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### An Ordinance Regarding Water Use Regulations -Bristol Utility District 5

The Village Board of the Village of Bristol, Kenosha County, Wisconsin, do ordain as follows:

#### SECTION I. ADOPTION OF PROVISIONS.

Title 9, Chapter S of the Village of Bristol Code of Ordinances regarding water use regulations for Bristol Utility District 5 (BUD5) is adopted to read as follows; it is the purpose of this Ordinance that existing Village of Bristol ordinances related to public water service, water hook-ups, charges, etc., shall generally not apply to BUD5 unless such ordinances pertain to an administrative or regulatory matter which is not addressed and preempted by this Ordinance:

## Title 9 ..., Chapter 5

# **Public Water Regulations - BUD5**

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## Sec. 9-5-1 Agreement to Comply With Operating Rules.

All persons in the Village of Bristol Utility District 5 (BUD5) receiving a water supply from the Village of Pleasant Prairie and Village of Bristol, or who may hereafter make application therefor, shall be considered as having agreed to be bound by all rules and regulations as filed with the Public Service Commission of Wisconsin (PSC).

# Sec. 9-5-2 Public Service Commission Rules Adopted.

The following provisions of Ch. PSC 185, Wis. Adm. Code, are adopted by reference and made a part of these rules as if set forth in full. A violation of any of such rules shall constitute a violation of this Section and shall be punishable as prescribed in Sec. 9-4-17:

#### 9-5-2

- 185.11 Authorization For and Application of Rules
- 185.12 Definitions
- 185.13 General Requirements
- 185.15 Free or Discriminatory Service Prohibited
- 185.16 Protection of Utility Facilities
- 185.17 Interference With Public Service Structures
- 185.18 Location of Records
- 185.19 Retention of Records
- 185.21 Schedules to be Filed With The Commission
- 185.22 Information Available to Customers
- 185.31 Metered Service
- 185.32 Meter Readings and Billing Periods
- 185.33 Billings
- 185.35 Adjustment of Bills
- 185.36 Deposits
- 185.37 Disconnection and Refusal of Service
- 185.38 Deferred Payment Agreement
- 185.39 Dispute Procedures
- 185.41 Employees Authorized to Enter Customers' Premises
- 185.42 Customer Complaints
- 185.43 Construction Records
- 185.44 Records and Reports of Service Interruptions
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- 185.46 Meeting Equipment Requirements
- 185.47 Other Records
- 185.51 Requirement for Good Engineering Practices
- 185.52 Construction Standards
- 185.61 Meters
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- 185.79 Testing of Metering Installations Having Remote Registers
- Jumpering Meter Settings
- 185.81 Quality of Water

- 185.815 Adequacy of Water Supply
- 185.82 Pressure Standards
- 185.83 Station Meters
- 185.84 Emergency Operation
- 185.85 System Losses
- 185.86 Flushing Mains
- 185.87 Operation of Distribution System Valves and Hydrants
- 185.88 Interruptions of Service
- 185.89 Thawing Frozen Services

### Sec. 9-5-3 Management of Water Utility.

- (a) Village Board to Operate. The management, operation and control of the water system for the Village of Pleasant Prairie, which serves Bristol Utility District 5 (BUD5), is vested in the Village Board, which shall serve as the Water Utility. All records, minutes, and written proceedings thereof shall be kept by the Village Clerk; the Village Treasurer shall keep all financial records of such utility.
- (b) Waterline Construction Powers. The Water Utility shall have the power to construct waterlines for public use in BUD5 where easements have been granted.
- (c) 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, and all buildings, machinery, and fixtures pertaining thereto, shall be the property of the Water Utility; the Village of Bristol shall also have a right of access to such real property.

#### Sec. 9-5-4 Water Utility Service.

- (a) **Application.** Every person connecting with the water system shall file an application in writing to the municipal clerks of the Village of Bristol and the Village of Pleasant Prairie in such form as prescribed for that purpose:
  - Blanks for such application must state fully and truthfully all uses intended. Additional uses or changes is stated uses will not be allowed except upon further application and permission regularly obtained from the Village Boards.
  - (2) If the applicant is not the owner of the premises, the written consent of the owner shall accompany the application.
  - (3) Persons whose premises are connected to the public Water Utility are referred to herein as "users."
- (b) **Deposit.** Each user shall, prior to connection to the public water system, and to guarantee payment of all charges herein, pay a cash deposit to the Village of Pleasant Prairie in

the amount equal to the minimum quarterly water charge, such charge to be determined by the type of service by which the property is connected to the water mains. Such deposits shall be refunded after two (2) years of timely payment of quarterly service charges or when the user moves from the premises, whichever is first, providing all charges are current. Connection Fees are payable to the Village of Pleasant Prairie; Hook-Up Fees are payable to the Village of Bristol. The "Connection Fee" shall be defined in Section 9-4-6 (3) of the Village of Bristol Sewer Use Regulations. The "Hook-up Fee" shall be as defined in Section 9-4-6 (4) of the Village of Bristol Sewer Use Regulations.

