of vehicles approaching a stop sign shall stop before entering a highway as required by § 346.46, Wis. Stats. Operators approaching intersections at which a yield sign has been installed shall yield the right-of-way to other vehicles as required by § 346.18(6), Wis. Stats.

§ 335-5. Parking of certain vehicles restricted. [Amended 2-8-1999¹]

No person owning or having control of any truck, trailer, truck power unit, tractor, bus or recreation vehicle in excess of 10,000 pounds gross weight, over 16 feet in length, or having an enclosed area of a height of more than eight feet from the roadway shall park the same upon any street, avenue or public way in the Village between the hours of 6:00 p.m. and 7:00 a.m. One-hour parking will be allowed between 7:00 a.m. and 6:00 p.m. The provisions of this section shall not be deemed to prohibit the lawful parking of such equipment upon any street, avenue or public way in the Village for the actual loading or unloading of goods, wares or merchandise; provided, however, that "loading" and "unloading," as used in this section, shall be limited to the actual time consumed in such operation. The Village Board may, however, designate specific truck parking zones. The following are designated parking zones: two on Pleasant Street on the west side and one on State Street in front of the basketball court on the south side from November 1 until the road bans are put on in the spring.

1. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

§ 335-6. Parking during snow removal and street maintenance.

- A. Parking during snow removal. No person shall park, place or leave standing any automobile, truck or other vehicle on any street or public way after one hour from the time such area has been designated and marked with signs or barriers by an agent of the Village indicating no parking due to snow removal. The Village Board hereby declares that an emergency exists during and following a snowstorm until the snow from the storm has been removed; therefore, this subsection shall be controlling over any other ordinance which might in any way conflict.
- B. Street maintenance. Whenever it is necessary to clear or repair a Village roadway or any part thereof, the Village Maintenance Employee shall post such highways or parts thereof with signs bearing the words "No Parking — Street Maintenance Work." Such signs shall be erected at least two hours prior to the time that street maintenance work is to be commenced. No person shall park a motor vehicle in violation of such signs.

§ 335-7. Stopping or parking prohibited in certain places; angle parking.

- A. Parking prohibited. No person shall stop, park or leave standing any vehicle, whether attended or unattended and whether temporarily or otherwise, in any of the following places:
 - (1) Within an intersection.
 - (2) On a crosswalk.
 - (3) On a sidewalk or sidewalk area, except when parking in such place is clearly indicated by official traffic signs or markers or parking meters.
 - (4) Alongside or opposite any highway excavation or obstruction when such stopping or standing would obstruct traffic or when pedestrian traffic would be required to travel in the roadway.
 - (5) On the roadway side of any parked vehicle unless double parking is clearly indicated by official traffic signs or markers.
 - (6) Within 20 feet of the driveway entrance to a fire station.
 - (7) Upon any portion of a highway where and at the time when stopping or standing is prohibited by official traffic signs indicating the prohibition of any stopping or standing.
 - (8) In any place or manner so as to obstruct, block or impede traffic.
 - (9) Within 10 feet of a fire hydrant, unless a greater distance is indicated by an official traffic sign.
 - (10) Upon any portion of a highway where and at the time when parking is prohibited, limited or restricted by official traffic signs.
 - (11) Upon any bridge.

- (12) Upon any street or highway within the Village limits any vehicle which faces a direction different from the direction of normal traffic flow for the lane of traffic in which said vehicle is stopped or standing.
- (13) Upon any terrace in the Village at any time.²
- B. Angle parking. Angle parking or parking diagonally is prohibited on all the streets, alleys and highways of the Village except where vehicle parking markers indicate that the same is permissible. All vehicles shall park parallel to and within one foot of the curb, except where streets and parking lots are so marked for angle parking.
- C. Parking in driveways. No person shall park or leave standing any motor vehicle in any private driveway without the permission of the owner or lessee of the property upon which such driveway is located, whether or not such driveway is posted to limit or restrict parking.
- D. Parking vehicle for repair or to display for sale prohibited. No person shall stand or park a vehicle on any street, alley or municipal parking lot in the Village for the purpose of repairing said vehicle or to display such vehicle for sale.
- E. No parking. No person shall park or leave standing at any time any motor vehicle in the following places: **[Amended 2-8-1999]**
- (1) The west side of Division Street from Church Street to State Street.
 - (2) The west and east sides of Division Street from Main Street to High Street, except in front of the hardware store.
 - (3) The east side of Garden Street from Main Street to High Street.
- F. Seasonal alternate side parking. To facilitate the removal of snow on Village streets, from November 1 through April 1 no car, truck, trailer or other vehicle shall be parked on the even-numbered sides of streets in the Village on even-numbered days of the month or on the odd-numbered sides of streets in the Village on odd-numbered days of the month.

§ 335-8. Parking reserved for vehicles of disabled persons.

When official traffic signs indicating such restriction have been erected in accordance with § 335-2 of this chapter, no person shall park, stop or leave standing any vehicle upon any portion of a street, highway or public or private parking facility reserved for vehicles displaying special registration plates or identification cards or emblems issued by the Wisconsin Department of Transportation or, for vehicles registered in another jurisdiction, by such other jurisdiction designating the vehicle as one used by a physically disabled person.

2. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

§ 335-9. Leaving keys in vehicle; parking vehicles with motor running.

- A. Leaving keys in vehicle. No person shall permit any motor vehicle in his custody to stand or remain unattended on any street, alley or other public area, except an attended parking area, unless either the starting lever, throttle, steering apparatus, gear shift or ignition of the vehicle is locked and the key for such lock is removed from the vehicle.
- B. Parking vehicles with motor running. No person shall park or leave standing any motor vehicle with the motor or refrigerator unit running for more than five minutes within 300 feet of any residence within the Village between the hours of 10:00 p.m. and 7:00 a.m.

§ 335-10. Unattended motorized machinery.

It shall be unlawful for any person, firm or corporation to permit any construction, compaction, earth-grading or farm machinery which is self-propelled and moves upon the surface of the earth and which is owned or controlled by him to stand for any period of time unattended without locking the ignition system or otherwise rendering said machinery inoperable so as to prevent any person unauthorized by the owner or individual in control thereof from starting said machinery.

§ 335-11. Traffic and parking regulations on school district grounds.

Pursuant to the provisions of § 118.105, Wis. Stats., the following regulations shall apply to the grounds of the Ontario School District located within the Village:

- A. Parking. All parking on any grounds of the Ontario School District from 7:30 a.m. to 4:30 p.m. shall be restricted to areas designated for parking by the School Board. When signs are erected by the School Board giving notice of such restrictions, all persons shall park only in areas designated and signed for visitor parking. There shall be no parking on said grounds between 11:00 p.m. and 6:00 a.m., except when school functions extend past 11:00 p.m.; on such nights there shall be no parking one hour after the function has concluded.
- B. Speed limits. No person shall at any time operate a motor vehicle upon any Ontario School District grounds at a speed in excess of 10 miles per hour.
- C. Vehicles prohibited at specified times. No person shall at any time operate a motor vehicle, other than a school bus or emergency vehicle, in or upon any drive designated for buses only by sign during the hours of 7:30 a.m. to 9:00 a.m. and during the hours of 3:00 p.m. to 4:30 p.m. on any weekday during the months school is in session.

