

CHAPTER 14
WATER SYSTEM

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14.01 DEFINITIONS.

(1) **CROSS CONNECTION.** Means any connection between two (2) otherwise separate systems, one of which contains potable water from a public water system and the other water from a private source, water of unknown or questionable safety or steam, gases or chemicals, whereby there may be a flow from one system to the other, the direction of flow depending on the pressure differential between the two (2) systems.

(2) **DISTRICT.** The Bellevue Sanitary District #1, of the Town of Bellevue, Brown County, Wisconsin. For purposes of this ordinance, "District" shall also mean any portion of an adjacent city, village or town to which the District supplies water service through intergovernmental agreement or other arrangement.

(3) **LATERAL.** That portion of a water line serving a property which is located between the curb stop and the building served.

(4) **PRIVATE WATER SYSTEM.** Means a privately owned water main serving two (2) or more buildings and not directly controlled by the District.

(5) **WATER SYSTEM.** All property, real and personal, owned, maintained and operated by the District. Such property shall include, but is not limited to; water mains, service laterals, curbstops, hydrants, valves, wells, pumps, tanks and other related appurtenances and devices.

(6) **WATER SERVICE.** That portion of a water line serving a property which is located between the main, and up to and including the curb stop.

14.02 MANAGEMENT AND CONTROL. (1) The management, operation, and control of the water system of the District is vested in the Board of Commissioners of said District: all records, minutes, financial records, and all written proceedings thereof shall be kept by the Secretary of the District.

(2) The District shall have the power to construct a water system for public use, and shall have the power to lay water mains and related appurtenances in and through the streets, easements and other public rights-of-way; and generally, to undertake all such work as may be found necessary or convenient in the management of the water system. The District shall have power by themselves, their officers, agents, and employees to enter upon any land for the purpose of making examination or to supervise in the performance of their duties under this ordinance, without liability therefore; and the District shall have the power to purchase and acquire for the District all real and personal property which may be necessary for construction of the water system, or for any repair, or additions thereto.

(3) **Condemnation of Real Estate.** Whenever any real estate or any easement therein, or use thereof, shall in the judgement of the District be necessary to the water system; and whenever, for any cause, an agreement for the purchase thereof cannot be made with the owner thereof, the District shall proceed with all necessary steps to take such real estate easement, or use by condemnation in accordance with Wisconsin Statutes.

(4) **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 said water system, and all buildings, machinery, and fixtures pertaining thereto, shall be the property of the said District.

14.03 USER RULES AND REGULATIONS. (1) The rules, regulations and water rates hereinafter set forth in this ordinance shall be considered a contract with every person, company, or corporation who is connected to the water system and every such person, company, or corporation by connection to the water system shall be considered as expressing his or their agreement to be bound thereby. Whenever any of said rules and regulations, or such others as the said District may hereafter adopt are violated, the service shall be shut off from the building or place of such violation (even though two or more parties are receiving service through the same connection) and shall not be re-established except by order of the District, and on payment of all arrears, the expenses and established charges of shutting off and putting on, and such other terms as the District may determine, and a satisfactory understanding with the party that no further cause for complaint shall arise. The right is reserved by the District to change the said rules, regulations, and water rates from time to time as they may deem advisable; and to make special rates and contracts in all proper cases, all subject to the authority of the Wisconsin Public Service Commission.

14.04 UTILITY RESPONSIBILITY. It is expressly stipulated that no claim shall be made against the District or its officers or duly authorized representatives 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 cut off the 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 area of the District, the District shall, if practicable, give notice to each and every consumer within said District, of the time when such service will be so shut off.

14.05 CONTROL OF WATER SERVICE. Except for duly authorized District personnel, and persons, firms and corporations working under the direct supervision of the District, no person shall, and no person, firm or corporation shall allow or permit any employee, representative or other person under his or its supervision, control or direction to:

- (1) Turn water on or off at any water service curb stop, unless previously authorized to do so by a representative of the District.
- (2) Use water for construction purposes without first obtaining written approval from the Bellevue Water Department and only under direct supervision of Bellevue Water Department personnel.
- (3) Break, tamper with, or remove any meter seal.
- (4) Remove, relocate, disconnect, or alter any water meter or remote meter register head.
- (5) Open, use water from, or tamper with any fire hydrant or valve, or use any fire hydrant for a purpose other than fire containment except that authorized Town employees may use such hydrants for the cleaning and flushing of streets or sewers.