- (c) User to 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. All expenses related to the connection with the water system shall be paid by the applicant. No charge, however, shall be made for the services of the utility in directing the placement of water mains, the manner is which tapped, and excavations made in the street for laying water service pipe.
- (d) **Use Restricted.** No user shall allow others to connect to the water system through the user's water service lateral.
- (e) **User to Permit Inspection.** Every user shall permit the Water Utility or its authorized agent, at all reasonable times during the day, to enter the user's premises or building to examine the pipes and fixtures and the manner in which the water is used, and must at all times truthfully answer all questions put to him/her relative to the use of the water lines.
- (f) Utility Responsibility. It is expressly stipulated that no claim be made against the Water Utility 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 terminate 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 service area of the Water Utility, the Village Clerk or agent shall, if practicable, give notice to each user within such service area affected when the service will be suspended.
- (g) **Meters.** The owner of any premises shall provide a location for a water meter and maintain such location and passageway thereto clean and sanitary and free from any obstruction or any condition hazardous in 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 Water Utility employees in the discharge of their duties.

#### Sec. 9-5-5 Excavations.

- (a) In making excavations in streets or highways for laying service pipe or making repairs, the paving and earth removed shall 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 night time, warning lights shall be maintained at such excavation.

(c) In refilling the opening after the service pipes are laid, the earth shall be laid in layers of not more than nine (9) inches deep and each layer thoroughly compacted to prevent settling. This work, together with the replacing of sidewalks, ballast and paving, shall return the street to a condition at least as good as before it was disturbed and satisfactory to municipal officials. No opening of the streets for tapping the pipes will be permitted when the ground is frozen.

### Sec. 9-5-6 Tapping the Mains.

- (a) No persons, except those having authorization and approval from the Water Utility or its representative 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 the Water Utility.
- (b) Pipes should always be tapped on the top, and not within six (6) inches (15 cm) of the joint, or within twenty-five (25) inches (60 cm) of another connection.

## Sec. 9-5-7 Installation of House Laterals.

- (a) All waterlines on private property, whether underground or within a structure, shall be installed in accordance with SPS 382, Wis. Adm. Code.
- (b) The building's waterline shall be inspected upon completion of placement of the pipe, before backfilling, and tested before and after backfilling.
- (c) All water service laterals installed within BUD5 shall have a permanent, operable control valve installed by the Utility's contractor or homeowner within three (3) feet of the point where the water service first enters the building. This control valve shall be installed at the time of water lateral installation to facilitate the Utility's installation of the meter horn. All valves shall be one (1) inch in size or be reduced down with adapters so that a one (1) inch male fitting can be installed by the Water Utility. Valves shall be gate or ball valves and shall be one hundred and twenty-five (125) pound rated with a cast iron bronze body and brass trim, such as manufactured by Red-White Valve Corporation or similar type.
- (d) Water service lines and curb stops shall be located outside of any paved, hard surface driveway approaches or driveway areas where a new water service is installed for all existing one- and two-family dwellings, except as otherwise provided in the easement to the Water Utility. In all new subdivisions, water service lines and curb stops shall be utilized in their designed and approved locations. If the water service curb stop falls within the driveway approach or driveway surface, the property owner shall sign a letter of indemnification with the appropriate Village, holding that Village harmless for any and all future liability, loss, or damage associated with any work as may be required by the Village

within the property owner's paved portion of the driveway which is located in the Village of Bristol's road right-of-way. This letter of indemnification shall be recorded with the Register of Deeds and shall protect the Village of Bristol and the Village of Pleasant Prairie, with the recording fee paid by the property owner. The water service curb stop located within the driveway approach or paved surface shall be isolated with expansion material.

