

Chapter 381
WATER UTILITY ORDINANCE

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ARTICLE I
Water Utility Rules

§ 381-1. Purpose

It is determined and declared necessary to adopt rules governing the construction, use, maintenance and operation of the Village water system, and to levy and collect revenue against property to which connection has been made to the water system, in order to provide for the cost of construction, operation, maintenance and replacement of the system. This Ordinance regulates the installation, use and abandonment of public and private wells, the use of the water system, and the creation and maintenance of connections to the Lyndon Station system. It provides for and explains the method used for levying and collecting service charges and fees, and it enables the Village to comply with administrative provisions that are required or authorized by the State of Wisconsin and/or Federal law. By regulating, through this ordinance, the use of the water system, Lyndon Station intends to achieve the maximum public benefit from the water system by operating a safe, efficient, and cost-effective system.

§ 381-2. Establishment

The Lyndon Station Water Works is hereby created and all wells, reservoirs, hydrants, water pipes and other apparatus used in the delivery of water service throughout the Village are hereby recognized as being managed and controlled by the Water Works, under the control and direction of the Village Board, pursuant to this Ordinance and state law.

§ 381-3. Director of Public Works

There shall be one Director of Public Works who shall be appointed by the Village Board. He shall, subject to the control of the Village Board, have the immediate charge, supervision and control of the buildings, machinery, grounds, reservoir, vehicles, tools and equipment of said Utility and shall be charged with the duty of seeing that the rules, regulations and contracts relating to the Water Utility are complied with and shall perform such other duties as may from time to time be prescribed by the Village Board and shall be paid such salary as the Village Board may determine.

§ 381-4. Public Service Commission Rules

The terms, conditions, rules, regulations and rates established by the State of Wisconsin Public Service Commission for the Lyndon Station Water Utility, as contained in the "Rate File" for the Lyndon Station Water Utility, including any and all future revisions or amendments thereto, are hereby adopted and, by reference, made a part of this Chapter as if fully set forth herein. Any act required to be performed or prohibited by said Rate File is required or prohibited by this Chapter, in addition to the acts required or prohibited by Chapter PSC 185 of the Wisconsin Administrative Code.

§ 381-5. Compliance with Rules

All persons now receiving a water supply from the Lyndon Station Water Utility, or who may hereafter make application therefore and/or receive such water supply, shall be considered as having agreed to be bound by the aforesaid rules and regulations contained in the Lyndon Station Water Utility Rate File as filed with the Public Service Commission of Wisconsin, including any and all future amendments, revisions or modifications thereof.

§ 381-6. Reserved for Future Use

§ 381-7. Mandatory Hookup

The owner of each parcel of land, which is located within the Village, which is adjacent to a Village water main, and which has pipes, wells or plumbing for the delivery of water, shall connect the plumbing in such building to the Village water system and shall comply with all other terms and conditions of this ordinance within (1) One Year of receiving notice in writing from the Village. Upon failure to hook onto the Village water system, the Village may cause such connection to be made and bill the property owner for the cost thereof. If such costs are not paid within sixty (60) days, such costs shall be assessed as a special tax lien against the property, pursuant to sec. 144.06 Wisconsin Statutes.

§ 381-8. Service within Village Limits

The design, construction, operation, maintenance, repair and replacement costs of the water system are paid (i) by the fees and charges paid by its customers, and (ii) by the general real estate taxes paid by the property owners of Lyndon Station. Therefore, it is the policy of the Village not to provide connections to or service for property and structures which are located outside of the Village and which do not pay Village real estate taxes. Therefore, pursuant to Section 66.069(2) Wisconsin Statutes, no building or property located outside of the Lyndon Station corporate limits shall be connected to the water system, without the express permission of the Village Board. Any existing connection to property outside the corporate limits shall not create any obligation or precedent binding upon the Village to permit similar connections for other property located outside of the Village limits.

§ 381-9. Tapping Mains

The Director of Public Works shall have the charge and supervision of all tapping of mains for supplying water from said Water Utility. No person shall on any pretext whatever tap any main except under the immediate supervision and direction of the Director of Public Works and only after having paid the proper fee therefore.

§ 381-10. Application for Service

Persons wishing to be supplied with water must make application to the Director of Public Works, who shall on reasonable notice and payment of the prescribed fee therefor tap the main and put in a service pipe to a point in line with the inner side of the curb where there shall be a service cock with stop box coming up to the surface of the sidewalk or street. For each original tap a charge as set by the Village Board shall be made and paid to defray the expense of tapping and laying service pipe and putting in valves.

§ 381-11. Water from Fire Hydrants

No person except the Director of Public Works, or any other properly designated officer of the Village shall take water from any fire hydrant except for fire purposes, and no person shall in any way use or take water for private purposes unless such person shall have first paid therefore, upon proper application to the Director of Public Works, the prescribed fee.

