

CHAPTER 7

- 7.01 MANAGEMENT
- 7.02 APPLICATION AND VIOLATIONS
- 7.03 INSTALLATION AND USER REGULATIONS
- 7.04 MISCELLANEOUS RULES AND REGULATIONS
- 7.05 ISSUANCE AND SALE OF \$205,300 WATER SYSTEM MORTGAGE REVENUE BONDS
- 7.06 RATES AND RULES FOR WATER UTILITY
- 7.07 CROSS-CONNECTION CONTROL

7.01 MANAGEMENT

(1) The management, operation, and control of the water system for the Village of Bagley is vested in the Village Board of said Village. All records, minutes and all written proceedings thereof shall be kept by the Village Clerk of the Village and the Village Cashier of the Village shall keep all the financial records.

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

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

(4) Title to Real Estate and Personal Property. All property, real, personal and mixed, acquired for the construction of the water system, and all plans, specifications, diagrams, papers, books and records connected therewith said water system, and all buildings, machinery and fixtures pertaining thereto, shall be the property of the said Village of Bagley

7.02 APPLICABILITY AND VIOLATIONS

User Rules and Regulations. The rules, regulations, and water rates hereinafter set forth shall be considered a part of the contract with every person, company, or corporation who is connected with the water system and every such person, company, or corporation by connection

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

7.03 INSTALLATION AND USER REGULATIONS

The following rules and regulations for the government of licensed plumbers, water takers and other, are hereby adopted and established.

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

(2) Users.

(a) Lateral Charges

(i) "Street Laterals" will be installed by the Utility (on existing mains) according to the following schedule of charges: (All charges to be paid in advance.)

<u>Water</u>		
3/4"	@	\$440.00
1"	@	\$440.00
1-1/2"	@	actual cost
2"	@	actual cost
3"	@	actual cost
4"	@	actual cost

(ii) If a request for an extension to the system is granted, the cost for such extension including laterals, will be paid for by the requestor. Upon inspection and approval by the Utility, the extension will be dedicated to the Utility. There will be no additional charge for laterals installed by this method.

All plans and specifications must be approved by the Utility before construction begins.

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

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

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

(e) Utility Responsibility. It is expressly stipulated that no claim shall be made against said utility or the Village of Bagley by reason of the breaking, clogging, stoppage, or freezing of any service pipe; nor from any damage arising from repairing mains, making connections or extensions or any other work that may be deemed necessary. The right is hereby reserved to cut off the service at any time for the purpose of repairs or any other necessary purpose, any permit granted or regulation to the contrary notwithstanding. Whenever it shall become necessary to shut off the water service within any district of the said Village, the water utility shall, if practicable, give notice to each and every consumer within said Village, of the time when such service will be so shut off.

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

(3) Excavations.

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

(b) No person shall leave any such excavation made in any street or highway

open at any time without barricades; and during the night, warning lights must be maintained at such excavations.

(c) In refilling the opening, after the service pipes are laid, the earth must be laid in layers of not more than nine inches in depth, and each layer thoroughly compacted to prevent settling. This work, together with the replacing of sidewalks, ballast and paving, must be done so as to make the street as good, at least, as before it was disturbed, and satisfactory to the water utility. No opening of the streets for tapping the pipes will be permitted when the ground is frozen.

(4) Tapping the Mains.

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

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

(5) Installation of House Laterals.

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

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

(6) Water Service Rates.

(a) Water Utility Rules. The standard rules published by the Public Service Commission of Wisconsin (small utility rules), and the rates as provided by the Public Service Commission Finding of Fact, Certification, and Order are hereby adopted by the Village Board, as applicable to the Water Utility.

(7) Mandatory Hook-up.

(a) The owner of each parcel of land adjacent to a water main on which there exists a building or other structure useable for human habitation or in a block through which such system is extended, shall connect to such system within 90 days notice in

writing from the Village. Upon failure to do so the Village may cause such connection to be made and bill the property owner for such costs. If such costs are not paid within thirty (30) days, such notice shall be assessed as a special tax lien against the property, all pursuant to Section 144.06, Wisconsin Statutes provided, however, that the owner may within thirty (30) days after the completion of the work file a written option with the Village Clerk stating that he cannot pay such amount in one sum and ask that they be levied in not to exceed five (5) equal installments and that the amount shall be so collected with interest at the rate of 10% per annum from the completion of the work, the unpaid balance being a special tax lien, all pursuant to Section 144.06 Wisconsin Statutes.

(b) In lieu of the above, the Village at their option may impose a penalty for the period the violation continues, after ten (10) days written notice to any owner failing to make a connection to the water system in an amount of *\$100.00 per month for each residential unit equivalent for the period in which the failure to connect continues, and upon failure to make such payment said charge shall be assessed as a special tax lien against the property, all pursuant to Section 144.06, Wisconsin Statutes.

(c) This ordinance ordains that the failure to connect to the water system is contrary to the minimum health standards of said Village of Bagley and fails to assure preservation of public health, comfort, and safety of said Village.

(8) Maintenance of Services.

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

(9) Payment of Bills.

(a) Failure to Receive Bill No Penalty Exemption. Every reasonable care will be exercised in the proper delivery of water bills. Failure to receive a water bill, however, shall not relieve any person of the responsibility for payment of water rates within the prescribed period, nor exempt any person from any penalty imposed for delinquency in the payment thereof.

*Penalty to be as great as the average residential use cost (per residential unit equivalent) plus _____% for administrative cost.

to receive a water bill, however, shall not relieve any person of the responsibility for payment of water rates within the prescribed period, nor exempt any person from any penalty imposed for delinquency in the payment thereof.

(b) Billing. The property owner is held responsible for all water bills on premises that he owns. All water bills and notices of any nature, relative to the water service, will be addressed to the owner and delivered to the premises referred to on such bill or notice.

(10) Penalty for Improper Use.

(a) It shall be unlawful for any person to willfully pollute or otherwise injure any water supplied by the water system.

(b) Cross-connections are not permitted between the water utility system and any other source of water as set forth in Wisconsin Administrative Code NR 111.25 and H 62.14.