§ 335-12. Unlawful removal of parking citations.

No person other than the owner or operator thereof shall remove a Village parking ticket from a motor vehicle.

§ 335-13. Registration record of vehicle as evidence.

When any vehicle is found upon a street or highway in violation of any provision of this chapter regulating the stopping, standing or parking of vehicles and the identity of the operator cannot be determined, the owner as shown by the ownership registration of the vehicle supplied by the Wisconsin Department of Transportation, or a comparable authority of any other state, shall be deemed to have committed the violation for purposes of enforcement of this chapter and specifically § 335-1 and shall be subject to the applicable forfeiture penalty, provided that the defenses defined and described in § 346.485(5)(b), Wis. Stats., shall be a defense for an owner charged with such violation.

§ 335-14. School bus warning lights.

Notwithstanding the provisions of § 346.48(2)(b)2, Wis. Stats., adopted by reference in § 335-1 to the contrary, school bus operators shall use flashing red warning lights in residential and business districts when pupils or other authorized passengers are to be loaded or unloaded at locations at which there are no crosswalks or traffic signals so that pupils must cross the street or highway before being loaded or after being unloaded.

§ 335-15. Public or private parking lots and ramps.

- A. Unlicensed operators prohibited. No person who does not hold a valid operator's license shall operate a vehicle in any public parking lot or ramp or in any private parking lot or ramp held out for the use of parking for the general public.
- B. Traffic regulations applicable. All provisions of § 335-1 of this chapter and of the Wisconsin Statutes and laws incorporated herein by reference shall be applicable on any public parking lot or ramp and on any private parking lot, road or ramp held out for use of the general public for parking or vehicular travel.

§ 335-16. Disturbance of the peace.

No driver of any vehicle, including motorcycles, all-terrain vehicles and bicycles, shall cause, by excessive and unnecessary acceleration, the tires of such vehicle or cycle to spin and emit loud noises or to unnecessarily throw stones or gravel, nor shall such driver cause to be made by excessive and unnecessary acceleration any loud noise as would disturb the public peace.

§ 335-17. Removal of illegally parked vehicles.

- A. Hazard to public safety. Any vehicle parked, stopped or standing upon a highway in violation of any of the provisions of this chapter is declared to be a hazard to traffic and public safety.
- B. Removal by operator. Such vehicle shall be removed by the operator in charge, upon request of any traffic officer, to a position where parking is permitted or to a private or public parking or storage premises.

- C. Removal by traffic officer. Any traffic officer, after issuing a citation for illegal parking, stopping or standing of an unattended vehicle in violation of this chapter, is authorized to remove such vehicle to a position where parking is permitted.
- D. Removal by private service. The officer may order a motor carrier holding a permit to perform vehicle towing services, a licensed motor vehicle salvage dealer or a licensed motor vehicle dealer who performs vehicle towing services to remove and store such vehicle in any public storage garage or rental parking grounds or any facility of the person providing the towing services.
- E. Towing and storage charges. In addition to other penalties provided in this chapter, the owner or operator of a vehicle so removed shall pay the reasonable cost of moving, towing and storage. If the vehicle is towed or stored by a private motor carrier, motor vehicle salvage dealer or licensed motor vehicle dealer, actual charges regularly paid for such services shall be paid. If the vehicle is stored in a public storage garage or rental facility, customary charges for such storage shall be paid. Upon payment, a receipt shall be issued to the owner of the vehicle for the towing or storage charge.

§ 335-18. Inoperable, wrecked or discarded vehicles.

- A. Storage prohibited. No person owning or having custody of any partially dismantled, nonoperable, wrecked, junked or discarded motor vehicle shall allow such vehicle to remain on any public highway, parking lot or ramp longer than 72 hours after notification thereof by a law enforcement officer. Notification shall be accomplished by placing in a conspicuous place on the vehicle and by mailing or serving upon the owner or occupant in charge of the premises a written notice setting forth briefly the applicable provisions of this section and the date of the notice. Any vehicle so tagged which is not removed within 24 hours after notice is declared to be a public nuisance and may be removed as provided in § 335-17.
- B. Exemptions. This section shall not apply to a motor vehicle in an appropriate storage place or depository maintained in a lawful place and manner authorized by the Village.

§ 335-19. Unauthorized operation of motor vehicles on public or private property.

- A. Purpose. The unauthorized off-road operation of motor vehicles has resulted in:
 - (1) Serious damage to public and private lands, including damage or destruction of vegetation, animal life, and improvement to the lands;
 - (2) The permanent scarring of land and an increase in both erosion and air pollution;
 - (3) Collisions and near collisions threatening the life and safety of the operators of such vehicles as well as of other persons; and
 - (4) A loss of the privacy, quietude and serenity to which the owners and users of land are rightfully entitled.
- B. Definitions. For purposes of this section the terms below shall be defined as follows:

MOTOR VEHICLE — Any vehicle which is self-propelled and shall include but not be limited to automobiles, trucks, jeeps, vans, motorcycles, motorbikes, go-carts, motorized three-wheeled vehicles, all-terrain vehicles, mopeds, snowmobiles, dune buggies, and tractors. "Motor vehicle" shall not mean any airplane, railroad train, boat, wheelchair or bicycle. A vehicle which would otherwise be defined as a motor vehicle under this section shall not be so defined while it is being operated:

- (1) Solely for the purpose of construction or maintenance of an improvement to land or solely for access to construction or maintenance sites, provided that such operation is by persons having legitimate business on such land or sites.
- (2) By or at the direction of public employees or utility company employees as part of their employment duties.
- (3) By the holder of an easement or right of access on or over the land on which the operation is occurring or by the holder's employees or agents.

OFF ROAD —

- (1) Any location which:
 - (a) Is not a paved or maintained public street or alley;
 - (b) Is not used or maintained by the owner or lessee of land as a driveway, parking lot or other way for motor vehicles; or
 - (c) Is a private trail for use only by the owner or his permittees for recreational or other vehicular use.
- (2) "Off road" shall not include any creek bed, riverbed or lake; provided, however, that this subsection shall not apply to snowmobiles or other vehicles being operated on the ice covering such creek bed, riverbed or lake.

OPERATION — The physical manipulation or activation of any of the controls of a motor vehicle necessary to put it in motion.

UNAUTHORIZED — Without the express prior consent of the owner, lessee, manager or other person authorized to give consent by the owner or lessee of land. Authorization shall not be implied from a failure to post private or public land.

