

## **CHAPTER 64**

## **WATER**

---

- 64.01 Authority**
- 64.02 Purpose**
- 64.03 Abrogation and Greater Restriction**
- 64.04 Applicability**
- 64.05 Interpretation**
- 64.06 Conflicts with Other Regulations**
- 64.07 Prior Contracts, Claims and Rates**
- 64.08 Compliance Required**
- 64.09 Disclaimer of Liability**
- 64.10 Definitions**
- 64.11 State Statutes and Regulations Adopted by Reference**
- 64.12 Municipal Water System**
- 64.13 Responsibilities of Customers**
- 64.14 Prohibited Acts**
- 64.15 Cross-Connection Control and Backflow Prevention**
- 64.16 Private Well Abandonment**
- 64.17 Appeals**
- 64.18 Violations and Penalties**

## **CHAPTER 64**

## **WATER**

---

### **SECTION 64.01 Authority.**

This chapter is adopted under the authority granted by Section 61.34, Wis. Stats.

### **SECTION 64.02 Purpose.**

The purpose of this chapter is to establish uniform standards and methods to procure, protect, maintain and improve the quality and management of all potable waters within the Village, to protect the public health, safety and welfare of the residents of the Village.

### **SECTION 64.03 Abrogation and Greater Restrictions.**

This chapter is not intended to repeal, abrogate, annul, impair, or interfere with the need for compliance with any existing easements, covenants, deed restrictions, agreements, rules, regulations, ordinances or permits previously adopted or issued pursuant to law. However, wherever this chapter imposes greater restrictions, the provisions of this chapter shall govern.

### **SECTION 64.04 Applicability.**

This chapter shall apply to all new and existing potable water system infrastructure of the Village, except as otherwise provided by state law.

### **SECTION 64.05 Interpretation.**

In their interpretation and application, the provisions of this chapter shall be held to be minimum requirements liberally construed in favor of the Village and for the utmost protection of the public health and shall not be deemed a limitation on or repeal of any other power granted by state law.

### **SECTION 64.06 Conflicts with Other Regulations.**

In any case where a provision of this chapter is found to be in conflict with a provision of any other regulation of the Village, the County of Dane or the State of Wisconsin, the provision which establishes the higher standard for the promotion and protection of the health and safety of the people shall prevail.

**SECTION 64.07 Prior Contracts, Claims and Rates.**

All agreements and contracts entered into, made and performed in part; all matters, claims, rights, privileges, obligations, violations, and penalties pending; and all rates on file with the PSC and effective under ordinances hereby repealed and all claims for service rendered in conformity therewith shall have the same force and effect under this chapter as under the ordinances hereby repealed, and the Village Board shall proceed in all respects as though such ordinances had not been repealed.

**SECTION 64.08 Compliance Required.**

No new use or change in use of any potable waters within the Village shall commence without full compliance with the terms of this chapter.

**SECTION 64.09 Disclaimer of Liability.**

The Village does not guarantee, warrant or represent the safe and proper operation of potable water supply systems located, constructed and maintained in accordance with this chapter and hereby asserts that there is no liability on the part of, or a cause of action against, the Village, the Utility or any officer or employee thereof for any hazards or damages that may occur as a result of reliance upon and compliance with this chapter.

**SECTION 64.10 Definitions.**

As used in this chapter, the following terms shall have the meaning indicated. “Shall” is mandatory.

- (a) **PSC.** The Public Service Commission of Wisconsin.
- (b) **Cross-Connection.** Any physical connection or arrangement between two otherwise separate systems, one of which contains potable water from the municipal 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 systems.
- (c) **Customer(s).** Any person(s) provided water by the Utility.
- (d) **Day.** A twenty-four-hour period or any portion thereof.
- (e) **Department.** The Department of Natural Resources.
- (f) **Director.** The Director of Public Facilities employed by the Village.
- (g) **Health Hazard.** A condition which constitutes:
  - (1) A violation of Ch. NR 812, Wis. Adm. Code, regarding the installation, construction, operation or maintenance of a private well; or
  - (2) Confirmed bacteriologically unsafe well water quality.