(Revisor's Note. Chap. 14.05, as amended, was previously enacted on 9-13-95 as Chap. 9.12).

14.06 PLUMBERS. No plumber, pipe fitter, or other person will be permitted to do any plumbing or pipe fitting work in connection with the water system without first receiving a license from the State of Wisconsin.

14.07 EXCAVATIONS. (1) Permit Required. No person, firm or corporation shall excavate within any public right-of-way or easement without first obtaining a permit as required by Chap. 8.12 of this Code of Ordinances.

(2) In making excavations in streets or highways for laying service pipe or making repairs, the paving and earth removed must be deposited in a manner that will occasion the least inconvenience to the public.

(3) No person shall leave any such excavation made in any street or highway open at any time without barricades; and during the night, warning lights must be maintained at such excavations.

(4) In refilling the opening, after the service pipes are laid, the earth must be laid in layers of not more than nine inches in depth, and each layer thoroughly compacted to prevent settling. This work, together with the replacing of sidewalks, ballast and paving, must be done so as to make the street as good, at least, as before it was disturbed, and satisfactory to the District.

(5) Guarantee. Any person, firm or corporation who excavates in the right-of-way shall be responsible to repair any trench which settles within three (3) years from completion of the work.

14.08 TAPPING THE MAINS. (1) No persons, except those having special permission from the District, or persons in their service and approved by them, 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 said District.

(2) Pipes should be tapped on the top half of the pipe, and not within eighteen inches of a joint, or within 24 inches of another connection.

14.09 INSTALLATION OF WATER SERVICE LINES AND LATERALS. (1) Permit Required. No person shall install any water service line or lateral without first having obtained a permit from the District.

(2) Where possible, water service lines extending from the main to the property line shall be installed at the time of installation of the water main to eliminate the necessity for subsequent street openings. The cost thereof may be levied as a special assessment against the property served by such lateral along with the assessment for the installation of the water mains.

(3) All water laterals, whether underground or within a structure, will be installed in accordance with State of Wisconsin Administrative Code, Chapter COMM 82, "Design, Construction, Installation, Supervision and Inspection of Plumbing"; and more specifically Section COMM 82.40, "Water Supply Systems."

(4) The building's water lateral shall be inspected upon completion of placement of the pipe and before backfilling and tested before or after backfilling.

(5) In addition to (3) and (4) above, all private water mains must be installed in accordance with standards adopted by the District.

14.10 METERS. (Amended 2-25-04) (1) Required. No lateral, or any other means of connection to the water system, shall be allowed unless said connection is metered.

(2) When Installed. Meters must be installed prior to activation of the water service at the property line, or upon grant of occupancy permit, whichever occurs first. Once the meter is installed, all applicable meter and service charges will commence even if no water is being drawn through the meter.

(3) Location of Meter. It shall be the duty of the owner of any premises to provide a location for a water meter, and to maintain such locations and passageway thereto, clean and sanitary and free from any obstruction or any conditions of a hazardous nature. No connection for water meters shall be installed in any location not easily accessible, or which is or may be, unclear, unsanitary, or in any manner unsafe to utility employees in the discharge of their duties.

(4) Number of Meters Permitted. Except as provided for below, only one meter shall be permitted per building. Exceptions:

(a) Duplexes. Duplex structures consisting of two separate living units are allowed one meter for each living unit.

