

# Chapter 14

## Protection of District Facilities

### 14.01 Purpose

The purpose of this chapter is to prevent damage and protect access to District facilities.

### 14.02 Applicability

This chapter applies to any person or governmental unit, except District employees or contractors.

### 14.03 District Facility

In this chapter, “District facility” includes any structure or real property owned or operated by the District, including, but not limited to, water reclamation facilities, sewers, manholes, diversion structures, outfalls, pump stations, sewage or stormwater storage facilities, ~~waterecourse~~ wastewater management facilities, enclosures for instrumentation or controls, and groundwater monitoring wells.

### 14.04 Protection of District Facilities

- (1) Persons and governmental units shall prevent damage to District facilities.
- (2) Persons and governmental units shall identify the location of District facilities and easement boundaries during design and before construction, using records review, site inspection, Diggers Hotline marking, and other appropriate investigations.
- (3) If the location of a District facility is uncertain and excavations are necessary to locate the facility, then the cost of excavation is the responsibility of the project owner.

### 14.05 Continuation of District Access

In cases of construction within or over a District easement or within ten (10) feet of a District facility, persons or governmental units shall provide equal or better access to District facilities after construction is complete.

### 14.06 District Approval of Projects Near District Facilities

- (1) Construction within or over a District easement or within ten (10) feet of a District facility is prohibited unless approved by the District in writing.
- (2) To obtain the approval required by sub. (1), the District must receive the following information at [ContactRealEstate@mmsd.com](mailto:ContactRealEstate@mmsd.com):
  - (a) a description of the proposed work;

- (b) the location of the proposed work;
- (c) the boundaries of the District easement;
- (d) a site plan;
- (e) construction plans showing:
  - 1. the work within the easement, including elevations, foundation depths, boring details;
  - 2. the location of all structures within the area of the easement;
  - 3. the District facility, including the location of the outside edge of the pipe, manhole, or other structure;
  - 4. specifications for any work directly on District facilities;
  - 5. schedule; and
  - 6. contact information.

(3) The District shall receive the information required by sub. (2) at least 30 calendar days before construction, or, in the case of an emergency, at the earliest reasonable time.

#### **14.07 Coordination with Local Approval**

- (1) If construction will be within or over a District easement or within ten (10) feet of a District facility, then a governmental unit shall condition its approval upon District approval of the project.
- (2) After a governmental unit receives a petition to vacate public right of way, the governmental unit shall investigate whether District facilities are in the right of way. If District facilities are present, then the governmental unit shall notify the District and the petitioner.

#### **14.08 Relocation or Modification of District Facilities**

- (1) Except as provided in sub. (2) or as provided by Wis. Stat. sec. 84.063(2)(b), if a person or governmental unit requires the relocation or modification of a District facility, then the person or governmental unit shall fund the relocation or modification, including costs for design, construction, and project management.
  - (a) The District and the person or governmental unit shall collaborate to determine who will manage the relocation or modification.

- (b) If the person or governmental unit is performing the relocation or modification, then the person or governmental unit shall comply with specifications established by the District, schedule the work in coordination with the District, and allow inspection by the District during construction.
  - (c) The person or governmental unit shall provide to the District real estate rights for the relocated or modified facility, at no cost to the District.
- (2) If a project of a governmental unit requires changes to the elevation of a manhole or other minor manhole modifications, such as modifications for a street resurfacing project, then the District will modify the manhole at the District's expense, according to a schedule established in collaboration with the governmental unit.

#### **14.09 Technology Demonstration License**

- (1) Before using a District facility for technology research or development, a person shall apply for a Technology Demonstration License and a Right of Entry Permit from the District.
- (2) The person shall provide a work plan indicating:
  - (a) the goals and purposes of the demonstration;
  - (b) installation location;
  - (c) space requirements;
  - (d) the schedule for installation and removal and project duration;
  - (e) requirements for air, electricity, process water, drinking water, or other utilities;
  - (f) the required monitoring and maintenance;
  - (g) a schedule for entering District facilities for operating, monitoring, maintenance, tours, or other events;
  - (h) a safety plan; and
  - (i) any other information requested by the District.
- (3) The District may establish insurance requirements. In response to these requirements, the person shall provide certificates of insurance showing the types and amount of coverage requested by the District.
- (4) The person shall attend any safety training required by the District. If the technology will be within a water reclamation facility, then the person shall attend safety training required by the

contract operator of the facility. This training is required for all persons installing, operating, monitoring, maintaining, or removing the technology.

- (5) The person shall install the technology only at the location designated in the license.
- (6) The person shall monitor and maintain its technology as described in the work plan.
- (7) The person shall install, operate, maintain, and remove its technology at no cost to the District.
- (8) The person shall comply with all applicable safety requirements of the District and its contract operator.
- (9) The person shall comply with all applicable District policies for use of District facilities.
- (10) The person shall limit its use of District facilities to the assigned area and keep this area clean, safe, and orderly. Failure to keep the area clean, safe, and orderly shall cause termination of the license.
- (11) The person may not interfere with efficient operation of District facilities.
- (12) The person shall inform the District's project manager whenever the person or its employees or contractors will be on the District's property. The person shall visit District facilities only during the facility's regular business hours, unless the person notifies the District of an alternative visiting time and arranges for the District's project manager or other District staff to be present.
- (13) At the person's cost, the person shall remove the technology and restore the site to original conditions at the end of the demonstration period or as requested by the District, whichever is sooner.
- (14) The person shall provide a summary of the work performed and the results obtained to the District's project manager.
- (15) Before the publication of any results of the demonstration, the person shall submit draft materials for review by the District's project manager and Public Information Manager. Any published materials shall acknowledge District support.
- (16) The person may not indicate or imply that the District has purchased, implemented, approved, or endorsed the technology.

#### **14.10 Camping**

At any District facility, establishing a temporary residence for sleeping or other purposes is prohibited, unless explicitly authorized in writing by the District. This prohibition includes, but is not limited to, bedrolls, motor vehicles, sleeping bags, tarpaulins, tents, and trailers.

## 14.11 Drone Use

(1) In this section, “drone” has the meaning given in Wis. Stat. § 114.105(1)(a).

(2) No person may operate a drone at a horizontal distance of 500 feet or a vertical height of no lower than 300 feet above the property line of any District owned or operated water reclamation facilities or other building designed for the purpose of conveyance management.

(a) This section does not apply to actions described in sub. (2) which are committed by:

1. the Federal Government;
2. a person under contract or otherwise acting under the direction or on behalf of the Federal Government.
3. a public body;
4. a law enforcement agency in compliance with Wis. Stat. § 175.55(2);
5. a person with written consent from the District;
6. a person operating a drone for commercial purposes in compliance with authorization granted by the Federal Aviation Administration; or
7. a person otherwise authorized for such operation pursuant to any rule or regulation of the Federal Aviation Administration.