

**CITY OF MUSKEGO
CHAPTER 28 - COMMITTEE ON PUBLIC WATER**

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CITY OF MUSKEGO
CHAPTER 28 - COMMITTEE ON PUBLIC WATER
(Ord. #543 - 8-12-1986)

28.01 COMMITTEE ON PUBLIC WATER

- (1) There is created a Committee on Public Water to be known as the "Public Water Committee" of the City which shall have charge of the water utility owned and operated by the City in lieu of a Water Commission pursuant to Wisconsin Statute 68.068, but said Committee shall only have the powers and duties as other Committees of the Common Council have and said Committee shall not have any other powers or duties as provided by Wisconsin Statute 68.068.
- (2) Such Committee shall be governed by Chapter 2, Section 2.09 of the Municipal Code of the City of Muskego including selection and number of members of said Committee.

28.02 CONTROL, FACILITIES AND OWNERSHIP

(1) CONTROL OF WATER UTILITY

The City hereby creates and establishes a water utility for the City. The management, operation and control of such water system is vested in the Common Council provided the management and operation of such water system shall be performed by the Public Water Committee subject to the ultimate control by the Common Council. All records, minutes, written proceedings and financial records shall be kept and maintained by the City.

(2) CONTROL OF WATER QUALITY, WELLHEAD PROTECTION DISTRICT

Through the Wisconsin Legislative Act 410 (effective May 11, 1984), and as the residents of the City of Muskego depend exclusively on groundwater for a safe drinking water supply, it is recognized that certain land use practices and activities can seriously threaten or degrade groundwater quality. As such, the Overlay Wellhead Protection District (OWP), as described in Chapter 17, Section 13 was instituted to protect the City of Muskego's municipal water supply and well fields. The regulations specify that the OWP shall apply to all lands that lie within the five year Time of Travel (TOT) of each City of Muskego municipal well or 1,200 feet minimum, within the City of Muskego corporate limits, and have a well head protection area delineated in a Well Head Protection Plan accepted by the City. For specific guidelines on permitted and prohibited uses with the OWP, please see Chapter 17:9.11. (Ord. #1247 – 02/01/2007)

(3) FACILITIES AND OWNERSHIP

The water utility shall consist of deep wells, storage tanks, distribution facilities, including fire hydrants, fountains and other facilities required in connection therewith. The City, acting through the Common Council and Public Water Committee, shall have the power to lay mains through alleys, streets and acquire and install required facilities and to do all such work as necessary or convenient in the management of the water system. The Mayor, Alderman, or their officers, agents and employees shall have the right to enter upon any land to examine or supervise in the performance of their duties under this subchapter without liability therefore. The Common Council shall have the power to purchase for the City all real and personal property necessary for construction of the water system or for any repair, remodeling or additions thereto.

(4) CONDEMNATION OF REAL ESTATE

Whenever any real estate or easements therein or use thereof shall, in the judgment of the Common Council, be necessary to the operation of the water system and whenever an agreement for purchase cannot be made with the owner thereof, the Common Council shall proceed with all necessary steps to take such real estate or easement by condemnation in accordance with State Statutes.

(5) TITLE TO REAL ESTATE AND PERSONALITY

All property, real, personal and mixed, acquired for construction of the water system, all plans, specifications, diagrams, papers, books and records connected therewith and all buildings, machinery and fixtures pertaining thereto shall be City property.

28.03 CONSUMER RULES AND REGULATIONS

The rules, regulations and water rates of the water system of the City set forth herein shall be considered a part of the contract with each person who is supplied with water through the water system. Such person by taking water or connecting with such system shall be considered as expressing his assent and be bound thereby. Whenever any such rules and regulations or such conditions as the Common Council or Public Water Committee any hereafter adopt are violated, the water shall be shut off from the building or place of such violation, even though two or more parties are receiving water through the same pipe, and shall not be turned on again except by order of the Public Water Committee after payment of all arrears, expenses and established charges of shutting off, turning on and such other terms as the Committee may determine. These rules shall conform to the established rules and regulations of the State Public Service Commission or State Statutes applicable thereto. In case of such violation, the appropriate authority may declare any payment made for the water by the party committing such violation to be forfeited. The Common Council or Public Water Committee has the right to change such rules, regulations and water rates from time to time as they may deem advisable and to make special rates and contracts in all property cases, subject to the authority of the Wisconsin Public Service Commission.

