

TOWN OF BURKE d/b/a  
BURKE UTILITY DISTRICT NO. 1  
WATER USE ORDINANCE  
NO. 5-4-1

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TOWN OF BURKE d/b/a  
BURKE UTILITY DISTRICT NO. 1

AN ORDINANCE CREATING A WATER USE ORDINANCE  
FOR THE BURKE UTILITY DISTRICT NO. 1

The Town Board of the Town of burke d/ba/ Burke Utility District No. 1, a town utility district located in the Town of Burke, Dane County, Wisconsin, does hereby ordain as follows:

*Pursuant to the authority conferred by law, the following Ordinance is hereby created and shall constitute the issued ordinances, rules, regulations and orders of the Burke Utility District No. 1, relative to the subject matter hereof, to-wit:*

**SECTION 1.1 INTRODUCTION AND PURPOSE**

The purpose of these rules and regulations is to regulate and control the operation and use of the public water system within the Burke Utility District No. 1 in order to promote the health, safety, and general welfare of the community. They are designed to promote reasonably adequate water services for the community served and to set forth equitable revenue systems so as to derive the maximum public benefit. The Burke Utility District No. 1 is subject to regulation by the Public Service Commission of Wisconsin. This Ordinance enables the Burke Utility District No. 1 to comply with the requirements of Wisconsin Administrative Code, Ch. PSC 185, Standards for Water Public Utility Service and any other applicable state or federal law. This Ordinance shall supersede any previous Burke Utility District No. 1 ordinances regulating operation and use of the public water system within said District and shall repeal all provisions that may be inconsistent with this Ordinance.

**SECTION 1.2 DEFINITIONS**

In this Ordinance, the following words and phrases shall have the designated meaning:

(1) **"Commission"** means the Town Board of the Town of Burke, when acting in the capacity of the Commission of the Burke Utility District No. 1; and is sometimes used synonymously with "Utility Commission or "Utility District Commission."

(2) **"Curb stop"** means a water shut-off valve located between the curb and the property line.

(3) **"Customer"** means any person, owner or occupant, firm, partnership, corporation, municipality, cooperative organization, company, governmental agency, political entity, or other organization provided with water service by the Burke Utility District No. 1.

(4) **"Delinquent account"** means an account which has a bill for service unpaid after payment is due.

(5) **"District"** or "Utility District" shall mean the Burke Utility District No. 1.

(6) **"Meter"** means an instrument installed to measure the volume and/or rate of flow of water delivered through it.

(7) **"PSC"** means the Wisconsin Public Service Commission.

(8) **"Residential Utility Service"** means water service provided by the District for residential related purposes to any dwelling unit having not more than four (4) family living units. If more than four (4) units are involved, the service is commercial.

(9) **"Shall"** is mandatory.

(10) **"Stop box"** means an appurtenance installed on each water service to locate and protect the curb stop.

(11) **"Town"** shall mean the Town of Burke, a municipal corporation.

(12) **"Unit of service"** denotes any residential or small commercial aggregation of space or area occupied for a distinct purpose such as a residence, apartment, store or office, which is equipped with one or more fixtures for rendering water supply, separate and distinct from other users. Each unit of service will be regarded as a separate consumer and charges for more than one customer on a single meter will be assessed accordingly. Thus, an apartment building, having four separate dwelling units each of which is equipped with one or more fixtures for rendering water supply, will be classified as four separate units of service and four separate consumers even if all four units are on one meter.

(13) **"Utility"** means the Burke Utility District No. 1.

(14) **"Utility Classification Codes"** means the following classifications:

(a) Residential (includes private homes, duplexes, and apartment buildings 4 units and under).

(b) Commercial (includes all businesses and apartment buildings over 4 units).

(c) Industrial (includes manufacturing plants).

(d) Public (includes town, city and county properties, schools, government, and churches).

(15) **"Water lateral"** denotes the piping from the main to the curb stop.

(14) **"Water service pipe"** denotes the piping from the curb stop to the building.

### SECTION 1.3 GENERAL PROVISIONS

(1) **Management.** The water utility shall be managed by the Commission of the District.

(2) **Organization.** The District is organized as a town utility district pursuant to Section 66.072, Stats. The District shall have all of the power and authority authorized by applicable statutes; and nothing contained in this Ordinance shall prohibit or otherwise limit the exercise of all such statutory power and authority.

(3) **Compliance With Rules.** All persons now receiving a water supply from the Utility, or who may hereafter make application therefor, shall be considered as having agreed to be bound by the water utility rules and regulations filed with the PSC of Wisconsin and with the terms of this Ordinance, as amended from time to time.

### SECTION 1.4 CONNECTION TO EXISTING PUBLIC WATER SYSTEM

(1) **Compulsory Connection.** The owner of any house or other structure within the District which is used for human occupancy, employment, or recreation, and is located on a parcel which is adjacent to an existing public water main, shall install, at owner's expense, suitable plumbing facilities; and shall take the necessary steps to connect such facilities directly with the District's water system within ninety (90) days after date of written notification by the Commission or its agents. The Commission may, upon its own or upon application by such owner, enlarge the time period within which the



connection shall occur; provided good cause exists to justify such enlargement. As used in this subsection, "adjacent" means 50% or more of the frontage abuts upon a right-of-way or easement in which is installed a District watermain.

(A) Temporary Waiver. The Commission may, upon application of the property owner, temporarily waive the aforesaid compulsory connection requirement. A waiver may be granted for a period of up to ten years but shall not be extended beyond that time. A waiver shall only be granted and continue in effect while the existing alternative water source is safe for human consumption; and immediate connection would cause the property owner extraordinary hardships or expense. The granting of a temporary waiver shall not defer payment of any special assessments levied for the construction of the water supply system, unless the Commission, in writing, determines otherwise. In the event a waiver is so granted, the waiver shall be revoked at such time as the property connects to the District's water system or the property is sold.

1. The owner's application for a waiver must be accompanied by proof, in a form acceptable to the Commission, that the private water source tests bacteriologically safe for human consumption by a state certified laboratory in accordance with all applicable state regulations. If a waiver is granted, the property owner must submit to the Commission whenever requested, similar proof that the private source remains bacteriologically safe for human consumption. In the event that a property owner fails to submit such proof within twenty (20) days of a written request by the Commission or its agent to do so; or, if at any time the Commission, after hearing, finds the private water source no longer tests bacteriologically safe for human consumption, the Commission may rescind its prior waiver grant and require connection to the public water system within ninety (90) days.