- (e) Each individual single-family dwelling unit shall require its own water service lateral. If a single-family dwelling exists with a commercial/business use on the same property, each dwelling unit shall have its own water service lateral.
- (f) A licensed master plumber is required to make the interior plumbing connection and disconnection, as required by the Wisconsin State Plumbing Code, of a water service when a single- or two-family residential dwelling is currently serviced by a private well, after a permit has been issued by the Village of Bristol.

#### Sec. 9-5-8 Maintenance of Service.

All water service within the limits of Bristol Utility District #5 (BUD5) from the street main to the property line and including all controls between the same will be maintained by the Water Utility without expense to the property owner unless such damage is 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 shall be maintained free of defective conditions by and at the expense of the owner or occupant of the property.

#### Sec. 9-5-9 Payment of Bills.

The property owner is held responsible for payment within the prescribed period of all water bills on premises that he/she owns. All water bills and notices of any nature relative to water service shall be addressed to the owner and delivered to the premises referred to on such bill or notice.

### Sec. 9-5-10 Damage Recovery.

The Utility shall have the right to recover from all persons any expense incurred by the Utility for the repair or replacement of any water pipe, curb-cock, gate valve, hydrant, or valve box damaged in any manner by any person by the performance of any work under his/her control or by any negligent act. Owners or operators of motor vehicles shall be liable for the cost of repair of any hydrant damaged by them, and the Utility shall not be responsible for damage to the motor vehicle by reason of such accident.

# Sec. 9-5-11 Vacation of Premises; Discontinuance of Service.

Whenever premises served by the Utility are to be vacated or whenever any person desires to discontinue service from the Utility, the Utility shall be notified in writing. The owner of the premises shall be liable for any damages to the property of the Utility by reason of failure to notify the Utility of a vacancy or any damage occurring to the property of the Utility other than through the fault of the Utility or its employees, representatives or agents.

## Sec. 9-5-12 Charges Shall Be A Property Lien.

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. The appropriate Water Utility shall report and certify to the Village Clerk of the Village of Bristol sums which have accrued during the preceding year and which are unpaid by the first day of October in any year and such amounts owed shall be placed on the tax roll for collection as provided by the Wisconsin Statutes. Amounts collected by the Village of Bristol shall be paid over to the Water Utility.

## Sec. 9-5-13 Unit of Service Definition.

- (a) A "unit of service" shall consist of any residential, commercial, industrial or charitable aggregation of space or area occupied for a distinct purpose such as a residence, apartment, flat, store, office, industrial plant, church or school. Each unit of service shall be regarded
  (b) as one (1) user.
- (b) Suites in houses or apartment with complete housekeeping functions (such as cooking) shall be classified as apartment houses; houses and apartments having suites of one (1), two (2) normore rooms with toilet facilities, but without kitchen for cooking, are classed as rooming
- (c) When a user's premises has several buildings, for which services are eligible and such buildings are used in the same business and connected by the user, the Water Utility shall set a separate rate for such complex.

## Sec. 9-5-14 Cross-Connection Control.

(a) Purpose. The purpose of this Section is to protect consumers and the public water supply system of the Water Utility, the Village of Pleasant Prairie, and the Village of Bristol from the possibility of contamination or pollution due to a backflow of contaminants into building plumbing and/or into the public water supply system.

- (b) Definition. A "cross-connection" shall be defined as any physical connection or arrangement between two (2) otherwise separate systems, one (1) of which contains potable water from the Village water system serving BUD5, 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 (1) system to the other, the direction of flow depending on the pressure differential between the two (2) systems.
- (c) Cross-Connections 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 water supply serving the Village or BUD5, 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 Water Utility and the Wisconsin Department of Natural Resources in accordance with NR 811, Wis. Adm. Code.
- (d) Inspections. It shall be the duty of the Water Utility to cause inspections to be made of all properties served by the public water system where cross-connection with the public water system is deemed possible. The frequency of inspection and reinspections based on potential health hazards involved shall be as established by the Water Utility and as approved by the Wisconsin Department of Natural Resources in accordance with NR 811, Wis. Adm. Code.
- (e) Right of Entry. Upon presentation of credentials, the Water Utility, Village of Pleasant Prairie or Village of Bristol, and/or their representative(s) shall have the right to request entry at any reasonable time to examine any property served by a connection to the public water system of the Village for cross-connections. If entry is refused, such representative shall obtain a special inspection warrant pursuant to Sec. 66.0119, Wis. Stats. On request, the owner, lessee or occupant of any property so served shall furnish to the inspector any pertinent information regarding the piping system or systems on such property.
- (f) Discontinuation of Service. The Water Utility is 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 pursuant to Ch. 68, Wis. Stats., except as provided in Subsection (g) below. Water service to such property shall not be restored until the cross-connection(s) has been eliminated in compliance with the provisions of this Section.
- (g) **Emergency Situations.** If it is determined by the Water Utility that a cross-connection or an emergency endangers public health, safety or welfare and requires immediate action, and a written finding to that effect is filed with the Village Clerk 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 (10) days of such emergency discontinuance.

