

## **Article B: Rules and Regulations**

### **Sec. 9-1-20 Compliance with Rules.**

All persons now receiving a water supply from the City of Onalaska water utility, or who may hereafter make application therefor, shall be considered as having agreed to be bound by the rules and regulations as filed with the Public Service Commission of Wisconsin.

### **Sec. 9-1-21 Establishment of Service.**

- (a) Application for water service shall be made in writing on a form furnished by the Inspection Department . The application will contain the legal description of the property to be served, name of the owner, the exact use to be made of the service, and the size of the supply pipe and meter desired. (Note particularly any special refrigeration and/or air-conditioning water-consuming appliances.
- (b) Service will be furnished only if:
  - (1) Premises have a frontage on a properly platted street or easement in which a ductile iron or other long-life water main has been laid, or where property owner has agreed to and complied with the provisions of the City specifications.
  - (2) Property owner has installed or agrees to install a service pipe from the curb line to the point of use, and laid not less than six (6) feet below the surface of an established or proposed grade, and according to utility's specification, and
  - (3) Premises have adequate piping beyond metering point.
- (c) 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 the other units. Each meter and meter connection will be a separate water utility customer for the purpose of the filed rules and regulations.
- (d) No division of the water service of 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 for separate supplies therefrom for two (2) or more separate premises having frontage on any street or easement whether owned by the same or different parties, unless approved by City Engineer and each metered location has an individual curb stop shut off.
- (e) The City Engineer is hereby empowered to withhold approval of any application wherein full information of the purpose of such supply is not clearly indicated and set forth by the applicant property owner.
- (f) Accounts shall be maintained and billed in the name of the property owner after April 1, 2013 unless otherwise required by Statute or Administrative Code.

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#### **Sec. 9-1-22 Service Contract.**

- (a) The minimum service contract period shall be one (I) year unless otherwise specified by special contract or in the applicable rate schedule. Where the Utility service has been disconnected at the customer's request prior to expiration of their minimum contract period, a reconnection charge shall be made, payable in advance, when the customer requests reconnection of service. (See Section 9-1-9 for applicable rate.) The minimum contract period is renewed with each reconnection.
- (b) A reconnection charge shall also be required from consumers whose services are disconnected (shut off at curb stop) because of non-payment of bills when due . (See Section 9-1-9 for applicable rate.)
- (c) A consumer shall be considered as the same consumer provided the reconnection is requested for the same location by any member of the same family, or if a place of business, by any partner or employee of the same business.

#### **Sec. 9-1-23 Temporary Metered Supply, Meter and Deposits.**

An applicant for temporary water supply on a metered basis shall make and maintain a monetary deposit 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. A charge shall be made for setting the valve and furnishing and setting the meter. (See Section 9-1-13 for applicable rate.)

#### **Sec. 9-1-24 Water for Construction.**

- (a) When water is requested for construction purposes, or for filling tanks or other such uses, an application therefor shall be made to the Utility, in writing, upon application provided for that purpose in the Water Department office. Payment for the water for construction shall be as billed at the scheduled rates. The service pipe must be installed inside the building from where the water must be drawn. No connection with the service pipe at the curb shall be made without special permission from the Utility.
- (b) In no case will any employee of the utility 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 Utility, together with a statement of the actual amount of construction work performed.
- (c) Property owners shall not allow contractors, masons or other persons to take water from their premises prior to installation of a utility meter. Any consumer failing to comply with this provision will have water service discontinued.

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#### **Sec. 9-1-25 Use of Hydrants for Construction; Temporary Supply.**

- (a) In cases where no other supply is available, permission may be granted by the Utility to use a hydrant. No hydrant shall be used until it is equipped with a Reduced Pressure Zone ("RPZ"). In no case shall any RPZ be moved except by a member of the Utility.
- (b) Before a RPZ is set, payment must be made for its setting and for the water to be used at the scheduled rates. See Section 9-1-14 for applicable deposits and charges. Upon completing use of the hydrant, the customer must notify the Utility to that effect.
- (c) In the use of a hydrant supply, the hydrant valve will be set at the proper opening by the Utility when the RPZ is set, and the flow of water must be regulated by means of the ball valve.

#### **Sec. 9-1-26 Operation of Valves and Hydrants; Unauthorized Use of Water; Penalty.**

Any person who shall, without authority of the Utility, allow contractors, masons, or other unauthorized persons to take water from their premises, operate any valve connected with the street or supply mains, or open any fire hydrant connected with the distribution system, except for the purpose of extinguishing fire, or who shall wantonly damage or impair the same shall be subject to a fine as provided by municipal ordinances.

#### **Sec. 9-1-27 Refunds of Monetary Deposits.**

All moneys deposited as security for payment of charges arising from the use of temporary water supply on a metered basis, or for the return of a RPZ, if the water is used on an unmetered basis, will be refunded to the depositor on the termination of the use of water, the payment of all charges levied against the depositor, and the return of the wheel and reducer.

#### **Sec. 9-1-28 Service Connections (or Water Laterals).**

- (a) No water service shall be laid through any trench having cinders, rubbish, rock or gravel fill, or any other material which may cause injury to or disintegration of the service pipe, unless adequate means of protection are provided by sand filling or such other insulation as may be approved by the Utility. Service pipes passing through curb or retaining walls shall be adequately safeguarded by provision of a channel space or pipe casing, not less than twice the diameter of the service connection. The space between the service pipe and channel or pipe casing shall be filled and lightly caulked with a mastic cement, or other resilient material, and made impervious to moisture.
- (b) In backfilling the pipe trench, the service pipe must be protected against injury by carefully hand tamping the ground filling, free from hard lumps, rocks, stones, or other injurious material, around and at least six (6) inches over the pipe.