- (h) **Municipal Water System.** The water system owned and operated by the Village of Cross Plains.
- (i) **Person.** An individual, occupant, property owner, firm, corporation, company, association, cooperative, organization, trust, institution, partnership, governmental agency, municipality or political entity.
- (j) **Utility.** The Village of Cross Plains Water Utility.
- (k) **Village.** The Village of Cross Plains, Dane County, Wisconsin.
- (l) **Village Board.** The Village Board of the Village.
- (m) **Water Service Lateral.** The piping from the main to the curb stop.
- (n) **Water Service Pipe.** The piping from the curb stop and the box to the point of use.
- (o) **Water System.** The potable water collection, storage, and treatment facilities and all structures, piping and appurtenances by which water is delivered to customers, except piping and fixtures inside buildings served, and service pipes from building to street main.

**SECTION 64.11 State Statutes and Regulations Adopted by Reference.**

- (a) **Wisconsin Statutes.** All provisions of the Wisconsin Statutes as they now exist or as they may hereinafter be amended applicable to the same subjects as regulated by this chapter are incorporated herein by reference and made a part of this chapter as if fully set forth herein.
- (b) **Wisconsin Administrative Code.** All provisions of the Wisconsin Administrative Code as they now exist or as they may hereinafter be amended applicable to the same subjects as regulated by this chapter are incorporated herein by reference and made a part of this chapter as if fully set forth herein.

**SECTION 64.12 Municipal Water System.**

- (a) **General.** The Village will operate and maintain a water system which shall comply with the terms of this chapter.
- (b) **Service Area.** The municipal water system service area is defined to include all lands within the corporate limits of the Village; provided, however, that the Village Board may, after public hearing and after considering the Plan Commission's recommendation thereon, determine that the water service area shall not include certain lands which, due to topography, elevation, location outside the urban service area or other inconsistency with the Village Comprehensive Plan, are deemed not suitable by the Village Board for the extension or provision of municipal water services at the time.
- (c) **Management.** The charge, management and control of the municipal water system shall be vested in the Director subject to such general control and supervisory powers of the Village Board as are prescribed under state law. The Director shall have general charge and supervision of the operation, construction,

extension and improvements to the municipal water system and all matters connected therewith, and shall comply with the terms of this chapter.

- (d) **Rules and Regulations.** The rules and regulations governing water service shall be those on file with and approved by the PSC conforming to the requirements of Ch. PSC 185, Wis. Adm. Code. In addition, the Director may recommend further rules governing the provision of water service, the consumption of water and the installation of and connection to water mains subject to the approval of the Village Board and the PSC, if so required. However, nothing contained herein shall prohibit the Director, without the approval of any other body, from creating and imposing such emergency rules and regulations as may be required to protect the water supply or the public health, safety, and welfare, which shall be effective upon such notice to the public as may be appropriate under the circumstances. In the event of a water shortage, water use restrictions may be imposed by the Director.
- (f) **Rates and Charges.** The rates and charges shall be based upon flat fees or meter readings covering such periods of time as are designated by the Village Board, as filed with and authorized by the PSC. Copies of the rates and charges shall be kept on file at the office of the Village Administrator/Clerk-Treasurer and shall be made available to the public for inspection and copying upon request. Past due charges shall be collected in accordance with the provisions of Section 66.0809, Wis. Stats.
- (g) **Connections Required.**
  - (1) **General.** Any person desiring to connect directly with any municipal water system shall make application to the Director for permission to make such connection. The Director shall not grant permission for connection where the service owned by the Utility is not of adequate size to serve the property. No work of laying or building a water line shall begin or be continued without a permit being on the premises. The property owner shall install, at his expense, suitable plumbing facilities which comply with the terms of this chapter.
  - (2) **Health Hazard.** Any property served by a private well which is a health hazard shall connect to the municipal water system, and the property owner shall install, at his expense, suitable plumbing facilities which comply with the terms of this chapter.
- (h) **Application for Connection.** Application for permission to connect to a municipal water line shall be made in writing to the Director, or his designee. The application shall be made by the owner or his representative and shall include a statement giving the exact location of the premises, the purpose for which the connection is to be used, the time when the work is to be done, and such other information as may be required by the Village Engineer or the Director. The application may be incorporated into the building permit but must be reviewed by the Director or his designee. A nonrefundable permit fee as set by the Village Board for each residential or commercial user and for an industrial user shall be

paid upon filing the application. At the time of the connection, each water line shall be inspected by the Village Engineer, the Plumbing Inspector or their designees.