(c) All private wells which are unused, unsafe or do not comply with appropriate Wisconsin Administrative Code must be abandoned in compliance with Section NR 112.21 of the Code.

(11) Damage Recovery

(a) The utility shall have the right of recovery from all persons, any expense incurred by said utility for the repair or replacement of any water pipe, curbstop, gate valve, hydrant, or valve box damaged in any manner by any person by the performance of any work under their control, or by any negligent act. Owners or operators of motor vehicles will be held liable for the cost of repair of any hydrant damaged by them and the utility will not be responsible for the damage due the motor vehicle by reason of such accident.

(12) Penalties

(a) Any person who shall violate any of the provisions of this ordinance or rules or regulations of the Village of Bagley; or who shall connect a service pipe without first having obtained a permit therefore; or who shall violate any provisions of the Wisconsin Statutes, Wisconsin Administrative Code, or any other materials which are incorporated by reference, shall upon conviction thereof forfeit not less than \$10 nor more than \$200 and the costs of prosecution. This, however, shall not bar the Village of Bagley from enforcing the connection duties set out in Section 3.07 for mandatory hookup.

7.04 MISCELLANEOUS RULES AND REGULATIONS

(1) Charges are a Lien on Property

All water services, charges and special assessments shall be a lien on a lot, part of a lot, or land on which water services were supplied. All sums which have accrued during the preceding year, shall be certified to the Village Clerk to be placed on the tax roll for collection as provided by Section 66.069(1) of Wisconsin Statutes.

(2) Adoption of Other Rules

There is hereby adopted all the rules and regulations of the State Plumbing and State Building Codes and the building rules of the Department of Industry, Labor and Human Relations; and the Department of Natural Resources of the State of Wisconsin, insofar as the same are applicable to the Village of Bagley.

(3) Severability

If any section, subsection, sentence, clause or phrase or the ordinance is, for any reason, held to be invalid, such decisions shall not affect the validity of the remaining portions of the ordinance. The Village of Bagley hereby declares that it would have passed this ordinance and section, subsection, clause and phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, and phrases be declared unconstitutional.

(4) Municipal Code

Chapter 7 of the Municipal Code of the Village of Bagley entitled "WATER UTILITY" is hereby revised by deleting the entire chapter and replacing it with this ordinance. The Village Clerk is hereby directed to incorporate this ordinance in the Municipal Code as "Chapter 7" of the code. The Village Clerk is further directed in physically incorporating this ordinance in the Code to renumber the sections of this ordinance to reflect the numbering system of the Village Code. The Village Clerk is also directed to provide an index to this ordinance as part of Chapter 7.

(5) Permits or Licenses from the Water Utility

Permits or licenses under the term so of this ordinance from the water utility shall be issued by the Utility Cashier pursuant to authority from this Board.

7.05 ISSUANCE AND SALE OF \$205,300 WATER SYSTEM MORTGAGE REVENUE BONDS

(1) Authorization of Bonds. To provide for the payment of the cost of the proposed

improvement of the System of the Municipality, together with the acquisition of property, equipment and appurtenances thereto used or useful for the public convenience in connection therewith as more fully described in the preamble hereof, there be borrowed on the credit of the income and revenue of the System the sum of Two Hundred Five Thousand Three Hundred Dollars (\$205,300) and that the fully registered bond of the Municipality in said principal amount be issued in evidence thereof (said bond is called the "Bond" and with other bonds which may be issued in substitution or exchange therefor are called the "Bonds"). The Bond shall be designated "Water System Mortgage Revenue Bond," be dated the date of closing, be numbered R1 and shall be payable in installments falling due on the first day of a month preceding the date of closing in each of the years as set forth in the bond form established in Section 2 hereof (subject to the right of prepayment on the terms and with the effect set forth in said Bond form).

It is hereby found and declared that said schedule of maturities is such that the amount of annual debt service payments is reasonable in accordance with prudent municipal utility practices.

The Bonds shall bear semiannual interest at the rate of 6.75% per annum or such lower rate as may be made available by the Government prior to the date of closing. Final payment of principal of the Bonds shall be paid only upon surrender thereof to the Municipality and interest thereon shall be paid to the registered owner at his address shown on the registration books of the Municipality. The Municipality covenants that it will cause the Village Clerk, as Bond Registrar, to keep books for the registration of the bonds and shall permit any owner of the Bonds to examine said books and make notes of the contents thereof at its office during its regular business hours. Any Bond so registered shall be transferable only on such registration books. The Bonds may be exchanged at the office of the Village Clerk for serial registered bonds in an equal aggregate principal amount of the same maturity as the Bonds being surrendered. Any such exchange shall be at the expense of the Municipality; and the form of serial registered bonds and other details pertaining thereto shall be determined by ordinance supplementary hereto.

The Bonds shall be executed on behalf of the Municipality by its President and Village Clerk, and sealed with the municipal seal, if any.

The principal of and interest on the Bonds shall be payable only out of the Special Redemption Fund hereinafter defined and shall be a valid claim of the owner thereof only against the Special Redemption Fund and the revenue pledged to such fund, and sufficient revenues are hereby pledged to the Special Redemption Fund and shall be used for no other purpose than to pay the principal of and interest on the Bonds as the same fall due.

(2) Form of Bond and Registration Blank. The Bond and registration blank shall be in substantially the following form:

(Form of Registered Bond)

UNITED STATES OF AMERICA
STATE OF WISCONSIN
VILLAGE OF BAGLEY, GRANT COUNTY, WISCONSIN
WATER SYSTEM MORTGAGE REVENUE BOND

No. R1

\$205,300

Dated

KNOW ALL MEN BY THESE PRESENTS that Village of Bagley, Grant County, Wisconsin hereby acknowledges itself to owe and for value received promises to pay to the registered owner hereof from the fund hereinafter specified the sum of Two Hundred Five Thousand Three Hundred Dollars (\$205,300) on the first day of _____ in the years and installments as follows:

<u>Years</u>	<u>Principal Amounts</u>
1990/92	\$ 1,400
1993	1,600
1994/95	1,800
1996/97	2,000
1998	2,200
1999/00	2,400
2001/02	2,800
2003	3,200
2004	3,300
2005/06	3,700
2007	3,900
2008	4,100
2009	4,500
2010	4,700
2011	5,000
2012	5,500
2013	5,700
2014	6,100
2015	6,500
2016	6,900
2017	7,300
2018	7,800

2019	8,300
2020	8,800
2021	9,300
2022	10,100
2023	10,700
2024	11,300
2025	12,300
2026/27	13,300

with interest on the unpaid principal amount hereof from the date hereof at the rate of _____ per cent (_____ %) per annum payable semiannually on the 1st day of _____ and _____ of each year until said sum is paid, commencing with the _____ 1 or _____ 1 next succeeding the date of this Bond. Both principal hereof and interest hereon are hereby made payable in lawful money of the United States of America to the registered owner hereof at the address shown on the registration book of the Municipality. The payment of the last installment of principal shall be made only upon presentation and surrender of this Bond to the Municipality.

