

## Chapter 54

### UTILITIES\*

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\* **Cross References:** Any ordinance providing for local improvements, assessing taxes for such improvements and prescribing utility rates and fees saved from repeal, § 1-10(11); any ordinance regarding sewer, solid waste, similar rules and regulations and sewer and main construction saved from repeal, § 1-10(25), § 1-10(26); administration, ch. 2; community development, § 2-101 et seq.; buildings and building regulations, ch. 14; manufactured homes, ch. 22; solid waste, ch. 42; streets, sidewalks and other public places, ch. 46.

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**ARTICLE I.**  
**IN GENERAL**

**Secs. 54-1--54-30. Reserved.**

**ARTICLE II.**  
**WATER**

**Sec. 54-31. Penalties.**

Any person violating the provisions of this article shall be subject to section 1-11. Nothing in this article shall preclude the village from maintaining any appropriate action to prevent or remove a violation of any village ordinance.

(Ord. No. 13-98, § 3, 12-10-1998)

**Sec. 54-32. New wells prohibited.**

No owner of property capable of being served by the villagewide water system shall be permitted to drill a new well in the village, and such property owner shall connect to the villagewide system.

(Ord. No. 13-98, § 1, 12-10-1998)

**Sec. 54-33. Existing well regulated.**

(a) All properties in the village having existing wells, as of the date of the ordinance from which this section is derived, shall connect to the villagewide system upon the earliest of the following happenings:

- (1) The existing well needs repair or replacement;
- (2) The property upon which the existing well is located is sold, devised, bequeathed or transferred to a new owner. The property owner shall have one year from the date of sale, devise, bequest or transfer to connect; or
- (3) December 1, 2008.

(b) Upon the happening of the earliest of the events set out in subsection (a) of this section, the existing well shall be disconnected from the potable water system in the building and such well shall be either:

- (1) Abandoned according to statute and the state administrative code; or
- (2) Maintained as a nonpotable source of water for lawn sprinkling, car washing and other nonhuman consumption purposes if the following conditions are met:

- a. The water in such well tests bacteriologically safe; and
- b. Every two years from the date such well is separated from the building, the property owner provides the clerk-treasurer with a testing laboratory certification that the water in such well continues to test safe.

(3) If the property owner fails or neglects to provide such water test, then such well shall immediately be abandoned according to law.

(Ord. No. 13-98, § 2, 12-10-1998; Ord. No. 5-99, § 1, 9-9-1999)

#### **Sec. 54-34. Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Cross connection* means any physical connection or arrangement between two otherwise separate systems, one of which contains potable water from the village, Prairie Village Water Trust, 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.

(Ord. No. 9-98, § 1, 7-9-1998)

#### **Sec. 54-35. Cross connection prohibited.**

No person 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 Prairie Village Water Trust may enter the supply or distribution system of such 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 village, Prairie Village Water Trust, and by the state department of natural resources in accordance with NR s. 811.09(2), Wis. Admin. Code.

(Ord. No. 9-98, § 2, 7-9-1998)

#### **Sec. 54-36. Inspections of property.**

It shall be the duty of the village water trust 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 as established by the village and as approved by the state department of natural resources.

(Ord. No. 9-98, § 3, 7-9-1998)

#### **Sec. 54-37. Right of entry.**

Upon presentation of credentials, the representative of the village, Prairie Village Water Trust, 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, Prairie Village Water Trust, for cross connections. If entry is refused, such

representative shall obtain a special inspection warrant under s. 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.

(Ord. No. 9-98, § 4, 7-9-1998)

**Sec. 54-38. Discontinuance of service for unlawful connections.**

The village, Prairie Village Water Trust, is authorized and directed to discontinue water service to any property wherein any connection in violation of this article 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 section 54-39. Water service to such property shall not be restored until the cross connection has been eliminated in compliance with the provisions of this article.