(i) **Construction; Contractor's Responsibilities.**

(1) **Water Mains.** Where excavating machines are used in digging any underground facilities, all water mains shall be maintained at the expense of the contractor.

(2) **Service Pipes.** Contractors shall ascertain for themselves, with the assistance of the Utility, the existence and location of all service pipes. Where service pipes are removed, cut or damaged during construction, the contractor shall, at his own expense, at once cause the service pipes to be replaced or repaired. The contractor shall not shut off the water service pipes from any customer for a period exceeding six hours without first obtaining permission from the Director and providing at least 24 hours advance notice of the shutoff to the customer.

(3) **Safety of the Public.** The contractor shall take all necessary precautions in such manner as will, so far as possible, ensure the safety of the public by properly guarding open ditches and trenches for water mains, hydrants and service pipes so as to prevent accident to any person or vehicle and shall at night display amber signal lights.

(j) **Installation and Repair of Water Service Lateral.** The Utility shall install, maintain and keep in repair, at the expense of the Village, the initial service lateral from the main up to and including to the curb stop and box in accordance with the rates, rules and regulations filed with and authorized by the PSC and in accordance with the terms of this chapter.

(k) **Installation and Repair of Water Service Pipe.** After receiving the necessary approval as required in subsection (h), the property owner shall install and maintain a service pipe and appurtenances from the curb stop to the point of use in accordance with the terms of this chapter and shall protect said service pipes and appurtenances from frost and other damage. If the property owner fails to repair a leaking or broken service pipe from the curb stop to point of metering or use within such time as may appear reasonable to the Director, after notification has been served on the property owner by the Director, the water shall be shut off and shall not be turned on again until the necessary repairs have been completed.

(l) **Stop Box and Curb Stop Inspection.** The Utility shall inspect the stop box and curb stop prior to setting of the water meter to ascertain any damages incurred during construction of improvements on a given lot. If at that inspection or any prior inspection it is found that the stop box and curb stop have been damaged, they shall be repaired by the Utility and the full cost of said repair shall be paid by the property owner.

(m) **Installation and Repair of Meters and Reading Devices.**

(1) **Installation of Reading Device.** Meters and reading devices shall be furnished, installed, maintained and tested by the Utility in accordance with

the terms of this chapter; the Utility reserves the right to specify at any time the size and type of meters, reading devices and appurtenance required and the amount of open space necessary for access. All meters and reading devices shall be so located that they shall be protected from obstructions and allow easy access thereto for reading, inspection and servicing, such location to be designated by the Director. The property owner shall, at his expense, provide the proper connections for the meter and any required reading device or devices, which shall be constructed and installed pursuant to the terms of this chapter.

- (2) **Reading Devices.** At the time of setting the meter, the Utility may install a reading device or devices connected to the water meter to enable the reading of the meter without entering the building. The location of the reading device shall be designated by the Director. The Utility shall furnish, maintain and test the reading device along with and under the same conditions as meters.
- (3) **Repairs.** Meters shall be repaired by the Utility and the cost of such repairs caused by ordinary wear and tear shall be borne by the Utility. Repair of any damage to a meter resulting from the carelessness or negligence of the customer to properly secure and protect the same, including any damage that may result from allowing a water meter to become frozen or to be injured from the presence of hot water or steam in the meter, shall be paid for by the customer.
- (n) **Construction, Installation and Extension of Water Mains.** Water mains shall be constructed, installed and extended in accordance with the terms set forth in Chapter 83 of this Code.

#### **SECTION 64.13 Responsibilities of Customers.**

- (a) **Compliance.** All persons now receiving a water supply from the Utility or who may hereafter obtain approval therefore shall be considered as having agreed to be bound by the terms of this chapter, subject to applicable fees, charges and deposits, and shall be responsible for payment of all water passing through the meter.
- (b) **Protection of Stop Boxes.** Customers shall protect the stop box in their terrace and shall keep the same free from dirt and other obstructions. The Utility shall not be liable for failure to locate stop box and shut off water in case of a leak on the customer's premises.
- (c) **Access to Premises; Special Inspection Warrants.** Pursuant to Section 196.171, Wis. Stats., the Director or his designee shall have access to customers' premises during reasonable hours to make necessary inspections. In the event any customer shall refuse entry for inspection purposes, a special inspection warrant under Section 66.0119, Wis. Stats., may be obtained.