C. Unauthorized off-road operation prohibited.

- (1) The unauthorized off-road operation of a motor vehicle is prohibited.
- (2) It shall be unlawful to operate any minibike, go-cart, all-terrain vehicle or any other motor-driven craft or vehicle principally manufactured for off-highway use on the Village streets, alleys, parks, parking lots or on any public lands or private lands or parking lots held open to the public. The operator shall at all times have the consent of the owner before operation of such craft or vehicle on private lands.

- D. Prohibited use of snowmobile trails. Except as provided under the definition of "motor vehicle" in Subsection B above, no person shall operate any motor vehicle other than a snowmobile on a snowmobile trail.

§ 335-20. Heavy traffic routes.

- A. Definition. For the purposes of this section, "heavy traffic" shall be defined as:

- (1) All vehicles not operating completely on pneumatic tires; and
- (2) All vehicles or combination of vehicles, other than motor buses, designed or used for transporting property of any nature and having a gross weight of more than 10,000 pounds.

- B. Prohibited routes. Heavy traffic is prohibited from using any Village street or highway not designated as a heavy traffic route. This section shall not act to prohibit heavy traffic from using a Village street or highway for the purpose of obtaining orders for supplies or moving or delivering supplies or commodities to or from any place of business or residence which has an entrance on such street or highway. Furthermore, this section will not act to prohibit heavy traffic from using any Village streets over which are routed state trunk highways. When being driven to the site of any construction, repair or maintenance of electric, gas or water service, vehicles owned and operated by a public utility will be exempt from the provisions of this section.

- C. Administration. The Village Maintenance Employee, in cooperation with Village law enforcement officers, shall administer this section. Administration shall include:

- (1) Posting of signs. Appropriate signs shall be posted giving notice of this section and of the heavy traffic routes established herein.
- (2) Maps. Maps of the Village showing heavy traffic routes shall be prepared and shall be available upon request by heavy traffic operators and owners.
- (3) Construction equipment.
 - (a) The Village Maintenance Employee or Village Clerk-Treasurer may grant temporary permits to allow heavy construction equipment to use Village streets or highways not designated as heavy traffic routes. These permits may be granted only when use of a nondesignated route is necessary for the equipment to reach a construction site. No permit may be issued unless the person or corporation owning the equipment agrees to reimburse and hold the Village harmless for any damage done to the Village street by the equipment and/or any personal injury or property damage caused in part or in whole by the street damage.
 - (b) Village-owned or -operated equipment is specifically excluded from the provisions of this section.

- D. Liability. Any operator, corporation, owner or agent whose heavy traffic vehicle damages any Village streets or highways in violating this section shall be liable and required to pay the Village the cost of repair or replacement of the damaged street or highway.
- E. Routes designated. The following streets in the Village are hereby designated as heavy traffic routes:
- (1) State Highway 33.
 - (2) State Highway 133.

§ 335-21. Blue warning lights on police vehicles.

- A. Pursuant to §§ 346.03(3), 346.94(14), 346.95(3) and 347.25(1), (1m)(a) and (b) and (4), Wis. Stats., a marked police vehicle under § 340.01(3)(a), Wis. Stats., may be equipped with a blue light and a red light which flash, oscillate or rotate.
- B. If the vehicle is so equipped, the lights shall be illuminated when the operator of the police vehicle is exercising the privileges granted under § 346.03, Wis. Stats. The blue light shall be mounted on the passenger side of the vehicle and the red light shall be mounted on the driver side of the vehicle. The lights shall be designed and mounted so as to be plainly visible and understandable from a distance of 500 feet during normal sunlight and during hours of darkness. No operator of a police vehicle may use the warning lights, except when responding to an emergency call or when in pursuit of an actual or suspected violator of the law; when responding to but not upon returning from a fire alarm; or when necessarily parked on a highway in a position which is likely to be hazardous to traffic using the highway.
- C. The Village shall give notice of its intent to equip its police vehicles with flashing, oscillating or rotating blue lights as a Class 2 notice under Ch. 985, Wis. Stats., at least 90 days before so equipping the first police vehicle. ³

§ 335-22. State Administrative Code provisions adopted.

- A. Administrative regulations adopted. The following administrative rules and regulations adopted by the Secretary of the Wisconsin Department of Transportation and published in the Wisconsin Administrative Code, exclusive of any provisions therein relating to the penalties to be imposed, are hereby adopted by reference and made part of this chapter as if fully set forth herein:
- (1) All rules of the Department of Transportation Division of Motor Vehicles as outlined in the Wisconsin Administrative Code and all new rules of the Wisconsin Administrative Code as adopted from time to time to keep this chapter in strict conformity with the state statutes.⁴

3. Editor's Note: Original § 8-1-22. Through streets designated, which immediately followed this section, was deleted at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

4. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

- B. Noncompliance prohibited. No person shall operate or allow to be operated on any highway, street or alley within the Village a vehicle that is not in conformity with the requirements of Subsection A or the provisions of § 110.075 and Ch. 347, Wis. Stats., incorporated by reference in § 335-1 of this chapter.
- C. Owner's liability. Any owner of a vehicle not equipped as required by this section who knowingly causes or permits such vehicle to be operated on a highway in violation of this section is guilty of the violation the same as if he or she had operated the vehicle. The provisions of § 347.04, Wis. Stats., relating to nonapplicability of demerit points, shall apply to owners convicted of violation of this section.
- D. Safety checks.
- (1) Operators to submit to inspection. When directed to do so by any law enforcement officer, the operator of any motor vehicle shall stop and submit such vehicle to an inspection and such tests as are necessary to determine whether the vehicle meets the requirements of this section or that the vehicle's equipment is in proper adjustment or repair. No person, when operating a motor vehicle, shall fail to stop and submit such vehicle to inspection when directed to do so by any law enforcement officer as herein provided.
 - (2) Authority of officer. Any law enforcement officer of the Village is hereby empowered whenever he or she shall have reason to believe that any provision of this section is being violated to order the operator of the vehicle to stop and to submit such vehicle to an inspection with respect to brakes, lights, turn signals, steering, horns and warning devices, glass, mirrors, exhaust systems, windshield wipers, tires and other items of equipment.
 - (3) Vehicle to be removed from highway. Whenever, after inspection as provided by this section, a law enforcement officer determines that a vehicle is unsafe for operation, he or she may order it removed from the highway and not operated, except for purposes of removal and repair, until the vehicle has been repaired as directed in a repair order. Repair orders may be in the form prescribed by the Secretary of the Department of Transportation under § 110.075(5), Wis. Stats., and shall require the vehicle owner or operator to cause the repairs to be made and return evidence of compliance with the repair order to the department of the issuing officer within the time specified in the order.
- E. Penalty. Penalty for violation of any provision of this section, including the provisions of the Wisconsin Administration Code, incorporated herein by reference, shall be as provided in § 335-23, together with the costs of prosecution and applicable penalty assessment.