28.04 OPERATING RULES

(1) ESTABLISHMENT OF SERVICE

- (a) Customers To Be Subject to PSC Rules. All persons who may hereafter receive water from the Water Utility or who may hereafter make application therefore, shall be considered as having agreed to be bound by rules and regulations as filed with the Public Service Commission of Wisconsin.
- (b) Application. Application for water service shall be made in writing on a form furnished by the Public Water Committee. The application shall contain a legal description of the property to be served, including tax key number, name of applicant, use to be made of service and such other information as the Utility may require.
- (c) Conditions for Service. Service shall be furnished only if:
 - 1. Applicant has installed or agrees to install a service pipe from the water main in the street to the point of use laid not less than six (6) feet below the surface of an established or proposed grade and according to the Utility's specifications,
 - 2. Applicant pays required hookup charge, and

3. Premises have adequate piping beyond metering point.
 4. Applicant shall pay any water capacity assessment which the City shall deem reasonable and necessary.
- (d) Multi-Unit Metering. Multi-unit dwellings shall be served by individual metered water service to each unit, except by approval of the City of Muskego. The owner shall provide interior plumbing and meter settings to enable individual metered service to each unit and individual disconnection without affecting service to other units. Each meter and meter connection shall be a separate water utility customer for the purpose of the filed rules and regulations. The owner is responsible for and subject to Section 28.03 of this ordinance. (Ord. #903 9-19-96)
- (e) Division of Water Service Prohibited. No division of the water service of any lot or parcel of land shall be made for 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 or more separate premises having frontage on any street or public service strip whether owned by the same or different parties.
- (f) Approval May be Withheld. The Committee is hereby empowered to withhold approval of any application wherein full information of the purpose of such supply is not clearly set forth by the applicant property owner.

(2) SERVICE CONTRACT

The minimum service contract period shall be one year unless otherwise specified by special contract or in the applicable rate schedule. Where a customer at this request has been disconnected prior to expiration of his minimum contract period, where his account is not delinquent and where thereafter he requests the reconnection of service, a reconnection charge of \$15.00 payable in advance shall be collected. The minimum contract period is renewed with each reconnection.

There shall be a reconnection charge of \$15.00 for consumers whose services are disconnected because of nonpayment of bills when due, including disconnection for failure to comply with deposit or guarantee rules.

A person shall be considered as the same consumer provided the reconnection is required for the same premises by any member of the same family, of if a place of business, by any partner or employee of the same business.

(3) TURNING ON WATER

Water cannot be turned on for a consumer except by an authorized employee of the Utility. When a plumber has completed his work, he shall leave the water turned off. Such plumber may test his work, but when such testing is completed, he shall leave water shut off.

(4) STOP BOXES

The consumer shall protect the stop box on his property 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 consumer's premises. The consumer shall allow access to the stop box by, and not interfere with, Utility personnel at all times.

(5) THAWING FROZEN SERVICES

- (a) Frozen services shall be thawed out by and at the expense of the Utility unless freezing was caused by contributory fault or negligence by the consumer such as reduction of grade, improperly installed consumer service pipe, etc.
- (b) Following freezing of a service, the Utility shall take such steps and issue such instructions as may be necessary to allow the water to flow to prevent refreezing, the consumer shall make provision for proper disposal of the waste water. The charge for water shall be adjusted to allow a credit for water permitted to run as a result of Utility instructions. Credit will not be allowed if ordered to run due to negligence or fault as stated in (5)(a) above.

(6) INSTALLATION OF METERS. (Ord. #898 - 08/22/96)

Meters shall be furnished and placed by the Utility and are not to be disconnected or tampered with by the consumer. All meters shall be so located that they are protected from obstructions and permit ready access thereto for reading, inspection and servicing, such location to be designated or approved by the Utility Superintendent. All piping within the building shall be supplied by the consumer. Where additional meters are desired by the consumer, he shall pay for all piping and an additional amount sufficient to cover the cost of maintenance and depreciation, but not less than 25 cents per month. The consumer shall allow access to the meter by the Utility on a regular and reasonable basis in order to read the meter.