- (d) **Maintenance of Premises.** Customers shall be responsible for maintaining their premises in as safe, clean and sanitary a condition as the nature of the premises shall reasonably permit so as to protect Utility employees from harm and hazards when entering said premises in the performance of their duties.
- (e) **Vacation of Premises.** Customers shall notify the Utility at once when premises are to be vacated so that the Utility may remove the meter and shut off the supply at the curb cock. Customers shall be liable to prosecution for any damage to the property of the Utility by reason of failure to notify the Utility of vacancy.
- (f) **Disconnection of Service Prior to Razing or Moving Buildings.** Customers shall, prior to razing or moving any building, or portion thereof, request the Utility to remove the meter and shall cause the service to be disconnected and capped at the front property line.
- (g) **Thawing Frozen Services.** Frozen services shall be thawed pursuant to Section PSC 185.88, Wis. Adm. Code. However, if a lateral freezeup occurs after a public announcement by the Utility encouraging customers to open a water faucet, customers shall be charged to have the pipes thawed unless it is determined the freezeup could not be prevented. Following the freezing of a service, the Utility shall take such steps and issue such instructions as may be necessary to prevent the refreezing of the same service. No charge shall be made for rethawings if the instructions are followed. In case it is necessary to allow the water to flow to prevent refreezing, the customer shall make provision for proper disposal of the wastewater and the customer shall be billed according to meter readings, but in no event to exceed the average.
- (h) **Interruption of Service.** The Utility reserves the right to shut off the water in the mains temporarily to make repairs, alterations or additions to the water system. When circumstances permit, the Utility shall give notification, by newspaper publication or otherwise, of the interruption of service. No rebate or damages shall be allowed to a customer for such temporary suspension of supply.
- (i) **Responsibility for Damages and Water Loss.** The Utility shall not be responsible for any damages or the cost of any water loss arising out of a broken or defective water main service pipe or appurtenance thereto where the installation thereof was performed in a good and workmanlike manner and where the customer is responsible for the maintenance thereof, or from damages arising from variation in water pressure from the mains or from the collapse of any water fixture.
- (j) **Claims for Damages.** No claim shall be entered or allowed for damages against the Village, the Utility or any officer or employee thereof for damage to any pipe fixtures or appurtenances by reason of interruption or discontinuance of water supply, or variation in water pressure, or for damages of any nature whatsoever caused by the breakage of any pipe or machinery, or by stoppage for repairs due to fire or other emergency, or for the extension, alteration or repair of any water main.

- (k) **Approved Rates and Rules.** Customers shall comply with all current applicable rates and rules approved by the PSC for the Village.

**SECTION 64.14 Prohibited Acts.**

- (a) **Protection of Municipal Water System.** No person shall connect to, tamper with, modify, injure, deface, damage or in any manner interfere with the municipal water system or any part thereof, including water meters installed by the Utility, or said meters' electrical and mechanical connections or apparatus or water pipes leading to said meters, unless authorized to do so by the Director or a designee thereof.
- (b) **Valves and Hydrants.** No person shall, without authority of the Director or the Chief of the Fire Department, operate any valve connected with a street or supply main or open any fire hydrant connected with the municipal water system or wantonly injure or impair the same, except for the purpose of extinguishing fire.
- (c) **Damages to Hydrants by Motor Vehicles.** Owners or operators of motor vehicles shall be responsible for the cost of repair to any hydrant damaged by a motor vehicle, and neither the Village nor the Utility shall be held responsible for any damages to any motor vehicle resulting therefrom.
- (d) **Breaking Seals.** No person shall break any seal upon any meter, valve, private fire hydrant, hydrant or other fixtures sealed by the Utility.
- (e) **Sale of Water.** No person shall sell or resell any water obtained from the Utility without the authority of the Director. Further, no person shall give away such water for the purpose of evading this chapter.
- (f) **Waste of water.** No person shall waste any water obtained from the municipal water system. "Waste" is herein defined as the nonproductive and non-efficient use of water.
- (g) **Falsifying Information.** No person shall knowingly falsify any statement, representation, record, report, plan, or other document filed with the Village, the PSC, the Department or the Utility.