2. A temporary waiver grant applies only to the property owner receiving the waiver. In the event ownership of the property is subsequently transferred, the temporary waiver will automatically expire upon such transfer and the new owner must comply with the compulsory connection requirement within ninety (90) days after date of written notification by the Utility Commission.

(B) Agricultural Land Waiver. Upon application by the owner to the Commission, lands zoned for and actually used for agricultural use (including A-1, A-2 and A-3 classifications) or for which a farmland preservation agreement has been recorded shall be granted a compulsory connection waiver. This waiver

shall remain in effect for only so long as the property is either zoned and used for agricultural use, or is covered by a recorded farmland preservation agreement. Pursuant to Section 91.15, Stats., such property will be excluded from any related special assessments for as long as the waiver is in effect and the owner makes no use of the public water system.

(C) Applicant-Financed Main Extension Waiver. Where a water main extension is made at the request of a new customer and is financed by the applicant/customer in accordance with Subsection 1.8(1)(B)2 of this Ordinance, the Commission, upon application of a property owner who abuts the meter main so extended, may grant a waiver from this connection requirement to properties abutting the applicant-financed main extension. The Commission may limit the waiver to a specific time period. This waiver may be withdrawn at any time by the Commission, after hearing, if it finds that the private water source does not test bacteriologically safe for human consumption. Any waiver is subject to Schedule X-2 of the District's rates and regulations filed with the PSC.

(D) Other Waivers. The Commission may, whenever it determines that the best interests of the District will be served thereby, waive any compulsory connection otherwise required by strict application of this Section 1.4(1), upon such terms and conditions as the Commission may determine.

(E) Other Requirements. The provisions of this section are not intended to interfere with, abrogate or alleviate the need for compliance with any connection requirements that may be imposed by the State of Wisconsin, the Town of Burke, Dane County, or any agencies thereof.

**(2) Application Required.** Any person desiring to connect with the District's water system shall apply in writing to the District on a form furnished by the District. The application shall be made by the owner or his representative and shall include a statement giving the exact location and legal description of the premises to be served, the name of the owner, the purpose for which the service is to be used, the time when the work is to be done, the size of the supply pipe and meter desired, and such other information as may be required by the District. Any special refrigeration or air-conditioning water consuming appliances shall be particularly noted on the application. The District may deny any application where the required information is not provided.

**(3) Connection Permit Required.** No work of laying the water lateral and/or water service pipe shall be commenced or continued without the required connection permit being on the premises. At the time of connecting, the water lateral and/or water

service pipe to the meter setting shall be inspected by the District or its designate. Connection permits shall not be granted unless all of the following conditions are met:

(A) The premises to be served are situated on a lot or parcel within the District and abutting on any street, alley, easement or right-of-way in which a District water main is located, or, where the property owner has agreed to and fully complied with Section 1.8 of this Ordinance for a main extension; and

(B) The property owner agrees to install a water service pipe from the curb stop to the unit of service according to all District specifications; and

(C) The premises to be served will have adequate piping beyond the metering point.

(4) **Multi-unit Dwelling Application.** The owner of a multi-unit dwelling has the option of being served by individual metered water service to each unit. The owner, by selecting this option, is required to provide interior plumbing and meter settings to enable individual metered service to each unit and individual disconnection without affecting service to other units. Each meter and meter connection will be a separate customer for the purpose of the filed rules and regulations.

(5) **Automatic Fire Sprinkler System Application.** The owner of any building in which an automatic fire sprinkler system is required pursuant to local, state or federal law, shall submit prior to installation of such system two sets of plans for review and approval by the Commission. Such private fire protection systems shall be unmetered and shall be charged pursuant to the rates and rules filed with the PSC.

(6) **Lawn Sprinkler Systems.** The owner of a building who wishes to install a lawn sprinkler system may request that such system be metered separately from residential service. The owner, by selecting this option, is required to provide plumbing and meter settings to enable such service and to permit individual disconnections without affecting service to the residential unit or units. Each meter connection will be a separate customer for the purpose of the filed rules and regulations.

(7) **Service Contract.** The minimum service contract period shall be one year unless otherwise specified by special contract or in the applicable rate schedule as filed with the PSC.

(8) **Temporary Water Services.** Any person desiring to connect to the District's water system on a temporary and limited basis shall make application to the Utility District for permission according to the following provisions of this section.

(A) Temporary Metered Supply. An applicant for temporary water supply on a metered basis shall make and maintain a monetary supply deposit of not less than the amount authorized from time to time pursuant to the District's rates and regulations filed with the PSC, for each meter installed, as security for payment for use of water and for such other charges which may arise from the use of the supply, or such other amount as the Commission may from time to time determine by resolution. The charge for setting the valve and furnishing and setting the meter will be pursuant to the rates and rules on file with the PSC.

(B) Temporary Unmetered Services -- Unmetered Temporary Supply, Unmetered Temporary Construction Use and Isolated Unmetered Usage.

1. *Unmetered Temporary Use Other Than Building or Construction.* Where a water meter cannot be installed immediately, service may be supplied temporarily on an unmetered basis upon written application to the District. Such service shall be billed pursuant to the rates and rules on file with the PSC.

2. *Unmetered Temporary Construction Use.* When water is wanted on an unmetered basis for construction purposes, a written application shall be made to the District. If the application is approved, payment for the water shall be made in accordance with the approved building and construction water service (unmetered) rate. For construction purposes, the water must be drawn from the service pipe which is carried inside the foundation wall. No connection with the service pipe at the curb shall be made. In no case will any employee of the District turn on water for construction work unless the contractor first presents a permit. Upon completion of the construction work, the contractor must return the original permit to the District, together with a statement of the actual amount of construction work performed.

3. *Isolated Unmetered Usage.* When water is wanted on an unmetered basis for isolated purposes such as filling swimming pools, tanks or tank wagons, steam tractors or rollers, or portable steam boilers, written application therefor shall be made to the District. If the application is approved, payment for the water shall be made in advance at the scheduled rates for general unmetered water service. In addition, an application/ administration fee shall be paid by persons not otherwise customers of the District, or such other fee as the Commission may from time to time determine by resolution, all in accordance with the District's rates and regulations filed with the PSC.

(C) Temporary Hydrant Connection. In cases where no other supply is available, permission may be granted by the District to connect to a hydrant. No hydrant shall be used until it is equipped with a sprinkling valve. In no case shall any valve be set or moved except by a member of the District. No valve will be set or moved until the applicant pays for the setting and for the water to be used at the scheduled rates. A charge for setting or moving a valve, and a minimum charge for water used from the hydrant will be as filed and approved by the PSC. In addition, the applicant shall make a deposit for the hydrant wheel and another deposit for the reducer, if necessary. In the use of a fire hydrant supply, the hydrant valve will be set at the proper opening by the District when the sprinkling valve is set. If the water is to be used through iron pipe connections, all such pipe installations shall have the swing joint to facilitate quick disconnections from the fire hydrant. When the applicant is finished using any hydrant, he shall notify the District.