§ 381-12. Right of Entry; Damage to Meters

The Director of Public Works, and the other persons who may be designated by him, shall be authorized to enter and have free access at all reasonable hours to any premises where water is used to examine and ascertain the location and condition of all pipes, meters and other fixtures attached to said water works, and said owners shall at all times be responsible for said installation and for the care and maintenance of meters and other appurtenances attached to said system. No consumer of water shall interfere in any way with the meter after it has been set in place by the Director of Public Works. In the event that the meter seal is broken, the working parts of the meter have been tampered with, or the meter becomes damaged or fails to register, the Director of Public Works shall render a bill to the consumer for the current period based on an average of the two preceding periods and shall likewise charge the consumer for the costs of repairing or replacing said meter. It shall likewise be the duty of the property owner to provide an adequate place for the installation of said meter at a point reasonably accessible to the proper Village authorities. No connections of any kind shall be made with the service pipe upon any premises between the service cock, the stop box and the meter installed thereon.

§ 381-13. Injury to Utility Property

No person shall injure, destroy, unlawfully remove or interfere with any property owned by the Lyndon Station Municipal Water Utility, including but not limited to any water wells owned and operated by the Utility.

§ 381-14. Violations and Penalties

Any person, firm or corporation who or which shall violate any of the provisions of this article shall be subject to a forfeiture of not more than \$500 together with the costs of said proceedings and upon failure to pay such forfeiture and costs shall be confined to the county jail until such forfeiture and costs have been paid, but not to exceed 30 days. Each day that a violation shall occur under the provisions hereof shall constitute a separate offense.

ARTICLE II
Cross-Connections

§ 381-15. Cross Connection Control

- (A)** The purpose of this Subsection is to comply with CH NR 810 and Comm. 82 Wisconsin Administration Code, which require the protection of any public water system from contamination due to back flow of contaminants through a water service connection.
- (B)** Maintenance of a continuing program of cross connection control shall be in place which will systematically and effectively prevent the contamination of all water systems.
- (C)** Cross Connection is defined as, A “cross connection” as used herein shall mean any physical connection or arrangement between two otherwise separate systems, one of which contains potable water from the Village of Lyndon Station water system, and the other which contains 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.
- (D)** That no person, firm or corporation shall establish or permit to be established or maintain or permit to be maintained any unprotected cross connection, No interconnection shall be established whereby potable water from a private, auxiliary or emergency water supply other than the regular public water supply of the Village of Lyndon Station may enter the supply or distribution system of the Village, unless such private, auxiliary or emergency water supply and the method of connection and use of such supply shall have been approved by the Lyndon Station Water Utility and by the Wisconsin Department of Natural Resources in accordance with CH NR 810.15(2), Wisconsin Administrative Code.
- (E)** It is be the duty of the Lyndon Station Water Utility to cause inspections to be made of all properties served by the public water system where cross connections with the public water system is deemed possible. The frequency of inspections and re-inspections based on potential health hazards involved shall be established by the Lyndon Station Water Utility and as approved by the Wisconsin Department of Natural Resources.
- (F)** Upon presentation of credentials, the representative of the Lyndon Station Water Utility shall have the right to request entry at any reasonable time to examine any property served by a connection to the public water system of the Village of Lyndon Station for cross connections. If any entry is refused, such representative shall obtain a special inspection warrant under s.66.122. Wisconsin Statutes. On request the owner, lessee or occupant of any property so served shall furnish to the inspection agency any pertinent information regarding the piping system or systems on such property.

- (G) The Lyndon Station Water Utility is hereby authorized and directed to discontinue water service to any property wherein any connection in violation of this ordinance exists, and to take such other precautionary measures deemed necessary to eliminate any danger of contamination of the public water system. Water service shall be discontinued only after reasonable notice and opportunity for hearing under Chapter 68, Wisconsin Statutes, except as provided in Section 6. Water services to such property shall not be restored until the cross connection(s) has been eliminated in compliance with the provisions of this ordinance.
- (H) The Lyndon Station Water Utility is hereby authorized and directed to discontinue water service to any property wherein any connection in violation of this ordinance exists, and to take such other precautionary measures deemed necessary to eliminate any danger of contamination of the public water system.
- (I) If it has been determined by the Lyndon Station Water Utility that a cross connection or an emergency endangers public health, safety or welfare and requires immediate action, and a written finding to that effect is filed with the Lyndon Station Clerk and delivered to the customer's premises, services may be immediately discontinued. The customer shall have an opportunity for hearing under Chapter 68, Wisconsin Statutes, within 10 days of such an emergency discontinuance.
- (J) The Village of Lyndon Station adopts by reference the State Plumbing Code of Wisconsin being COMM 82, Wisconsin Administrative Code.