**SECTION 64.15 Cross-Connection Control and Backflow Prevention.**

- (a) **Purpose.** The purpose of this section is to:
  - (1) Protect the health and welfare of users of the public potable water supply of the Village from the possibility of contamination or pollution of the potable water system(s) under the direct authority of the Utility.
  - (2) Promote the control and/or elimination of existing cross-connections (actual or potential) between the customer's potable water system(s) and other environment(s) containing substances which may contaminate or pollute the water supply.
  - (3) Provide for the maintenance of a continuing comprehensive program of cross-connection control which will systematically and effectively prevent

the contamination or pollution of all potable water systems under the direct authority of the Utility.

- (b) **Definitions.** As used in this section, the following terms shall have the meaning indicated:
- (1) **Backflow.** The undesirable flow of water or mixtures of water and other liquids, solids, gases or other substances under positive or reduced pressure into the Utility potable supply of water from any source.
  - (2) **Backflow Prevention.** A means designed to prevent backflow caused by back pressure or backsiphonage, most commonly categorized as air gap, reduced-pressure-principle backflow assembly, double check valve assembly, pressure vacuum breaker assembly, backsiphonage backflow vacuum breaker (spill-resistant pressure vacuum breaker) assembly, pipe-applied atmospheric vacuum breaker, flush tank ballcock, laboratory faucet backflow preventer, backflow preventer for carbonated beverage machine, vacuum breaker wall hydrants (freeze-resistant automatic draining type), chemical dispensing machine, hose connection vacuum breaker, hose connection backflow preventer, and backflow preventer with intermediate atmospheric vent and barometric loop.
  - (3) **Back Pressure.** 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 a reversal of the normal direction of flow.
  - (4) **Backsiphonage.** The flow of water or other liquids, mixtures or substances into the Utility's potable water system from any source caused by the sudden reduction of pressure in the Utility's potable water supply system.
  - (5) **Cross-Connection.** As defined in Section 64.10 of this chapter.
  - (6) **Cross-Connection Control Manual.** Policies and procedures for cross-connection control and backflow prevention established by the Village .
- (c) **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 such Utility unless such private, auxiliary or emergency water supply and the method of connection and use of such supply have been approved by the Utility and the Wisconsin Department of Natural Resources.
- (d) **Responsibility.** The Utility shall be responsible for the protection of the public potable water distribution system from contamination or pollution due to backflow of contaminants or pollutants. The Utility shall charge fees according to the Utility's Cross-Connection Control Manual for maintaining a comprehensive cross-connection control protection plan.
- (e) **Owner Responsibility.** The property owner shall be responsible for the protection of the customer's potable water system. The responsibilities include the

elimination of or protection from all cross-connections on his premises. The owner shall, at his own expense, install, maintain and test any and all backflow preventers on his premises in compliance with Section SPS 382.21, Wis. Adm. Code, and the Utility's Cross-Connection Control Manual. The property owner shall have corrected any malfunction revealed by periodic testing of any backflow preventer on his 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 means. The property owner shall not install a bypass around any backflow preventer unless there is a backflow preventer of the same type in the bypass. Property owners who cannot shut down operation for testing of the backflow prevention assembly must supply additional assemblies necessary to allow testing and maintenance to take place. In the event that the property owner installs potable water using fixtures, equipment or appurtenances upstream of a backflow preventer, they must have their own approved backflow prevention means. The property owner is required to follow the protection practices described in the American Water Works Association publication AWWA M-14, titled "Recommended Practice for Backflow Prevention and Cross-Connection Control," the United States Environmental Protection Agency publication titled "Cross-Connection Control Manual," and the Wisconsin Plumbing Code, Chps. SPS 382 to 384, Wis. Adm. Code, unless the Utility requires or authorizes other means of protecting the potable water supply system. These requirements or authorizations will be at the discretion of the Utility.