In all new multi-family buildings with four (4) or more units, a separate room shall be provided to accommodate water meters. This room shall be heated to prevent freezing and shall have direct access from the outside of the building. All meters shall be located so that they are protected from obstructions and permit ready access for meter installation, reading, inspection, and servicing.

If water treatment devices (softeners, filters) are to be installed, they may be installed in this room, providing that sufficient space be allowed for such device and installation of such device does not interfere with access to meters.

Meter rooms shall not be located under a stairway or other overhead obstruction and shall not be used for storage of any kind.

Access to meters shall be provided by the owner or building manager upon a minimum 24-hours notice by the Utility.

Proper notice by the Utility for purposes of this code, shall mean a written notice, delivered to the owner or building manager, a minimum of 24 hours prior to the time access is requested.

(7) SERVICE PIPING FOR METER SETTING.

Where a new customer whose service is to be metered installs the original service piping, 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 proper meter connections.

The Water Superintendent shall 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 Superintendent (he may require a horizontal run of 18" in such pipe line) which may later be removed for the insertion of the meter into the supply line.

(8) REPAIRS TO METERS

Meters shall be repaired by the Utility. The cost of such repairs caused by ordinary wear and tear shall be borne by the Utility.

Repair of any damage caused by carelessness of the owner of the premises, his agents or tenants or from the negligence of any 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 presence of hot water or steam in the meter, shall be paid for by the consumer of the owner of the premises should the consumer fail to pay.

(9) CHARGES FOR WATER WASTED DUE TO LEAKS

When the meter registers losses due to pipe leaks, the Utility shall determine whether the defect in the piping or equipment was known to the customer or, being known, he has used his best efforts to correct the conditions. If the Utility determines that the loss occurred without the consumer's knowledge, or having known about it he had tried to correct the condition, the Utility may determine as nearly as possible what is the amount of loss by comparison with the use of the water during a like period, and the excess may be billed at the lowest step in the rates. However, if the consumer knew of the leak and failed to give proper attention to it, the Utility shall bill for the total consumption shown by the meter at regular rates.

(10) FAILURE TO READ METERS

Where the Utility is unable to read a meter after two successive tries, that fact shall be indicated on the bill, the minimum charge applied and the difference adjusted when the meter is read again; the bill for the succeeding quarter shall be computed with the gallons in each block of the rate schedule doubled, and credit shall be given on that bill for the amount of the minimum bill paid the preceding month.

Only in unusual cases or when approval is obtained from the consumer shall more than two consecutive estimated bills be rendered where the billing period is two months or more.

If the meter fails to operate, the bill shall be based on average use during the corresponding quarter of the past year unless there is some reason why the use was not normal. If the average use cannot be properly employed, the bill shall be estimated by some equitable method.

In the event the customer fails or refuses to allow access to read meters as set forth in PSC185.37(2)(e) or (f), the Utility may disconnect service as set forth in PSC 185.37(11). Cost for reconnection of service shall be in accordance with the rates established by the PSC rate order filed with the City of Muskego. (Ord. #930 - 06-19-97)

(11) TEMPORARY METERED SUPPLY

An applicant for temporary water supply on a metered basis shall make a monetary deposit of not less than \$10.00 for each month installed. The charge for setting the valve and furnishing and setting the meter shall be \$35.00, so \$25.00 of the \$35.00 deposit shall be available to pay for the water used at the scheduled rates.

Where no other supply is available, permission may be granted by the utility to use a hydrant after such hydrant is equipped with a sprinkling valve. A charge of \$25.00 shall be made for setting the valve or moving it; and a \$25.00 deposit shall be required for the hydrant wheel and reducer. No valve shall be placed, removed or moved except by an employee of the Utility. If the water is to be used through iron pipe connections, all such pipe installations shall have a swing joint to facilitate quick disconnection from the fire hydrant.

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

(12) REPAIRS TO MAINS

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

(13) HANDLING WATER MAINS AND SERVICE PIPES IN TRENCHES

Where excavating machines are used in digging, all water mains shall be maintained at the expense of the contractor.