§ 335-23. Violations and penalties.

- A. Forfeiture penalty. The penalty for violation of any provision of this chapter shall be a forfeiture as hereafter provided, together with court costs and fees prescribed by § 814.63(1) and (2) or 814.65(1), Wis. Stats., the penalty assessment for moving traffic violations and the driver improvement surcharge imposed by §§ 757.05 and 346.655,

Wis. Stats., where applicable. Payment of the judgment and applicable court costs, fees, assessments and surcharges may be suspended by the sentencing court for not more than 60 days. Any person 18 years of age or older who shall fail to pay the amount of the forfeiture, court costs, any penalty assessment or driver surcharge or other penalty imposed for violation of any provision of this chapter may, upon order of the court entering judgment therefor and having jurisdiction of the case, be imprisoned until such forfeiture, costs and assessment are paid, but not exceeding 90 days.

B. Other sanctions.

- (1) By court. Nothing herein shall preclude or affect the power of the sentencing court to exercise additional authorities granted by the Wisconsin Statutes to suspend or revoke the operating privileges of the defendant or order the defendant to submit to assessment and rehabilitation programs or to attend traffic safety school, in addition to payment of a monetary penalty or in lieu of imprisonment.
- (2) By municipality. No person who has been convicted of a violation of any provision of this chapter shall be issued a license or permit by the Village Clerk-Treasurer, except a dog license, until the forfeiture imposed for such violation and any penalty assessment, court costs and fees or surcharge is paid.

C. Forfeitures for violation of moving traffic regulations. Forfeitures for violations of any moving traffic regulation set forth in the Wisconsin Statutes adopted by reference in § 335-1 shall conform to the forfeiture penalty permitted to be imposed for violations of the comparable Wisconsin Statute, including any variations or increases for subsequent offenses; provided, however, that this subsection shall not be construed to permit prosecution under this chapter for any offense described in Chs. 341 to 348, Wis. Stats., for which an imprisonment penalty or fine may be imposed upon the defendant.

D. Forfeitures for parking violations.

- (1) Forfeitures for uniform statewide parking, stopping and standing offenses. Minimum and maximum forfeitures for violation of nonmoving traffic violations adopted by reference in § 335-1 as described in Chs. 341 to 348, Wis. Stats., shall be as provided for the comparable state nonmoving traffic violation.
- (2) Penalty for other parking violations. The penalty for all other parking violations not included under Subsection D(1) above shall be a forfeiture of not less than \$5 nor more than \$25 for the first offense and not less than \$10 nor more than \$200 for the second offense within two years.⁵

E. Other violations. Any person who shall violate any provision of this chapter for which a penalty is not otherwise established by this section shall be subject to a forfeiture of not less than \$5 nor more than \$200.

5. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

§ 335-24. Enforcement.

- A. How enforced. This chapter shall be enforced in accordance with the applicable provisions of the Wisconsin Statutes and this section.
- B. Citations.
- (1) Uniform citation and complaint. The Wisconsin uniform traffic citation and complaint described and defined in the Wisconsin Statutes shall be used for enforcement of all provisions of this chapter, except those provisions which describe or define nonmoving traffic violations and violations of §§ 346.71 through 346.73, Wis. Stats. Violations of §§ 346.71 through 346.73, Wis. Stats., shall be reported to the District Attorney, and the Wisconsin uniform traffic citation shall not be used in such cases except upon written request of the District Attorney.
 - (2) Parking citations. The Village law enforcement officers shall recommend a citation for use in enforcing the nonmoving traffic offenses in this chapter. When approved by the Village Board, such citation shall be used for enforcement of nonmoving traffic regulations created or adopted by this chapter, including violations of nonmoving traffic regulations defined and described in the Wisconsin Statutes adopted by reference in § 335-1 and all provisions regarding nonmoving traffic violations in this chapter. The citation for nonmoving traffic violations shall contain a notice that the person cited may discharge the forfeiture for violation of a nonmoving traffic regulation and penalty thereof by complying with Subsection C(2) of this section. Nonmoving traffic citations may be issued by law enforcement officers or by civilian employees of the Police Department.
- C. Deposits and stipulations.
- (1) Moving traffic offenses.
 - (a) Who may make. Persons arrested or cited for violation of moving traffic offenses created by this chapter shall be permitted to make deposits and stipulations of no contest or released by the arresting officer in accordance with the applicable provisions of the Wisconsin Statutes. Stipulations of guilt or no contest may be made by persons arrested for violations of this chapter in accordance with § 66.0114(1)(b), Wis. Stats., whenever the provisions of § 345.27, Wis. Stats., are inapplicable to such violations. Stipulations shall conform to the form contained on the uniform traffic citation and complaint under § 345.11, Wis. Stats., and may be accepted within five days of the date of the alleged violation. Stipulations may be accepted by the Clerk of Municipal Court and by the Police Department.
 - (b) Delivery or mailing of deposit and stipulation. Any person stipulating guilt or no contest under the preceding subsection must make the deposit required under § 345.26, Wis. Stats., or, if the deposit is not established under such statute, shall deposit a forfeited penalty as provided in the schedule approved by the Village Board. Deposits may be brought or mailed within five days of the issuance of the citation in lieu of court appearance to the office of the

Police Department or Clerk of Municipal Court as directed by the arresting officer.

- (c) Receipt required. Every officer accepting a stipulation under the provisions of this chapter shall comply with the provisions of §§ 343.28, 345.26(1)(a) and 345.27(2), Wis. Stats., and shall require the alleged violator to sign a statement of notice in substantially the form contained on the uniform traffic citation and complaint promulgated under § 345.11, Wis. Stats. The official or person receiving the deposit shall furnish and deliver or mail an original receipt for such deposit to the alleged violator and shall deliver the deposit and stipulation and a copy of the receipt within seven days to the Clerk of Municipal Court.

(2) Nonmoving traffic offenses.

