

ORDINANCE NO. # 2010-03
REPLACING ORDINANCE # 2004-1

AN ORDINANCE ESTABLISHING THE WATER UTILITY OF THE TOWN OF LAND O LAKES OF VILAS COUNTY AND ESTABLISHING WATER RATES, RULES AND REGULATIONS CONCERNING THE GOVERNMENT THEREOF AND ALSO CONCERNING GOVERNMENT OF WATER TAKERS, LICENSED PLUMBERS AND OTHER PENALTIES. THE TOWN OF LAND O LAKES OF VILAS COUNTY, WISCONSIN, DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1.00

- 1.01 The management, operation and control of the water system for the Town of Land O Lakes is vested in the Land O Lakes Sanitary District #1 of said Town; all records, minutes and all written proceedings thereof shall be kept by the Secretary of the Land O Lakes Sanitary District #1; the Treasurer of the Land O Lakes Sanitary District shall keep all the financial records.
- 1.02 The water utility of the Town of Land O Lakes shall have the power to construct water lines for public use, and shall have the power to lay water pipes in and through alleys, streets, and public grounds of the Town of Land O Lakes; and generally, to do all such work as may be found necessary or convenient in the management of the water system. The Land O Lakes Town Board shall have power by themselves, their officers, agents, and servants, to enter upon any land for the purpose of making examination or supervise in the performance of their duties under this Ordinance, without liability therefore; and the Land O Lakes Sanitary District #1 shall have power to purchase and acquire for the Town of Land O Lakes all real and personal property which may be necessary for construction of the water system, or for any repair, remodeling, or additions thereto.
- 1.03 Condemnation of Real Estate. Whenever any real estate or any easement therein, or use thereof, shall in the judgment of the Town of Land O Lakes be necessary to the water system; and whenever, for any cause, an agreement for the purchase thereof, cannot be made with the owner thereof, the Town of Land O Lakes shall proceed with all necessary steps to take such real estate easement, or use by condemnation in accordance with the Wisconsin Statutes and the Uniform Relocation and Real Property Acquisition Policy Act of 1970, if Federal Funds are used.
- 1.04 Title to Real Estate and Personality. All Property, real, personal, and mixed, acquired for the construction of the water system, and all plans, specifications, diagrams, papers, books and records connected therewith said water system, and all

buildings, machinery, and fixtures pertaining thereto, shall be the property of said Land O Lakes Sanitary District #1.

Section 2.00

- 2.01 User Rules and Regulations: The rules, regulations, and water rates of the Land O Lakes Sanitary District #1 of the Town of Land O Lakes hereinafter set forth shall be considered a part of the contract with every person, company or corporation who is connected with the water system of the Land O Lakes Sanitary District #1 and every such person, company, or corporation by connecting with the water system shall be considered as expressing his or their assent to be bound thereby. Whenever any of said rules and regulations, or such others as the said Land O Lakes Sanitary District #1 of Land O Lakes may hereafter adopt are violated, the service shall be shut off from the building or place of such violation (even though two or more parties are receiving service through the same connection), and shall not be re-established except by order of the Land O Lakes Sanitary District #1, and on payment of all arrears, the expenses and established charges of shutting off and putting on, and such other terms as the Land O Lakes Sanitary District #1 may determine, and a satisfactory understanding with the party that no further cause for complaint shall arise. In case of such violation, the said Land O Lakes Sanitary District #1 furthermore, may declare any payment made for the service by the part or parties committing such violation, to be forfeited, and the same shall thereupon be forfeited. The right is reserved to the Land O Lakes Sanitary District #1 to change the said rules, regulations, and water rates from time to time as they may deem advisable; ant to make special rates and contracts in all proper cases.

Section 3.00

The following rules and regulations for the government of licensed plumbers, water users, and others, are herby adopted and established:

3.01 PLUMBERS

A. No plumber, pipe fitter, or other person will be permitted to do any plumbing or pipe fitting work in connection with the water system without first receiving a license from the State of Wisconsin, proof of insurance, and obtaining permission from the Land O Lakes Sanitary District #1 or designated official.

3.02 USERS

A. Lateral Charges

(i) "Street Laterals" will be installed by the Utility (on existing mains) according to the following schedule of charges: (All charges to be paid in advance.)

Water

3/4"	@	<u>\$175.00</u>
1"	@	<u>\$200.00</u>
1.5"	@	<u>\$250.00</u>
2"	@	<u>\$300.00</u>
3"	@	<u>\$400.00</u>
4"	@	<u>\$500.00</u>
6"	@	<u>\$600.00</u>

(ii) If a request for an extension to the system is granted, the cost for such extension including lateral will be paid for by the requestor. Upon inspection and approval by the Utility, the extension will be dedicated to the Utility. There will be no additional charge for laterals installed by this method. All plans and specifications must be approved by the Utility before construction begins.