- (f) **Inspections.** It shall be the duty of the Utility to cause surveys to be made of all properties serviced by the Utility where cross-connection with the public water system is deemed possible.
- (1) **Residential Properties Serviced by the Utility Shall be Surveyed on a Ten-year Interval.** The Utility may, but is not required to, perform the cross-connection survey of the customer's property. If, in the opinion of the Utility, the Utility is not able to perform the survey, the property owner must, at his own expense, have the water system piping surveyed for cross-connections by a person who has been properly trained in accordance with the American Society of Sanitary Engineers (ASSE) Standard Number 5120 as a cross-connection control surveyor.
  - (2) All nonresidential properties serviced by the Utility shall be surveyed on an interval not exceeding two years. The Utility may, but is not required to, perform the cross-connection control survey of the customer's property. If, in the opinion of the Utility, the Utility is not able to perform the survey, the property owner must, at his own expense, have the water piping system surveyed for cross-connections by a person who has been properly trained in accordance with the American Society of Sanitary Engineers (ASSE) Standard Number 5120 as a cross-connection control surveyor.

- (3) The frequency of required surveys and resurveys, based upon the potential health hazards, may be shortened by the Utility.
- (g) **Right of Entry.** Upon presentation of credentials, representatives of the Utility shall have the right to request entry at any reasonable time to examine property served by a connection to the public potable water system of the Utility for cross-connections. If entry is refused, such representatives shall obtain a special inspection warrant under Section 66.0119, Wis. Stats. The Utility shall charge the property owner a fee as set by the Village Board per day for refusal to allow entry to examine any property. Upon request, the owner, lessee or occupant of any property served shall furnish to the inspection agency any pertinent information regarding the piping system on such property.
- (h) **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 potable water system. Water service shall be discontinued if the means of backflow prevention required by the Utility is not installed, tested, maintained and/or repaired in compliance with this section, the Wisconsin Plumbing Code, Chps. SPS 382 to 384, Wis. Adm. Code, or if it is found that the means of backflow prevention required by this section has been removed or bypassed. Water service shall be discontinued only after 10 day's written notice mailed to the owner of the property at the owner's last known address.
- (i) **Reconnection of Service.** Water service to any property disconnected under provisions of this section shall not be restored until the cross-connection has been eliminated or a backflow prevention means approved by the Utility has been installed in compliance with the provisions of this section.
- (j) **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 within 10 days of such emergency discontinuance. Such hearing shall be before the Village Board and shall conform to all existing due process requirements.
- (k) **Additional Protection.** In the case of premises having cross-connections that cannot be permanently corrected or controlled or intricate plumbing and piping arrangements or where entry to all portions of the premises is not readily accessible for surveying purposes, making it impractical or impossible to ascertain whether or not dangerous cross-connections exist, the public water supply system shall be protected 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 supply system, an approved air gap separation or an approved reduced-pressure-principle backflow assembly shall protect the public water supply system. Examples of premises where these conditions will exist include premises with

auxiliary water supplies either interconnected or not interconnected with the public water supply system, premises where inspection is restricted, hospitals, mortuaries, clinics, laboratories, piers, docks, and other waterfront facilities, sewage treatment plants, sewage lift stations, food and beverage processing plants, chemical plants using a water process, metal processing plants or nuclear reactors, car washing facilities and premises with reclaimed water systems. In the case of any presence of toxic substances, the Utility may require an approved air gap or reduced-pressure-principle backflow assembly at the service connection to protect the public water supply system. This requirement will be at the discretion of the Utility.

- (l) **Public Water Supplies.** This section does not supersede Ch. NR 811, Wis. Adm. Code, but is supplementary to it.
- (m) **Administrative Code Regulations.** The Village Board adopts by reference all Administrative Code sections governing plumbing and public water systems. This chapter does not supersede these provisions, but is supplementary to them.