- (a) Direct payment of penalty permitted. Persons cited (summons not issued) for violation of nonmoving traffic offenses described and defined in this chapter may discharge the penalty thereof and avoid court prosecution by mailing or forwarding within five days of the issuance of the citation to the Police Department or Clerk of Municipal Court the minimum penalty specified for the violation. If not so forwarded, the penalty may be discharged by forwarding within 15 days of the date of the citation to the above-named office the amount of \$15. When payment is made as provided in this subsection, no court costs shall be charged.
- (b) Court prosecution. If the alleged violator does not deliver or mail a deposit as provided in Subsection C(2)(a) within 15 days of the date of the citation, the Village law enforcement officers shall forward a copy of the citation to the Village Attorney.
- (c) Registration suspension. If the alleged violator does not pay the forfeiture or appear in court in response to the citation for a nonmoving traffic violation on the date specified in the citation or, if no date is specified on the citation, within 28 days after the citation is issued, the Village may ask the Wisconsin Department of Transportation to suspend the registration of the vehicle involved or refuse registration of any vehicle owned by the person pursuant to the provisions of § 345.28(4), Wis. Stats., and Subsection C(3) below.
- (d) Deposits returned to Village Clerk-Treasurer. Officers receiving deposits for nonmoving traffic violations under this Subsection C(2) shall pay over such deposits to the Village Clerk-Treasurer within seven days of receipt. Such payment shall be accompanied by an itemized statement for each deposit of the offense charged and the name of the depositor.
- (e) Bond. Any officer accepting deposits or forfeited penalties under this section shall deliver them to the Clerk of Municipal Court within 20 days after receipt. Any officer authorized to accept deposits under § 345.26, Wis. Stats., or this section shall qualify by taking the oath prescribed by § 19.01, Wis. Stats.

(3) Registration suspension program.

- (a) The Village shall participate in the Wisconsin Department of Transportation Traffic Violation and Registration Program as set forth in § 345.28, Wis. Stats., and Ch. TRANS 128, Wis. Adm. Code, and all amendments or changes thereto.
- (b) The Police Department is hereby designated as a delegated authority for purposes of §§ 85.13 and 345.28, Wis. Stats., and Ch. TRANS 128, Wis. Adm. Code. The Police Department is authorized to perform, on behalf of the Village, all functions required of a local authority under said statutes and code, including but not limited to:
 - [1] Preparing and completing all forms and notices and notifying the Wisconsin Department of Transportation of unpaid citations for nonmoving traffic violations;
 - [2] Specifying whether the registration of vehicles involved in unpaid citations for nonmoving traffic violations should be suspended and/or whether registration should be refused for any vehicle owned by persons with unpaid citations for nonmoving traffic violations;
 - [3] Determining the method by which the Village will pay the Wisconsin Department of Transportation for administration of the program and establishing the effective date for participation; and
 - [4] Taking such other action as is necessary to institute and continue participation in the Wisconsin Department of Transportation Traffic Violation and Registration Program.
- (c) In addition to all applicable fines and court costs, the cost of using the Wisconsin Department of Transportation Traffic Violation and Registration Program shall be assessed as permitted by § 345.28(4)(d), Wis. Stats. The Police Department may refuse to notify the Wisconsin Department of Transportation of payment on a citation until all applicable fines and costs, including costs assessed under the preceding sentence, are paid.
- (d) This Subsection C(3) shall not be interpreted as requiring that all unpaid citations for nonmoving traffic violations be processed through the Wisconsin Department of Transportation Traffic Violation and Registration Program. The Village's participation in such program shall be in addition to any and all other means legally available to enforce such citations.

Chapter 342

WATER UTILITY

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| § 342-1. Rates. | § 342-18. Replacement and repair of service pipe. |
| § 342-2. Officers. | § 342-19. Charges for water wasted due to leaks. |
| § 342-3. Compliance with rules. | § 342-20. Inspections. |
| § 342-4. Establishment of service. | § 342-21. Cash deposits or guarantee contracts. |
| § 342-5. Service contract. | § 342-22. Disconnection and refusal of service. |
| § 342-6. Water for construction. | § 342-23. Surreptitious use of water. |
| § 342-7. Unauthorized use of water. | § 342-24. Vacation of premises. |
| § 342-8. Refunds of monetary deposits. | § 342-25. Repairs to mains. |
| § 342-9. Service connections. | § 342-26. Protection of open ditches. |
| § 342-10. Service piping for meter settings. | § 342-27. Duties of contractors. |
| § 342-11. Turning on water. | § 342-28. Settling main or service trenches. |
| § 342-12. Failure to read meters. | § 342-29. Protective devices. |
| § 342-13. Complaint meter tests. | § 342-30. Cross-connection control. |
| § 342-14. Thawing frozen services. | § 342-31. Private well abandonment. |
| § 342-15. Stop boxes. | |
| § 342-16. Installation of meters. | |
| § 342-17. Repairs to meters. | |

[HISTORY: Adopted by the Village Board of the Village of Ontario 7-7-1986 as § 5-1-1 and Title 5, Ch. 2, Art. B of the 1986 Code. Amendments noted where applicable.]

GENERAL REFERENCES

Building construction — See Ch. 135.
Sewer Utility — See Ch. 294.

Streets and sidewalks — See Ch. 309.
Subdivision of land — See Ch. 364.

§ 342-1. Rates. ¹

Current rates for water service are on file at the office of the Village Clerk-Treasurer.

§ 342-2. Officers.

- A. The Village Board of the Village of Ontario shall be Water Utility officers and shall control the Water Utility. Administrative duties may be delegated to a standing committee of the Village Board.

1. Editor's Note: Added at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

- B. The Village Clerk-Treasurer, unless other appointment is made by the Board, shall be the Clerk of the Water Utility, and it shall be the duty of the Water Utility Clerk to:
- (1) Keep records of the Utility and file an annual report with the Public Service Commission.
 - (2) Compute water rents and mail them to customers.
 - (3) Record all delinquent accounts.
- C. The Village Clerk-Treasurer shall be Treasurer of the Water Utility and shall keep a record of all receipts and disbursements of the Utility.

§ 342-3. Compliance with rules.

All persons now receiving a water supply from the Village of Ontario Water Utility, or who may hereafter make application therefor, shall be considered as having agreed to be bound by the rules and regulations as filed with the Public Service Commission of Wisconsin.

§ 342-4. Establishment of service.

- A. Application for water service shall be made in writing on a form furnished by the Water Utility. The application will contain the legal description of the property to be served, name of the owner, the exact use to be made of the service, and the size of the supply pipe and meter desired. (Note particularly any special refrigeration and/or air-conditioning, water-consuming appliances.)
- B. Service will be furnished only if:
- (1) The premises have a frontage on a properly platted street or public strip in which a cast iron or other long-life water main has been laid or where the property owner has agreed to and complied with the provisions of the Utility's filed main extension rule;
 - (2) The property owner has installed or agrees to install a service pipe from the curblin to the point of use and laid not less than six feet below the surface of an established or proposed grade and according to the Utility's specification; and
 - (3) The premises have adequate piping beyond the metering point.
- C. The owner of a multiunit dwelling has the option of being served by individual metered water service to each unit. The owner, by selecting this option, is required to provide interior plumbing and meter settings to enable individual metered service to each unit and individual disconnection without affecting service to other units. Each meter and meter connection will be a separate Water Utility customer for the purpose of the filed rules and regulations.
- D. No division of the water service of any lot or parcel of land shall be made for the extension and independent meterage of the supply to an adjoining lot or parcel of land. No division of a water supply service shall be made at the curb for separate supplies

therefrom for two or more separate premises having frontage on any street or public service strip, whether owned by the same or different parties.