B. Tap Permits After water connections have been introduced into any building or upon any premises, no plumber shall make any alterations, extensions, or attachments, unless the party ordering such tapping or other work shall exhibit the proper permit for the same from the Land O Lakes Sanitary District #1. Tap permits may be waived by the Land O Lakes Sanitary District #1.

C. User to Keep in Repair. All users shall keep their own service pipes in good repair and protected from frost at their own risk and expense and shall prevent any unnecessary overburdening of the water system.

D. User Use Only No user shall allow others or other services to connect the water system through his lateral.

E. User to Permit Inspection Every user shall permit the Land O Lakes Sanitary District #1, or their duly authorized agent, at all reasonable hours of the day, to enter their premises or building to examine the pipes and fixtures, and the manner in which the drains and water connections operate; and they must at all times, frankly and without concealment, answer all questions put to them relative to its use.

F. Utility Responsibility. It is expressly stipulated that no claim shall be made against said Land O Lakes Sanitary District #1 or Town of Land O Lakes by reason of the breaking, clogging, stoppage, or freezing of any service pipes; nor from any damage arising from repairing mains, making connections or extensions or any other work that may be deemed necessary. The right is hereby reserved to cut off the service at any time for the purpose of repairs or any other necessary purpose, any permit granted or regulation to the contrary notwithstanding. Whenever it shall become necessary to shut off the water service within any district of the said Town of Land O Lakes, the Land O Lakes Sanitary District #1 shall, if practicable, give notice to each and every consumer within such effected district of the time when such service will be so shut off.

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

3.03 EXCAVATIONS:

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

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

C. In refilling the opening, after the service pipes are laid, the earth must be laid in layers of not more than nine inches (9) in depth, each layer thoroughly compacted to prevent settling. This work together with the replacing of sidewalks, ballast and paving must be done so as to make the street as good, at least, as it was before it was disturbed, and satisfactory to the Land O Lakes Sanitary District #1 and Town of Land O Lakes. No opening of the streets for tapping the pipes will be permitted when the ground is frozen.

3.04 TAPPING THE MAINS:

A. No person, except those having special permission from the Land O Lakes Sanitary District #1, or persons in their service and approved by them, will be permitted, under any circumstances to tap the distribution pipes. The kind and size of the connection with the pipe shall be that specified in the permit or order from said Land O Lakes Sanitary District #1.

B. Pipes should always be tapped on the top-half, and not within six inches (15 cm) of the joint, or within 24 inches (60 cm) of another lateral connection.

3.05 INSTALLATION OF HOUSE LATERALS:

A. All water lines (laterals) on private property, whether underground or within a structure, will be installed in accordance with the *State of Wisconsin Administrative Code Comm 82 "Design, Construction, Installation, Supervision and Inspection of Plumbing"; specifically, Comm 82.40 (c) "Water Distribution Systems"*.

B. The building's water line shall be inspected upon completion of placement, of the pipe and before backfilling and, tested before or after backfilling.

3.06 WATER SERVICE RATES

A. Water Utility Rules. So called standard rules published by the *Public Service Commission of Wisconsin (Chapter PSC 185)*, and the rates as provide by the *Public Service Commission Finding of Fact, Certification, and Order* are hereby adopted by the Land O Lakes Sanitary District #1, as applicable to the Water Utility.

3.07 MANDATORY HOOK-UP

A. The owner of all houses, buildings or properties used for human occupancy, employment, recreation or other purposes, situated within the Land O Lakes Sanitary District and abutting on any street, alley or right-of-way in which there is now, or may in the future be, located a public water system shall connect to such system within thirty (30) days of notice in writing the Land O Lakes Sanitary District #1. Upon failure to do so the Land O Lakes Sanitary District #1 may cause such connection to be made and bill the property owner for such costs. If such costs are not paid within thirty (30) days, such notice shall be assessed as a special tax lien against the property, all pursuant to *Section 144.06 (281.45) Wisconsin State Statutes* provided, however, that the owner may within thirty (30) days after the completion of the work file a written option with the Land O Lakes Sanitary District #1 secretary stating that he cannot pay such an amount in one sum and ask that there be levied in not to exceed five (5) equal installments and that the amount shall be so collected with interest at the rate of eight (8%) percent per annum from the completion of the work, the unpaid balance being a special tax lien, all pursuant to *Section 144.06(281.45) Wisconsin Statutes*.