So long as the Government shall hold this Bond, installments of principal shall be subject to prepayment at the option of the Municipality in whole or in part in inverse order of maturity and in integral multiples of \$100 on any interest payment date at par plus accrued interest. Otherwise, installments of principal of this Bond shall not be subject to prepayment until _____ 1, 1997. Not less than thirty (30) days' notice of each prepayment shall be given stating the principal installments to be prepaid, the date of such prepayment and that said installments shall cease to bear interest after such date, which notice shall be mailed by registered mail to the registered owner of this Bond.

This Bond is issued for the purpose of providing for the payment of the cost of constructing improvements to the municipal water system of the Municipality which operates as a public utility under Wisconsin law pursuant to Article XI, Section 3, of the Wisconsin Constitution, Section 66.066, Wisconsin Statutes, acts supplementary thereto, and an ordinance adopted on September 18, 1986 by the Village Board entitled "An Ordinance Providing for the Issuance and Sale of \$205,300 'Water System Mortgage Revenue Bonds' of Village of Bagley, Grant County, Wisconsin and Providing for the Payment of Said Bonds and Other Details With Respect Thereto," and is payable only from the "Water System Mortgage Revenue Bond and Interest Special Redemption Fund" created by said Ordinance. Income and revenue to be derived from the operation of said System have been set aside in said Special Redemption Fund for that purpose, which income and revenue are hereby irrevocably pledged to the payment of this Bond and interest thereon. This Bond does not constitute an indebtedness of the Municipality within the meaning of any constitutional or statutory limitation or provision.

A mortgage lien, which is hereby recognized as valid and binding on said System, together with all extensions and improvements thereto, is granted to and in favor of the registered

owner or owners of this Bond and the issue of which it forms a part, junior and subordinate to that granted holders of a prior issue of water system mortgage revenue bonds of the Village still outstanding. Said System and all extensions and improvements thereto shall remain subject to such mortgage lien until the payment in full of the principal and interest on this Bond, the issue of which it forms a part and such prior issue

This Bond is transferable only upon books kept by the Village Clerk as Bond Registrar by the registered owner hereof in person or by his attorney duly authorized and similarly noted hereon, or it may be surrendered in exchange for new bonds of the same aggregate principal amount in serial registered form in such denomination or denominations consistent with the maturity schedule as the owner hereof may select as provided in and subject to the conditions in the Ordinance. The owner of this Bond (so long as the Government is such owner) agrees that it will, prior to any transfer or exchange of this Bond, complete the Payment Record and Prepayment Record attached hereto.

It is hereby certified, recited and declared that all acts, conditions and things required to exist, happen and be performed precedent to and in the issuance of this Bond have existed, have happened and have been performed in due time, form and manner as required by law and that sufficient of the income and revenue to be received by said Municipality from the operation of said System has been pledged to and will be set aside into a special fund for the payment of principal of and interest on this Bond.

IN WITNESS WHEREOF, Village of Bagley, Grant County, Wisconsin, by its Village Board, has caused this Bond to be signed by its President and Village Clerk and its corporate seal (if any) to be impressed hereon, all as of the day and year first above written.

VILLAGE OF BAGLEY, GRANT
COUNTY, WISCONSIN

By _____
Village Clerk

By _____
President

(Form of Blank for Registered Ownership)

Registration Provisions

This Bond shall be registered on books of the Municipality kept by its Village Clerk, upon presentation hereof to said Village Clerk, such registration to be noted on the registration blank below and upon said books, and this Bond may thereafter be transferred only upon a

written assignment duly executed by the registered owner or his attorney, such transfer to be made on such books and endorsed hereon.

Date of Registration	In Whose Name Registered	Signature of Registrar
_____	_____	_____
_____	_____	_____
_____	_____	_____

(Form of Payment Record)

Due Date	Principal Payment	Principal Balance Due	Interest Payment	Date Paid	Name of Authorized Official and Title
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____

(Form of Prepayment Record)

Principal Due Date	Principal Amount	Principal Payment	Balance	Date Paid	Name of Authorized Official and Title
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____

(3) Income and Revenue Funds. The income and revenues to be derived from the System shall be set aside into separate and special funds which funds are hereby established, and all of such income and revenue are to be transferred monthly into such funds in the following order to be used and applied for the following purposes:

(a) Sufficient of the income and revenue shall first be set aside for the reasonable and proper operation and maintenance of the system into the fund known and

designated as "Water System Operation and Maintenance Fund" (herein referred to as "Operation and Maintenance Fund");

(b) The income and revenue thereafter remaining shall be set aside for the payment of principal of and interest on the Bonds and the Prior Bonds into a fund known and designated as the "Water System Mortgage Revenue Bond and Interest Special Redemption Fund" (herein referred to as the "Special Redemption Fund" or "Debt Service Fund"); and

(c) The income and revenue thereafter remaining shall be set aside as a proper and adequate depreciation account of the System into a fund known as the "Water System Depreciation Fund" (herein referred to as the "Depreciation Fund," or "Bond Reserve Account").

It is presently determined that the proportion of the income and revenue that is necessary to be deposited into each of the above funds is 28% to the Operation and Maintenance Fund; 65% to the Special Redemption Fund; and 7% to the Depreciation Fund.