(Ord. No. 9-98, § 5, 7-9-1998)

**Sec. 54-39. Immediate discontinuance of service in cases of emergency.**

If it is determined by the village, Prairie Village Water Trust, that a cross connection or an emergency endangers public health, safety or welfare, requires immediate action and a written finding to that effect is filed with the clerk-treasurer 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 ten days of such emergency discontinuance.

(Ord. No. 9-98, § 6, 7-9-1998)

**Sec. 54-40. State plumbing code adopted.**

The village, Prairie Village Water Trust, adopts by reference the state plumbing code, COMM ch. 82, Wis. Admin. Code.

(Ord. No. 9-98, § 7, 7-9-1998)

**Sec. 54-41. State plumbing code not superseded.**

This article does not supersede the state plumbing code, the village plumbing ordinance as adopting the state plumbing code.

(Ord. No. 9-98, § 8, 7-9-1998)

**Secs. 54-42--54-70. Reserved.**

**ARTICLE III.**

**PRIVATE WELLS**

**Sec. 54-71. Purpose and applicability.**

(a) *Purpose.* Pursuant to s. 281.45, Wis. Stats., the purpose of this article is to prevent contamination of ground water and to protect public health, safety and welfare by ensuring that unused, unsafe or

noncomplying wells or wells which may serve as conduits for contamination or wells which may be illegally cross connected to the community water system are properly abandoned.

(b) *Applicability.* This article applies to all wells located on premises being served by or capable of being served by the village water system.  
(Ord. No. 4-98, § 1, 5-14-1998)

## **Sec. 54-72. Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Community water system* means a public water system which serves at least 15 service connections used by year-round residents or regularly serves at least 25 yearround residents. Any water system serving seven or more homes, ten or more mobile homes, ten or more apartment units or ten or more condominium units shall be considered a community water system unless information is provided by the owners indicating that 25 yearround residents will not be served. The community water system in the village is the Prairie Village Water Trust.

*Cross connection* means any connection between two otherwise separate systems, one of which contains potable water from a public 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.

*Municipal water system* means a community water system owned by the village, or a privately owned water utility serving the village.

*Noncomplying* means a well or pump installation which does not comply with the provisions of NR ch. 812, Wis. Admin. Code, Standards for Existing Installations, and which has not been granted a variance pursuant to NR ch. 812, Wis. Admin. Code.

*Pump installation* means the pump and related equipment used for withdrawing water from a well, including the discharge piping, the underground connections, the pitless adapters, pressure tanks, pits, sampling faucets and well seals or caps.

*Unsafe* means a well or pump installation which produces water which is bacteriologically contaminated or contaminated with substances in exceedance of the standards of NR ch. 812, Wis. Admin. Code, or for which a health advisory has been issued by the state department of natural resources.

*Unused* means a well or pump installation which is not in use or does not have a functional pumping system.

*Well* means an excavation or opening into the ground made by digging, boring, drilling, driving, or other methods for the purpose of obtaining groundwater for consumption or other use.

*Well abandonment* means the filling and sealing of a well according to the provisions of NR ch. 812,

Wis. Admin. Code.  
(Ord. No. 4-98, § 2, 5-14-1998)

**Sec. 54-73. Penalty.**

(a) Any person who shall violate any provision of this article or any rule or regulation adopted under this article shall be subject to a penalty as provided in subsection (b) of this section. Each violation, and each day on which a violation occurs or continues, shall be considered a separate offense. This section shall not preclude the village from taking or maintaining any appropriate action to prevent or remove a violation of or otherwise enforce any provision of this article.

(b) In addition to any other penalty or remedy provided in this or any other ordinance, any person who shall violate this article shall be subject to the following penalties:

- (1) The minimum penalty for noncompliance with this article shall be \$50.00 for the first ten days or any portion thereof; and a minimum of an additional \$5.00 per day after the first 30 days to the date of connection; or such other minimum penalties as may be established from time to time by resolution of the village board; or
- (2) If any person fails to comply with this article for more than ten days after notice in writing to do so, the village may cause connection to be made to the water main and the expense thereof shall be assessed as a special tax. The owner of a property may, within 30 days after the completion of the work file a written option with the clerk-treasurer stating that he cannot pay the amount in one sum, and asking that it be levied in not to exceed five equal annual installments, and the amount shall be so collected with interest at a rate of 12 percent per year from the date of completion of the work. The unpaid balance shall be a special tax lien.