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- (c) All water supplies shall be of undiminished size from the street main in to 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. All such service shall comply with the provisions of the State Plumbing Code and shall be inspected by the Plumbing Inspector.
- (d) Water service from the main to the curb stop shall use type "K" copper for three-fourths (3/4) inch to two (2) inch diameter pipe. The type of pipe for installations in excess of two (2) inches shall be determined by the City of Onalaska. All water services from the main to the meter stops for new construction shall be a minimum of one (1) inch. All water services from the curb stop to the meter, whether new or replacement, shall be one (1) inch.
- (e) All water laterals installed within the City right of way or easement must be installed to current City of Onalaska specifications.
- (f) If the property owner changes use of property currently receiving water service and such as a result of such change water service will no longer be needed in the future, the City Engineer may require abandonment of the water service at the main. Property owner shall be responsible for all costs for removal.

### **Sec. 9-1-29 Service Piping for Meter Settings.**

- (a) In cases where a new customer whose service is to be metered installs the original service piping or where an existing metered customer changes his service piping for his own convenience, or where an existing flat rate customer requests to be metered, the customer shall, at his expense, provide a suitable location and the proper connections for the meter. The Water Utility should be consulted as to the type and size of meter setting. Where it is possible to set meters in the basement, or other suitable place within the building, a short nipple shall be inserted after the stop and waste cock, then a union, and then another nipple and coupling of the proper length. The nipple attached to the union and coupling shall be cut to a standard length provided by the plans of the Utility (it may require a horizontal run of eighteen (18) inches in such pipe line) which may later be removed for the insertion of the meter into the supply line.
- (b) No permit will be given to change from metered to flat rate service.

### **Sec. 9-1-30 Turning on Water.**

The water cannot be turned on for a consumer except by a duly authorized employee of the utility. When a plumber has completed a job, he must leave the water turned off. This does not prevent the plumber from testing the work.

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#### **Sec. 9-1-31 Failure to Read Meters.**

- (a) Where the utility is unable to read a meter after two (2) successive attempts, the fact will be plainly indicated on the bill, and either an estimated bill will be computed, or 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.
- (b) If the meter is damaged (see Surreptitious Use of Water) 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. If the average use cannot be properly employed, the bill will be estimated by some equitable method.

#### **Sec. 9-1-32 Complaint Meter Tests.**

See Wis. Adm. Code, Chapter PSC 185.77.

#### **Sec. 9-1-33 Thawing Frozen Services.**

See Wis. Adm. Code, Chapter PSC 185.89.

#### **Sec. 9-1-34 Stop Boxes.**

The property owner shall protect the stop box in the terrace and shall keep the same free from dirt and other obstructions. The utility shall not be liable for failure to locate the stop box and shut off the water in case of a leak on the consumer's premises.

Stop box shall be set to flush grade with finished elevations and be operable prior to occupancy of any new structure. If installation falls within concrete or asphalt, stop box must be protected by a Utility provided sleeve.

#### **Sec. 9-1-35 Installation of Meters.**

Meters will be furnished and placed by the utility in replacement applications, meters will be furnished to a licensed plumber for installation in new locations. Meters are not to be disconnected or tampered with by the consumer or property owner. All meters shall be so located that they shall be protected from obstructions and permit ready access, defined as a three foot by three foot clear are, six feet in height, thereto for reading, inspection and servicing, such location to be designated or approved by the Utility. MXU shall have wires to meter securely fastened and MXU shall be installed at highest vertical elevation available. All piping within the building must be supplied by the consumer. (See Section 9-1-15).

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#### **Sec. 9-1-36 Repairs to Meters.**

- (a) Meters will be repaired by the water department and the cost of such repairs caused by ordinary wear and tear will be borne by the utility.
- (b) 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 consumer or the owner of the premises.

#### **Sec. 9-1-37 Replacement and Repair of Service Pipe.**

- (a) The service pipe from the main to and through the curb stop will be maintained and kept in repair and when worn out, replaced at the expense of the utility. The property owner shall maintain the service pipe from the curb stop to the point of use.
- (b) If a consumer fails to repair a leaking or broken service pipe from curb to point of metering or use within such time as may appear reasonable to the Utility after notification has been served on the consumer by the Utility, the water will be shut off and will not be turned on again until the repairs have been completed.

#### **Sec. 9-1-38 Charges for Water Wasted Due to Leaks.**

- (a) At the discretion of the Water Utility Staff and the City Engineer, a one-time per property, per owner, adjustment for verified leaking toilets, broken pipes, irrigation units and stuck valves on water softeners may be made when the overage is at least two (2) times the homeowners' average seasonal usage for that billing period quarter. Verification of the reason for the excess usage of water must be by Utility Personnel or by a Licensed Plumber. The adjusted billing will be based upon a block rate as assigned in PSC table (MG-1). This number will be used with an estimate based on seasonal quarter usage.
- (b) If the reason for excessive water use is not detected or determined to involve any plumbing fixtures or appliances, then the homeowner shall be responsible, regardless of the water used, for the full amount of water consumption listed on the quarterly bill.
- (c) No adjustment will be made or offered from the point the homeowner has been notified of the leak(s) and had the opportunity to make repairs and/or corrections to remedy the condition. Water adjustments will also only pertain to that quarterly billing period and the time of the homeowners' complaint, and will not include prior billing quarters and possible higher consumption during those periods.
- (d) Refer to Wis. Adm. Code, Chapter PSC 185.35(6).