(D) Deposits Returned. All monies deposited as security for payment of charges arising from the use of temporary water supply on an unmetered basis, or for the return of a sprinkling valve wheel or reducer, shall be refunded to the applicant when the use of water has terminated, all charges have been paid, and the wheel and reducer have been returned undamaged.

## **SECTION 1.5      CROSS CONNECTION CONTROL**

(1) **Cross Connection Defined.** In this Section 1.5, a "cross connection" means any physical connection or arrangement between two otherwise separate systems, one of which contains potable water from the District's water system, and the other, water from a private source, water of unknown or questionable safety, or steam, gases, or chemicals, whereby upon loss of pressure or any other condition, there may be a flow from one system to the other.

(2) **Cross Connections Prohibited.** No person, firm or corporation may establish or permit to be maintained any cross connection. No interconnection may be established whereby potable water from a private, auxiliary or emergency water supply, other than the regular public water supply of the District, may enter the supply or distribution system of the District, unless the private, auxiliary or emergency water supply and the method of connection and use of the supply shall have been approved by the District and by the Wisconsin Department of Natural Resources under Wis. Adm. Code §NR 111.25(3).

(3) **Inspections.** The Utility shall cause periodic inspections to be made of all properties served by the District's 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 Utility and approved by the Wisconsin Department of Natural Resources.

(4) **Right to Inspect.** Upon presentation of credentials, any representative of the District 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 District, for cross connections. If entry is refused, such representative shall obtain a special inspection warrant under Sec. 66.122, Stats. On request the owner, lessee or occupant of any property so served shall furnish to the District pertinent information regarding the piping system or systems on such property.

(5) **Discontinuance of Service.** The Utility shall discontinue water service to any property wherein any connection in violation of this Section 1.5 exists, and the Utility may 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 (except as provided in Subsection (f)) subject to the aggrieved party's right to appeal under Section 1.16(2) hereof. Water service to such property shall not be restored until the cross connection(s) has been eliminated in compliance with the provisions of this Ordinance.

(6) **Immediate Disconnection.** If it is determined by the Utility that a cross connection related emergency endangers the public health, safety or welfare and requires immediate action, and a written finding to that effect is delivered to the customer's premises, water service may be immediately discontinued. The customer shall have the right to appeal therefrom pursuant to Section 1.16(2) hereof, but only by filing the notice of appeal within ten (10) days of such emergency discontinuance.

## **SECTION 1.6 STATE PLUMBING CODE ADOPTED**

The provisions of Wis. Adm. Code Chs. ILHR 82 to ILHR 86, inclusive, (State Plumbing Code) and all subsequent amendments thereto are hereby adopted by reference and incorporated in this Ordinance as if fully set forth. A copy of the current State Plumbing Code shall be filed in the office of the Commission and kept permanently on file and open to public inspection. The regulations hereby adopted shall be administered by the Commission and the Town plumbing and heating inspector. Violations of the provisions hereby adopted or any rule or order of the Commission or plumbing inspector adopted in compliance therewith shall be subject to the enforcement

and abatement procedures of Section 1.16 of this Ordinance. This Ordinance does not supersede the State Plumbing Code, but is a supplementary to it.

## **SECTION 1.7        INSTALLATION AND REPAIR OF WATER SUPPLY PIPING AND EQUIPMENT**

**(1)    Installation and Repair of Water Service Lateral by District.** The District shall install the water lateral in accordance with its rates and rules on file with the PSC. Such installation shall be in accordance with District specifications and shall be subject to inspection and approval in accordance with the Town's Ordinance regulating the division and subdivision of land. A non-refundable permit fee for a residential or commercial user and for an industrial user shall be paid upon filing the application pursuant to the rates and rules on file with the PSC.

**(2)    Installation and Repair of Water Service Pipe by Owner.** After the necessary application procedures are complete, the property owner shall install a water service pipe from the curb stop to the point of use not less than 6 feet below the surface of an established or proposed grade and according to all specifications of the District. In addition, special protective coverings may be required where soil conditions and other factors are conducive to premature failure of the service. The applicant's plumber shall be responsible for connection of said service pipe to the curb stop and service installed by the District. No plumber shall cover or permit the covering of any water service pipe until the installation has been inspected and approved by the District or its designee. All installations of water service pipes shall be completed prior to the expiration of six (6) months from the date of the District's approval of the application.

Water service pipes shall be installed in accordance with Wisconsin Administrative Code Section H 62.06(4), as amended from time to time.

If the owner fails to repair a leaking or broken service pipe from curb stop to point of metering or use within such time as may appear reasonable to the District, after written notice, the water will be shut off and will not be turned on again until the repairs have been completed.

**(3)    Sizing of Water Supply Pipes; Division Prohibited.** All water supplies shall be of undiminished size from the District water main into the point of meter placement. Beyond the meter outlet valve, the piping shall be sized and proportioned to provide, on all floors, at all times, an equitable distribution of water supply for the greatest probable number of fixtures or appliances operating simultaneously. No division of the water service for any lot or parcel of land shall be made for the extension and independent meterage of the supply to an adjoining lot or parcel of land. No division of

a water supply service shall be made at the curb stop for separate supplies therefrom for two or more separate premises having frontage on any street or public service strip whether owned by the same or different parties. Unless the Commission determines otherwise, the following shall apply:

- (a) Each separate structure on each lot or parcel of land shall be served by a separate service pipe, curb stop and separate meter.
- (b) Where the structure in question houses multi-family units or multiple commercial units, the owner of the lot or parcel of land upon which the structure is located, may direct that such structure have one separate meter or a separate meter for each unit located within the structure, also as provided for in Section 1.4(4) hereof.

In cases of existing group or commercial venture housing as of the date of adoption of this Ordinance, where all buildings are under one ownership, a large service may be installed and separate water service pipes installed by the owner to serve separate buildings. Each separate water service pipe shall have a District approved curb stop and a separate meter located between the large service and the building. For new construction of group or commercial venture housing after the date of enactment of this Ordinance, master metering of groups of buildings shall not be allowed.

**(4) Stop Box and Curb Stop Inspection.** The District shall inspect the stop box and curb stop prior to setting of the water meter to ascertain any damages incurred during construction of improvements on a given lot. If at that inspection, or any prior inspection, it is found that the stop box and curb stop have been damaged, they shall be repaired by the District and the full cost of said repair shall be paid by the property owner. If not paid within ninety (90) days, the cost of said repairs shall be placed on the tax roll as a special tax against the property.