(Ord. No. 4-98, § 6, 5-14-1998)

**Sec. 54-74. Abandonment required.**

All wells located on premises served by the community water system shall be abandoned in accordance with the terms of this article and NR ch. 812, Wis. Admin. Code., within six months of the date of connection of that property to the municipal water system, unless a well operation permit has been obtained by the well owner from the village. When calculating the six-month period for mandatory well abandonment, the months of December, January, February and March shall not be included in the computation.

(Ord. No. 4-98, § 3, 5-14-1998)

**Sec. 54-75. Well operation permit.**

The village may grant a permit to a private well owner to operate a well for a period not to exceed five years, provided the conditions of this article are met. An owner may request renewal of a well operation permit by submitting information verifying that the conditions of this article are met. The village, or its agent, may conduct inspections or have water quality tests conducted at the applicant's expense to obtain or verify information necessary for consideration of a permit application or renewal. Permit applications or renewals shall be made on forms provided by the village. The following conditions must be set for issuance or renewal of well operation permit.

- (1) The well and pump installation meet or are upgraded to meet the requirements of NR ch. 812, Wis. Admin. Code;
- (2) The well construction and pump installation have a history of producing bacteriologically safe water as evidenced by at least two samplings taken a minimum of two weeks apart. No exception to this condition may be made for unsafe wells, unless the state department of natural resources approves, in writing, the continued use of the well;
- (3) There are no cross connections between the well pump installation and the municipal water system or the village water trust system; and
- (4) The proposed use of the well and pump installation can be justified as being necessary in addition to water provided by the municipal water system or the Prairie Village Water Trust system.

(Ord. No. 4-98, § 4, 5-14-1998)

**Sec. 54-76. Abandonment procedures.**

(a) All wells abandoned under the jurisdiction of this article shall be abandoned according to the procedures and methods of NR ch. 812, Wis. Admin. Code. All debris, pump, piping, unsealed liners and other obstructions which may interfere with sealing operations shall be removed prior to abandonment.

(b) The owner of the well, or the owner's agent, shall notify the office of the plumbing inspector at least 48 hours prior to commencement of any well abandonment activities. The abandonment of the well shall be observed by the plumbing inspector.

(c) An abandonment report form, supplied by the state department of natural resources, shall be submitted by the well owner to the office of the plumbing inspector and the state department of natural resources within ten days of the completion of the well abandonment.

(Ord. No. 4-98, § 5, 5-14-1998)

**Secs. 54-77--54-100. Reserved.**

**ARTICLE IV.**

**HOLDING TANKS**

**Sec. 54-101. Penalties.**

In addition to the financial obligations provided for in this article, if the applicant/owner violates or permits violation of any provision of this article or the holding tank agreement, such applicant and owner shall be liable to the village for a penalty of not less than \$10.00 nor more than \$100.00 for each violation of which convicted. Each day that a violation occurs or continues shall be considered a separate violation of this article.

(Ord. No. 4-93, § 1(F), 4-8-1993)



**Sec. 54-102. Installation regulated.**

No person shall install, operate, repair, maintain or reconstruct any device designed for the holding of sewage wastes in the village unless a permit therefor has been obtained under the conditions set out in this article.

(Ord. No. 4-93, § 1(A), 4-8-1993)

**Sec. 54-103. Holding tanks permitted.**

Holding tanks will be permitted to be installed, operated, repaired, maintained or reconstructed in the village only in those instances described as follows:

- (1) *Residential.* Residential holding tanks will be permitted only to replace an existing failing system. No new residential construction will be serviced by a holding tank.
- (2) *Commercial and industrial.* Holding tanks will be permitted for the replacement of septic or sewage systems existing on the date of adoption of the ordinance from which this article is derived and for new construction of commercial and industrial projects.
- (3) *Interim to other system.* Holding tanks may be granted as variances under the appeal provisions of section 54-106 if such holding tanks are requested as a temporary interim to a mound system or to prospective public sewer.