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#### **Sec. 9-1-39 Inspection of Premises.**

During reasonable hours any officer or authorized employee of the utility shall have the right of access to the premises supplied with service, for the purpose of inspection or for the enforcement of the utility's rules and regulations. Once every twelve (12) months the utility will make a systematic inspection of all unmetered water taps for the purpose of checking waste and unnecessary use of water. If entry to the premises is denied, the authorized inspector may seek an inspection warrant pursuant to Sec. 66.0119, Wis. Stats.

#### **Sec. 9-1-40 Customer's Deposits.**

- (a) **New Residential Service.** The utility 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 utility 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.
- (b) **Existing Residential Service.** The utility may require a cash deposit or other guarantee as a condition of continued service if, and only if, either or both of the following circumstances apply:
  - (1) Service has been shut off or discontinued within the last twelve (12) months for violation of these rules and regulations or for nonpayment of a delinquent bill for service which is not in dispute.
  - (2) Credit information obtained by the company 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.
- (c) **Commercial and Industrial Service.** If the credit for an applicant for commercial or industrial service has not been established to the satisfaction of the utility, he may be required to make a deposit or otherwise guarantee to the utility payment of bills for service.
- (d) **Conditions of Deposit.** See Wis. Adm. Code, Chapter PSC 185.36(4).
- (e) **Refund of Deposits.** The utility 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 utility shall refund the deposit after twenty-four (24) consecutive months of prompt payment if the customer's credit standing is satisfactory to the company. Payment shall be considered "prompt" if it is made prior to notice of disconnection for nonpayment 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 company agree to credit the regular bill or unless service is terminated, in which case the deposit with accrued interest shall be applied to the final bill and any balance returned to the customer promptly.

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- (f) **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 elsewhere in these rules, shall be paid by the customer as a condition to restoration of service.
- (g) **Guarantee Contracts.**
- (1) The utility may accept, in lieu of a cash deposit, a contract signed by a guarantor satisfactory to the company, whereby payment of a specified sum not exceeding the cash deposit requirement is guaranteed. The term of a guarantee contract shall be two (2) 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 utility.
  - (2) Upon termination of a guarantee contract or whenever the company 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 ten (10) days' written notice, disconnected.
  - (3) The utility 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.
  - (4) 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 utility shall have the right to receive service from the company under a Deferred Payment Agreement as provided in these Rules and Regulations for the outstanding account balance.

### **Sec. 9-1-41 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 (see Sec. PSC 185.38);
  - (2) Delinquency in payment for service received by a previous account holder or customer at the premises to be served, if an account is transferred to a new account holder or customer and the previous account holder or customer continues to be an occupant of the dwelling unit to be served;
  - (3) Failure to pay for an outstanding account balance with the City water utility owing at a previous address and for which there is no agreement or arrangement for payment and it is not in dispute but remains outstanding;
  - (4) Failure to comply with deposit or guarantee arrangements as specified in Sec. PSC 185.36 or 185.361;
  - (5) Diversion of service around the meter;

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- (6) Refusal or failure to permit authorized City water utility personnel to read the meter at least once every 4 months where the utility bills monthly or bimonthly, or at least once every 9 months where the utility bills quarterly or less frequently than quarterly. The 4- or 9- month period begins with the date of the last meter reading;
  - (7) Refusal or failure to permit authorized City water utility personnel access to the base meter;
  - (8) Violation of the City water utility's rules pertaining to the use of service in a manner which interferes with the service of others or to the operation of equipment, if the customer has first been notified and provided with reasonable opportunity to remedy the situation;
  - (9) Failure to comply with Wisconsin Statutes and Public Service Commission rules or orders pertaining to water utility service;
  - (10) Failure to pay costs or fees incurred by and awarded to the City water utility by a court of law, for pursuit of collection of bills, or failure to pay extraordinary collection charges as allowed and specified in the utility's tariffs filed with the Public Service Commission;
  - (11) Failure to comply with the City water utility's rules or if the customer uses a device that unreasonably interferes with communications or signal services used for reading meters;
  - (12) Failure of an applicant for City water utility service to provide adequate verification of identity and residency;
  - (13) Failure of an applicant for City water utility service to provide the information set forth in Sec. PSC 185.33(18) (a), (b) and (c);
  - (14) Refusal to permit the utility department entry to the premises for purposes of meter exchange, replacement of parts, or installation of radio read devices as it relates to the water meter provided by the City water utility and which needs to be maintained by the City water utility.
- (b) **Disconnection for Delinquent Accounts.**
- (1) A bill for service is delinquent if unpaid after the due date shown on the bill. The utility may disconnect service for a delinquent bill by giving the customer at least ten (10) calendar days prior to disconnection a written disconnect notice . For purposes of this rule, the due date shall not be less than twenty (20) days after issuance.
  - (2) The utility 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 Public Service Commission or of these rules and regulations, or if a dangerous or unsafe condition exists on the customer's premises.
- (c) **Dispute Procedures.**
- (1) Whenever the customer advises the utility's designated office 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 utility 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 in to a Deferred Payment Agreement as approved by the Board of Public Works when applicable in order to settle the dispute.

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- (2) After the customer has pursued the available remedies with the utility, they may request that the Public Service Commission's staff informally review the disputed issue and recommend terms of settlement.
- (3) 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 must pay fifty percent (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. 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.
- (4) The form of disconnection notice to be used is as follows or another form containing the same information:

### DISCONNECTION NOTICE

Dear Customer:

The bill enclosed with this notice includes your current charge for utility service and your previous unpaid balance.

**You have 10 days to pay the utility service arrears or your service is subject to disconnection.**

If you fail to pay the service arrears, or fail to contact us within the 10 days allowed , we will proceed with disconnection action.