**(5) Meters Required.** All new service connections to the water system shall be metered. Meters shall be provided, maintained and tested by the District and the District reserves the right to specify at any time, the size of meter required and the amount of open space necessary for access. The customer shall, at his expense, provide a suitable location and proper connections for the meter. The applicant's plumber shall obtain the exact overall dimensions of the meter and shall set the couplings the proper distance apart to accommodate the meter. All meters are to be located just inside of the wall at which the service pipe enters the building. The service will be flushed, the meter set, and the water turned on without extra cost to the customer. Further, there shall be installed at the same time as installation of the meter, a remote meter register, if the Commission so determines. The water shall not be turned



on for a customer except by the District. The applicant's plumber must leave the water turned off except to test his work. Any covering placed over a meter or register shall be easily removable. If electric ground wires are attached to the water piping, they shall be connected outside the unions on the inlet side of the meter. All water meters and registers installed by the District shall be sealed. It is the responsibility of the customer that the seal remain intact. If it is necessary to break the seal, the District shall be notified. Water meters will not be located in any pit or well or below any stairway, landing or platform unless there is provided a space not less than four feet above the center line of the water meter supply line. It shall be the duty of the customer to see that the meter inspector or repairman does not have to cause inconvenience to the customer when reading, or replacing meters. The owner of a multi-unit dwelling, has the option of being served by individual metered service to each separate dwelling unit of the building. By selecting this option, the owner is required to provide interior plumbing and meter settings to enable individual metered service to each unit and individual disconnection without affecting service to other units. Each meter will be a separate utility customer; except that the owner of the property served shall guarantee payment of all invoices for water provided subject, however, to the provisions of applicable law and except that the owner is required to pay for the cost of acquisition and installation of all such meters in excess of one meter, unless the District's rates and regulations as filed with the PSC provide otherwise.

**(6) Meter Installation.** Connections for water meters shall not be installed in any location which is, or may be, unclean, unsanitary, or in any manner hazardous to District employees. Access to all meters, valves, nipples and other fittings shall be provided in a common room such that walls or partitions do not interfere with installation and repair of a meter. All connections to meters shall be construed and installed in accordance with the rules of the District. At the time of setting the meter, the District may install an external register. Such register shall be installed on the front of the building being served, or on the side of such building within five (5) feet of the front face. The register shall be provided, maintained and tested by the District.

**(7) Protective Devices.** The owner or occupant of every premise receiving water supply shall apply and maintain suitable means of protection of the premise supply, and all appliances thereof, against damage arising in any manner from the use of the water supply, variation of water pressure, or any interruption of water supply. Particularly, such owner or occupant must protect water cooled compressors or refrigeration systems by means of high pressure safety cutout devices. There shall likewise be provided means for the prevention of the transmission of water hammer or noise of operation of any valve or appliance through the piping of their own or adjacent premises.

(8) **District and Owners Responsibility.** The District is responsible for the repair and maintenance of the water service lateral located from the stop box and curb stop to the water main. The property owner is responsible for the repair and maintenance of the water service pipe for the stop box and curb stop, to the structure, as well as all interior plumbing located therein.

(9) **Code Requirements.** All plumbing shall be designed, constructed and installed in accordance with applicable provisions of Wisconsin Administrative Code, Chapter H-62.

## SECTION 1.8 WATER MAIN EXTENSIONS

### (1) Extensions in Other Than New Subdivisions or Land Divisions.

(A) Application. Written application for extension of a water main shall be made to the Commission by the owner of property to be benefitted, or such owner's authorized agent. The application shall state the location of the premises to be served by its officially recorded legal description. In support of an application, the applicant shall submit the signatures of owners of land fronting on said main extension agreeing to their intent to apply for water service upon completion of said extension. Petitions received for water main installation after Sept 1 will not be installed until the following year unless waivers for assessment hearings can be obtained. No petitions will be accepted after Nov 1 for the current year's construction unless compatible with the District's funding and construction program for that year, as determined solely by the Commission.

(B) Basis of Extension. Subject to the rates and regulations of the District as filed with the PSC, water mains will be extended for new customers on the following bases:

1. Where the cost of the extension is to immediately be collected through assessment by the Commission against abutting property, the procedure set forth under Section 66.60, Stats., or other applicable statutes shall apply and no additional customer contribution to the District will be required.
2. Where the Commission is unwilling or unable for any reason to make the aforesaid special assessment, the extension will be made

according to a written contract with the applicant(s) on a customer-financed basis as follows:

a. The applicant(s) will advance as a contribution in aid of construction the total amount equivalent, or greater amount if so determined by the Commission, to that which would have been assessed for all properties under Section 1.8(1)(B)1 above. The contribution must be paid in advance of construction.

b. Part of the contribution required in Section 1.8(B)2a above, together with interest thereon at not less than the legal rate, will be refundable. When additional customers are connected to the extended main within twenty (20) years of the date of completion, contributions in aid of construction will be collected equal to the amount which would have been assessed under Section 1.8(1)(B)1 above for the abutting property being served. This amount will be refunded to the original contributors. In no case will the contributions received from additional customers exceed the proportionate amount which would have been required under Section 1.8(1)(B)1 above, exclusive of interest, nor will it exceed the total assessable cost of the original extension. When refunds have reduced the original contribution of any contributor to the applicable assessment amount, no further refund will be made to that individual. The period during which refunds shall be made will be limited to twenty (20) years, commencing upon substantial completion of construction of the extension.

3. In the event of any conflict between the provisions of this Section 1.8(1)(B) and the District's Schedule X-2 as filed with the PSC, the provisions of Schedule X-2 shall control.

**(2) Extensions in New Subdivisions or Land Divisions.**

(A) Application. Application for installation of water mains in new subdivisions or land divisions within the District shall be filed in writing with the Commission. The application shall set forth at least the following: (1) name and address of applicant; (2) name of subdivision or land division; (3) legal description of property; (4) map showing streets, lots and sizes of proposed mains and hydrants, and street laterals; (5) date of approval of plat or certified survey by Town; (6) date of approval of proposed mains by Department of Natural Resources; (7) number of houses or other structures presently under construction

or planned for construction; and (8) net area of development in square foot, excluding public rights of way.