(h) Administrative Code Provisions Adopted. The Village of Bristol adopts by reference the Wisconsin State Plumbing Code in SPS 382, Wis. Adm. Code. This Section does not supersede the State Plumbing Code but is supplementary to such Code.

## Sec. 9-5-15 Compulsory Connection to Public Sewer and Water.

- (a) Notice to Connect. Whenever the public sewer or water system becomes available to any public, commercial, mercantile or business building, or any building used for human habitation, subject to the provisions of Section 9.1 of the W&S Agreement, as defined below, the Village of Bristol shall notify in writing the owner, agent, or occupant that such service is available. Therefore, if a building permit is applied for that property located in BUD5, the property owner shall be required to connect to the available public water and sewer.
- (b) **Special Assessment.** Such connection shall be subject to special assessments as prescribed by the Village of Bristol.
- (c) **Privies and Waterless Toilets Prohibited.** After connection of any building to a sewer main hereunder, no privy, waterless toilet, or private septic system shall be used in connection with such building.

## Sec. 9-5-16 Private Well Regulation Program.

- (a) **Purpose.** The purpose of this Section is to:
  - (1) Prevent unused and/or improperly constructed wells from serving as a passage for contaminated surface or near surface waters or other materials to reach the usable groundwater. These wells shall be properly filled and sealed.
  - (2) Prevent unused, unsafe and noncomplying wells from acting as vertical conduits for aquifer contamination or as sources of unsafe water that could enter the public water system through cross-connections.
- (b) **Required Private Well Abandonment.** If public water service is not available as determined by the Village of Bristol, property owners in BUD5 shall not be obligated to connect to the public sewer system. If public water service is available, wells that do not have a valid Well Operation Permit issued pursuant to Subsection (d) below, private wells which are not routinely used, wells which are in noncompliance with NR 812, Wis. Adm. Code, or wells which test bacteriologically unsafe shall be properly sealed and abandoned in accordance with NR 812, Wis. Adm. Code, by an established date not to exceed one (1) year from the date of connection to the public system or date of discovery or construction.

- (c) Coverage. All private wells located on any premises in BUD5 which are served by the public water system of the Village of Pleasant Prairie shall be properly filled within ninety (90) days of notice. Only those wells for which a Well Operation Permit has been granted by the Village of Bristol may be exempted from this requirement, subject to conditions of maintenance and operation.
- (d) Well Operation Permits. A Well Operation Permit may be granted to a private well owner to operate a well for a period not to exceed five (5) years if the following requirements are met:
  - (1) The well and pump installation meet the requirements of NR 812, Wis. Adm. Code, and the well constructor's report is on file with the Wisconsin Department of Natural Resources, or certification of the acceptability of the well has been granted by the Private Water Supply Section of the Wisconsin Department of Natural Resources.
  - (2) The well has a history of producing safe water and, in accordance with NR 810.16, Wis. Adm. Code, presently produces bacteriologically safe water as evidenced by one (1) sample. A minimum of one (1) safe sample shall be taken prior to issuing or reissuing the Well Operation Permit to establish that the water is bacteriologically safe.
  - (3) The proposed use of the well can be justified as being necessary in addition to water provided by the public water system.
  - (4) No physical connection shall exist between the piping of the public water system and the private well in accordance with NR 812.26, Wis. Adm. Code.
- (e) **Cost of Well Operation Inspections and Permits.** The cost of a private well inspection and to obtain a Well Operation Permit is per the Village of Bristol's Fee Schedule, which Permit is valid for five (5) years. This cost shall be added onto the party's utility statement. In the case of a shared well, only the parcel containing the physical well will be required to obtain a Permit. Any residence connected to a shared well shall pass all required inspections and produce one (1) safe water sample as is required of the permit holder. Failed well inspections shall result in the need for a reinspection which is an additional per inspection fee per the Village of Bristol's Fee Schedule.
- (f) Methods. Wells to be abandoned shall be filled according to the procedures in NR 812, Wis. Adm. Code. The pump and piping shall be removed and the well checked for obstructions prior to plugging. Any obstruction or liner shall be removed.
- (g) **Reports and Inspection.** A well abandonment report shall be submitted by the well owner to the Wisconsin Department of Natural Resources on forms provided by that agency. The report shall be promptly submitted upon completion of the filling of the well.