To avoid the inconvenience of service interruption and an additional charge of (amount) reconnection, **we urge you to pay the full arrears IMMEDIATELY AT OUR OFFICE.**

If you have a reason for delaying the payment, call us and explain the situation.

**PLEASE CALL THIS TELEPHONE NUMBER** (appropriate telephone number) **IMMEDIATELY IF:**

1. You have a question about your utility service arrears.
2. You are unable to pay the full amount of the bill and are willing to enter into a time payment agreement with us.
3. There are any circumstances you think should be taken into consideration before service is discontinued.
4. Any resident is seriously ill.

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**Illness Provision**

If there is an existing medical emergency in your home and you furnish the Utility with a statement signed by either a licensed Wisconsin physician, or a public health official, we will delay disconnection of service up to 21 days. The statement must identify the medical emergency and specify the period of time during which disconnection will aggravate the existing emergency.

In any situation where you are unable to resolve billing disputes or disputes about the grounds for proposed disconnection through contacts with our utility, you may make an appeal to the Wisconsin Public Service Commission, Madison, Wisconsin.

(UTILITY NAME)

- (5) In the event the utility is not able to collect any bill for water service even though Deposit and Guarantee Rules are on file, the bill may be put upon the tax roll as provided in Sec. 66.0809, Wisconsin Statutes.

**Sec. 9-1-42 Surreptitious Use of Water.**

- (a) When the utility has reasonable evidence that a consumer is obtaining his supply of water, in whole or in part, by means of devices or methods used to stop or interfere with the proper metering of the utility service being delivered to his equipment, the utility 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 twenty-four (24) hours disconnection of service. When the utility shall have disconnected the consumer for any such reason, the utility will reconnect the consumer upon the following conditions:
  - (1) The consumer will be required to deposit with the utility an amount sufficient to guarantee the payment of the consumer's bills for utility service to the utility.
  - (2) The consumer will be required to pay the utility for any and all damages to its equipment on the consumer's premises due to such stoppage or interference with its metering.
  - (3) The consumer must further agree to comply with reasonable requirements to protect the utility against further losses.
  - (4) Sections 98.26 and 943.20, Wisconsin Statutes, as relating to water service, are hereby adopted and made a part of these rules.

**Sec. 9-1-43 Vacation of Premises.**

When premises are to be vacated, the utility shall be notified in writing at once, so that it may remove the meter and shut off the supply at the curb stop. 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 of vacancy.

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#### **Sec. 9-1-44 Repairs to Mains.**

The utility reserves the right to shut off the water in the mains temporarily, to make repairs, alterations or additions to the plant or system. When the circumstances will permit notice of sufficient delay, the company will give notification, by newspaper publication or otherwise, of the discontinuance of the supply. No rebate will be allowed to consumers for such temporary suspension of supply.

#### **Sec. 9-1-45 Duty of Utility with Respect to Safety of the Public.**

It shall be the duty of the Utility to see that all open ditches for water mains, hydrants, and service pipes are properly guarded to prevent accident to any person or vehicle and at night there shall be displayed amber signal light in such manner as will, so far as possible, insure the safety of the public.

#### **Sec. 9-1-46 Handling Water Mains and Service Pipes in Sewer or Other Trenches.**

- (a) Where excavating machines are used in digging sewers, all water mains shall be maintained at the expense of the contractor.
- (b) Contractors must ascertain for themselves the existence and location of all service pipes. Where they are removed, cut or damaged in the construction of a sewer, the contractor must at his own expense cause them to be replaced or repaired at once. He must not shut off the water service pipes from any consumer for a period exceeding six (6) hours.

#### **Sec. 9-1-47 Settling Main or Service Trenches.**

Trenches shall be backfilled per current City of Onalaska water main specifications.

#### **Sec. 9-1-48 Protective Devices.**

- (a) **Protective Devices in General.** 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. There shall likewise be provided means for the prevention of the transmission of water ram or noise of operation of any valve or appliance through the piping of their own or adjacent premises. (See applicable City plumbing codes).

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- (b) **Relief Valves.** On all "closed systems" (i.e., systems having a check valve, pressure regulator, or reducing valve, water filter or softener) an effective pressure relief valve shall be installed either in the top tapping or the upper side tapping of the hot water tank, or on the hot water distributing pipe connection at the tank. A one-half (1/2) inch drain pipe shall be connected to the relief valve for discharge on the floor or into a sink or open drain through an air gap. No stop valve shall be placed between the hot water tank and the relief valve or on the drain pipe. (See applicable City plumbing codes).
- (c) **Air Chambers.** An air chamber or approved shock absorber shall be installed at the terminus of each riser, fixture branch, or hydraulic elevator main for the prevention of undue water hammer. The air chamber shall have a diameter not less than that of the pipe it serves and a length not less than fifteen (15) diameters of said supply pipe. Where possible, the air chamber should be provided at its base with a valve and drain cock for water drainage and replenishment of air. (See applicable City plumbing codes).

### Sec. 9-1-49 Cross Connection Control.

- (a) **Definitions.**
  - (1) **Backflow.** The undesirable flow of water or mixtures of water and other liquids, gases or other substances under positive or reduced pressure into the Onalaska Water Utility (hereinafter "Utility") distribution pipes of the potable supply of water from any source.
  - (2) **Backflow Preventer.** A device or means designed to prevent backflow caused by backpressure or back-siphonage; most commonly categorized as air gap, reduced pressure principle backflow preventer, double cheek valve assembly, pressure vacuum breaker, atmospheric vacuum breaker, hose connection vacuum breaker, hose connection backflow preventer, backflow preventer with intermediate atmospheric vent, and barometric loop.
  - (3) **Backpressure.** An elevation of pressure in the downstream piping system (i.e., pump, elevation of piping, or steam and/or air pressure) above the Utility supply pressure, which would cause or tend to cause a reversal of the normal direction of flow.
  - (4) **Back-siphonage.** The flow of water or other liquids, mixtures or substances into the distribution pipes of the Utility's potable water supply system from any source caused by the sudden reduction of pressure in the Utility's potable water supply system.
  - (5) **Cross-connection.** Any physical connection or arrangement between two otherwise separate systems, one of which contains potable water from the Utility, and the other containing 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 systems.