(B) Installation and Payment. The installation of the water mains in new subdivisions or land divisions shall be made by the developer, or a contractor employed by the developer, all in accordance with the terms and provisions of this Ordinance and the Town's Ordinance relating to the division and subdivision of land. Plans and specifications for construction of the water main extension shall be submitted to the District's engineer for prior approval. The developer shall be responsible for the total cost of construction including any related engineering and legal fees incurred by the Town. Any street or public service strip in which a main is to be placed should be graded to an established grade elevation as set and approved by the District's engineer. Any additional costs involved in installing a main in a street or public service strip that is not to grade will be charged to, and made a lien upon, the property fronting on said extension. The contractor shall be responsible for maintenance and repair of any main extension for a period of one (1) year after completion and approval by the District unless specific written agreements specify otherwise. The District may require each such developer, as a condition of connection to the District's facilities, to enter into a written Development Agreement with the District relating to the installation of such water main facilities and other equipment. Such Agreement shall be in such form and content as the Commission may reasonably require. Further, the Commission may require the developer to post an Irrevocable Letter of Credit, surety bond or post other collateral acceptable to the Commission, to insure the developer's performance of obligations as contained in the Developer's Agreement.

(3) **Installation of Water Main Extension.** Installation of water main extensions will not be allowed when the ground is frozen unless the applicant agrees to pay for additional cost involved. The District shall determine when frost conditions are encountered and will notify the owner or his authorized agent in advance when such condition is in effect. Any street or public service strip in which a main is to be placed should be graded to an established grade elevation as set and approved by the District's engineer. Any additional costs involved in installing a main in a street or public service strip that is not to grade will be charged to, and made a lien upon, the property fronting on said extension. The contractor shall be responsible for maintenance and repair of any main extension for a period of one (1) year after completion and approval unless specific written agreements specify otherwise.

## **SECTION 1.9        GENERAL CUSTOMER PROVISIONS**

(1) **Purity of Supply Not To Be Impaired By Cross Connections.** Every person owning, or occupying a premises or building within the District shall maintain the District water supply free from any connection, either of a direct or of an indirect nature, with a water supply from a foreign source, or of any manner of connection with any fixture or appliance, whereby water from a foreign supply or the waste from any fixture, appliance, waste or soil pipe may flow, be syphoned or pumped into the piping of the District's water system.

(2) **Operation of Valves and Hydrants, and Unauthorized Use of Water -- Penalty.** No person shall, without authority of the Commission or its authorized agent, operate any valve connected with the District water distribution system, or open any fire hydrant connected with the distribution system, except for the purpose of extinguishing fire, or shall wantonly injure or impair the same.

(3) **Stop Boxes.** The customer shall protect the stop box in his/her/its terrace and shall keep the same free from dirt and other obstructions. The District shall not be liable for failure to locate the stop box and shut off the water in case of a leak on a customer's premises.

(4) **Thawing Frozen Services.** Frozen services shall be thawed out by and at the expense of the District except where the freezing was caused by contributory fault or negligence on the part of the customer such as reduction of the grade or undue exposure of the piping in the building or on customer's property, or failure to comply with District specifications and requirements as to depth or service, lack of sufficient backfill, etc. Following the freezing of a service, the District shall take such steps and issue such instructions as may be necessary to prevent the refreezing of the same service. No charge will be made for re-thawings if the instructions are followed. In case it is necessary to allow the water to flow to prevent refreezing, the customer shall make provision for proper disposal of the waste water. For the period in which the water is allowed to run, the customer's bill shall be adjusted for the consumption exceeding the customer's average consumption.

(5) **Inspection of Premises.** During reasonable hours, the District shall have the right of access to the premises supplied with service, for the purpose of inspection or for the enforcement of this Ordinance and the requirements of the PSC.

(6) **Vacation of Premises.** When premises are to be vacated, the District shall be notified in writing at once, so that it may remove the meter and shut off the supply

at the stop box. The owner of the premises shall be liable to prosecution for any damage to the property of the water department by reason of failure to notify the Utility.

(7) **Interruption of Service.** The District reserves the right to shut off the water in the mains temporarily, to make repairs, alterations or additions to the plant or system. Except in case of emergency repairs, whenever possible the District shall give reasonable notification, by newspaper publication or otherwise, of the interruption of service. No rebate will be allowed to customers for such temporary suspension of supply.

(8) **Complaint Tests, Meters.** If a customer requests, the District shall promptly make an accuracy test in addition to the periodic or installation test if twenty-four (24) months or more has elapsed since the last complaint test of the same meter in the same location. If less than twenty-four (24) months has expired, there may be a charge in such amount as may be provided for in the District's rates and regulations as filed with the PSC, payable in advance. If the meter is found fast in excess of 2%, any payment that was made for the test will be refunded and there will be an adjustment for past billings pursuant to Wisconsin Administrative Code PSC Sections 185.61 through 185.78.

(9) **Repairs to Meters.** Meters will be repaired by the District and the cost of such repairs caused by ordinary wear and tear will be borne by the District. Repair of any damage to a meter resulting from the carelessness of the owner of the premises, his agent, or tenant, or from the negligence of any one of them to properly secure and protect same, including any damage that may result from allowing a water meter to become frozen or to be injured from the presence of hot water or steam in the meter, shall be paid for by the customer or the owner of the premises.

(10) **Surreptitious Use of Water.** When the District has reasonable evidence that a customer is obtaining his/her/its water, in whole or in part, by means of devices or methods used to stop or interfere with the proper metering of the water being delivered to his/her/its equipment, the District reserves the right to estimate and present immediately a bill for service unmetered as a result of such interference and such bill shall be payable subject to a 24-hour disconnection of service. When the District shall have disconnected the customer for any such reason, the District will reconnect the customer upon the following conditions:

(A) The customer will be required to deposit with the District an amount sufficient to guaranty the payment of the customer's bills for utility service.

(B) The customer will be required to pay the District for any and all damages to its equipment on the customer's premises due to such stoppage or interference with its metering.

(C) The customer must further agree to comply with reasonable requirements to protect the District against further losses.

## **SECTION 1.10 CUSTOMER DEPOSITS**

(1) **New Residential Service.** The District may require a cash deposit or other guarantee as a condition of new residential service if, and only if, the customer has an outstanding account balance with the District which accrued within the last six (6) years, and which at the time of the request for new service remains outstanding and not in dispute.

(2) **Existing Residential Service.** The District may require a cash deposit or other guarantee as a condition of continued service if, and only if, either or both the following circumstances apply:

(A) Service has been shut off or discontinued within the last 12 months for violation of these rules and regulations or for nonpayment of a delinquent bill for service which is not in dispute.

(B) Credit information obtained by the District subsequent to the initial application indicates that the initial application for service was falsified or incomplete to the extent that a deposit would be required under these rules and regulations.