(Ord. No. 4-93, § 1(B), 4-8-1993)

**Sec. 54-104. Agreement.**

An agreement as provided by the village in the form according to section 54-107, shall be executed by the applicant/owner for a holding tank. Such agreement shall provide as follows:

- (1) Applicant/owner shall agree with the village to install a holding tank of adequate size for the use proposed as approved by the county department of health and human services.
- (2) Applicant/owner shall agree to conform to all rules and regulations, ordinances and codes of the village, as well as all regulations and statutes or county ordinances, both in the installation and the maintenance of such holding tank.
- (3) Applicant/owner shall agree to submit to the village a copy of a contract or agreement signed by a state approved or licensed tank pumping firm, which provides for the periodic pumping of such holding tank whenever necessary at the applicant/owner's expense. Further, the applicant/owner agrees to, when necessary, have the holding tank pumped out by a state approved wastewater holding tank pumping firm and otherwise maintain the tanks at the applicant/owner's expense.
- (4) Applicant/owner shall agree that at any time the holding tank is not pumped as necessary, the village or any designated officer thereof shall have the right on 24 hours' written notice to hire or otherwise accomplish the emptying of such tank at the expense of the owner. The village shall add to such costs 15 percent additional charge for the administration of this section. The total

amount owed to the village if such amount remains unpaid for 30 days shall be charged against the cash bond deposited by the owner with the village and the owner shall thereupon replenish such cash bond by the same amount. In addition to all other methods of collecting the expenses incurred in this section, the clerk-treasurer may place such charge as a special charge against the real estate taxes of the owner and it may be collected as such according to statute, including the right by the village of replenishing such cash bond if the owner refuses.

- (5) Applicant/owner will agree in such agreement to grant to the village full right, license and authority to enter upon his property for inspection, pumping and transportation from such holding tank.
- (6) As a further condition for the granting of such holding tank permit, the owner agrees that he will pay all special assessments due if and when an alternate septic system becomes available and that he will grant all necessary easements for the installation of the alternate septic system. The agreement signed by the applicant/owner shall constitute a waiver of all special assessment procedures and amounts. The holding tank agreement, required in this section, when signed by the owner shall constitute a waiver of all special assessment procedures and amounts. The applicant/owner further shall agree that at the time an alternate septic system shall become available, he will connect up to the alternate septic system within 60 days of the date the alternate septic system becomes available. In addition, when the alternate septic system is available, the applicant/owner agrees to properly abandon the holding tank and appurtenances as required by law and the village engineer.
- (7) The applicant/owner shall, simultaneously with the agreement referred to in this section, deposit with the village a cash bond, in an amount as determined by the village board from time to time, to guarantee to the village reimbursement for any and all expenses incurred by the village in alleviating any nuisance occurring as a result of a holding tank. The cash bond shall at all times be maintained constantly at the amount originally deposited. Such bond shall be returned to the applicant/owner upon proper connection to an alternate sanitary septic system and abandonment of such holding tank. Interest earned, if any, by such cash deposit shall be the property of the village as an administrative charge by the village for administering such cash bond.
- (8) The agreement referred to in this section shall be made a part of this article and shall be executed in recordable form, shall contain the legal description of the owner's property benefited and shall be recorded with the register of deeds for the county. All parties in interest to the owner's property shall execute and be parties to the agreement.
- (9) The agreement shall continue so long as the holding tank is maintained and shall terminate upon connection to an alternate sanitary septic system and abandonment of such holding tank.
- (10) The agreement, upon execution by the applicant/owner, shall thereupon become a part of this article and enforceable as a part of this article as if it were contained in this article.