- E. The Superintendent is hereby empowered to withhold approval of any application wherein full information of the purpose of such supply is not clearly indicated and set forth by the applicant property owner.

§ 342-5. Service contract.

- A. The minimum service contract period shall be one year unless otherwise specified by special contract or in the applicable rate schedule. Where a customer, at his request, has been disconnected (meter removed) prior to expiration of his minimum contract period and his account is not delinquent and where thereafter he requests the reconnection of service in the same or other location, a reconnection charge as set by the Village Board, payable in advance, shall be collected. The minimum contract period is renewed with each reconnection.
- B. A reconnection charge as set by the Village Board shall also be required from consumers whose services are disconnected (shut off at curb stop) because of nonpayment of bills when due (not including disconnection for failure to comply with deposit or guarantee rules).
- C. A consumer shall be considered as the same consumer, provided that the reconnection is requested for the same location by any member of the same family or, if a place of business, by any partner or employee of the same business.

§ 342-6. Water for construction.

- A. When water is requested for construction purposes or for filling tanks or other such uses, an application therefor shall be made to the Superintendent, in writing, upon the application provided for that purpose in the Water Utility office, giving a statement of the amount of construction work to be done, the size of the tank to be filled, etc. Payment for the water for construction shall be made in advance at the scheduled rates. The service pipe must be installed inside the building from where the water must be drawn. No connection with the service pipe at the curb shall be made without special permission from the Superintendent.
- B. In no case will any employee of the Utility turn on water for construction work unless the contractor first presents a permit. Upon completion of the construction work, the contractor must return the original permit to the Water Utility, together with a statement of the actual amount of construction work performed.
- C. Consumers shall not allow contractors, masons or other persons to take water from their premises without first showing a permit from the Utility. Any consumer failing to comply with this provision will have water service discontinued.

§ 342-7. Unauthorized use of water.

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

§ 342-8. Refunds of monetary deposits.

All monies deposited as security for payment of charges arising from the use of a temporary water supply on a metered basis or for the return of a sprinkling valve wheel or reducer, if the water is used on an unmetered basis, will be refunded to the depositor on the termination of the use of water, the payment of all charges levied against the depositor, and the return of the wheel and reducer.

§ 342-9. Service connections.

- A. 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 other insulation as may be approved by the Superintendent. Service pipes passing through curb or retaining walls shall be adequately safeguarded by provision of a channel space or pipe casing, not less than twice the diameter of the service connection. The space between the service pipe and channel or pipe casing shall be filled and lightly caulked with an oakum, mastic cement, or other resilient material and made impervious to moisture.
- B. 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, or other injurious material, around and at least six inches over the pipe.
- C. All water supplies shall be of undiminished size from the street main in to the point of meter placement. Beyond the meter outlet valve the piping shall be sized and proportioned to provide, on all floors, at all times, an equitable distribution of water supply for the greatest probable number of fixtures or appliances operating simultaneously. All such service shall comply with the provisions of the State Plumbing Code.

§ 342-10. Service piping for meter settings.

- A. In cases where a new customer whose service is to be metered installs the original service piping, where an existing metered customer changes his service piping for his own convenience, or where an existing flat-rate customer requests to be metered, the customer shall, at his expense, provide a suitable location and the proper connections for the meter. The Water Utility Superintendent should be consulted as to the type and size of meter setting. Where it is possible to set meters in the basement or other suitable place within the building, 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 pipeline), which may later be removed for the insertion of the meter into the supply line.

- B. No permit will be given to change from metered to flat-rate service.

§ 342-11. Turning on water.

The water cannot be turned on for a consumer except by a duly authorized employee of the Utility. When a plumber has completed a job, he must leave the water turned off. This does not prevent him from testing his work.

§ 342-12. Failure to read meters.

- A. Where the Utility is unable to read a meter after two successive attempts, the fact will be plainly indicated on the bill, and either an estimated bill will be computed or the minimum charge applied. The difference shall be adjusted when the meter is again read, that is, the bill for the succeeding quarter will be computed with the gallons or cubic feet in each block of the rate schedule doubled, and credit will be given on that bill for the amount of the minimum bill paid the preceding month. Only in unusual cases or where approval is obtained from the customer shall more than two consecutive estimated bills be rendered.
- B. If the meter is damaged (see § 342-23, Surreptitious use of water) or fails to operate, the bill will be based on the average use during the past year unless there is some reason why the use is not normal. If the average use cannot be properly employed, the bill will be estimated by some equitable method.

§ 342-13. Complaint meter tests.

If a customer requests, the Utility shall promptly make an accuracy test in addition to the periodic or installation test if 24 months or more has elapsed since the last complaint test of the same meter in the same location. If less than 24 months has expired, there will be a charge, as set by the Village Board, payable in advance. If the meter is found fast in excess of 2%, any payment that was made for the test will be refunded, and there will be an adjustment for past billings. (See §§ PSC 185.61 through 185.78, Wis. Adm. Code.)

§ 342-14. Thawing frozen services.

See § PSC 185.89, Wis. Adm. Code.

§ 342-15. Stop boxes.

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

§ 342-16. Installation of meters.

Meters will be furnished and placed by the Utility and are not to be disconnected or tampered with by the consumer. All meters shall be so located that they shall be protected from obstructions and permit ready access thereto for reading, inspection, and servicing, such location to be designated or approved by the Superintendent. All piping within the building must be supplied by the consumer. Where additional meters are desired by the consumer, he shall pay for all piping and an additional amount sufficient to cover the cost of maintenance and depreciation, but not less than \$0.25 per month.

§ 342-17. Repairs to meters.

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

§ 342-18. Replacement and repair of service pipe.

- A. Where the property owner requests that a larger service lateral be installed to replace an existing smaller-diameter pipe, an allowance of \$15 will be made as a deduction in the cost, providing the new service is to be installed in the same ditch as the existing service pipe.
- B. The service pipe from the main to and through the curb stop will be maintained and kept in repair and, when worn out, replaced at the expense of the Utility. The property owner shall maintain the service pipe from the curb stop to the point of use.
- C. If a consumer fails to repair a leaking or broken service pipe from curb to point of metering or use within such time as may appear reasonable to the Superintendent after notification has been served on the consumer by the Superintendent, the water will be shut off and will not be turned on again until the repairs have been completed.

§ 342-19. Charges for water wasted due to leaks.

See § PSC 185.35(6), Wis. Adm. Code.

§ 342-20. Inspections.

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

§ 342-21. Cash deposits or guarantee contracts.