At any time the Governing Body may recompute the proportion of the revenue which shall be assignable as provided above, based upon the experience of operation or upon the basis of further financing. It is the express intent and determination of this Governing Body that the amount of said income and revenue to be set aside and paid into the Special Redemption Fund shall, in any event, be sufficient to pay the interest upon the Bonds as the same accrues and the principal of the Bonds as the same matures, notwithstanding the fixed proportion thereof allocated to such purposes in the manner above provided and the Municipality shall from year to year, and out of the income and revenue received from the operation of the System, deposit at least sufficient funds in the Special Redemption Fund to pay promptly all principal and interest falling due on the Bonds.

(i) The money deposited in the Operation and Maintenance Fund shall, from month to month, as the same shall accrue and be received, be set aside and be applied to the payment when due of the reasonable and necessary expenses of operating and maintaining the System, including without limitation, salaries, wages, insurance, materials, supplies, utilities, certified public accountant auditing, bookkeeping and replacements as defined in Wis. Adm. Code Section NR 128.03(18) (or successor section);

(ii) In addition to amounts required to be deposited for the Prior Bonds, the money to be deposited in the Special Redemption Fund (or Debt Service Fund) shall, from month to month, as the same shall accrue and be received, be set apart and paid into said fund, provided that in each month, there shall be deposited at least one-sixth (1/6) of the amount required to pay in full the interest payments on the Bonds and the Prior Bonds then outstanding next

becoming due, and, in addition thereto, an amount equal to one-twelfth (1/12) of the principal amount of the Bonds and the Prior Bonds maturing on the next succeeding payment date, until the full amount of such interest and principal shall have been paid into such fund. Said fund will be kept apart from other monies and the same shall be used for no purpose other than the payment of interest on and principal of the Bonds and the Prior Bonds, promptly as the same become due and payable;

(iii) The money to be deposited in the Depreciation Fund (or Bond Reserve Account), in addition to any amounts required to be deposited in the reserve account established with respect to the Prior Bonds, shall, from month to month, as the same shall accrue and be received, be set aside and paid into said fund provided that in each year there shall have been deposited at least the sum of \$404.40 each quarter, until at least the sum of \$16,176 has accumulated and is being maintained therein. The Depreciation Fund shall be used only for the payment of principal of and interest on outstanding Bonds at any time when there shall be insufficient money in the Special Redemption Fund for said purpose and to remedy any deficiency in the Special Redemption Fund. Funds in excess of \$16,176, in addition to any amounts required to be deposited in the reserve account established with respect to the Prior Bonds, may be used only to make good any depreciation in the System, to make extraordinary repairs and replacements to the System to the extent the Operation and Maintenance Fund is insufficient to do so and to extend and improve the System. Funds not in excess of \$16,176, in addition to any amounts required to be deposited in the reserve account established with respect to the Prior Bonds, with the prior written approval of the Government, while the Government holds any bonds, may be withdrawn for (a) paying the cost of repairing or replacing any damages to the System which may have been caused by catastrophe; and (b) making extensions or improvements to the System. Whenever disbursements are made from the Depreciation Fund, quarterly deposits, in addition to any amounts required to be deposited in the reserve account established with respect to the Prior Bonds, shall then be resumed, aggregating \$1,617.60 annually, until there is again accumulated the amount of \$16,176, at which time deposits may be discontinued.

Money in excess of the above requirements may, at the end of any fiscal year be transferred to any of the funds herein established or may be used, at the option of the Municipality, to redeem Bonds or Prior Bonds subject to call prior to maturity or to purchase the Bonds or the Prior Bonds on the open market or for any other lawful purpose.

The minimum amounts to be deposited into the Special Redemption Fund to pay principal of and interest on the Bonds are set forth on Exhibit A hereto.

All transfer and deposits within any fund or to any fund above created and required shall

be made no later than the tenth day of the month. All funds shall be maintained with a bank or banks which are members of the Federal Deposit Insurance Corporation and shall be secured as required by law for deposit of government funds. The money in the Operation and Maintenance Fund shall not be invested but shall be maintained in cash; the money in the other funds not immediately required for their respective purposes may be invested in direct obligations of the United States or in obligations guaranteed as to both principal and interest by the United States. All income from such investments shall accrue to the respective fund.

(4) Mortgage Lien. For the further security for the payment of principal of and interest on the Bonds, a mortgage lien upon the System is granted to and in favor of the registered owner or owners of the Bonds, which lien is hereby recognized as valid and binding upon the Municipality as a valid and binding lien upon the System and any additions and improvements thereto; and the System shall remain subject to such mortgage lien until payment in full of the principal of and interest on the Bonds. Said lien is subordinate to that granted holders of the Prior Bonds.

The Village Clerk is hereby directed to perfect said mortgage lien by recording this Ordinance in the records of the Village, and to provide notice of said mortgage lien by recording a Notice of Mortgage Lien with the County Register of Deeds in substantially the form attached hereto as Exhibit B.

(5) Service to Municipality. The reasonable cost and value of any service rendered to the Municipality and its inhabitants by the System, including reasonable charges for hydrant rental shall be paid for monthly as such service accrues out of the current revenue of the Municipality and collected or in the process of collection, exclusive of the revenue derived from the System, to-wit: out of the tax levy of the Municipality made by it to raise money to meet its necessary current expenses.