Contractors shall ascertain for themselves the existence and location of all service pipes. Where they are removed, cut or damaged in the construction, the contractor shall at his own expense cause them to be replaced or repaired at once. Such repair shall not cause water service to any consumer to be shut off more than six hours.

(14) SETTLING MAIN OR SERVICE TRENCHES

Trenches in streets shall be refilled with approved granular back fill in accordance with State highway specifications or City specifications where more restrictive. The Contractor shall be responsible for repair of all settled trenches for one year from date of completion.

(15) 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 1/2" 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.

(16) NO CLAIMS FOR DAMAGES

No person shall enter a claim for damages against the City, the Public Water Committee as a Utility or any officer thereof for damage to any pipe, fixture or appurtenances by reason of interrupted service, variation of pressure or for damage caused by turning off or turning on, whether wholly or partially, the water supply or for the discontinuance of the premises water supply for violation of any rule or regulation of the Water Utility. No claims shall be allowed against the City on account of the interruption of the water supply caused by the breaking of pipes

or machinery or by stoppage for repairs from fire or other emergency. No claims shall be allowed for any damage caused by the breakage of any pipe or machinery.

(17) PURITY OF SUPPLY NOT TO BE IMPAIRED BY CROSS CONNECTIONS (Ord. #1256-03-08-12)

- (a) DEFINITION OF CROSS CONNECTION. A cross connection is defined as any physical connection or arrangement between two otherwise separate systems, one of which contains potable water from the City of Muskego's public water system, and the other of 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, with the direction of flow depending on the pressure differential between the two systems.
- (b) UNPROTECTED CROSS CONNECTIONS PROHIBITED. No person, firm, or corporation may establish or maintain, or permit to be established or maintained, any unprotected cross connection. Cross connections shall be protected as required in chapters NR810 and SPS 382, Wisconsin Administrative Code. (Ord. #1392 – 12/18/14)
- (c) INSPECTION. The water utility may inspect, or arrange for an inspection of, property served by the public water system for cross connections. At its sole discretion, the water utility may require a person, firm, or corporation who owns, leases, or occupies property to have their plumbing inspected, at their own expense by a State of Wisconsin Certified Cross Connection Inspector. Inspections will be conducted for every residential and low hazard non-residential service a minimum of once every ten years or on a schedule matching meter replacement. Public educational materials, when being provided in lieu of low hazard inspections, shall be provided to the customer no less than every 3 years and with every cross connection inspection. Unless otherwise approved by the Utility and the WDNR, the Utility shall cause an inspection to be conducted for every high hazard services a minimum of once every 2 years. Any unprotected cross connections identified by the inspection shall be promptly corrected. Failure to promptly correct an unprotected cross connection shall be sufficient cause for the water utility to discontinue water service to the property, as provided under 28.04(17)(f) of this ordinance. (Ord. #1392 – 12/18/14)
- (d) RIGHT OF ENTRY. Upon presentation of credentials, a representative of the water utility shall have the right to request entry, at any reasonable time, to a property served by a connection to the public water system for the purpose of inspecting the property for cross connections. Refusing entry to such utility representative shall be sufficient cause for the water utility to discontinue water service to the property, as provided under 28.04(17)(f) of this ordinance. If entry is refused, a special inspection warrant under Section 66.0119 of the Wisconsin Statutes, may be obtained.
- (e) PROVISION OF REQUESTED INFORMATION. The water utility may request an owner, lessee, or occupant of property served by a connection to the public water system to furnish the water utility with pertinent information regarding the piping systems on the property. Refusing to provide requested information shall be sufficient cause for the water utility to discontinue water service to the property, as provided under 28.04(17)(f) of this ordinance.