(3) **Commercial and Industrial Service.** If the credit of an applicant for commercial or industrial service has not been established to the satisfaction of the District, he shall be required to make a deposit or otherwise guarantee to the Utility payment of the charges for service.

(4) **Conditions of Deposit.** The provisions of Wisconsin Administrative Code, Chapter PSC 185.36(4) are incorporated and adopted herein by reference as conditions of deposit.

(5) **Refund of Deposits.** The District shall review the payment record of each residential customer with a deposit on file at not less than twelve (12) month intervals and shall not require or continue to require a deposit unless a deposit could be required

under the conditions stated above. In the case of a commercial or industrial customer, the District shall refund the deposit after twenty-four (24) consecutive months of prompt payment if the customer's credit standing is satisfactory to the District. Payment shall be considered "prompt" if it is made prior to notice of disconnection for non-payment of a bill not in dispute. Any deposit or portion thereof refunded to a customer shall be refunded by check unless both the customer and the District agree to credit the regular bill or unless service is terminated, in which case the deposit with accrued interest at the current legal rate shall be applied to the final bill and any balance returned to the customer promptly.

**(6) Other Conditions.** A new or additional deposit may be required upon reasonable written notice of the need therefor if such new or additional deposit could have been required under the circumstances when the initial deposit was made. Service may be refused or disconnected for failure to pay a deposit request as provided in the rules. When service has been disconnected for failure to make a deposit, or for failure to pay a delinquent bill, or for failure to comply with the terms of a deferred payment agreement, and satisfactory arrangements have been made to have service restored, a reconnection charge as specified in Section 1.11(8) shall be paid by the customer as a condition to restoration of service.

**(7) Guarantee Contracts.**

(A) The District may accept, in lieu of a cash deposit, a contract signed by a guarantor satisfactory to the Commission, whereby payment of a specified sum not exceeding the cash deposit requirement is guaranteed. The term of a guarantee contract shall be two years, but shall automatically terminate after the customer has closed his account, or at the guarantor's request upon thirty (30) days written notice to the District.

(B) Upon termination of a guarantee contract or whenever the District deems same insufficient as to amount or surety, a cash deposit or a new or additional guarantee may be required upon reasonable written notice to the customer. Service to any customer who fails to comply with these requirements may be refused, or upon eight (8) days written notice, disconnected. The District shall mail the guarantor copies of all disconnect notices sent to the customer whose account he has guaranteed unless the guarantor waives such notice in writing.

(C) In lieu of a cash deposit or guarantee, an applicant for new service who has an outstanding account accrued within the last six (6) years with the District shall have the right to receive service from the Utility under a deferred



payment agreement as provided in this Section 1.11 for the outstanding account balance.

**SECTION 1.11 BILLING AND PAYMENT PROCEDURE FOR GENERAL SERVICE  
-- METERED**

(1) **Billing.** Water bills will be rendered quarterly and become due and payable on the first of the month following the period for which service is rendered.

(2) **Combined Metering.** When a customer's premises has several buildings each supplied with service and metered separately, the full service charge will be billed for each meter separately and the readings will not be cumulated. If these buildings are all used in the same business and are properly connected by the customer, they may be metered in one place. If the District, for its own convenience, installs more than one meter, the readings will be cumulated for billing purposes.

(3) **Deferred Payment Agreement.**

(A) The District shall offer Deferred Payment Agreements to residential customers. The Deferred Payment Agreement shall provide that service will not be discontinued for the outstanding bill if the customer pays a stated reasonable amount of the outstanding bill and agrees to pay a stated reasonable portion of the remaining outstanding balance in installments until the bill is paid. In determining what amounts are "reasonable", the District shall consider the:

1. Size of the delinquent account.
2. Customer's ability to pay.
3. Customer's payment history.
4. Time that the debt has been outstanding.
5. Reasons why the debt has been outstanding.
6. Any other relevant factors concerning the circumstances of the customer.

(B) In the Deferred Payment Agreement, it shall state immediately preceding the space provided for the customer's signature and in bold face print at least two sizes larger than any other used thereof, the following:

IF YOU ARE NOT SATISFIED WITH THIS AGREEMENT, DO NOT SIGN. IF YOU DO SIGN THIS AGREEMENT, YOU GIVE UP YOUR RIGHT TO DISPUTE THE AMOUNT DUE UNDER THE AGREEMENT EXCEPT FOR THE UTILITY'S FAILURE OR REFUSAL TO FOLLOW THE TERMS OF THIS AGREEMENT.

(C) A Deferred Payment Agreement shall not include a finance charge.

(D) If an applicant for service has not fulfilled the terms of a Deferred Payment Agreement, the Utility shall have the right to disconnect service or refuse service in accordance with these rules. Under such circumstances, it shall not be required to offer subsequent negotiations of a Deferred Payment Agreement prior to disconnection.

(E) Any payments made by the customer in compliance with a Deferred Payment Agreement, or otherwise, shall be first considered made in payment of the previous account balance with any remainder credited to the current bill.

**(4) Penalties For Nonpayment And Collection of Unpaid Bills.** A late payment charge of one and one-half percent (1-1/2%) per month compounded monthly will be added to bills not paid within twenty (20) days after issuance or by due date, whichever is later. All unpaid bills for water service which are due and outstanding as of October 15 shall be collected by the Town Treasurer in the manner provided by Section 66.069(1)(a), Stats. The additional penalty provided by Section 66.069(1)(b), Stats., shall apply to any delinquent amount due.

**(5) Disconnection And Refusal Of Service.**

(A) Reasons for Disconnection. Service may be disconnected or refused for any of the following reasons:

1. Failure to pay a delinquent account or failure to comply with the terms of a Deferred Payment Agreement.

2. Violation of the District's rules and regulations pertaining to the use of service in a manner which interferes with the service of others or to the operation of nonstandard equipment, if the customer has first been notified and provided with reasonable opportunity to remedy the situation.

3. Failure to comply with deposit or guarantee.

4. Diversion of service around the meter.

5. Violation of any provision of this Ordinance.

(B) Disconnection For Delinquent Accounts.

1. A bill for service is delinquent if unpaid after the due date shown on the bill. The District may disconnect service for a delinquent bill by giving the customer a written disconnect notice at least eight (8) calendar days prior to disconnection, which may be included with the bill for service. For purposes of this rule, the due date shall not be less than twenty (20) days after issuance. A charge will be collected in advance before service is reconnected for a customer who has been disconnected for nonpayment pursuant to the rates and rules on file with the PSC.