(6) Operation of System; Municipality Covenants. It is covenanted and agreed by the Municipality with the owner or owners of the Bonds and each of them while any of the Bonds are outstanding, that:

(a) It will faithfully and punctually perform all duties with reference to the System required by the Constitution and Statutes of the State of Wisconsin, including the making and collecting of reasonable and sufficient rates lawfully established for services rendered by the System, and will segregate the income and revenue of the System into the respective funds contained in Section 3 hereof and apply said funds in accordance with the provisions therein contained;

(b) It will not sell, mortgage, lease or in any manner dispose of the System, including any part thereof or any additions or extensions that may be made thereto without consent of the original purchasers of the Bonds except that it shall have the right to sell, mortgage, lease or otherwise dispose of any property of the System found by the

Governing Body to be neither necessary nor useful in the operation of the System, provided the proceeds received from such sale, lease or disposal shall be paid into the Depreciation Fund but such payment shall not reduce the amounts otherwise required to be paid into said fund or the Special Redemption Fund;

(c) It will cause the System and/or improvements thereto to be constructed as expeditiously as reasonably possible;

(d) It will maintain adequate provisions for the lawful treatment of all sewage emanating from it, whether by contract with another treator, by itself, or otherwise; and

(e) It will maintain in good condition and manage, operate and control through the Governing Body the System, render no free service and will charge and collect such lawfully established rates and charges for the services rendered by the System so that the proportion of the revenue of the System herein agreed to be set aside for debt service will at all times be sufficient to provide for the payment of principal of and interest on the Bonds and the Prior Bonds as the same become due and payable. In the event the budget prepared under Section 7(b) indicates the income shall be less than the amounts necessary to meet anticipated operation and maintenance and to fully fund the Special Redemption Fund and the Depreciation Fund, it will take any and all steps permitted or required by law to increase rates prior to the start of the next calendar year to an amount sufficient to obtain the revenues necessary for such purposes.

(7) Books and Accounts; Budget; and Inspection. The Municipality covenants and agrees that:

(a) It will keep proper books and accounts relative to the System separate from all of its other records and will cause such books and accounts to be audited annually by a Certified Public Accountant; each such audit shall meet the standards set forth in the U. S. Department of Agriculture, Farmers Home Administration Instructions to Certified Public Accountants and, in addition to whatever matters may be thought proper by the accountants to be included therein, shall include the following: (i) a statement in detail of the income and expenditures of the System for the fiscal year; (ii) a balance sheet as of the end of such fiscal year; (iii) a list of the insurance policies in force at the end of such fiscal year setting out as to each policy the amount of the policy, the risks covered, the name of the insurer and the expiration of the policy; and (iv) the number of customers at the end of such year. Copies of such audit shall promptly, and in any event within ninety (90) days after the end of each fiscal year, be mailed to the original purchasers of the Bonds and shall be made generally available to the owners of any of the Bonds upon application therefor;

(b) It will cause, no later than October 15 of each year an annual budget of the System, itemized on the basis of monthly requirements for operation and maintenance,

debt service and depreciation to be prepared and to be submitted without request to the original purchasers of the Bonds and upon written request to other owners of the Bonds; and in the event such budget indicates that earnings anticipated for each year will not exceed anticipated operating and maintenance expenses, debt service and depreciation reserve requirements for each corresponding year, it will take any and all steps permitted by law to increase rates prior to the start of the next calendar year, so that anticipated income will cover all such expenses, all as promptly as possible; and

(c) The owners of any of the Bonds shall have at all reasonable times the right to inspect the System and the records, accounts and data of the Municipality relating thereto.

(8) Insurance. So long as any Bond is outstanding, the Municipality will carry vandalism, riot, strike, explosion, civil commotion, malicious damage, tornado and windstorm insurance on all buildings and property of the System which are subject to loss through any of such causes; adequate insurance against loss of use and occupancy resulting from any of such causes; adequate public liability insurance; and insurance of the kinds and in the amounts normally carried by private companies engaged in the operation of similar facilities in the State of Wisconsin. All money received from losses under any of such casualty insurance policies shall be used in repairing the damage or in replacing property destroyed, unless the Governing Body shall find that the utility of the System has not been impaired thereby, in which event the proceeds shall be deposited in the Special Redemption Fund but shall not reduce the amounts otherwise required to be paid into said fund. All money received in payment for the loss of use and occupancy shall be considered income of the System apportionable in accordance with Section 3 of this Ordinance.

(9) Additional Bonds. As long as any of the Bonds are outstanding, no additional bonds or obligations pledging or payable out of any portion of the revenue of the System or creating a lien upon the System may be issued in such manner as to enjoy priority over the Bonds, but all such additional obligations except as provided herein, shall be subordinate and junior to the Bonds. Bonds on a parity with the pledge and lien of the Bonds may be issued only under the following conditions:

(a) Additional bonds on a parity with the Bonds may be issued for the purpose of completing the improvement of the System as described in the preamble hereof and in the amount certified by the Municipal Engineer to be necessary for such purpose;

(b) Additional bonds on a parity with the Bonds may also be issued if all of the following conditions are met:

(i) The net revenue of the System for the fiscal year immediately preceding the issuance of such additional parity bonds must have been equal to at least 120% of the average annual principal and interest requirements of both (1)

all Bonds outstanding payable from the revenue of the System, and (2) the bonds then to be issued. "Net revenue" shall consist of the gross revenues of the System less the costs of operation, maintenance and repair, and "gross revenues" shall include total income derived from the operation of the System from any source whatsoever, including such sums as the Municipality shall pay as the reasonable cost and value of service rendered to it;

(ii) All payments currently required to be made into the funds referred to in Section 3 must have been made in full;

(iii) Additional parity bonds must have principal falling due on the same date of each year that the principal of the Bonds falls due and interest on the same dates of each year on which interest on the Bonds is due; and

(iv) The proceeds of the additional bonds must be used only for additions and/or improvements to the System or to refund all remaining outstanding Bonds of this issue;

(c) Notwithstanding the foregoing, said restrictions on the issuance of additional parity bonds may be waived in writing by the owner or owners of not less than 75% of the principal amount of the Bonds then outstanding.

(10) Sale of Bond. The sale of the Bonds to the Government in accordance herewith, at the price of par, is hereby confirmed and the officers of the Municipality are hereby directed to take all necessary action to close the sale of the Bond as soon as practicable in accordance with Government instructions pertaining to loan closing, provided that (a) the issuance of the Bond shall be anticipated by bond anticipation notes authorized by resolution adopted this day, and (b) in the event the Municipality does not need the entire proceeds of the Bond to complete the improvement of the System, a principal amount of the Bond equivalent to the amount not needed for such purpose (to the nearest \$100) shall be considered as prepaid.