- A. New residential service. The Utility may require a cash deposit or other guarantee as a condition of new residential service if, and only if, the customer has an outstanding account balance with the Utility which accrued within the last six years and which at the time of the request for new service remains outstanding and not in dispute.
- B. Existing residential service. The Utility may require a cash deposit or other guarantee as a condition of continued service if, and only if, either or both of the following circumstances apply:
 - (1) Service has been shut off or discontinued within the last 12 months for violation of these rules and regulations or for nonpayment of a delinquent bill for service which is not in dispute.
 - (2) Credit information obtained by the Utility subsequent to the initial application indicates that the initial application for service was falsified or incomplete to the extent that a deposit would be required under these rules and regulations.
- C. Commercial and industrial service. If the credit for an applicant for commercial or industrial service has not been established to the satisfaction of the Utility, he may be required to make a deposit or otherwise guarantee to the Utility payment of bills for service.
- D. Conditions of deposit. See § PSC 185.36(4), Wis. Adm. Code.
- E. Refund of deposits. The Utility shall review the payment record of each residential customer with a deposit on file at not less than twelve-month intervals and shall not require or continue to require a deposit unless a deposit could be required under the conditions stated above. In the case of a commercial or industrial customer, the Utility shall refund the deposit after 24 consecutive months of prompt payment if the customer's credit standing is satisfactory to the company. Payment shall be considered "prompt" if it is made prior to notice of disconnection for nonpayment of a bill not in dispute. Any deposit or portion thereof refunded to a customer shall be refunded by check unless both the customer and the company agree to credit the regular bill or unless service is terminated, in which case the deposit with accrued interest shall be applied to the final bill and any balance returned to the customer promptly.
- F. Other conditions. A new or additional deposit may be required upon reasonable written notice of the need therefor if such new or additional deposit could have been required under the circumstances when the initial deposit was made. Service may be refused or disconnected for failure to pay a deposit request as provided in the rules. When service has been disconnected for failure to make a deposit, for failure to pay a delinquent bill, or for failure to comply with the terms of a deferred payment agreement and satisfactory arrangements have been made to have service restored, a reconnection charge as specified elsewhere in these rules shall be paid by the customer as a condition to restoration of service.
- G. Guarantee contracts.

- (1) The Utility may accept, in lieu of a cash deposit, a contract signed by a guarantor satisfactory to the company, whereby payment of a specified sum not exceeding the cash deposit requirement is guaranteed. The term of a guarantee contract shall be two years but shall automatically terminate after the customer has closed his account or at the guarantor's request upon 30 days' written notice to the Utility.
- (2) Upon termination of a guarantee contract or whenever the Utility deems the same insufficient as to amount or surety, a cash deposit or a new or additional guarantee may be required upon reasonable written notice to the customer. Service to any customer who fails to comply with these requirements may be refused or, upon eight days' written notice, disconnected.
- (3) The Utility shall mail the guarantor copies of all disconnect notices sent to the customer whose account he has guaranteed unless the guarantor waives such notice in writing.
- (4) In lieu of a cash deposit or guarantee, an applicant for new service who has an outstanding account accrued within the last six years with the Utility shall have the right to receive service from the company under a deferred payment agreement as provided in these rules and regulations for the outstanding account balance.

§ 342-22. Disconnection and refusal of service.

A. Reasons for disconnection. Service may be disconnected or refused for any of the following reasons:

- (1) Failure to pay a delinquent account or failure to comply with the terms of a deferred payment agreement.
- (2) Violation of the Utility's rules and regulations pertaining to the use of service in a manner which interferes with the service of others or to the operation of nonstandard equipment, if the customer has first been notified and provided with reasonable opportunity to remedy the situation.
- (3) Failure to comply with deposit or guarantee arrangements as provided for in these rules and regulations.
- (4) Diversion of service around the meter.

B. Disconnection for delinquent accounts.

- (1) A bill for service is delinquent if unpaid after the due date shown on the bill. The Utility may disconnect service for a delinquent bill by giving the customer, at least eight calendar days prior to disconnection, a written disconnect notice, which may be included with the bill for service. For purposes of this rule, the due date shall not be less than 20 days after issuance.
- (2) The Utility may disconnect without notice where a dangerous condition exists for as long as the condition exists. Service may be denied to any customer for failure to comply with the applicable requirements of the rules and regulations of the

Public Service Commission or of these rules and regulations or if a dangerous or unsafe condition exists on the customer's premises.

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

C. Deferred payment agreement.

- (1) The Utility shall offer deferred payment agreements to residential customers. The deferred payment agreement shall provide that service will not be discontinued for the outstanding bill if the customer pays a stated reasonable amount of the outstanding bill and agrees to pay a stated reasonable portion of the remaining outstanding balance in installments until the bill is paid. In determining what amounts are "reasonable," the parties shall consider the:
 - (a) Size of the delinquent account.
 - (b) Customer's ability to pay.
 - (c) Customer's payment history.
 - (d) Time that the debt has been outstanding.
 - (e) Reasons why the debt has been outstanding.
 - (f) Any other relevant factors concerning the circumstances of the customer.
- (2) In the deferred payment agreement it shall state immediately preceding the space provided for the customer's signature and in boldface print at least two sizes larger than any other used thereon the following: "If you are not satisfied with this agreement, do not sign. If you do sign this agreement you give up your right to dispute the amount due under the agreement except for the Utility's failure or refusal to follow the terms of this agreement."
- (3) A deferred payment agreement shall not include a finance charge.
- (4) If an applicant for service has not fulfilled the terms of a deferred payment agreement, the Utility shall have the right to disconnect service or refuse service in accordance with these rules, and under such circumstances, it shall not be required to offer subsequent negotiation of a deferred payment agreement prior to disconnection.
- (5) Any payments made by the customer in compliance with a deferred payment agreement, or otherwise, shall be first considered made in payment of the previous account balance, with any remainder credited to the current bill.

D. Dispute procedures.

- (1) Whenever the customer advises the Utility's designated office prior to the disconnection of service that all or part of any billing as rendered is in dispute or that any matter related to the disconnection is in dispute, the company shall investigate the dispute promptly and completely, advise the customer of the results of the investigation, attempt to resolve the dispute, and provide the opportunity for the customer to enter into a deferred payment agreement when applicable in order to settle the dispute.
- (2) After the customer has pursued the available remedies with the Utility, he may request that the Public Service Commission's staff informally review the disputed issue and recommend terms of settlement.
- (3) Any party to the dispute after informal review may make a written request for a formal review by the Commission. If the Commission decides to conduct a formal hearing on the dispute, the customer must pay 50% of the bill in dispute or post a bond for that amount on or before the hearing date. Failure to pay the amount or post the bond will constitute a waiver of the right to a hearing. Service shall not be disconnected because of any disputed matter while the disputed matter is being pursued under the dispute procedure. In no way does this relieve the customer from the obligation of paying charges which are not disputed.
- (4) The form of disconnection notice to be used is on file at the Water Utility office.²
- (5) In the event the Utility is not able to collect any bill for water service even though deposit and guarantee rules are on file, the bill may be put upon the tax roll as provided in § 66.0809, Wis. Stats.

