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CHAPTER 12
UTILITIES

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12.01 TITLE/PURPOSE. This Ordinance is entitled the "Town of Centerville Utilities Ordinance". The purpose of this Ordinance is to keep up to date on any long-standing contracts which provide utility or emergency service.

12.02 AUTHORITY. The Town Board of the Town of Centerville has the specific statutory authority, powers and duties pursuant to Sections 86.16, 146.70 and 196.58 Wisconsin Statutes to regulate and control certain uses, activities or operations in the Town of Centerville.

12.03 ADOPTION OF ORDINANCE. The Town Board has, by adoption of this Ordinance, confirmed the specific statutory authority, powers and duties noted in the specific sections of this Ordinance and has established by these sections and this Ordinance the power to regulate and control certain uses, activities, businesses and operations in the Town of Centerville.

12.04 AUTHORIZING NATURAL GAS SERVICE. Wisconsin Fuel and Light Company propose to supply natural gas to customers in the Town of Centerville, Manitowoc County, Wisconsin, in conformity with the rules and regulations of the Public Service Commission of Wisconsin and of said Wisconsin Fuel and Light Company. In accordance with Sections 196.58(6) and 86.16 Wisconsin Statutes, the Town of Centerville hereby authorizes Wisconsin Fuel and Light Company, its successors and assigns to engage in the business of selling natural gas in the Town of Centerville, Manitowoc County, Wisconsin.

Written consent is hereby given pursuant to Section 86.16 Wisconsin Statutes for Wisconsin Fuel and Light Company, its successors and assigns, to construct and operate natural gas pipe line along, across or within the limits of any highway in the said Town, subject to all lawful regulations of said Town and of the State Highway Commission of Wisconsin; provided, however, that in the event of any future rerouting, relocating, widening or abandonment of the highways in said Town used by the Wisconsin Fuel and Light Company, any resulting changes in Wisconsin Fuel and Light Company's pipeline or service laterals will be made at the sole expense of Wisconsin Fuel and Light Company upon receiving reasonable notice, and Wisconsin Fuel and Light Company agrees to hold the Town of Centerville free from any and all claims for damages which may result from the negligence of Wisconsin Fuel and Light Company during the progress of such change.

12.05 AUTHORIZING WISCONSIN PUBLIC SERVICE CORPORATION TO DISTRIBUTE AND SELL GASEOUS FUEL.

A. In accordance with the provisions of Section 196.58 (6) Wisconsin Statutes, Wisconsin Public Service Corporation, its successors and assigns, is hereby authorized to distribute

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and sell gaseous fuel, natural, manufactured or mixed for heat, power, light and other purposes in the Town of Centerville, Manitowoc County, Wisconsin.

B. In accordance with the provisions of Section 86.16 (1) Wisconsin Statutes, permission and authority is hereby granted to said Wisconsin Public Service Corporation to construct, install, lay, operate, maintain, extend, improve and add to, mains, pipes and other facilities, for the purpose of transmitting and delivering such gas along, across, in and within, the limits of any public highway, street, alley, sidewalk, public ground and all other places under control of said Town of Centerville, and to that end, said Wisconsin Public Service Corporation shall have the right to take up such pavements and to make such excavations as may be necessary to lay, take up, repair and maintain gas pipes below the surface of the ground.

C. Permission and authority is hereby granted to said Wisconsin Public Service Corporation to construct, install, operate, maintain, extend, improve and add to, such buildings, plants, equipment, properties, apparatus and other facilities, as may be necessary to receive, manufacture, store, transmit, distribute and sell such gas.

D. Authority granted herein is subject to all conditions and provisions of the Statutes of the State of Wisconsin in such case made and provided.

E. In erecting, installing, enlarging, repairing, maintaining, moving, removing or replacing said gas pipes, mains, and appurtenances, Company shall, in all cases, place the streets, alleys or public grounds, in, on, under or across which the same are located, in as good condition as they were prior to said operation, and Company shall defend, indemnify, and save harmless the Town of Centerville against any and all claims for injury or damage to persons or property occasioned by or arising out of such operations.

F. This franchise is contingent upon agreement by Michigan Wisconsin Pipe Line Company, from which Wisconsin Public Service Corporation receives its supply of natural gas, or other supplier, to construct and own a lateral pipeline and other facilities necessary to deliver natural gas from its existing pipeline at a gate station near the Town of Centerville.

12.06 JOINT POWERS AGREEMENT. Agreement between Manitowoc County and the Town of Centerville, hereinafter referred to as "municipality", as follows:

A. That with the anticipated effective operating date of December 22, 1980, this agreement shall hereafter be applicable on a daily basis subject to technical or service changes that may be agreed upon between the municipality and the primary answering point.

B. That if an emergency services vehicle operated by the municipality, or operated by an agency with which the municipality contracts for that particular emergency service, is dispatched in response through the basic 911 Manitowoc County system, such vehicle (whether owned and operated by the municipality or by an agency) shall render its services to the persons needing the service, regardless of whether the vehicle is operating outside the vehicle's normal jurisdictional (or as defined by contract) boundaries.

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C. That a copy of this agreement shall be filed with the State Department of Justice and the State Department of Administration, as required by Section 146.70(9)(c) Wisconsin Statutes.

12.07 WELLHEAD PROTECTION AREA. Pursuant to Chapter 60 Wisconsin Statutes in order to provide for the public health, welfare and safety, and pursuant to Section NR 811.16 Wisconsin Administrative Code, as part of the wellhead protection plan for the Village of Cleveland, Manitowoc County, Wisconsin, the following shall apply to all areas as described below.