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- (b) **Cross-Connection Prohibited.** No person shall establish or permit to be established or maintain or permit to be maintained any cross-connection. No interconnection shall be established whereby potable water from a private, auxiliary or emergency water supply, other than the public water supply of the Utility, may enter the supply or distribution system of the Utility, unless such private, auxiliary, or emergency water supply and the method of connection and use of such supply shall have been approved by the Utility and the State of Wisconsin Department of Natural Resources.
- (c) **Inspections.** It shall be the duty of the Utility to cause inspection to be made of all properties serviced by the Utility where cross-connection with the public water system is deemed possible. Residential properties serviced by the Utility shall be inspected at a minimum of one time every ten (10) years or coinciding with meter replacement program. All non-residential high hazard properties serviced by the Utility shall be inspected at a minimum of once every two (2) years, all non-residential low/medium hazard shall be inspected every ten(10) years or with meter replacement program. The Utility may, but is not required to, perform the cross-connection inspection of the owner's property. If, in the opinion of the Utility is not able to perform the inspection, the property owner must, at their own expense, have the plumbing inspected for cross-connections by a State of Wisconsin Certified Cross-Connection Inspector/Surveyor or by a State of Wisconsin licensed plumber. The frequency of required inspections and re-inspections based on potential health hazards involved, may be shortened by the Utility. The Utility may charge fees as approved by the Common Council for on-premises follow-up visits by Utility personnel for re-inspection due to customer non-compliance and for after-hours inspections or re-inspections.
- (d) **Right of Entry.** Upon presentation of credentials, representatives of the Utility shall have the right to request entry at any reasonable time to examine any property sewed by a connection to the public water system of the Utility for cross-connection. If entry is refused, such representatives shall obtain a special inspection warrant under 66.0119, Wis. Stats. The Utility may disconnect service for refusal to allow entry to examine any property. Upon request, the owner, lesser, or occupant of any property so served shall furnish to the inspection agency any pertinent information regarding the piping system on such property.
- (e) **Authority to Discontinue Service.** The Utility is hereby authorized and directed to discontinue water service to any property wherein any connection in violation of this section exists and to take such other precautionary measures deemed necessary to eliminate any damage or contamination of the public water system. Water service shall be discontinued if the means of backflow prevention required by the Utility is not installed, tested, maintained, and repaired in compliance with this ordinance and Wisconsin Administrative code NR 810 or if it is found that the means of backflow prevention required by this ordinance has been removed or bypassed. Water service shall be discontinued only after reasonable notice and opportunity for hearing under Ch. 68, Wis. Stats., except as provided in subsection (7) of this section.
- (f) **Reconnection of Service.** Water service to any property discontinued under the provisions of this ordinance shall not be restored until the cross-connection has been eliminated or a backflow prevention device approved by the Utility has been installed in compliance with the provisions of this section. The Utility may charge fees as approved by the Common Council for the reconnection of the water service.

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- (g) **Emergency Discontinuance of Service.** If it is determined by the Utility that a cross-connection or an emergency endangers public health, safety, or welfare and requires immediate action, service may be immediately discontinued. The owner, lessee, or occupant shall have an opportunity for hearing under Ch. 68, Wis. Stats., within 10 days of such emergency discontinuance. Such hearing shall be before the City of Onalaska Board of Public Works.
- (h) **Owner Responsibility.** The property owner shall be responsible for the elimination of or protection from all cross-connections on their premises. The owner shall, at their expense, have installed, maintained, and tested any and all backflow preventers on their premises in compliance with Wisconsin Administrative Code NR 810 and SPS administrative code. The property owner shall have corrected any malfunction, revealed by periodic testing, of any backflow preventer on their premises. The property owner shall inform the Utility of any proposed or modified cross-connections and also any existing cross-connections that are not protected by an approved backflow prevention device. The property owner shall not install a by-pass around any backflow preventer unless there is a backflow preventer of the same type on the by-pass. Property owners who cannot shut down operation for testing of the backflow prevention device must supply additional devices necessary to allow testing to take place. In the event the property owner installs plumbing upstream of the backflow preventer, such plumbing must have its own approved backflow preventer. The property owner is required to follow the protection practices described in the American Water Works Association publication AWWA M14 titled "Recommended Practice for Backflow Prevention and Cross-Connection Control," unless the Utility requires or authorizes other means of protecting the public water system. These requirements or authorizations will be at the discretion of the Utility.
- (i) **Additional Protection.** In the case of premises having (a) internal cross-connections that cannot be permanently corrected or controlled, or (b) intricate plumbing and piping arrangements or where entry to all portions of the premises is not readily accessible for inspection purposes, making it impracticable or impossible to ascertain whether or not dangerous cross-connections exist, the public water system shall be protected against backflow from the premises by installing an approved backflow preventer in the service line. In the case of any premises where there is any material dangerous to health that is handled in such a manner that, in the opinion of the Utility, could create an actual or potential hazard to the public water system, the public water system shall be protected by an approved air-gap separation or an approved reduced-pressure principle backflow preventer. Examples of premises where these conditions will exist include sewage treatment plants, hospitals, mortuaries, plating plants, and carwash establishments. In the case of any premises where, in the opinion of the Utility, an undue health threat is posed because of the presence of toxic substances, the Utility may require an approved air gap at the service connection to protect the public water system. This requirement will be at the discretion of Utility.
- (j) **Wisconsin Administrative Code.** Wisconsin Administrative Code is hereby adopted, except any penalty provisions therein. Wisconsin Administrative Code NR 810 is hereby adopted.