2. The District may disconnect without notice where a dangerous condition exists for as long as the condition exists. Service may be denied to any customer for failure to comply with the applicable requirements of the rules and regulations of the PSC or of these rules and regulations, or if a dangerous or unsafe condition exists on the customer's premises.

**(6) Dispute Procedures.**

(A) Whenever the customer advises the District prior to the disconnection of service that all or part of any billing as rendered is in dispute, or that any matter related to the disconnection is in dispute, the District shall investigate the dispute promptly and completely, advise the customer of the results of the investigation, attempt to resolve the dispute, and provide the opportunity for the customer to enter into a Deferred Payment Agreement when applicable in order to settle the dispute.

(B) After the customer has pursued the available remedies with the Utility, he may request that the PSC's staff informally review the disputed issue and recommend terms of settlement.

(C) Any party to the dispute after informal review may make a written request for a formal review by the Commission. If the Commission decides to conduct a formal hearing on the dispute, the customer shall pay 50% of the bill in dispute or post a bond for that amount on or before the hearing date. Failure to pay the amount or post the bond will constitute a waiver of the right to a hearing.

(D) Service shall not be disconnected because of any disputed matter while the disputed matter is being pursued under the disputes procedure. In no way does this relieve the customer from the obligation of paying charges which are not disputed.

(7) **Form Of Disconnection Notice.** The form of disconnection notice shall be in accord with the Rules of the PSC.

(8) **Reconnection Charges.** When the District reconnects service, the customer shall pay a charge pursuant to the rates and rules on file with the PSC which is filed with and approved by the PSC. No reconnection charge will be applied to the customer if disconnection occurred solely because of general operation and was in no way a result of circumstances specific to the customer or property involved.

## **SECTION 1.12 WATER SERVICE CHARGES**

(1) **General Service Charges -- Metered.** The water service charge to each unit of service shall consist of a minimum quarterly charge and an output charge pursuant to the rates and rules on file with the PSC.

(2) **Building and Construction Water Service Charges.** Metered service rates set forth above in Section 1.12(1) shall apply to water service supplied during the building and construction period. Where service is furnished prior to meter installation, the minimum quarterly charge will be applied until permanent service is established.

(3) **General Water Service -- Unmetered.** Where the water meter cannot be installed immediately, service may be supplied temporarily on an unmetered basis. Such service shall be billed pursuant to the rates and rules on file with the PSC.

(4) **Failure to Read Meters.** Where the District is unable to read a meter after two successive attempts, the fact will be plainly indicated on the bill, and the minimum charge applied. The difference shall be adjusted when the meter is again read, that is, the bill for the succeeding quarter will be computed with the gallons or cubic feet in each block of the rate schedule doubled and credit will be given on that bill for the amount of the minimum bill paid the preceding month. Only in unusual cases or where approval is obtained from the customer shall more than two consecutive estimated bills be rendered. If the meter is damaged or fails to operate, the bill will be based on the average use during the past year unless there is some reason why the use is not normal. Such average use shall be the average of the most comparable recent quarter. If the customer has been a customer for less than one year, then such average use shall be the average of the available consumption history.

(5) **Charges for Water Wasted Due to Leaks.** Water losses that occur on the premises, which are registered by the water meter, shall be the responsibility of the customer. If a leak unknown to the customer is found in an appliance or the plumbing, the District may estimate the water so wasted and bill for it an adjusted reduced rate if such a reduced rate is authorized by the District's rules as filed with the PSC. No adjustments will be made for water supplied after the customer has notice of the leak and has had an opportunity to correct the condition. It is the sole responsibility of the customer to prevent leakage in all piping and fixtures on the premises at and beyond the metering point. The District shall inform each customer at least once each year that it is the sole responsibility of the customer to prevent leakage in all piping and fixtures on the premises at and beyond the metering point, and that any leaks or other losses of water, registered by the meter will be billed at the filed rates.

#### **SECTION 1.13 FIRE PROTECTION SERVICE**

The District shall provide public fire protection service to portions of the Town of Burke. The annual charge for such services shall be set pursuant to the rates and rules on file with the PSC.

#### **SECTION 1.14 WATER SERVICE TO PUBLIC BUILDINGS**

(1) Water service supplied to public buildings, schools, etc., shall be metered and the regular service rates applied.

(2) Water used for other public purposes such as flushing sewers, street sprinkling, flooding skating rinks, drinking fountains, filling swimming pools, etc., shall be metered where meters can be set to measure the service. Where it is impossible to

measure the service, the gallons of water used shall be estimated, based on the pressure, size of opening, and period of time water is allowed to flow. The estimated quantity shall be billed pursuant to the rates and rules on file with the PSC.

#### **SECTION 1.15      CLAIMS FOR DAMAGES**

(1) No person shall make a claim for damage against the District, or any officer, employee or agent thereof, or for damage to any pipe fixture or appurtenance by reason of interrupted water supply, or variation of pressure, or for damage of any nature whatsoever caused by the turning off, or turning on either wholly or partially, of the water supply, or for the extension, alteration, or repair of any water main on the premises' water supply, or for the discontinuance of the premises' water supply or for the violation of any rules or regulations of the District. No claims will be allowed against the District on account of the interruption of the water supply caused by the breaking of pipes or machinery, or by stoppage for repairs on account of fire or other emergency, and no claim shall be allowed for any damage caused by the breakage of any pipe or machinery.

(2) Owners or operators of motor vehicles will be held for the cost of repair of any hydrant damaged by being hit by a motor vehicle and the District will not be responsible for the damage to the motor vehicle by reason of such accident.

(3) Subject to the provisions of applicable law, contractors must ascertain for themselves the existence and location of all water mains and service pipes. Where they are removed, cut or damaged during any construction, the contractor must at his own expense cause them to be replaced or repaired at once; and must not shut off the water service pipes from any consumer for a period exceeding six (6) hours.

#### **SECTION 1.16      ENFORCEMENT AND ABATEMENT**

(1) **Notice of Violation and Special Order of Remedy of the District.** Any person found in violation of this Ordinance or of any prohibition, limitation, or requirement contained therein, will be served by the Commission with a written notice stating the nature of the violation and issuing a special order for the appropriate remedy thereof. Such notice shall be given in the manner provided for by law.

**(2) Appeal Procedure.**

(A) Appeal to the Commission. Any person who objects to any action or decision of the Commission or its designate shall first appeal to the Commission for reconsideration.

1. A written notice of appeal shall be filed with the secretary of the Commission within thirty (30) days of the date of the action or decision appealed from.