B. In lieu of the above the Land O Lakes Sanitary District #1 at its opinion may impose a penalty for the period that the violation continues, after ten (10) days written notice to any owner failing to make a connection to the water system in an amount of \$25.00 per month for each residential unit equivalent for the period in which the failure to connect continues, and upon failure to make such payment said charges shall be assessed as a special tax lien against the property, all pursuant to *Section 144.06 (281.45) Wisconsin Statutes*

*Penalty to be as great as the average residential user cost (per residential unit equivalent) plus 12% administrative costs.

C. This ordinance ordains that the failure to connect to the water system is contrary to the minimum health standards of said Land O Lakes Sanitary District #1 and fails to assure preservation of public health, comfort, and safety of said Land O Lakes Sanitary District #1.

3.08 MAINTENANCE OF SERVICE

A. All water services within the limits of the Land O Lakes Sanitary District #1 from the street main to the property line and including all controls between the same, will be

maintained by the Land O Lakes Sanitary District #1 without expenses to the property owner, except when they are damaged as a result of negligence or carelessness on the part of the property owner, a tenant or an agent of the owner, in which case they will be repaired at the expense of the property owner. All water services from the point of maintenance by the Utility to and throughout the premises must be maintained free of defective conditions, by and at the expense of the owner or occupant of the property.

3.09 PAYMENT OF BILLS

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

B. Billing. The property owner is held responsible for all water bills on premises that he owns. All water bills and notices of any nature, relative to the water service, will be addressed to the owner and delivered to the premises referred to on such bill or notice.

3.10 PENALTY FOR IMPROPER USE

A. It shall be unlawful for any person to willfully pollute or otherwise injure any water supplied to the water system.

B. Cross connections are not permitted between the water utility system and any other source of water as set forth in the *Wisconsin Administrative Code NR 111.25(811.09) and H 62.14(Comm 82.41)*.

C. All private wells which are unused, unsafe or do not comply with appropriate *Wisconsin Administrative Codes* must be abandoned in compliance with *Section NR 112.21(811.10) of the Code*.

3.10.01 PRIVATE WELL ABANDONMENT

A. PURPOSE. To protect public health, safety and welfare to prevent contamination of groundwater by assuring that unused, unsafe or noncomplying wells or well which may act as conduits for contamination of groundwater or wells which may be illegally cross-connected to the municipal water system, are properly maintained or abandoned.

B. APPLICABILITY. This ordinance applies to all wells located on premises served by the Land O Lakes Sanitary District #1 municipal water system. Utility customers outside the jurisdiction of the municipal system may be required under contract agreement or utility rule to adopt and enforce equivalent ordinances within their jurisdictions for purpose stated in Section A above.

C. DEFINITIONS. The following terms as used in this section shall be defined as follows:

1. "Municipal water system" means a community water system owned by a city, village, county, town, town sanitary district, utility district, public inland lake, and rehabilitation district, municipal water district or a federal, state, county, or municipal owned institution for congregate care or correction, or a privately owned water utility serving the foregoing.

2. "Non-complying" means a well or pump installation which does not comply with s. NR 812.42, *Wisconsin Administrative Code, Standards for Existing Installations*, and which has not been granted a variance pursuant to s. NR 812.43, *Wisconsin Administrative Code*.

3. "Pump installation" means the pump and related equipment, used for withdrawing water from a well including the discharge piping, the underground connections, pitless adapters, pressure tanks, pits, sampling faucets and well seals or caps.

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

5. "Unused" means a well or pump installation which is not used or does not have a functional pumping system.

6. "Well" means 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.

7. "Well abandonment" means the proper filling and sealing of a well according to the provisions of s. NR 812.26, *Wisconsin Administrative Code*.

D. ABANDONMENT REQUIRED. All wells located on premises served by the Land O Lakes Sanitary District #1 shall be abandoned in accordance with the terms of this section and *Chapter NR 812.26, Wisconsin Administrative Code*, no later than 90 days 1 year from the date of connection to the municipal water system, unless a valid well operation permit has been issued to the well owner from the Land O Lakes Sanitary District #1.

- E. PRIVATE WELL OPERATION PERMIT WITHIN SANITARY DISTRICT BOUNDARIES. No person whose premises are served with water from the Land O Lakes Sanitary District #1 shall maintain or use a private well as a source of domestic potable water, within the Land O Lakes Sanitary District boundaries, without first obtaining and maintaining a permit.

*At such time as public water becomes available to the property served by a private well a connection shall be made, and within 30 days following connection to the public water system, the owner shall discontinue use of any private well serving the premises and abandon well according to *Chapter NR 812.26, Wisconsin Administrative Code*.