- (f) DISCONTINUATION OF WATER FOR VIOLATION. The water utility may discontinue water service to any property wherein any unprotected connection in violation of this ordinance exists, and take other precautionary measures deemed necessary to eliminate any danger of contamination of the public water system. Water service may be discontinued, however, only after reasonable notice and opportunity for hearing under Chapter 68, Wisconsin Statutes, except as provided in 28.04(17)(g) of this ordinance. Water service to such property shall not be restored until the unprotected cross connection has been eliminated.
- (g) EMERGENCY DISCONTINUANCE. If it is determined by the water utility that an unprotected cross connection or emergency endangers public health, safety, or welfare, and requires immediate action, and if a written finding to that effect is filed with the City Clerk and delivered to the customer's premises, water service may be immediately discontinued. The customer shall have an opportunity for hearing under Chapter 68, Wisconsin Statutes, within 10 days of such emergency discontinuance. Water service to such property shall not be restored until the unprotected cross connection has been eliminated

(18) OPERATION OF VALVES AND HYDRANTS

Any person who shall, without authority of the Committee, operate any valve connected with the street or supply mains, open any fire hydrant connected with the distribution system, except to extinguish fire, or who shall damage or impair the same shall be subject to a forfeiture as provided herein. Permits for use of hydrants to fill sprinkling carts apply only to hydrants designated for such use.

(19) INSPECTION OF PREMISES

Any officer or authorized employee of the Utility shall have the right of access during reasonable hours to any premises supplied with service, for inspection or enforcement of the Utility's rules and regulations. The Utility shall make a systematic inspection of all metered and unmetered water taps at least once every three years to check waste and unnecessary use of water.

(20) VACATION OF PREMISES

Before premises are to be vacated, the Utility shall be notified in writing, so it may remove the meter and shut off the water at the curb valve. The owner of the premises shall be liable to prosecution for any damage to Utility property by failing to notify the Utility of vacancy.

(21) TAP PERMITS

After water connections have been made to any building or upon any premises, no person shall have any tap or connection with the pipe upon such premises for alterations, extensions or attachments unless the person requesting such work shall have obtained and shall exhibit the proper permits therefore from the Utility. Any owner of a one-family home may perform work on his own premises' water system without a licensed plumber if such homeowner advises the Utility when he makes his application for the permit. All plumbing work, whether performed by a licensed plumber or homeowner, shall be subject to the State and local regulations regarding plumbing.

If any internal plumbing changes are required at the time of connection to the utility, the cost of such changes and related permits are the responsibility of the property owner.

(22) CONSUMERS TO CONSERVE WATER

Consumers shall keep the hydrants, taps, water closets, urinals, baths or other fixtures allotted to their use closed except when obtaining water for use and shall be responsible for any damage or injury that may result to others from the improper use of such water.

(23) SURREPTITIOUS USE OF WATER

When the Utility has reasonable evidence that a consumer is obtaining his water supply, in whole or in part, by means of devices or methods used to stop or interfere with property 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. Such bill shall be payable subject to a 24-hour disconnection of service. When the Utility has disconnected the consumer's service for such reason, the Utility shall reconnect the consumer's service upon the following conditions;

- (a) The consumer shall deposit with the Utility an amount sufficient to guarantee payment of his bills for utility service.
- (b) The consumer shall pay the Utility for any damages to its equipment on the consumer's premises due to such stoppage or interference with its metering.
- (c) The consumer shall agree to comply with reasonable requirements to protect the utility against further losses.

§98.26 and §943.20, Wis. Stats., relating to water service are hereby adopted by reference and made a part of these rules.

(24) CONSUMER TO KEEP IN REPAIR

Consumers shall keep their own service pipes, stop cocks and apparatus in good repair and protected from frost at their expense and shall prevent any unnecessary waste of water and overburdening of the system. All expenses related to bringing water into buildings or private premises and connections with the system shall be paid by the applicant. No charge shall be made for the services of the Commission employee to direct where and how the mains shall be tapped and excavations made in the street for laying pipe.

(25) CONSUMERS' USE ONLY

No consumer shall supply water to others nor allow others to take it off his premises or to connect to the system.

(26) CONSUMER TO PERMIT INSPECTION

Each consumer shall permit the Commission or its authorized agent, at any reasonable hour, to enter their premises or building to examine pipes, fixtures and the manner in which water is used and drains operate. Such consumers shall answer all questions put to them relative to water consumption.