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- (k) **Plumbing Code.** This section does not supersede the State of Wisconsin Plumbing Code, SPS administrative code, or the City Plumbing Code, City of Onalaska Municipal Code, but is supplementary to them.
- (l) **Fee Schedule.** Where the use of a cross connection controlled device has been approved as put forth above, the property owners shall pay to the City of Onalaska a fee of \$125 for hydrant rental of meter. Additional water charges and deposits may apply per P.S.C Rate Schedule BW-1. Costs related to the cross connection control of the device will be reviewed annually and may be subject to change.

### Sec. 9-1-50 Private Well Abandonment and Permits.

- (a) **Purpose.** Residents of the City of Onalaska depend exclusively on groundwater for a safe drinking water supply. Certain land use practices and activities can seriously threaten or degrade groundwater quality. The purpose of this article is to institute regulations and restrictions to protect the city's municipal water supply and well fields and to promote the health, safety and general welfare of the residents of the City of Onalaska.
- (b) **Applicability and Authority.** **These regulations are established pursuant to the authority granted by the state legislature in 1983, Wisconsin Act 410 (effective May 11, 1984) which specifically added groundwater protection to the statutory authorization for municipal planning and zoning in order to protect the public health, safety and welfare.** This ordinance applies to all wells located within the City's corporate limits. Water Utility customers outside the jurisdiction of the municipal water system may be required under contract agreement or utility rules to adopt and enforce equivalent ordinances within their jurisdiction for purpose stated in Section 1 above.
- (c) **Definitions.**
  - (1) "Municipal Water System" means a community water system owned by a city, village, county, town, town sanitary district, utility district, public inland lake and rehabilitation district, municipal water district or a federal, state, county, or municipal owned institution for congregate care or correction, or a privately owned water utility serving the foregoing.
  - (2) "Non-complying" means a well or pump installation which does not comply with s. NR 812.42, Wisconsin Administrative Code, Standards for Existing Installations, and which has not been granted a variance pursuant to s. NR 812.43, Wisconsin Administrative Code.
  - (3) "Pump Installation" means 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.
  - (4) "Unsafe" well or pump installation means one which produces water which is bacteriologically contaminated or contaminated with substances which exceeds the drinking water standards of chs. NR 140 or 809, Wisconsin Administrative Code, or for which a Health Advisory has been issued by the Department of Natural Resources.
  - (5) "Unused" well or pump installation means one which is not used or does not have a functional pumping system.

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- (6) “Well” means a drill hole or other excavation or opening deeper than it is wide that extends more than ten (10) feet below the ground surface constructed for the purpose of obtaining groundwater.
  - (7) “Well Abandonment” means the proper filling and sealing of a well according to the provision of s. NR 812.26, Wisconsin Administrative Code.
- (d) **Use of Private Wells; Use of Water Supply.**
- (1) **Private Well Abandonment Generally.**
    - a. All structure and buildings used, or intended to be used, for human habitation shall connect to the municipal water supply within one (1) year of the availability of said water. All private wells shall, within ninety (90) days after connection to the City water supply, be permanently abandoned pursuant to Section (6) below unless the owner or owners obtain a well operation permit from the City of Onalaska Water Utility.
    - b. In the event permission is granted to use a private well, it is expressly provided that the water therefrom shall be used on outside hose bibs only.
  - (2) **Well Operation Permit.** A permit may be granted to operate a well if the following requirements are met, except as otherwise provided herein:
    - a. The well and pump installation meet the requirements of Wis. Admin. Code ch. NR 812 and subsequent amendments, a well constructor’s report is on file with the DNR, or certification of the acceptability of the well has been granted by the private water supply section of the DNR.
    - b. The well construction and pump installation have a history of producing safe water as evidenced by at least two samplings taken a minimum of two weeks apart. No exception to this condition may be made for unsafe wells unless the state department of natural resources approves in writing the continued use of the well.
    - c. The proposed use of the well can be justified as being necessary in addition to water provided by the public water system.
    - d. No physical connection shall exist between the piping of the public water system and the private well. The City may elect to do a cross connection inspection to verify compliance.
    - e. A permit fee shall have been paid once every five years in an amount determined annually by the City Council and set forth on the City Fee Schedule.
  - (3) **Additional Conditions of Permit.** The right to construct, install and maintain a well as authorized by permit under this section shall be expressly conditioned upon the owners and successors in interest complying with the following:
    - a. The owner shall permit the water utility or its designee access to the well for inspection and testing at anytime during working hours.
    - b. No repair or modification of any well may be performed unless prior notification is given to the water utility and the plan and resulting construction is reviewed and inspected by the City Engineer or its designee.