(11) Application of Bond Proceeds. All accrued interest, if any, received from the sale of the Bonds shall be deposited in the Special Redemption Fund and applied toward the payment of interest next becoming due and payable after delivery of the Bonds. A sum sufficient to pay all notes which have been issued in anticipation of the Bond shall be deposited in a special trust fund to be used solely for that purpose. The balance of the proceeds shall be deposited in a special fund by the Treasurer designated as "Water System Construction Fund." Said special fund shall be adequately secured and shall be used solely for the purpose of meeting costs of improving the System, as more fully described in the preamble hereof. Any balance remaining in said Construction Fund after paying said costs shall be transferred to the Special Redemption Fund for use in payment of principal of or interest on the Bonds.

(12) Investments; No Arbitrage. Monies accumulated in any of the funds referred to

in Sections 3 and 11 hereof, which are not immediately needed for the respective purposes thereof, may be invested in legal investments subject to the provisions of Sec. 66.04(2), Wis. Stats., until needed. The proceeds of the Bonds shall be used solely for the purposes for which they are issued but may be temporarily invested until needed in legal investments. No such investment shall be in such a manner as would cause the Bonds to be "arbitrage bonds" within the meaning of Section 103(c)(2) of the Internal Revenue code of 1954, as amended, or the Regulations of the Commissioner of Internal Revenue thereunder.

An officer of the Municipality, charged with the responsibility for issuing the Bonds, shall certify on the basis of the facts, estimates and circumstances in existence on the date of closing as required by bond counsel to establish that the Bonds are not "arbitrage bonds".

(13) Ordinance a Contract: Amendment to Ordinance. The provisions of this Ordinance shall constitute a contract between the Municipality and the owner or owners of the Bonds. After the issuance of any of the Bonds no change or alteration of any kind in the provisions of this Ordinance or in any other ordinance or resolution of the Municipality may be made in a manner which will adversely affect the rights and interests of the owners until all of the Bonds have been paid in full as to both principal and interest provided: (a) The Municipality may, from time to time, amend this Ordinance without the consent of any bondholders but only to cure any ambiguity, administrative conflict, formal defect or omission or procedural inconsistency of this Ordinance; and (b) This Ordinance may be amended, in any respect, with the written consent of the owners of 75% of the principal amount of Bonds then outstanding exclusive of Bonds held by the Municipality.

(14) Remedies of Bondholders. The owners of any of the Bonds shall have all the rights conferred by Section 66.066(2)(b), Wisconsin Statutes (1983-84), including the right to enforce his or their rights at law or in equity against the Municipality, the Governing Body thereof, and any and all officers and agents thereof by mandamus or other suit or action in any court of competent jurisdiction including but without limitation the rights to require the Municipality, its Governing Body and any other authorized body to fix and collect charges fully adequate to carry out all of the provisions and agreements contained in this Ordinance and for the appointment of a receiver for the System in the event of default of payment of principal or interest on the Bonds.

(15) Redemption and Refunding. At any time when the Government is the owner of any bonds (a) the Municipality may redeem, at its option from time to time, any or all of the outstanding Bonds and (b) if it shall appear to the Government that the Municipality is able to refund upon call for redemption or with consent of the Government the then outstanding Bonds, in whole or in part, by obtaining a loan for such purposes from responsible cooperative or private credit sources, at reasonable rates and terms for loans for similar purposes and periods of time, the Municipality will upon request of the Government apply for and accept such loan in sufficient amount to repay the Government and will take all such action as may be required in connection with such loans.

(16) Defeasance. Only when all of the Bonds have been discharged, all pledges, covenants and other rights granted to the owners thereof by this ordinance shall cease.

(17) Ordinance Subject to Loan Resolution. So long as the Government is the owner of any of the Bonds, the Municipality and this Ordinance shall be subject to the loan resolution authorizing this transaction, between the Government and the Municipality, a copy of which is available in the offices of the Municipality and subject to inspection during regular office hours by the owners of any of the Bonds.

(18) Severability of Invalid Provisions. If any section, paragraph or provision of this Ordinance shall be held to be invalid or unenforceable for any reason, the invalidity or unenforceability of such section, paragraph or provision shall not affect any of the remaining provisions of this Ordinance.

(19) Conflicting Ordinances Superseded. All other ordinances, resolutions or orders or parts thereof, heretofore enacted, adopted or entered in conflict with the provisions of this Ordinance, except for the ordinance authorizing the Prior Bonds, shall be, and the same hereby are, repealed and superseded to the extent of such conflict, and this Ordinance shall be in effect from and after its passage and promulgation according to law.

EXHIBIT A

Minimum Amounts to be Deposited into Special Redemption Fund to Cover Debt Service

For the Year Ending on the Principal Payment Date	Principal	Interest	Total
1987	----	\$13,857.75*	\$13,857.75*
1988	----	13,857.75*	13,857.75*
1989	----	13,857.75*	13,857.75*
1990	\$ 1,400	13,857.75	15,257.75
1991	1,400	13,763.25	15,163.25
1992	1,400	13,668.75	15,068.75
1993	1,600	13,574.25	15,174.25
1994	1,800	13,466.25	15,266.25
1995	1,800	13,344.75	15,144.75
1996	2,000	13,223.25	15,223.25
1997	2,000	13,088.25	15,088.25
1998	2,200	12,953.25	15,153.25
1999	2,400	12,804.75	15,204.75
2000	2,400	12,642.75	15,042.75
2001	2,800	12,480.75	15,280.75
2002	2,800	12,291.75	15,091.75
2003	3,200	12,102.75	15,302.75
2004	3,300	11,886.75	15,186.75
2005	3,700	11,664.00	15,364.00
2006	3,700	11,414.25	15,114.25
2007	3,900	11,164.50	15,064.50

2008	4,100	10,901.25	15,001.25
2009	4,500	10,624.50	15,124.50
2010	4,700	10,320.75	15,020.75
2011	5,000	10,003.50	15,003.50
2012	5,500	9,666.00	15,166.00
2013	5,700	9,294.75	14,994.75
2014	6,100	8,910.00	15,010.00
2015	6,500	8,498.25	14,998.25
2016	6,900	8,059.50	14,959.50
2017	7,300	7,593.75	14,893.75
2018	7,800	7,101.00	14,901.00
2019	8,300	6,574.50	14,874.50
2020	8,800	6,014.25	14,814.25
2021	9,300	5,420.25	14,720.25
2022	10,100	4,792.50	14,892.50
2023	10,700	4,110.75	14,810.75
2024	11,300	3,388.50	14,688.50
2025	12,300	2,625.75	14,925.75
2026	13,300	1,795.50	15,095.50
2027	13,300	897.75	14,197.75

*or such part thereof as is necessary to meet interest due that year.