(b) Second Meters. Second meters are meters used for purposes of separately accounting for water which has no means by which to enter or infiltrate the sanitary sewer system. Allowance for second meters shall be strictly limited due to water conservation needs identified by the Central Brown County Water Authority (CBCWA), of which the Village is a Charter Member, and whose goals are incorporated into the CBCWA Water Conservation Plan, and, by the legal restrictions imposed on the Village Water Utility by the State Public Service Commission. In any event, permits for second water meters shall be issued at the sole discretion of the Village Administrator if it is determined that water usage is essential to the economic livelihood of the requesting entity, and in all instances on a case-by-case basis. They may only be permitted using the following guidelines:

1. Businesses that use water as a primary element of their manufacturing and/or commercial processes.
2. Agricultural purposes.

Prior to installation of a second meter, the Village will inspect plumbing to verify that the service cannot be diverted for uses in which it would be discharged into the sanitary sewer system.

In keeping with the CBCWA Water Conservation Plan and PSC guidelines for water sales and service, by June 1, 2004, the Village shall have completed a review of each currently existing second water meter in use. At that time, if the Village Administrator determines a second water meter is not essential to the economic livelihood of the entity using said second water meter, the holder of said meter may request that the Village remove the meter, at which time the Village will reimburse the holder the cost of said second water meter, or, the holder may leave the second meter in place, at which time the Village shall charge the holder the normal water rate for its customers.

(5) Meter Removal and Termination of Service. (a) No water meter, once installed, shall be removed unless the water service to which it is attached is abandoned or modified to ensure that unmetered water cannot be obtained from it. Based on an inspection of the premises, the Village shall determine what method of abandonment or modification is acceptable, and shall not remove the meter until the work is completed.

(b) If water and/or sanitary sewer services are being abandoned because the structure they served is being demolished, said services must be permanently abandoned by disconnecting and capping the services at the property line prior to commencement of any demolition work. The responsibility for arranging the abandonment and cost thereof is the responsibility of the property owner.

14.11 WATER SERVICE RATES (Amended 2-25-04). (1) The Village water service rates, and other charges, shall be as set forth in the current rate certification and order as approved by the Wisconsin Public Service Commission. Said rate certification and order shall be on file with the Village and open for public inspection.

14.12 MANDATORY CONNECTION. (1) The owner of each parcel of land adjacent to a water main on which there exists a building useable for human habitation or in a block through which such system is extended, shall connect to such system within ten (10) days from the date of official notification, unless a longer time period is provided for in said notice. Upon failure to do so, the District may cause such connection to be made and bill the property owner for such costs. If such costs are not paid within thirty (30) days, they shall be assessed as a special tax lien against the property, all pursuant to sec. 281.45 Wisconsin Statutes provided, however, that the owner may within thirty (30) days after the completion of the work file a written request with the District Secretary stating that he cannot pay such amount in one sum and ask that they be levied in not to exceed five (5) equal installments and that the amount shall be so collected with interest at a rate not to exceed of 15% per annum from the completion of the work, the unpaid balance being a special tax lien, all pursuant to Section 281.45 Wisconsin Statutes.

(2) In lieu of the above, the District, at its option, may impose a penalty for the period the violation continues, after ten (10) days written notice to any owner failing to make a connection to the water system in an amount of \$100 to \$1000 per month for the period in which the failure to connect continues, and upon failure to make such payment said charge shall be assessed as a special tax lien against the property, all pursuant to Section 281.45 Wisconsin Statutes.

(3) This ordinance ordains that the failure to connect to the water system is contrary to the minimum health standards of said District and fails to assure preservation of public health, comfort, and safety of said District.

14.13 WELL ABANDONMENT. See sec. 11.03 of this Code of Ordinances.

14.14 MAINTENANCE OF SYSTEM. All water services within the limits of the District from the main to the property line, and including all controls between the same, will be maintained by the District without expense to the property owner, except when they are damaged as 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 District to and throughout the premises must be maintained free of defective conditions, by and at the expense of the owner or occupant of the property.

14.15 PAYMENT OF BILLS. (1) Failure to Receive Bill; No Penalty Exemption. Every responsible care will be exercised in the proper delivery of water bills. Failure to receive a water bill, however, shall not relieve any person of the responsibility for payment of water rates within the prescribed period, nor exempt any person from any penalty imposed for delinquency in the payment thereof.