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- c. The City shall have the right to sample the water after completion of any such repairs or modification. Such sampling shall be at the owner's cost and may either be done by the City or by the owner at the City's direction.
  - d. The City shall have the right to randomly test or direct the owner to test the well not more than two times in any six month period. The City may require additional testing if there is reason to believe some contamination may be present or that the results of previous tests may be invalid.
  - e. The cost of any testing and sampling as provided in this section shall be paid by the owner upon invoice by the City.
  - f. A permit issued in accordance with the provisions of this section shall be revoked by the City Engineer or its designee upon notice to the permittee that any of the following have occurred:
    - 1. The owner of the well has refused access to a well for testing or has failed to follow a direction of order of municipal water utility in regard to testing or sampling.
    - 2. The owner of any well has neglected to pay for any tests authorized with 30 days of billing invoice.
    - 3. Any test results demonstrate well contamination and do not meet reasonable health standards or are in violation of any state or municipal ordinance dealing with well operation.
    - 4. The parties aggrieved by permit revocation may appeal the initial decision of the water superintendant to the board of public works by filing a written for review with the City Clerk.
- (4) **Application for Permit.** Applications for a well operation permit shall be made in writing by the owner or owners of the well to the City of Onalaska Water Utility. Application shall be upon a form provided by the Water Utility and shall be made concurrently with the application for a plumbing permit to connect the premises with municipal water. A fee as determined by the City of Onalaska Common Council and reflected on the City's Fee Schedule shall accompany the well operation permit application. Applications for a well operation permit must be approved by the City Engineer, upon approval by the City Engineer the application will be forwarded to the Board of Public Works and the Common Council for approval. Applications to drill a new well shall require a separate application for new well in addition to the well operation permit, the application to drill a new well shall be on a form provided by the City Engineer's office and shall require a needs assessment and any other information deemed necessary by the City Engineer and shall be reviewed in conjunction with the well operation permit. The application to drill a new well shall be accompanied with the applicable permit fee.
- (5) **Terms of Permit.** The well operation permit shall be valid for five (5) years from the date of issuance.

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- (6) **Renewal Permit.** Renewal permits shall be issued for the term and upon payment of the permit fee hereinabove mentioned. Renewal Well Operation Permits are subject to the same conditions as initial Well Operation Permits, as outlined in Section 3 above. The owner or owners shall certify when applying for a renewal permit that the well is in good operable condition and is in conformity with all applicable state and local laws and shall provide proof of safe water by providing at least one sample, having been taken within 2 weeks of the date of application. In the event the first sample fails, the owner can provide an additional two samples taken a minimum of two weeks apart to verify that the first sample was related to domestic hygiene issues and not well safety problems. No exception to this condition may be made for unsafe wells unless the state department of natural resources approves in writing the continued use of the well. In the event it is found, upon any inspection, that any cross connection has been made between the municipal water supply system and the piping of a private well water system, or that the well equipment is inoperable, or does not meet state or local regulations, all permits shall be immediately suspended. In the case of a cross connection, the permit shall be revoked and the well ordered properly abandoned in accordance with applicable ordinances. In the event any inspection results in a suspension of a permit and a second inspection is made to determine if the reason for suspension has been eliminated, the owner shall bear the cost of any re-inspection fee as set forth on the Inspection Department's Fee Schedule.
- (7) **Well Abandonment.** Upon revocation of a well permit in accordance with this section or upon voluntary determination to abandon the use of any well previously permitted hereunder, all wells under the jurisdiction of this section shall be abandoned in accordance with the procedures of Wis. Admin. Code NR ch. 812. All debris, pump, piping, unsealed liners, and other obstructions which may interfere with the sealing operations shall be removed prior to abandonment. The owner of the well or the owner's agent shall notify the City Engineer or its designee at least 48 hours prior to commencement of any well abandonment activities. The abandonment of the well shall be observed by the water utility superintendent or its designee and an abandonment report form, supplied by the state department of natural resources, shall be submitted by the well owner to the water utility and the state department of natural resources within ten days of the completion of the well abandonment.
- (8) **Abandonment of Unused or Previously Abandoned Wells.** It shall be the responsibility of the landowner of any real property upon which a well is located to see to it that all wells located on the owner's property have been properly abandoned in accordance with the procedures of Wis. Admin. Code NR ch. 812, regardless of whether such owner has used such well. Upon discovery of any unused or previously abandoned well, the owner shall notify the municipal water utility and comply, insofar as is practicable, with the procedures of subsection (6) of this section. In the case of a previously abandoned well, if the owner can produce proof of compliance with state well abandonment requirements to the satisfaction of the utilities manager/engineer, compliance with this section may be deemed unnecessary. Such determination shall be at the discretion of the utilities manager/engineer upon considering the present and future possibility of ground water contamination at the well site.

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- (9) **Failure to Properly Abandon Well Public Nuisance.** Failure to abandon any well after revocation of a permit to follow the provisions of Wis. Admin. Code NR ch.812, in abandoning such well is hereby deemed a public nuisance, and the City may cause such well to be property abandoned and may assess the cost against the owner of the affected property and collect it as a special tax.
- (e) **Penalties.** Any person, firm or other well owner violating any provision of this Section shall, upon conviction, be punished by a forfeiture of not less than One Hundred Dollars (\$100.00) nor more than Five Hundred Dollars (\$500.00), together with the cost of prosecution. Each twenty-four (24) hour period during which a violation exists shall be deemed and constitute a separate offense.

### Sec. 9-1-51 No Claims for Damages.

No person using water shall enter a claim against the City as a water utility or any officer thereof, for damages to any fixtures or appurtenance by reason of interrupted water supply or variation of pressure, or for damage of any nature caused by turning off or on, either partially or entirely, of the water supply for any premises, either for the repairs or alterations of any water main, or for the discontinuance of the service to his or their premises for violation of any rule or regulation of the Water Department. No claims will be allowed against the utility or the City on account of interruption of supply caused by breaking of pipes or by stoppage for repairs or fire or other emergency. In case of a probable stoppage of water supply when time of interruption can be forecast, every reasonable attempt will be made by the Water Department to acquaint the users with the action proposed.