## Sec. 9-5-17 Performance of Water Tests on Private Wells.

(a) Purpose and Intent. It is the purpose and intent of this Chapter that the health, safety and welfare of the public in the Village of Bristol be promoted by the performance of private well water tests for residents of the Village in BUD5. It is the purpose of this Section to provide for private well water tests to be performed by the Village of Bristol.

9-5-17

- (b) **Definitions.** In this Section, the following definitions shall be applicable:
  - (1) Water. Water from a private well which is used for potable purposes.
  - (2) **Water Tests.** A sample which shall be evaluated for the presence of bacteria.
- (c) Village Administrator to Develop Rules. The Village Administrator shall develop rules for the implementation and enforcement of this Section.
- (d) Cost.
  - (1) **Coliform/Bacteria Test Cost.** The cost for the coliform/bacteria test shall be per the Village of Bristol Fee Schedule.
  - Water Sample Dropoff Fee. Water sample dropoff/pickup fee during regular business hours shall be per the Village of Bristol Fee Schedule.
  - (3) After Hours Water Sample Dropoff Fee. The water sample dropoff/pickup fee for after hours shall be per the Village of Bristol Fee Schedule.

## Sec. 9-5-18 Public Fire Protection Charges.

- (a) For properties in BUD5, the Village of Bristol may allocate the costs associated with public fire protection based on the property values of all parcels within the public fire protection district, per Sec. 196.03(3), Wis. Stats.
- (b) For this purpose, the property value of all real estate parcels not exempt from general property taxation will be equal to the assessed value established in the year prior to the year of collection. In instances where building improvements are sited on leased land, the assessed value of the building, if valued as personal property, shall be added to the assessed value of the land to product a total property value.
- (c) For those properties exempt from general real estate property taxes, a property value will be determined pursuant to the valuation procedures outlined in the Wisconsin Statutes, including, but not limited to, Sec. 70.32, Wis. Stats., as may be amended from time to time, and in a manner commensurate with the valuation of taxable real property in the Village of Bristol. In instances where building improvements are sited on leased land, the value of the building, if valued as personal property, shall be added to the value of the land to produce a total property value.

### Sec. 9-5-19 Violations and Penalties.

Except as otherwise provided herein, any person who shall violate any provision of this Chapter, or any regulation, rule or order made hereunder, shall, upon conviction thereof, be subject to a penalty as provided in Section 1-1-6 of this Code of Ordinances.

## Sec. 9-5-20 Effective Date.

This Chapter shall take effect and be in force from and after the effective date of this Chapter. However, as provided in the W&S Agreement, if the Wisconsin Public Service Commission has not approved the Public Service System-Retail, on or before December 31, 2019, and the W&S Agreement is terminated, the Village of Bristol may also repeal this Chapter.

#### SECTION II. SEVERABILITY.

If any provision of this Ordinance is invalid or unconstitutional or if the application of this Ordinance to any person or circumstance is invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the other provisions or applications of this Ordinance which can be given effect without the invalid or unconstitutional provisions or applications.

#### SECTION III. EFFECTIVE DATE.

This Ordinance shall take effect upon passage and publication as provided by law.

ADOPTED this 28 day of October, 2019.

VILLAGE OF BRISTOL, WISCONSIN

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Village President

Village Clerk-Treasurer

INTRODUCED: 10/28/19 ADOPTED: 10/28/19 PUBLISHED:

State of Wisconsin: County of Kenosha:

I hereby certify that the foregoing Ordinance is a true, correct, and complete copy of an Ordinance duly and regularly enacted by the Village of Bristol Village Board on the  $38^{++}$  day of 0choose, 2019 and that said Ordinance has not been repealed or amended and is now in full force and effect.

Dated this art day of Detology, 2019

Village of Bristol Clerk-Treasurer

#### ACKNOWLEDGEMENT

The Village of Pleasant Prairie by the Village Engineer and the Village Clerk hereby acknowledges receipt of Village of Bristol Ordinance No. 2019-23 entitled An Ordinance Regarding Water Use Regulations – Bristol Utility District 5.

Dated this 11<sup>th</sup> day of November, 2019.

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Matthew Fineour, Village Engineer

Jane C. Snell, Village Clerk