(27) TURNING ON SERVICES

Water shall not be turned on into any building or private service pipe without a written order of the authorized agent or employee of the Utility. Plumbers are hereby prohibited from turning water into any service pipe, except with permission of such Commission or its agent. This rule shall not be construed to prevent any plumber from admitting water to the pipes. When the water has been

turned off by order of the Utility or its agent, no consumer shall turn it on nor permit it to be turned on without written permission of such Utility or agent thereof.

(28) EXCAVATIONS

In making excavations in streets or highways to lay service pipes or make repairs, the planks, paving and earth removed shall be deposited to cause the least inconvenience to the public and provide for passage of water along gutters.

No person shall leave open excavation without barricades in any street or highway. At night, warning lights shall be maintained at such excavations.

In back filling the opening after the service pipes are laid, the earth shall be laid in layers of not more than 9" in depth with each layer thoroughly rammed or puddled to prevent settling. Back fill shall be as specified by the Utility or its agent and may include but is not limited to: spoil material, crushed road gravel or slurry material. This work, together with replacing sidewalks, ballast and paving, shall be done to make the street as good as before it was disturbed and to the Street Superintendent's satisfaction. No excavations shall be made in the right-of-way without first obtaining a permit from the Utility Superintendent or his designated agent. All sidewalks and pavements shall be saw cut to provide a neat edge.

(29) TAPPING MAINS

No person, except those with the Public Water Committee's special permission or persons in the Committee's service and approved by it, shall tap into mains or distribution pipes or insert stop cocks or ferules therein. The kind and size of connection with the mains shall be those specified in the permit or order from such Committee.

Mains shall be tapped on the side and not within 24" of any joint 12" or another tap. Taps less than three feet apart shall be staggered from each other a minimum angle of 30 degrees.

28.05 WATER SERVICE RATES

That water rates and regulations will be as established by the State Public Service Commission and the rates and regulations so ordered are adopted as the rates and regulations of the City and incorporated in this subchapter as part hereof. That any further changes in rates and regulations ordered from time to time by the Public Service Commission are adopted by the City and incorporated in this subchapter as a part hereof.

(1) CHARGES TO BE LIEN ON REAL ESTATE

All water services, charges and special assessments shall be a lien on the lot, part of a lot or real estate on which service is supplied or available for service. All charges accrued during the preceding year not paid by October 15th of the following year shall be certified to the City Clerk and placed upon the real estate tax roll for collection as provided by State Statutes.

(1.5) SPECIAL ASSESSMENTS

There may be levied from time to time special assessments against certain properties benefited by public work or improvements to the water utility.

(2) MANDATORY HOOKUP (Ord. #660; 8-22-89)

- (a) The owner of each parcel of land presently occupied and serviced or capable of being serviced by such water system shall be hooked up to the water system within 30 days after notification by the Committee. If unoccupied, hookup shall be before occupancy. Such mandatory hookup shall apply to all buildings located within the City capable of being served if said property is tested and is not served by a private well which tests "safe" according to standards of the Wisconsin State Department of Natural Resources and the Waukesha County Health Department, and to all new construction. (Ord. #1336; 12-23-2010)

To assure preservation of public health, comfort and safety, the City does require buildings used for human habitation and located adjacent to a water main, or in a block through which the water system is extended, to be connected with said system in the manner prescribed in the previous paragraph. If any person fails to comply for more than 10 days after notice in writing, the City may impose a penalty or may cause connection to be made, and the expense thereof shall be assessed as a special tax against the property. The owner may, within 30 days after the completion of the work, file a written option with the City Clerk stating that he or she cannot pay the amount in one sum and asking that it be levied in not to exceed 5 equal annual installments, and the amount shall be so collected with interest at a rate not to exceed 15% per year from the completion of the work, the unpaid balance to be a special tax lien. All such costs may, at the City's option, be placed on the tax roll as a special charge pursuant to Wisconsin Statutes §66.60(16).(Ord. #1336; 12-23-2010)

- (b) The owner of each parcel of land required to hookup under paragraph (a) which is not hooked up to such water system shall be subject to a forfeiture for such violation. In addition to such forfeiture, he shall pay the City Treasurer upon billing therefore an amount equal to 95% of the minimum quarterly charge for water service of the required size to be collected in the event of nonpayment as a special assessment on the real estate tax bill.