EXHIBIT B

NOTICE OF MORTGAGE LIEN

The Village of Bagley, Grant County, Wisconsin (the "Municipality") has issued its \$205,300 Water System Mortgage Revenue Bonds (the "Bonds") and has granted to the registered owner or owners of the Bonds a mortgage lien on its Water System (the "System") as security for the payment of principal of and interest on the Bonds pursuant to Section 66.066, Wisconsin Statutes. The mortgage lien has been granted pursuant to an ordinance adopted by the governing body of the Municipality on _____, 1986 (the "Ordinance").

1. Property Subject to Mortgage. All property owned by the Municipality which is part of the System, together with all additions and improvements to the System, are subject to the mortgage lien. The real property affected by said mortgage lien is described on Schedule A hereto.

2. Term. The System shall remain subject to the mortgage lien until payment in full of the principal and interest on the Bonds. The final scheduled maturity of the Bonds is _____, 2027.

3. Notice of Mortgage. This Notice of Mortgage Lien is made for the purpose of giving public notice of the mortgage lien and certain of its terms, covenants and conditions, and for no other purpose. The provisions of this Notice of Mortgage Lien shall not in any way change or affect the provisions of the Ordinance or the mortgage granted thereunder, express reference to which is hereby made and the terms and conditions of which remain in full force and effect.

IN WITNESS WHEREOF, the Municipality has executed this Notice of Mortgage Lien as of the _____ day of _____, 19_____.

VILLAGE OF BAGLEY, GRANT
COUNTY, WISCONSIN

By _____
President

(SEAL)

By _____
Village Clerk

SCHEDULE A

DESCRIPTION OF REAL ESTATE

The mortgage lien attached to all property owned by the Village of Bagley, Grant County, Wisconsin, which is part of its Water System. The real estate affected by the mortgage lien is described as follows:*

*If the System includes a treatment facility, pumping station or other major facility, insert the legal description of each parcel on which those facilities are located and add the phrase "and all rights-of-way of recorded easements, if any, constituting a part of the System". If the System consists only of sewer or water mains, insert the following language "All rights-of-ways and recorded easements, if any, constituting a part of the System which are located on the following real estate", followed by the legal description of the quarter sections in which the System is located.

7.06 RATES AND RULES FOR WATER UTILITY.

WHEREAS, the Public Service Commission of Wisconsin pursuant to Section 196.19, Section 196.21 and Section 196.40, Wis. Stats., predicated on findings of fact after public hearing issued an order dated September 18, 1986, in docket 310-WR-100 authorizing the Village of Bagley as a water public utility to place in effect the rates and rules set forth therein for water service;

NOW, THEREFORE, BE IT ORDAINED BY THE VILLAGE BOARD OF THE VILLAGE OF BAGLEY, GRANT COUNTY, WISCONSIN, AS FOLLOWS:

1. The Village of Bagley as a water public utility hereby establishes and places in effect rates for water service as authorized by the Public Service Commission of Wisconsin on September 18, 1986, in its rate order 310-WR-100.
2. This Board hereby determines such rates shall be effective for service commencing October 1, 1986, and shall be used in computing bills for service thereafter and until change by action of this Board.
3. The rule changes authorized in said order are hereby adopted and made effective as of October 1, 1986.
4. Said order and the appendix attached thereto be and the same are hereby incorporated herein with the same force and effect as if included herein verbatim and at length.
5. That Ruth Harris, Utility Cashier, be and she is hereby directed to give notice and record and display the new rules and rates as directed by said Public Service Commission order.
6. The Village President be and he is hereby directed to file the new rates with the Public Service Commission in accordance with Section 196.19 and Section 196.21, Wis. Stats. and in accordance with the provisions in the order in said docket number 310-WR-100.

ORDINANCE SEPARATING SEWER AND WATER UTILITIES AND RESCINDING
ORDINANCE

WHEREAS, Section 66.077 Wis. Stats., provides that a village in owning and operating a utility for the furnishing of water to the village or to its inhabitants, and a utility for the collection, treatment and disposal of sewage may operate said utilities as separate utilities or may be constituted as a single public utility;

WHEREAS, in the year 1953 by ordinance pursuant to said Section 66.077 the Village of Bagley combined and constituted its utility for the furnishing of water and its utility for the disposal of sewage into a single public utility;

WHEREAS, this Board has found that said utilities have different types of operations and in practice are operated as separate utilities and are subject to different laws, rules and regulations;

WHEREAS, this Board has further found that the problems in the operation of each utility are separate and distinct from each other and in the opinion of this Board the problems of one utility shouldn't interfere with and hamper the operation of the other;

WHEREAS, among the problems this Board is encountering is the problem of coordinating rules and regulations of the Department of Natural Resources and the Public Service Commission in owning, improving and operating the sewer utility;

NOW, THEREFORE, BE IT ORDAINED BY THE VILLAGE BOARD OF THE VILLAGE OF BAGLEY, GRANT COUNTY, WISCONSIN, AS FOLLOWS, TO-WIT:

1. This Board hereby determines that the operation of the utility of the Village of Bagley for the furnishing of water and the utility of the Village of Bagley for the disposal of sewage can be more effectively and efficiently operated as separate utilities and that it is to the best interest of the Village of Bagley and its inhabitants that said utilities be operated as separate utilities.
2. This Board further determines that the improvements, operations and rate making can be more effectively and efficiently handled through the supervision and regulating by the Village Board than through the Public Service Commission.
3. The constituting and combining of the Village of Bagley water utility and the Village of Bagley sewer utility as a single public utility is hereby canceled and terminated.
4. The ordinance of the Village of Bagley entitled

AN ORDINANCE Combining the Plant and Equipment to be Constructed by the Village of Bagley, Grant County, Wisconsin, for the Furnishing of Water to said Village and its

Inhabitants and for the Collection, Treatment and Disposal of Sewage Including the Lateral, Main and Intercepting Sewers and All Necessary Equipment in Connection Therewith into a Single Public Utility

be and the same is hereby rescinded.