#### **SECTION 64.16 Private Well Abandonment.**

- (a) **Abandonment Required.** Any private well which is unsafe, unused, improperly constructed or fails to comply with the provisions of Ch. NR 812, Wis. Adm. Code, and which is located on premises served or to be served by the municipal water system shall be permanently abandoned to prevent the well from acting as a channel for contaminated surface or near-surface waters or other materials to reach the usable groundwater. Only those wells for which a well operation permit has been granted by the Director or his designee pursuant to the provisions of subsection (b) below may be exempted from this requirement subject to conditions of maintenance and operation.
- (b) **Well Operation Permits.** A permit may be granted by the Director or his designee to a well owner to continue to operate a well for a period not to exceed five years after municipal water service is available if application is made on forms provided by the Village Administrator/Clerk-Treasurer, a fee as established by the Village Board is paid, and the following requirements are met:
  - (1) Unless otherwise waived by the Director, the well and pump installation meet the requirements of Ch. NR 812, Wis. Adm. Code, and a well constructor's report is on file with the Department, or certification of the acceptability of the well has been granted by the Private Water Supply Section of the Department.
  - (2) The well has a history of producing safe water and presently produces bacteriologically safe water as evidenced by three samplings two weeks apart.
  - (3) The proposed use of the well can be justified as being necessary in addition to water provided by the municipal water system.

- (4) No physical connection shall exist between the piping of the municipal water system and the private well.
- (c) **Notice and Inspection.** The owner of any well to be abandoned shall provide notice to the Director of the intent to abandon such well at least 96 hours before the well is sealed. The Director or his designee shall observe and inspect the filling and sealing of all wells to be abandoned to ensure the abandonment methods utilized conform to the requirements of subsection (d) below.
- (d) **Abandonment Methods.** Wells to be abandoned shall be filled pursuant to the provisions of Ch. NR 812, Wis. Adm. Code, within five days from the date of the connection to the municipal water system.
- (e) **Report to Department.** A well abandonment report on forms provided by the Department and available from the Village Administrator/Clerk-Treasurer shall be submitted by the well owner to the Department pursuant to the provisions of Ch. NR 812, Wis. Adm. Code. A completed copy of the report shall be submitted to the Village Administrator/Clerk-Treasurer.

#### **SECTION 64.17 Appeals.**

- (a) **Appeal to the Village Board.** Any person who objects to any final decision of the Utility may appeal to the Village Board.
  - (1) **Notice of Appeal.** A written notice of appeal specifying the reasons stated by the Utility for taking such action, and why the appellant believes said action was inappropriate, shall be filed with the Village Administrator/Clerk-Treasurer within 10 days of the date the Utility's notice of the final decision was sent to the appellant.
  - (2) **Notice of Meeting.** Within 20 days of the filing of the notice of appeal, the Village Administrator/Clerk-Treasurer shall file the notice of appeal with the Village Board and shall fix a reasonable time and place for a meeting open to the public. Notice of the time, place and purpose of such meeting shall be sent to the appellant and to the Secretary of the Utility at least 10 days prior to the hearing.
  - (3) **Decision.** The Village Board shall either affirm, modify, or reverse the action of the Utility or shall refer the matter back to the Utility for further consideration within 10 days of the appeal hearing. Notice of the decision of the Village Board shall be sent to the appellant and the Utility.
- (c) **Application of Ch. 68, Wis. Stats.** The provisions of Ch. 68, Wis. Stats., shall not be applicable to any determination made pursuant to the provisions of this chapter.

#### **SECTION 64.18 Violations and Penalties.**

- (a) **Violations.** Any violation of the provisions of this chapter or of any prohibition, limitation, or requirement contained therein by any person or his agent shall be served by the Director with a written notice stating the nature of the violation and

issuing a special order for the appropriate remedy thereof. Every violation of this chapter is a public nuisance and the creation thereof may be enjoined and the maintenance may be abated by action at suit of the Village, the state or any citizen thereof.

- (b) **Citations for Violations.** The Village law enforcement officers are authorized to issue citations for violations of this chapter and may pursue the abatement provisions of Chapter 23 of this Code in addition to pursuing the remedies provided in this chapter.
- (c) **Penalties.** Any person or his agent who violates or fails to comply with the provisions of this chapter shall, upon conviction thereof, forfeit not less than \$10 nor more than \$1,000 and costs of prosecution for each violation. In addition to said forfeiture, the remedial provisions in Ch. 823, Wis. Stats., relating to public nuisances are incorporated and adopted herein by reference and shall be enforced when applicable.
- (d) **Other Methods not Excluded.** Nothing in this chapter shall be construed as prohibiting the abatement of public nuisances by the Village or its officials in accordance with the laws of the State of Wisconsin.
- (e) **Each Day a Separate Offense.** Each day a violation exists or continues shall constitute a separate offense.