(3) MAINTENANCE OF SERVICES

All water services within the City from the street main to the curb stop, including all controls between the same, shall be maintained by the Utility without expense to the property owner, except when damaged as a result of negligence or carelessness of the property owner, tenant or owner's agent, where they shall be repaired at the property owner's expense. All water services from the point of maintenance by the system to and throughout the premises shall be maintained free of defective conditions, by and at the expense of the property owner or occupant. If the property owner does not repair a leak between the curb stop and building within 24 hours, the water shall be shut off until the repair is made.

(4) USE OF PRIVATE WELLS UPON CONNECTION TO MUNICIPAL WATER SERVICE

- (a) (Ord. #861 - 03-23-95) Since it is recognized that the entire private water supply in the City has the potential for pollutions, the building distribution system upon connection to the Municipal Water System shall be completely severed from the private well. Thereafter, such private well shall be restructured to be used only for sprinkling lawns, washing cars and other outside uses not involving human consumption and shall comply with all of the requirements of Wisconsin Administrative Code NR 812 and any subsequent changes to said Code. If such private well does not test "safe" according to standards of the State Department of Natural Resources and Waukesha County Health Department, such well shall be permanently sealed and abandoned in accordance with Wisconsin Administrative

Code NR 812.26 and any subsequent changes to said Code. The bacteriological sampling shall consist of obtaining a minimum of two consecutive safe samples taken a minimum of two weeks apart prior to issuing or reissuing the permit.

- (b) (Ord. #660; 8-22-89) The owners of those wells testing "safe" and being utilized for outside chores not involving human consumption of water shall on or before July 1, commencing the first test year following the year of severance, file with the Public Utilities Committee test results performed by the Waukesha County Health Department or recognized private testing laboratory, showing that the water from such well is bacteriologically safe. Testing such well shall be performed by a person working for the testing laboratory from a sample obtained from the well and he shall certify the test results. If a well test indicates contamination, chlorination or other methods may be taken to correct the problem. A second well test must be taken within 60 days.
- (c) (Ord. #964; 07-23-98) Such well tests shall be required every five (5) years with 1995 being the year from which said required period commences and the year 2000 being the first "test" year. If such test is not performed by July 1 of the test year, or the test results show the water to be bacteriologically unsafe, use of such well shall be immediately discontinued. Such unsafe well shall be permanently sealed within 90 days of notification to abandon by the Utility. Failure to permanently seal such well shall subject the owner of the premises where such well is located to the penalty section of this subchapter.
- (d) Once the private water supply has been severed from the municipal system, there shall be no reconnection of said private supply to the municipal system. After severance of the private well, no cross-connection between the public and private system will be allowed. Those owners that desire to keep the private well in service shall install a back flow preventer approved by the Utility. The back flow preventer shall be installed in the outlet piping from the water meter and no outlets shall be permitted between the water meter and the back flow preventer. All Municipal water entering the building must pass through the reduced pressure back flow preventer before being distributed for other usage. Back flow preventers shall be installed and maintained in compliance with Wisconsin Administrative Code ILHR 82.41.
- (e) Permanent Abandonment Procedure. (Ord. #1392 – 12/18/14) Owner intending to permanently abandon well will notify the Utility of the date of the intended abandonment. Persons intending to abandon a well shall pay a \$30 registration fee to the Building Inspection Department, fill out a registration form and DNR Form #3300-5W and/or any other similar or replacement forms that may be in use from time to time. The DNR form or forms shall be completed and properly filed and a copy of said completed form filed with the City of Muskego Building Inspection Department within 30 days of receipt of said form. Failure to return the completed DNR form or forms to the Building Inspection Department within the time required will result in the well not being abandoned. The Utility will be permitted to fully inspect the entire process of abandonment. Owner will comply with NR 812, Wisconsin Administrative Code. In the event the Owner of a private well that has tested unsafe or has failed to obtain well permit refuses or neglects to permanently abandon said well on or before September 1 of each year, the Utility or its agents or contractors may, without notice, enter upon Owner's property and permanently seal said well in accordance with NR 812, Wisconsin Administrative Code, and the cost thereof shall be presented to the City Treasurer who shall place said amount on the tax roll as a special charge pursuant to State Statute 566.60 (16), Wisconsin