§ 381-16. Violations and Penalties

Any person, firm or corporation who or which shall violate any of the provisions of this article shall be subject to a forfeiture of not more than \$500 together with the costs of said proceedings and upon failure to pay such forfeiture and costs shall be confined to the county jail until such forfeiture and costs have been paid, but not to exceed 30 days. Each day that a violation shall occur under the provisions hereof shall constitute a separate offense.

§ 381-17. Reserved for Future Use

ARTICLE III
Private Well Permit and Abandonment

§ 381-18. Purpose

The purpose of this Subsection is to prevent contamination of ground water and to protect public health, safety and welfare by assuring that unused, unsafe or non-complying wells, or wells which may serve as conduits for contamination, or wells which may be illegally cross-connected to the municipal water system, are properly abandoned.

§ 381-19. Applicability

This Subsection applies to all wells located on premises served by the Water Utility, regardless of whether such premises are located within the corporate boundary of the Village.

§ 381-20. Definitions

As used in this article, the following terms shall have the meanings indicated:

NONCOMPLYING - A well or pump installation which does not comply with the provisions of CH NR 812.42, Wisconsin Administrative Code, Standards of existing Installations and which has not been granted a variance pursuant to CH NR 812.43, Wisconsin Administrative Code.

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.

UNSAFE - A well or pump installation means one which produces water which is bacteriologically contaminated or contaminated with substances which exceed the drinking water standards of CH NR 140 or 809, Wisconsin Administrative Code, or for which a Health Advisory has been issued by the Department of Natural Resources.

WELL – A drillhole or other excavation or opening deeper than it is wide that extends more than 10 feet below the ground surface constructed for the purpose of obtaining groundwater.

UNUSED WELL or pump installation – Means a well or pump installation which is not used or does not have a functional pumping system.

WELL ABANDONMENT - The proper filling and sealing of a well according to the provisions of CH NR 812.26, Wisconsin Administrative Code.

§ 381-21. Abandonment Required

All private wells located on premises served by the municipal water system shall be abandoned in accordance with the terms of this article and CH NR 812, Wisconsin Administrative Code, by one year from the date of this article or no later than one year from the date of connection to the Village public water system, whichever occurs last, unless a well operation permit has been obtained by the well owner from the Village's Water Utility.

§ 381-22. Well Operation Permits

Owners of wells subject to this Section shall make application to the Village for a Well Operation Permit. The Village may grant a permit to a private well owner to operate a well for a period not to exceed 2 years providing the conditions of this section are met. An owner may request renewal of a well operation permit by reapplying for a permit and by submitting information verifying that the conditions of this section are met. The Village, or its agent, may conduct inspections or have water quality tests conducted, at the applicant's expense, to obtain or verify information necessary for the consideration of a permit application or renewal. Permit applications and renewals shall be made on forms provided by the Village.

The following conditions must be met for issuance or renewal of a well operation permit:

- (A)** The well and pump installation shall meet the Standards for Existing Installations described in CH NR 812.42, Wisconsin Administrative Code. The well and pump system shall be evaluated by a licensed well driller or pump installer and certified on the Wisconsin Well and Pressure System Inspection Form 3300-221 to comply with CH NR 812 subch. IV, prior to issuing the initial permit and no less than every 10 Years afterwards.
- (B)** The well construction and pump installation have a history of producing bacteriologically safe water as evidenced by one sampling taken prior to the issuance of each permit and each renewal thereof. In areas where the Department of Natural Resources has determined that groundwater aquifers are contaminated with substances other than bacteria, additional chemical tests may be required to establish the safety of the water. Laboratory analysis by a certified laboratory shall be completed every year and submitted with the permit application. No exception to this condition may be made for unsafe wells, unless the DNR approves, in writing, the continued use of the well;
- (C)** There are no cross-connections between the private well, pump installation and distribution pipes and the municipal water system; and
- (D)** The proposed use of the private well and pump installation can be justified as being necessary in addition to water provided by the water utility.
- (E)** The well water shall not discharge into a drain leading directly or indirectly into the Lyndon Station sanitary sewerage system, unless properly authorized and permitted by the Village.

(F) The well shall have a functioning pumping system.

(G) Payment of a \$10 permit fee or a \$5 renewal fee.

§ 381-23. Abandonment Procedures

Unless the landowner hires an independent contractor, acceptable to the Village, to supervise the following abandonment procedures, all costs incurred by the Village in observation or confirmation of proper abandonment procedures shall be billed as an expense to the landowner.