(Ord. No. 4-93, § 1(C), 4-8-1993)

**Sec. 54-105. Inspection.**



WHEREAS, the applicant/owner is desirous of entering into an agreement; the purpose of the agreement will be to provide for the installation and maintenance of a holding tank in accordance with the terms and conditions hereof;

NOW, THEREFORE, for \$1.00 and other good and valuable consideration, the receipt of which is hereby acknowledged, the parties agree as follows:

1. Applicant/Owner shall install at its expense and to the satisfaction of the village engineer and all other approval authorities having jurisdiction, a holding tank of adequate size for the collection of wastewater from the real property located at \_\_\_\_\_.

Applicant/Owner shall install any additional holding tanks required for future capacity if necessary, and the village agrees to issue and assist applicant/owner in securing all necessary approvals and permits.

2. Applicant/Owner agrees that in consideration for the execution of this agreement, they will conform to all of the rules and regulations, ordinances and codes of the Village of North Prairie, County of Waukesha and the State of Wisconsin, in the consideration and maintenance of the proposed wastewater holding tank and of any future proposed wastewater holding tank(s), including any requirements for the reporting of monthly, quarterly and annual pumping as set forth in COMM ch. 83, Wis. Admin. Code.
3. Applicant/Owner shall agree to submit to the village a copy of a contract or agreement signed by a State of Wisconsin approved or licensed tank pumping firm, which provides for the periodic pumping of such holding tank whenever necessary at applicant/owner's expense, and a sketch of the property involved, showing the location of the proposed holding tank. Further applicant/owner agrees to, when necessary, have the holding tank pumped out by a state approved wastewater holding tank pumping firm and otherwise maintain the tanks at the applicant/owner's expense.
4. Applicant/Owner agrees that at any time the Village of North Prairie or Waukesha County, through its plumbing inspector, building inspector or health officer, deems it necessary to pump out such holding tank, the applicant/owner shall have the same pumped within 24 hours of written notice by the agency or the village shall have such work done and charge the costs of such pumping plus 15 percent for administration proportionately to the then owners of the real property, legally described herein, by placing the charge on the tax roll as a special charge under s. 66.0427, Wis. Stats.
5. Applicant/Owner further agrees that the Village of North Prairie, Waukesha County, their agents or assigns, are hereby granted the right, license and authority to enter upon their property above-described to inspect, pump and haul, if necessary, from the holding tank. The Village of North Prairie agrees to pump and transport the contents of such wastewater holding tank to an approved disposal site, if it becomes necessary to prevent or abate a nuisance as described in NR ch. 113, Wis. Admin. Code., and if the applicant/owner does not do so in response to an order from the Village of North Prairie.

6. Applicant/Owner agrees, that the then owner of the real property, legally described herein, will pay the special assessment which may be made against such owners for their proper share of the costs of the connection of any alternate sanitary septic system constructed by the village to the system, at such time as it may be determined by the village to install and assess the costs thereof. The village shall use its best efforts to expedite such connection.
7. Applicant/Owner agrees that it will not, at the time of installation of any alternate sanitary septic system, assess any claim as to lack of benefit by reason of the fact that they have been permitted to install a holding tank or holding tanks; and that they and their successors and assigns will be precluded from asserting any defense in that respect to any charge made by the village for installation of such alternate sanitary septic system.
8. The applicant/owner shall deposit with the clerk-treasurer a cash bond in the sum set by the board. This bond shall guarantee the Village of North Prairie reimbursement for any and all expenses incurred by the Village of North Prairie in alleviating any nuisance which may occur as a result of the permission by this agreement for the costs to install a holding tank. The sum of \$150.00 shall be maintained at all times and if monies are expended, the owners shall replenish the cash bond and maintain the same constantly at \$150.00. Upon the installation availability, and connection of the property involved to public sanitary sewerage facilities, the sum of \$150.00 cash bond shall be returned to the owners.
9. It is understood that this agreement shall be binding upon the applicant/owner, their heirs and assigns and shall run with the above described property.

IN WITNESS WHEREOF, the parties have hereto set their hands and seals the day and year first above written.

The Village Board has agreed that the \_\_\_\_\_ will be the responsible party to the state and further agreed to authorize the proper officials to sign an agreement with a private company engaged in and certified for the servicing of the holding tanks.