Statutes. Any person who shall attempt to abandon said well without having first notified the Utility shall be subject to the requirement of furnishing the Utility proof of property compliance with NR 812, Wisconsin Administrative Code. In the event owner is unable to furnish satisfactory proof to the Utility that said well was properly abandoned under said Administrative Code provision, the Utility shall have the right to enter upon the property and perform all necessary tasks to verify that the abandonment of said well was done under the Administrative Code procedure and specifications. Any and all costs incurred by the Utility in permanently sealing said well shall be presented to the City Treasurer who shall place said amount on the tax roll as a special charge pursuant to State Statute 566.60(16), Wisconsin Statutes. Any future additions, amendments, revisions or modifications of the current NR 812, Wisconsin Administrative Code, or future successors to said section, are also incorporated herein by reference.

(f) Permit Procedure for Wells. (Ord. #861 - 03-23-95) Wells will be permitted to be constructed or existing wells will be permitted to be continued to be used only under the following conditions:

1. New wells must be located in an area where municipal water service is not available and cannot readily be made available.
2. Owner or applicant applies to the City and Utility and receives a permit for the construction of the new well or continued use of an existing well.
3. The well is in complete conformity with State and local regulations and codes including, but not limited to, Wisconsin Administrative Code NR 812 and any subsequent changes to said Code. The owner of the well, before it will be permitted to be put into human use and consumption and before the owner will be allowed to continue use of an existing well, will furnish to the City and the Utility test results verified by a certified testing laboratory that said well water is bacteriologically safe.

(5) BILLING AND PAYMENT

- (a) Billing. Billing for water service shall be on a quarterly basis with quarters ending March 31, June 30, September 30 and December 31. The property owner is held responsible for all water bills on the real estate he owns. All water bills and notices relative to water service shall be addressed to the owner and mailed to the address of the premises referred to on such bill or notice.
- (b) Failure to Receive Bill No Excuse. Reasonable care shall be exercised in proper delivery of water bills. Failure to receive a water bill shall not relieve any owner of responsibility for payment of a water bill within the prescribed period, nor exempt any person from any penalty imposed for delinquency in the payment thereof.

(6) PENALTY FOR POLLUTING WATER OR INJURING WATERWORKS

No person shall willfully pollute or otherwise injure any water supplied by the system in any tunnel, aqueduct, reservoir, pipe, etc.; to willfully injure or cause damage to the system, building, machinery or fixture pertaining thereto; to willfully and without authority of the Public Water Committee impede or divert the flow of water in any tunnel, aqueduct, pipe, etc., belonging to such system; to willfully and without authority of such Committee bore to otherwise cause to leak, any tunnel, aqueduct, reservoir, pipe, etc. used in the system to hold, convey or distribute water.

(7) DAMAGE RECOVERY

The Utility shall have the right to recover from any person any expense incurred by such Utility for repair or replacement of any water pipe, curb cock, gate valve, hydrant or valve box damaged in any manner by any person by reason of operation of any electrical system, performance of any work under their control or by negligence.

Owners or operators of motor vehicles shall be liable for the cost of repair of any hydrant damaged by such vehicle. The Utility or the City shall not be responsible for the damage caused to the motor vehicle by reason of such accident.

28.06 PENALTIES

Any person who shall violate any provision of this subchapter or rules or regulations established by the City or Public Water Committee relating to the City water system, any person who shall turn on the water into any premises from which the water has been shut off or has not yet been turned on, any person who shall connect any water main or service pipe without a permit therefore or any person who shall violate any provision of State Statutes applicable hereto, Wis. Adm. Code or any other provisions which are incorporated by reference shall upon conviction therefore forfeit not less than \$25.00 nor more than \$250.00 plus costs of prosecution. In default of payment of such forfeiture and costs, he shall be imprisoned in the County Jail until payment of such forfeiture and costs of prosecution, but not exceeding 90 days for each violation. If the violation continues, each day the violation is allowed to continue shall be considered a separate violation.