- (A) All wells abandoned under the jurisdiction of this article or rule 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 Director of Public Works at least 48 hours prior to commencement of any well abandonment activities. The abandonment of the well shall be observed by either a licensed professional or the Director of Public Works.
- (C) An abandonment report form, supplied by the Department of Natural Resources, shall be submitted by the well owner to the Department of Public Works and the Department of Natural Resources within 10 days of the completion of the well abandonment.

§ 381-24. Reserved for Future Use

§ 381-25. Violations and Penalties

Any well owner violating any provision of this article shall, upon conviction, be punished by forfeiture of not more than \$500, the Village's costs with regard to the abandonment procedure and the cost of prosecution. Each day of violation is a separate offense. If any person fails to comply with this article for more than 10 days after receiving written notice of the violation, the municipality may impose a penalty and cause the well abandonment to be performed and the expense to be assessed as a special tax against the property.

§ 381-26. Groundwater Monitoring Wells and Borehole Requirements

- (A) Purpose:** The purpose of this Subsection is to prevent contamination of groundwater and to protect public health, safety and welfare by assuring that unused, unsafe or non-complying groundwater monitoring wells or boreholes are properly designed, located, constructed, used and abandoned.
- (B) Applicability:** This Subsection applies to all groundwater monitoring wells and boreholes located within the Village of Lyndon Station, regardless of whether the premises upon which such well is located is served by the Lyndon Station Water Utility.
- (C) Definitions:** The definitions set forth in Ch. NR 141 of the Wisconsin Administrative Code, including all modifications and amendments thereto, are adopted and incorporated herein by reference.
- (D) Code Adopted:** The requirements of Ch. NR 141 of the Wisconsin Administrative Code, including all modifications and amendments thereto, are adopted and incorporated herein by reference.
- (E) Records:** Copies of all documents filed with or received from the Department of Natural Resources pursuant to NR 141 shall be provided to the Village within 10 days of filing with or receipt from the DNR.
- (F) Wells and Boreholes Affecting Village Property:**
1. No groundwater monitoring well or borehole may be installed, used or maintained on any Village property or within any Village right-of-way or Village easement without the express written permission of the Village, in addition to any permit required by NR 141 or other state or federal laws.
 2. With respect to all wells or boreholes constructed, used or maintained on Village property, Village right-of-way or Village easements, the Village reserves the right:
 - (a)** To require immediate closure and repair of the well or borehole should the well or borehole pose a threat, in the sole discretion of the Village, to Village health or welfare or Village development, maintenance or repair.
 - (b)** To require all wells and boreholes installed in the right-of-way to be flush mounted.
 - (c)** To impose a charge for use of Village property, right-of-way or easement, such charge to be established by separate Resolution.
 - (d)** To receive results of all tests, including the sampling and analysis of soil or groundwater, generated from such wells or boreholes, upon written request from the Village.

(e) To use such test wells or boreholes for the purpose of obtaining independent samples for testing by the Village.

(d) To abandon and close such wells boreholes if the owner thereof fails to do so upon request by the Village, and to assess the expense thereof as a special tax against the owner and any and all property of the owner.

(e) To impose such other conditions as the Village may deem appropriate and necessary.

(f) To require the owner and the contractor to indemnify the Village from liability for claims and damages arising out of the installation, use or maintenance of the wells or boreholes.

(g) To require the owner and the contractor to supply such performance bonds and insurance as the Village may deem appropriate to ensure compliance with this Ordinance.

3. Applicant shall comply with Wisconsin Administrative Code NR141 regarding monitoring well or borehole abandonment.

4. Applicant shall perform surface restoration.

(a) Existing Hard Surface.

All abandoned wells or boreholes within the Village right-of-way where a hard surface such as asphalt or concrete pavement exists shall be sealed to match the existing surrounding surface. The well opening must be re-drilled at the original borehole diameter to a minimum depth of two (2') feet below finish surface. The re-drilled borehole (or uppermost 2 feet of new borehole) shall be filled with filter pack sand or No. 2 crushed base course and compacted in six-inch lifts to a minimum of ninety-eight percent (98%) Standard Proctor (ASTM D698) up to pavement sub grade elevation. Pavement shall be installed in accordance with industry standards to match the thickness and type of the surrounding finish surface.

(b) Existing Soft Surface. All abandoned wells or boreholes within the Village right-of-way where a soft surface such as turf, gravel, or sand exists shall be sealed to match the existing surrounding surface. The well opening must be re-drilled at the original borehole diameter to a minimum depth of two feet (2') below finish surface. The re-drilled borehole (or uppermost 2 feet of new borehole) shall be filled with suitable fill material compacted to ninety-five percent (95%) Standard Proctor to sub grade elevation. Finish material of the same type and consistency as the surrounding soft surface shall be installed in accordance with industry standards.