5. That upon the adoption of this ordinance said waterworks utility and said sewer utility are separated and it is hereby ordered that hereafter said utility shall be separate utilities and operated as separate utilities.

ORDINANCE NO. 2004-2

AN ORDINANCE TO CREATE SECTION 7.07 OF THE MUNICIPAL CODE OF THE VILLAGE OF BAGLEY, GRANT COUNTY, WISCONSIN, RELATED TO CROSS CONNECTION CONTROL

THE VILLAGE BOARD OF THE VILLAGE OF BAGLEY, GRANT COUNTY, WISCONSIN DO ORDAIN AS FOLLOWS:

Section I: Section 7.07 of the Municipal Code of the Village of Bagley shall be and hereby is created to read as follows:

“7.07 CROSS CONNECTION CONTROL

- (1) **Definition.** “Cross connection” shall be defined for purposes of this Section as any physical connection or arrangement between two otherwise separate systems, one of which contains potable water from the Village of Bagley water system, and other water from a private source, water of unknown or questionable safety, or steam, gases, or chemical, whereby there may be a flow from one system to the other, the direction of flow depending on the pressure differential between the two systems.
- (2) **Prohibition.** No person, firm, corporation, or entity of any type 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 of Bagley may enter the supply or distribution system of the Village of Bagley, unless such private, auxiliary or emergency water supply and the method of connection and use of such supply shall have prior approval by the Water Department of the Village of Bagley and the Wisconsin Department of Natural Resources in accordance with Section NR 811.09(2), Wisconsin Administrative Code.
- (3) **Inspections.** It shall be the duty of the Village Board of the Village of Bagley to cause inspections to be made of all properties served by the public water system where cross connection with the public water system is deemed possible. The frequency of inspections and reinspections based on potential health hazards involved shall be established by the Village Board of the Village of Bagley and as approved by the Wisconsin Department of Natural Resources.
- (4) **Entry for Purposes of Inspection.** Upon presentation of credentials, a representative of the Village of Bagley shall have the right to request entry at any reasonable time to examine a property served by a connection to the public water system of the Village of Bagley for cross connection. If entry is refused, such representative shall obtain a special inspection warrant under Section 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.

- (5) **Discontinuance of Service.** The Village of Bagley Water Department 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 Chapter 68, *Wis. Stats.*, except as provided in Subsection (6) of this Section. Water service to such property shall not be restored until the cross connection/connections has been eliminated in compliance with the provisions of this Section.
- (6) **Immediate Discontinuance of Service.** If it is determined by Water Department of the Village of Bagley 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 of Bagley and delivered to the customer's premises, service may be immediately discontinued. The customer shall have an opportunity for hearing under Chapter 68, *Wis. Stats.*, within ten (10) days of such emergency discontinuance.
- (7) **Methods and Devices.** The methods and devices used to protect the Village water supply shall be as described in Chapter COMM 82 of the Wisconsin Administrative Code."

Section II: This section shall take effect upon its passage and posting as required by law.

Adopted and approved this 7 day of Sept 2004.

Roger A. Steinhilber
Village President

COUNTERSIGNED:

Sally Van Goo
Village Clerk

Date Adopted: Sept. 7, 2004
 Date Recorded: Sept. 7, 2004
 Date Posted: Sept. 11, 2004
 Date of filing Affidavit: Sept 11, 2004
 Effective Date: Sept 11, 2004

ORDINANCE NO. _____

AN ORDINANCE TO REPEAL AND RECREATE SECTION 7.03(7) OF THE MUNICIPAL CODE OF THE VILLAGE OF BAGLEY, GRANT COUNTY, WISCONSIN RELATING TO MANDATORY HOOK-UP FOR WATER

THE VILLAGE BOARD OF THE VILLAGE OF BAGLEY, GRANT COUNTY, WISCONSIN, DO ORDAIN AS FOLLOWS:

SECTION I: Section 7.03(7) of the Municipal Code shall be and hereby is repealed and recreated to read as follows:

“(7) Mandatory Hook-up.

(a) The owner of each parcel of land adjacent to a water main on which there exists a building or other structure useable for human habitation or in a block through which such system is extended, shall connect to such system within 90 days notice in writing from the Village. Upon failure to do so the Village may cause such connection to be made and bill the property owner for such costs. If such costs are not paid within thirty (30) days, such notice shall be assessed as a special tax lien against the property, all pursuant to Section 144.06, Wisconsin Statutes provided, however, that the owner may within thirty (30) days after the completion of the work file a written option with the Village Clerk stating that he cannot pay such amount in one sum and ask that they be levied in not to exceed five (5) equal installments and that the amount shall be so collected with interest at the rate of 10% per annum from the completion of the work, the unpaid balance being a special tax lien, all pursuant to Section 144.06 Wisconsin Statutes.

(b) In lieu of the above, the Village at their option may impose a penalty for the period the violation continues after ten (10) days written notice to any owner failing to make a connection to the water system in an amount of \$100.00 per month for each residential unit equivalent for the period in which the failure to connect continues, and upon failure to make such payment said charge shall be assessed as a special tax lien against the property, all pursuant to Section 144.06, Wisconsin Statutes.

(c) This ordinance ordains that the failure to connect to the water system is contrary to the minimum health standards of said Village of Bagley and fails to assure preservation of public health, comfort, and safety of said Village.

SECTION II:

This ordinance shall take effect upon its passage and publication s required by law.

Adopted and approved this 3rd day of February, 1998.

Charles W. Stagman
Charles Stagman, Village President

COUNTERSIGNED:

RaeAnn Cooley
RaeAnn Cooley, Village Clerk

Date adopted: Feb. 3, 1998
Date recorded: Feb 3, 1998
Date published: Feb. 5, 1998
Effective date: Feb 6, 1998