A. Wellhead Protection:

1. Definitions:

a. Recharge area: That area over and through which groundwater is supplied to a protected municipal well site in the Village of Cleveland, Manitowoc County, Wisconsin.

b. Areas C and D: The zones designated within this Ordinance by map and description as the area within the Town of Centerville which is part of a recharge area.

c. Protected municipal well site: All municipal wells of the Village of Cleveland, Manitowoc County, Wisconsin.

B. Regulation of Uses.

1. Within Areas C and D the following uses are prohibited:

a. Disposal of garbage, refuse, trash, demolition material and construction material.

b. Asphalt product manufacturing plants.

c. Motor vehicle laundries, service stations, dealerships, sales, painting or bodywork facilities.

d. Building materials and product sales.

e. Chemical storage, sale, processing and manufacturing plants.

f. Dry cleaning establishments.

g. Electroplating plants.

h. Exterminating shops.

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- i. Fertilizer manufacturing or storage.
- j. Highway salt storage.
- k. Industrial liquid or solid waste storage or processing.
- l. Scrap metal or inoperable motor vehicle junk yards.
- m. Mining and quarrying operations, including sand and gravel extraction.
- n. Motor and machinery service assembly shops.
- o. Paint products storage and processing.
- p. Pulp and paper manufacturing, including the storage, debarking or processing of wood, pulp, processing materials or agents.
- q. Residential dwelling units on lots less than one acre in area; provided, in any residence district, on a lot of record on the effective date of this Ordinance, a single family dwelling may be established regardless of the size of the lot, provided other applicable zoning and use requirements are complied with.
- r. Seepage disposal sites.
- s. Sludge disposal sites.
- t. Storage, manufacturing, use or disposal of toxic or hazardous materials as defined and regulated by the Hazardous Substances Act, Section 100.37 Wisconsin Statutes, and regulations hereunder as may be amended from time to time.
- u. Underground petroleum products storage tanks for industrial, commercial, residential, or other uses.

2. Within Areas C and D the following uses may be permitted, subject to all other terms of the Town or Centerville's Ordinances, provided the minimum separation distances below are provided between the installations and Wells Nos. 1 and 2 and each protected municipal well site:

Potential Contamination Source	Minimum Separation Distance (feet)
Storm Sewer Main	50
Sanitary Sewer Main	200
Lift Station	200
Single Family Residential Fuel Oil Tank	200

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Septic Tank (<8,000 gallons per day)	400
Cemetery	400
Storm Water Drainage Pond	400
Gasoline or Fuel Oil Storage Tank Installation (DILHR Approved)	600
Land Application of Municipal, Commercial or Industrial Waste	1,000
Industrial, Commercial or Municipal Wastewater Lagoons or Storage Structures	1,000
Manure Stacks or Storage Structures	1,000
Septic Tanks (>8,000 gallons per day)	1,000
Solid Waste Storage, Transportation, Transfer, Incineration, Air Curtain Destructor, Processing, Wood Burning, One Time Disposal or Small Demolition Facility	1,200
Sanitary Landfill	1,200
Coal Storage Area	1,200
Salt or Deicing Material Storage Area	1,200
Gasoline or Fuel Oil Storage Tank without DILHR Approval	1,200
Bulk Fuel Storage Facilities	1,200
Pesticide or Fertilizer Handling or Storage Facilities	1,200

3. Within Areas C and D, the following uses may be allowed, subject to all other terms of the Town of Centerville's Ordinances, and any conditions established under subsections B.4. and 5. of this Ordinance:

a. Any business, commercial, residential or industrial use not otherwise prohibited.

4. Any person proposing to commence use of property located within Area C or D, which use was not in existence at the time of enactment of this Ordinance, and any person proposing to change the size or character of an existing use within Area C or D, shall make application to the Town of Centerville for a permit to initiate the proposed use or change of use. The application shall be in a form acceptable to the Town of Centerville and shall include the following:

- a. Identification of the user, including lessee, if any.
- b. Address of user.
- c. Description of property to be used.
- d. Description of use.
- e. Drawing of site, indicating location of structures, access roads or

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driveways, and contemplated site work.

f. Measures proposed to minimize groundwater contamination risk, if any.

5. The Board will advise and consult with the Village of Cleveland Board regarding all such applications prior to acting thereon. The Board may set such conditions to the issuance of the permit as may be reasonable and necessary to the protection of the groundwater supply for the Village of Cleveland.

C. Areas Described. Areas C and D located in the Town of Centerville, Manitowoc County, Wisconsin, are described as follows:

Area C, Well No. 1: Beginning at the intersection of the west line of the SE 1/4, SE 1/4 of Section 28 and the Town boundary (at South Cleveland Road); thence north and east along the Town boundary to Linden Street; thence north and east along the Town boundary to the Chicago and Northwestern Railroad; thence south along the railroad to the south line of Section 28 (South Cleveland Road extended); thence west on the south line of Section 28 to the point of beginning.

Area D, Well No 2: Beginning at the intersection of North Avenue and the west line of the SE 1/4, SW 1/4 of Section 22; thence north to the north line of the SE 1/4 of Section 22; thence east to the Town boundary; thence southeast, southwest, west, north, west, south, east, southeast, west, south and west along the Town boundary to the intersection of the west line of the SE 1/4, NW 1/4 of Section 27; thence north to the point of beginning.

D. Enforcement and Penalties. Any person convicted of a violation of this Ordinance shall be subject to a forfeiture of up to \$500.00 per violation. Each day of a continuing violation shall be a separate violation. This forfeiture shall be in addition to any federal or state remedy, enforcement or regulatory order.