2. The notice of appeal shall state the action or decision of the Commission or its designate appealed from.

3. The secretary of the Commission shall schedule the appeal for consideration by the Commission at a meeting, open to the public, within thirty (30) days of the filing of the notice of appeal. The secretary shall send notice of the time scheduled for the consideration of the appeal to the appellant at least ten (10) days prior to the hearing.

4. Within thirty (30) days of the appeal hearing, the Commission shall affirm, modify, or reverse the action or decision. Notice of the final decision of the Commission shall be sent to the appellant.

(B) Application of Chapter 68 of the Wisconsin Statutes. The provisions of Chapter 68 of the Wisconsin Statutes shall not be applicable to any determination made pursuant to the provisions of this Ordinance.

**(3) Penalties for Violations.** Any person who fails to comply with the provisions of this Ordinance or any rule or order issued pursuant thereto shall, upon conviction thereof, forfeit not less than ten dollars (\$10) nor more than one thousand dollars (\$1,000) for each day such failure continues, plus the costs of prosecution. In addition to said forfeiture, the remedial provisions of Chapter 823 of the Wisconsin Statutes relating to public nuisances are incorporated and adopted herein by reference and shall be enforced when applicable.

**(4) Falsifying of Information.** No person shall knowingly make any false statement, representation, record, report, plan, or other document filed with the District. Any person who violates this provision shall be subject to the penalties imposed under Section 1.16 of this Ordinance.

## SECTION 1.17 PRIVATE WELL ABANDONMENT.

(1) **Purpose.** The purpose of this Section 1.17 is to prevent contamination of groundwater and to protect public health, safety and welfare by assuring 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 District's water system, are properly abandoned.

(2) **Applicability.** This Section 1.17 applies to all wells located on premises served by the District's water system.

(3) **Definitions.** The following definitions shall be applicable in this Section 1.17.

- (A) Municipal Water System. A system for the provision to the public of piped water for human consumption when such system has at least fifteen (15) service connections or regularly serves at least twenty-five (25) year-round residents owned or operated by the city, village, county, town, town sanitary district, utility district or public institution as defined in Sec. 49.10(12)(f)1., Wis. Stats., or a private owned water utility serving any of the above.
- (B) Noncomplying. A well or pump installation which does not comply with the provisions of Ch. NR 812, Wis. Admin. Code in effect at the time the well was constructed, a contamination source was installed, the pump was installed, or work was done on either the well or pump installation.
- (C) Pump Installation. The pump and related equipment used for withdrawing water from a well including the discharge piping, the underground connections, pitless adapters, pressure tanks, pits, sampling faucets and well seals or caps.
- (D) Unsafe. A well or pump installation which produces water which is bacteriologically contaminated or contaminated with substances in excess of the standards of Chs. NR 809 or 140, Wis. Adm. Code, or for which a Health Advisory has been issued by the Department of Natural Resources.
- (E) Unused. A well or pump installation which is not in use or does not have a functional pumping system.



- (F) Well. 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.
- (G) Well Abandonment. The filling and sealing of a well according to the provision of Ch. NR 812, Wis. Adm. Code.

(4) **Abandonment Required.** All wells located on premises served by the District's municipal water system shall be abandoned in accordance with the terms of this Ordinance and Ch. NR 812, Wis. Adm. Code, no later than one (1) year from the date of connection to the District's municipal water system, unless a well operation permit has been obtained by the well owner from the Town.

(5) **Well Operation Permit.** The Town may grant a permit to a private well owner to operate a well for a period not to exceed five (5) years provided the conditions of this Section 1.17 are met. An owner may request renewal of a well operation permit by written application, submitting information verifying that the conditions of this Section are met. The Town 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 or renewal application. Permit and renewal applications shall be made on forms provided by the Town Clerk or designee. The following conditions must be met for issuance or renewal of a well operation permit:

- (A) The well and pump installation meet or are upgraded to meet the requirements of Ch. NR 812, Wis. Adm. Code; as certified by a licensed plumber;
- (B) The well construction and pump installation have a history of producing bacteriologically safe water as evidenced by at least two (2) samplings taken a minimum of two (2) weeks apart. No exception to this condition may be made, unless the Department of Natural Resources approves, in writing, the continued use of the well;
- (C) There are no cross-connections between the well and pump installation and the municipal water system; and
- (D) 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.

**(6) Abandonment Procedures.**

- (A) All wells abandoned under this Section 1.17 shall be abandoned according to the procedures and methods of Ch. NR 812, Wis. Adm. Code. all debris, pump, piping, unsealed liners and any 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 Town Clerk at least forty-eight (48) hours prior to commencement of any well abandonment activities. The abandonment of the well shall be observed by a designated representative of the Town and the Utility or an authorized representative of the DNR, or both.
- (C) A complete and signed abandonment report on a form supplied by the Department of Natural Resources, shall be submitted by the well owner to the Town Clerk and the Department of Natural Resources within ten (10) days of the completion of the well abandonment.

**(7) Penalty.**

- (A) If any person fails to comply with this Section 1.17 for more than ninety (90) days after receiving written notice of a violation, the Town may impose a penalty and cause the well abandonment to be performed and the expenses to be assessed as a special tax against the property on which the well is located.
- (B) Any persons requesting a time extension to the 90-day compliance schedule for abandonment shall file a written request with the Town Board, stating the additional time requested and the reasons for the request. Such request shall be filed with the Town Board within 30 days of receiving written notice of a violation, and the town Board shall act on the request within 30 days of receipt. In the event of Town Board denial of the request, the original 90 day compliance schedule for abandonment shall remain in effect.

**SECTION 1.18 SEVERABILITY OF PROVISIONS**

If any section, sub-section, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by reason of any decision of any court

of competent jurisdiction, such decision shall not affect the validity of any other section, sub-section, sentence, clause or phrase or portions thereof.

#### SECTION 1.19 CONFLICT AND INTENT

In the event of any conflict between the rules and regulations of the District as on file with the PSC and the provisions of this Ordinance, the filed rules and regulations so filed shall control in all respects. It is the intent of the Commission of the District in enacting this Ordinance, that it supplement in all respects such filed rates and regulations.

#### SECTION 1.20 EFFECTIVE DATE

This Ordinance shall be effective after adoption by the Town Board and its posting or publication as required by applicable law.

BY ORDER OF THE TOWN BOARD FOR THE TOWN  
OF BURKE d/b/a BURKE UTILITY DISTRICT NO. 1,  
TO-WIT:

By: David C. Wiganowsky  
Chairperson

Attest: Ang V. Kham  
Clerk

[Signature]  
Commissioner

Date of Adoption: Oct 8, 1997

Published: Oct 15, 1997