Village of North Prairie A Municipal Corporation:	Applicant/Owner:
BY: ____ Village President Applicant	BY: ____ Applicant
ATTEST:	
BY: ____ Clerk-Treasurer	BY: ____ Owner (if other than Applicant)

STATE OF WISCONSIN	)	
	)	ss
COUNTY OF _____	)	

Personally came before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_, the above named \_\_\_\_\_ and \_\_\_\_\_, to me known to be the persons who executed the foregoing instrument and acknowledge the same.

	Notary Public, _____ County, WI My Commission expires: _____
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STATE OF WISCONSIN	)	
	)	ss
COUNTY OF _____	)	

Personally came before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_, the above named \_\_\_\_\_ and \_\_\_\_\_, to me known to be the persons who executed the foregoing instrument and acknowledge the same.

	Notary Public, _____ County, WI My Commission expires: _____
	Notary Public, _____ County, WI My Commission expires: _____

(Ord. No. 4-93, Exh. A, 4-8-1993)

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**Secs. 54-108--54-130. Reserved.**

**ARTICLE V.**

**DISTRIBUTION AND SALE OF NATURAL GAS**

**Sec. 54-131. Grant of franchise.**

The village does hereby grant unto Wisconsin Natural Gas Company, its successors and assigns, a franchise under and pursuant to the terms of s. 66.061, Wis. Stats., as a public utility to engage in the distribution and sale to the public of manufactured or natural gas in, upon and under the public streets and grounds within the corporate limits of the village.

(Ord. No. 161, § 1, 5-9-1968)

**Sec. 54-132. Approval of plan for proposed facilities.**

Before laying any main or pipe or constructing any manhole under the provisions of this article a plan

showing the proposed location of the mains, pipes or manholes shall be submitted to, and approved by the village board or its duly authorized representative.  
(Ord. No. 161, § 2, 5-9-1968)

**Sec. 54-133. Performance of work.**

All work under the authority of this article shall be done in such manner as not to unnecessarily interfere with the ordinary use of the streets, alleys, parks or public grounds of the village, and the company, in the performance of such work, shall conform to all reasonable regulations now or hereafter prescribed by the village in regard thereto.  
(Ord. No. 161, § 3, 5-9-1968)

**Sec. 54-134. Guarding excavations; backfilling and restoration.**

All excavations made under the authority of this article shall be made with due and reasonable dispatch and the excavations shall be suitably guarded and all excavations or trenches shall be adequately backfilled and the surface of any street, alley, park or public ground shall be restored at the expense of the company to as good or a better condition than that originally existing prior to the commencement of such excavation or trench.  
(Ord. No. 161, § 4, 5-9-1968)

**Sec. 54-135. Payment of costs of remedying defects.**

If the company shall not suitably backfill any excavation or trench and restore the pavement or street surfacing or reconstruct the pavement or street surfacing so as to bring the excavation or trench to as good or a better condition than that existing prior to the opening of the pavement or street excavation, the village may remedy any defect occurring through the omission of the company, and the cost of so remedying the defect shall be promptly paid by the company to the village.  
(Ord. No. 161, § 5, 5-9-1968)

**Sec. 54-136. Rates, rules and regulations.**

The company shall furnish gas service from its distribution system within the village to the public and to the village without discrimination as between customers of any class, at rates and under rules and regulations filed with, and approved by, the state public service commission.  
(Ord. No. 161, § 6, 5-9-1968)

**Sec. 54-137. Negligence.**

The company, its successors and assigns, shall at all times in the construction and operation of the pipelines be liable for all acts of negligence on its part.  
(Ord. No. 161, § 7, 5-9-1968)

**Sec. 54-138. Effective date.**

This article shall become operative 60 days after its passage and publication, provided the company files its written consent with the clerk-treasurer within 30 days after such passage and publication. If such written

consent shall not be so filed this article shall be null and void and of no effect, and no right, privilege or authority shall be deemed to have been granted or vested thereby.  
(Ord. No. 161, § 8, 5-9-1968)