(2) Billing. The property owner is held responsible for all water bills on premises that he owns.

(3) Penalties. A late payment charge of 3% per quarter will be added to bills not paid within 20 days of issuance and will be applied to the total unpaid balance including unpaid late payment charges.

(4) Service Credits. Credits will not be granted for any reason, to include unintentional water loss through leaks or other means, for filling of pools, for establishment of new lawns, when a service is not being utilized on a temporary basis, or any other similar circumstance. This ordinance recognizes that even if water is unintentionally consumed, that expense is still incurred by the District for provision of the water and conveyance of it from the site through the sanitary sewer system. This policy further recognizes that the District's responsibility and ownership terminates at the property line, and that building owners are responsible for the maintenance of all on-site plumbing systems.

14.16 PENALTY FOR IMPROPER USE. (1) It shall be unlawful for any person to willfully pollute or otherwise injure any water supplied by the water system.

(2) Cross-connections are not permitted between the water utility system and any other source of water as set forth in Wisconsin Administrative Code NR 811.09 and COMM 82.41, and Chap. 11.05 of this Code of Ordinances.

(3) All private wells which are unused, unsafe or do not comply with appropriate Wisconsin Administrative Code and Chap. 11.03 of this Code of Ordinances must be abandoned or permitted in compliance with Section NR 811.10 of the Code and Chap. 11.03 of this Code of Ordinances.

14.17 DAMAGE RECOVERY. The District shall have the right of recovery from all persons, any expense incurred by said District for the repair or replacement of any water pipe, curbstop, gate valve, hydrant, or valve box damaged in any manner by any person by the performance of any work under their control, or by any negligent act. Owners or operators of motor vehicles will be held liable for the cost of repair of any hydrant damaged by them and the utility will not be responsible for the damage due the motor vehicle by reason of such accident.

14.18 MISCELLANEOUS RULES AND REGULATIONS. (1) User to Keep in Repair. All users shall keep their own service pipes and valves in good repair and protected from frost, at their own risk and expense, and shall prevent any unnecessary waste of water.

(2) User to Permit Inspection. Every user shall permit the District or their duly authorized agent, at all reasonable hours of the day, to enter their premises or building to examine the pipes and fixtures and the manner in which the water is used, and they must at all times, frankly and without concealment, answer all questions put to them relative to its use.

(3) Charges are a Lien on Property. 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. All sums which have accrued during the preceding year, and which are unpaid by the first day of October of any year, shall be certified to the Bellevue Town Clerk to be placed on the tax roll for collection as provided by Section 66.0809(3) of Wisconsin Statutes.

(4) Adoption of Other Rules. There is hereby adopted all the rules and regulations of the State Plumbing and State Building Codes and the building rules of the Department of Commerce; and the Department of Natural Resources of the State of Wisconsin, insofar as the same are applicable to the District of the Town of Bellevue, Brown County, Wisconsin.

(5) If any Wisconsin Statute or any provision of the Wisconsin Administrative Code conflicts with any section of this ordinance, the State Statute or Administrative Code regulation shall control.

14.19 LIMITS OF WATER AND SANITARY SEWER UTILITY SERVICE IN UNINCORPORATED AREAS. (1) The District shall provide service to the following unincorporated areas:

(a) That part of the Town of Ledgeview lying generally along the south side of Big Creek Road, and to the east of Glenmore Road, and as more specifically described in an intergovernmental agreement adopted and entered into by and between the Town of Bellevue, the Bellevue Sanitary District #1, the Town of Ledgeview and the Ledgeview Sanitary District #1 dated January 24, 2002.

(2) The District, as provided for by sec. 66.0813(3)(a), Wisconsin Statutes, has no obligations to provide service to any unincorporated area not listed in para. (1) above.

14.20 PENALTY. Except as otherwise provided herein, any person who shall violate any provision of this chapter, or any regulation, rule or order made hereunder, or permit or cause a public nuisance, shall be subject to a penalty as provided in §25.04 of this Code of Ordinances. This, however, shall not bar the District from enforcing the connection duties set out in Chap. 14.12 for mandatory connection.