### Sec. 9-1-52 Connection Control

- (a) **Regulation by Size.** Any connections greater than two inches (2") shall be flushed by the installer and tested by the Water Utility and be certified with two consecutive bacteriologically safe samples at least twenty-four (24) hours apart prior to use for any purpose. A water line pressure test shall be made only after bacteriologically safe samples (per the latest revision of AWWA Standard C-651) have been obtained, unless the line to be pressure tested is not connected to the Water Utility system.
- (b) **Flushing.** Preparation for flushing and testing shall consist of providing a flushing assembly at the end of the installed line before any other piping is connected. The flushing assembly is to consist of a two-inch (2") minimum connection to the end of the line, a three-quarter inch (3/4") female pipe tee for a test faucet, a test faucet, and necessary hose to discharge the flushing water into a drain. The size of the hose shall be one and one-half inches (1 1/2") for water main sizes smaller than eight inches (8") and hose lengths two hundred feet (200') or less. All others require hoses two and one-half inches (2 1/2") in diameter. Flushing shall proceed only upon approval and under the supervision of the Water Utility. Flushing shall only occur to the storm sewer. All samples for newly constructed services or water mains shall be taken by Water Utility personnel. Metering of flushing water is required. Flushing water may only be turned off upon notification by the Water Utility that the installation has been determined to be bacteriologically safe.

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#### **Sec. 9-1-53 Locating of Sanitary Lateral-Water Service Stub or Curb Boxes for Water Shutoff - Utility's Responsibility**

When requested to locate a sanitary sewer lateral, water service stub, or curb box for water shutoff, the Water Utility will often try and mark with a stake or paint the location per the latest records available. The Water Utility shall be not be responsible for any costs to the owner, developer or other persons for an inaccuracy or incompleteness of the records or any misinterpretation of the records.

#### **Sec. 9-1-54 Penalties and Legal Remedies.**

- (a) **General.** Any person who violates any provision of this Chapter (9-1), or orders authorized by this Chapter, will, unless otherwise indicated in this Chapter, upon first conviction, forfeit not less than \$200.00, together with the costs of prosecution for the first violation. For the second violation of the same provision or order, the person shall, upon conviction, forfeit not less than \$500.00 plus the costs of prosecution. A third offense for the same provision or order under this Chapter, shall result, upon conviction, of a forfeit not less than \$1,000.00
- (b) **Legal Remedies.** Any person who violates any of the provisions of this Chapter, shall, in addition to the forfeiture stated above, be liable for any damage to the Water Utility, including loss of revenue from the same of water or sewage service resulting from a violation of these rules and regulations. Whether the Water Utility must take corrective action with respect to any parcel of property, such parcel may be specifically assessed for such work. The payment of damages and correction of violations may be a condition of providing future water or sewage service.
- (c) **Other Remedies.** The issuance of a citation hereunder shall not preclude the City or any authorized officer from proceeding under any other ordinance of law or by any other enforcement method to enforce any ordinance, regulation, or order.

#### **Sec. 9-1-55 Outdoor Water Usage Restrictions.**

- (a) **Water Usage Restrictions.** The City Engineer , with concurrence with the City Council, may request voluntary or impose mandatory outdoor water usage restrictions on all water users in the City of Onalaska. The restrictions may apply to all properties using City water or to alternate sides of the street as deemed necessary by the utility manager. Alternate side restrictions would apply to even-numbered sides of the street on even-numbered calendar days and odd-numbered sides of the street on odd-numbered calendar days respectively. Restrictions may be for all day or for specified times each day. Reasons for such restrictions will be given with each notice. Notice of the restrictions shall be given to all news media in the City of Onalaska.
- (b) **Criteria for Mandatory Restrictions.** Criteria for mandatory restrictions shall be as follows:
  - 1. To avoid undue stress upon the resources and reserve capacity of the water utility.
  - 2. To avoid sustained low pressure.

3. To maintain reservoir levels sufficient to provide adequate fire protection.
4. To compensate for loss of one or more wells.

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- (c) **Outdoor Water Usage Restrictions.** The following restrictions would be imposed based on the needs and concerns of the water utility. The level of severity of the imposed restrictions would be based on such factors as weather conditions and/or forecasts; water distribution system pressure; reservoir levels, and groundwater levels:
1. Voluntary water restrictions.
  2. Mandatory water restrictions.
  3. Mandatory water restrictions even/odd sides of the street and specified times each day.
  4. Mandatory water restrictions on certain days of the week.
  5. Mandatory water restrictions for complete ban of outdoor water usage.
- (d) **Penalty.** Any person, owner or occupant who violates any mandatory restriction on water usage issued pursuant to this section, or fails to comply with any of its requirements, shall upon conviction thereof, be subject to a forfeiture of not less than \$20.00, nor more than \$100.00. Each day such violation continues shall be considered a separate offense.

**Sec. 9-1-56 Repairs-Leaks and Deteriorated Connections.**

- (a) **Failure to Repair.** If a customer fails to repair a leaking or broken service pipe from the curb stop and/or property line to the point of metering or use within five (5) days after receiving notification from the Water Utility that his service requires repair, the water will be shut off and will not be turned on again until the repairs have been completed. The Water Utility may disconnect without notice where a dangerous condition exists for as long as the condition exists.
- (b) **Penalty.** In cases where the owner is ordered by the Utility to replace or repair a damaged, deteriorated or malfunctioning service lateral and the owner fails to comply within ten (10) days of receiving notice, the Utility may discontinue water service to his property, and the cost of such discontinuance shall be charged and assessed against said property.