§ 342-23. Surreptitious use of water.

- A. When the Utility has reasonable evidence that a consumer is obtaining his supply of water, in whole or in part, by means of devices or methods used to stop or interfere with the proper metering of the 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 twenty-four-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:
- (1) 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.
 - (2) 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.

2. Editor's Note: Amended at time of adoption of Code (see Ch. I, General Provisions, Art. II).

- (3) The consumer must further agree to comply with reasonable requirements to protect the Utility against further losses.

- B. Sections 98.26 and 943.20, Wis. Stats., as relating to water service, are hereby adopted and made a part of these rules.

§ 342-24. 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 at the curb cock. The owner of the premises shall be liable to prosecution for any damage to the property of the Water Utility by reason of failure to notify the Utility of vacancy.

§ 342-25. Repairs to mains.

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

§ 342-26. Protection of open ditches.

It shall be the duty of the Superintendent to see that all open ditches for water mains, hydrants, and service pipes are properly guarded to prevent accident to any person or vehicle, and at night there shall be displayed amber signal light in such manner as will, so far as possible, ensure the safety of the public.

§ 342-27. Duties of contractors.

- A. Where excavating machines are used in digging sewers, all water mains shall be maintained at the expense of the contractor.
- B. Contractors must ascertain for themselves the existence and location of all service pipes. Where they are removed, cut or damaged in the construction of a sewer, the contractor must at his 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 hours.

§ 342-28. Settling main or service trenches.

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

§ 342-29. Protective devices.

- 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 cutout devices. There shall likewise be provided means for the prevention of the transmission of water ram or noise of operation of any valve or appliance through the piping of its own or adjacent premises.
- B. Relief valves. On all closed systems (i.e., systems having a check valve, pressure regulator, or reducing valve, water filter or softener), an effective pressure-relief valve shall be installed either in the top tapping or the upper side tapping of the hot-water tank or on the hot-water-distributing pipe connection at the tank. A one-half-inch drainpipe shall be connected to the relief valve for discharge on the floor or into a sink or open drain through an air gap. No stop valve shall be placed between the hot-water tank and the relief valve or on the drainpipe.
- C. Air chambers. An air chamber or approved shock absorber shall be installed at the terminus of each riser, fixture branch, or hydraulic elevator main for the prevention of undue water hammer. The air chamber shall have a diameter not less than that of the pipe it serves and a length not less than 15 diameters of said supply pipe. Where possible, the air chamber should be provided at its base with a valve and drain cock for water drainage and replenishment of air.

§ 342-30. Cross-connection control.

- A. Definition. "Cross-connection" shall be defined as any physical connection or arrangement between two otherwise separate systems, one of which contains potable water from the Village water system, and the other, water from a private source, water of unknown or questionable safety, or steam, gases, or chemicals, whereby there may be a flow from one system to the other, the direction of flow depending on the pressure differential between the two systems.
- B. Cross-connections prohibited. No person, firm or corporation shall establish or permit to be established or maintain or permit to be maintained any cross-connection. No interconnection shall be established whereby potable water from a private, auxiliary or emergency water supply other than the regular public water supply of the Village may enter the supply or distribution system of said municipality, unless such private, auxiliary or emergency water supply and the method of connection and use of such supply shall have been approved by the Water Utility and by the Wisconsin Department of Natural Resources in accordance with § NR 811.25(3), Wis. Adm. Code.
- C. Inspections. It shall be the duty of the Water Utility to cause inspections to be made of all properties served by the public water system where cross-connections with the public water system are deemed possible. The frequency of inspections and reinspections based on potential health hazards involved shall be as established by the Water Utility and as approved by the Wisconsin Department of Natural Resources.

- D. Right to inspect. Upon presentation of credentials, the representative of the Water Utility shall have the right to request entry at any reasonable time to examine any property served by a connection to the public water system of the Village for cross-connections. If entry is refused, such representative shall obtain a special inspection warrant under § 66.0119, Wis. Stats. On request the owner, lessee or occupant of any property so served shall furnish to the inspection agency any pertinent information regarding the piping system or systems on such property.
- E. Discontinuation of service. The Water Utility is hereby authorized and directed to discontinue water service to any property wherein any connection in violation of this section exists and to take such other precautionary measures deemed necessary to eliminate any danger of contamination of the public water system. Water service shall be discontinued only after reasonable notice and opportunity for hearing under Ch. 68, Wis. Stats., except as provided in Subsection F. Water service to such property shall not be restored until the cross-connection(s) has been eliminated in compliance with the provisions of this section.
- F. Immediate discontinuation. If it is determined by the Water Utility that a cross-connection or an emergency endangers public health, safety or welfare and requires immediate action and a written finding to that effect is filed with the Clerk-Treasurer of the Village and delivered to the customer's premises, service may be immediately discontinued. The customer shall have an opportunity for hearing under Ch. 68, Wis. Stats., within 10 days of such emergency discontinuance.
- G. State code adopted. The Village adopts by reference the State Plumbing Code of Wisconsin, Chs. COMM 81 to 87, Wis. Adm. Code.
- H. Section not to supersede other ordinances. This section does not supersede the State Plumbing Code and any Village plumbing ordinances but is supplementary to them.

§ 342-31. Private well abandonment.

- A. Purpose. The purpose of this section is to prevent unused and/or improperly constructed wells from serving as a passage for contaminated surface or near-surface waters or other materials to reach the usable groundwater. These wells must be properly filled and sealed.
- B. Private wells to be properly filled. All private wells located on any premises which are served by the public water system of the Village shall be properly filled. Only those wells for which a well operation permit has been granted by the Village Clerk-Treasurer may be exempted from this requirement, subject to conditions of maintenance and operation.³
- C. Well operation permits. A permit may be granted to a well owner to operate a well for a period not to exceed five years if the following requirements are met. Application shall be made on forms provided by the Village Clerk-Treasurer.

3. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

- (1) The well and pump installation meet the requirements of Ch. NR 812, Wis. Adm. Code, and a well constructor's report is on file with the Department of Natural Resources or certification of the acceptability of the well has been granted by the Private Water Supply Section of the Department of Natural Resources.
 - (2) The well has a history of producing safe water and presently produces bacteriologically safe water as evidenced by three samplings of two weeks apart.
 - (3) The proposed use of the well can be justified as being necessary in addition to water provided by the public water system.
 - (4) No physical connection shall exist between the piping of the public water system and the private well.
- D. Methods. Wells to be abandoned shall be filled according to the procedures outlined in Ch. NR 812, Wis. Adm. Code. The pump and piping must be removed and the well checked for obstructions prior to plugging. Any obstruction or liner must be removed.
- E. Reports and inspection. A well abandonment report must be submitted by the well owner to the Department of Natural Resources on forms provided by that agency. The report shall be submitted immediately upon completion of the filling of the well. The filling must be observed by a representative of the Village.