- F. WELL OPERATION PERMIT. Owners of well on premises served by the Land O Lakes Sanitary District #1 wishing to retain their wells for any use shall make application for a well operation permit for each well no later than 90 days to 1 year after connection to the municipal water system. the Land O Lakes Sanitary district #1 may grant a permit to a private well owner to operate a well for a period not to exceed 3 years providing the conditions of this subsection are met. A well operation permit may be renewed by submitting an application verifying that the conditions of this section are met. The Land O Lakes Sanitary District #1, or its agent, may conduct inspections and water quality test conducted or require inspections and quality tests to be conducted at the applicant's expense to obtain or verify information necessary for consideration of a permit application or renewal. Permit applications and renewals shall be made on form provided by the Land O Lakes Sanitary District #1.

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

1. The well and pump installation or upgrades shall meet the Standards for Existing Installations described in *s. NR 812.42, Wisconsin Administrative Code*.
2. The well construction and pump installation have a history of producing safe water as evidenced by at least 1 coliform bacteria sample. 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 document the safety of the water.
3. There shall be no cross-connections between the well's pump installation or distribution piping and the municipal water system.
4. The water from the private well shall not discharge into a drain leading directly to a public sewer utility unless properly metered and authorized by the sewer utility.

5. Subdivision and or sale of property within the Land O Lakes Sanitary District #1 where water service is not available does not constitute a hardship, as such the seller or developer, or agent of the seller or developer is responsible for informing potential buyers that the cost for sanitary district connections to the main infrastructure or existing laterals is the responsibility of the requester.

6. The private well shall have a functional pumping system.

7. The proposed use of the private well shall be justified as reasonable in addition to water provided by the municipal water system.

G. ABANDONMENT PROCEDURES

1. All wells abandoned under the jurisdiction of this ordinance shall be according to the procedures and methods of *s. NR 812.26, Wisconsin Administrative Code*. All debris, pump, piping, unsealed liners and any other obstructions which may interfere with sealing operations shall be removed prior to abandonment.

2. The owner of the well, or the owner's agent, shall notify the Land O Lakes Sanitary District #1 at least 48 hours prior to commencement of any well abandonment activities. The abandonment of well may be observed or verified by personnel of the Land O Lakes Sanitary District #1.

3. The abandonment report form, supplied by the Department of Natural Resources, shall be submitted by the well owner to the Land O Lakes Sanitary District #1 and the Department of Natural Resources within 30 days of the completion of the well abandonment.

H. PENALTIES Any well owner violating any provision of this ordinance shall, upon conviction, be punished by forfeiture of not less than \$25.00 nor more than \$200.00 and the cost of prosecution. Each day of violation is a separate offense. If any person fails to comply with this section for more than 30 days after receiving written notice of the violation, the Land O Lakes Sanitary District #1 may impose a penalty and cause the well abandonment to be performed and the expense to be assessed as special tax against the property.

I. WELL OPERATION FEES. Any applicant for an initial well operation permit for a domestic potable water well shall pay at the time of application a fee of \$ 25.00 . A minimum base user fee of \$135.00 shall be paid annually. Any fees charged for extracting, analyzing or reporting the analysis of water samples shall be separately paid by the applicant. A well operation permit application shall not be considered complete until the permit application fee is paid and minimum base user fee is paid. All

other rights and responsibilities shared by the customers of the Land O Lakes Sanitary District #1 shall also apply to the Permitted Private Well Customers.

3.11 DAMAGE RECOVERY

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

3.12 PENALTIES

A. Any person who shall violate any of the provisions of this ordinance or rules or regulations of the Town of Land O Lakes; or who shall connect a service pipe without first having obtained a permit therefore; or who shall violate any provisions of the Wisconsin Statutes, Wisconsin Administrative Code, or any other materials which are incorporated by reference, shall upon conviction thereof forfeit not less than \$10.00 nor more than \$200.00 and the costs of prosecution. This, however shall not bar the Land O Lakes Sanitary District #1 from enforcing the connection duties set out in Section 3.07 for mandatory hook-up.

SECTION 4.00

MISCELLANEOUS RULES AND REGULATIONS

4.01 CHARGES ARE A LIEN ON PROPERTY

A. All water services, charges and special assessments shall be a lien on a lot, part of a lot, or land on which water services were supplied. All sums which have accrued during the preceding year and which are unpaid by the first day of October any year, shall be certified to the Town Clerk to be placed on the tax roll for collection as provide by *Section 66.069 (1)(66.0809(1) to (4) of Wisconsin Statutes*.

4.02 ADOPTION OF OTHER RULES:

A. There is hereby adopted all the rules and regulations of the State Plumbing and State Building Codes and the building rules of the Department of Industry, Labor, and Human Relations; and Public Service Commission of Wisconsin (PSC 185); and the Department of Natural Resources of the State of Wisconsin insofar as the same are applicable to the Town of Land O Lakes.