

**Algoma Sanitary District #1 - Water Utility Ordinance**

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## **Article I – Scope**

### **Section 1 Purpose**

- A. It is the purpose of this ordinance to promote the health, safety and welfare of the Town's citizens, property owners and business operators by establishing the rules and regulations for municipal water.

### **Section 2 Authority and Title**

- A. This ordinance is adopted by the Town of Algoma Sanitary District #1 and shall be known as the Town of Algoma Water Utility Ordinance.

### **Section 3 Jurisdiction**

- A. Those elements of the system which provide for municipal fire protection are of benefit and provide services to all property within the Town of Algoma area including those not currently served by municipal water.

### **Section 4 Water Utility Jurisdiction**

- A. To receive water service a property shall be in the Sanitary District.
- B. The Water Utility may supply water to customers outside the borders of the district. All customers outside of the district must satisfy all customer agreements and meet or exceed the cross connection section within this ordinance as identified in section VIII herein.

### **Section 5 Effective Date**

- A. This ordinance shall be effective after adoption by the Sanitary District Commissioners and publication and/or posting as required in the Wisconsin Statutes.

## **Article II - Rules**

### **Section 1 Compliance with rules**

- A.** All customers now receiving a water supply from the water utility, or who may hereafter make application therefore, shall be considered as having agreed to be bound by this ordinance, any rules, policies, and rate structures as may be adopted by the commissioners from time to time.

### **Section 2 Establishment of service**

- A.** Application for water service shall be made in writing on a form furnished by the water utility. The application will contain the legal description of the property to be served, name of the owner, the exact use to be made of the service, and the size of the supply pipe and meter desired.
- B.** Service will be furnished only if:
  - 1.** Premises have a frontage on a public street in which a ductile iron or other long-life water main has been laid past the property.
  - 2.** Property owner has installed or agrees to install a service pipe from the right-of-way line to the point of use, and laid not less than six feet below the surface of an established or proposed grade.
  - 3.** Meter and cross connection has been inspected and accepted by the water utility.
- C.** The owner of a multi-unit dwelling has the option of being served by individual metered water service to each unit. The owner, by selecting this option, is required to provide interior plumbing and meter settings to enable individual metered service to each unit and individual disconnection without affecting service to the other units. Each meter and meter connection will be a separate water utility customer for the purpose of this ordinance and will be charged rate for additional meters.
- D.** No division of the water service of any lot or parcel of land shall be made for the extension and independent meterage of the supply to an adjoining lot or parcel of land. No division of a water supply service shall be made at the service for separate supplies there from for two or more separate premises having frontage on any street or public service strip whether owned by the same or different parties.
- E.** The utility is empowered to withhold approval of any application wherein full information of the purpose of such supply is not clearly indicated and set forth by the applicant or owner.
- F.** Service Valve (Ditch Stop): Determines actual line of customer's responsibility. Water utility's responsibility is on the road side of the valve and owner's responsibility is on the opposite side of valve.

### **Section 3 Temporary meter supply, meter and deposits**

- A.** An applicant for temporary water supply on a metered basis shall make and maintain a monetary deposit for each meter installed as security for payment for use of water and for such other charges which may arise from the use of the supply. A charge shall be made for setting the service valve and furnishing and setting the meter.

### **Section 4 Water for construction**

- A.** When water is requested for construction purposes, or for filling tanks or other such uses, an application therefore shall be made to the Utility, in writing, using an application provided for that purpose at the Water Utility office, giving a statement of the amount of

construction work to be done, or the size of the tank to be filled and other information as may be from time to time required by the water utility. Payment for the water and temporary meter setting for construction shall be made in advance at the scheduled rates. The service pipe must be installed inside the building from where the water must be drawn. No connection with the service pipe at the ditch shall be made without special permission from the Utility.

#### **Section 5      Unauthorized use of water valves and hydrants**

- A.** In no case will any employee of the utility turn on water for construction work unless the contractor displays the permit on the valve. Upon completion of the construction work, the contractor must return the original permit to the Utility, together with a statement of the actual amount of construction work water used.
- B.** Customer shall not allow contractors, masons or other persons to use water from their premises for construction on other properties without first obtaining a permit from the Water Utility. Any customer failing to comply with this provision may have water service discontinued.
- C.** Any person who operates any valve connected with the street or supply mains, or opens any fire hydrant connected with the distribution system, except for the purpose of extinguishing fire, or who shall wantonly damage or impair the same shall be subject to a fine/forfeiture as provided by municipal ordinances. In the alternative the utility may bring suit for damage. Permits for the use of hydrants apply only to such hydrants as are designated for the specific use.

#### **Section 6      Use of hydrants for construction; temporary supply**

- A.** Hydrant use shall use a meter.
- B.** In cases where no other supply is available, permission may be granted by the Utility to use a hydrant. No hydrant shall be used until it is equipped with a sprinkling valve. In no case shall any valve be moved except by the approval of the Utility.
- C.** Before a valve is set, payment must be made for its setting and for the water to be used at the scheduled rates. Upon completing use of the hydrant, the customer must notify the Utility to that effect.
- D.** In the use of a hydrant supply, the hydrant valve will be set at the proper opening by the Utility when the sprinkling valve is set, and the flow of water must be regulated by means of the sprinkling valve.
- E.** Fire Department Emergencies take priority over construction. All Fire Department Crew shall have authority to remove valves and use hydrants as needed.
- F.** The fire hydrant use for fire protection shall follow the current Winnebago County mutual aid agreement.

#### **Section 7      Refunds of monetary deposits**

- A.** All moneys deposited as security for payment of charges arising from the use of temporary water supply on a metered basis, or for the return of a sprinkling valve will be refunded to the depositor on the termination of the use of water, the payment of all charges levied against the depositor, and the return of the sprinkling valve.

#### **Section 8      Service connections (water laterals)**

- A.** No water service shall be laid through any trench having cinders, rubbish, rock or gravel fill, or any other material which may cause injury to or disintegration of the service pipe,

unless adequate means of protection are provided by sand filling or such other insulation as may be approved by the Utility.

- B. In backfilling the pipe trench, the service pipe must be protected against injury by carefully hand tamping the ground filling and be free from hard lumps, rocks, stones, or other injurious material around and over at least twelve (12) inches of the service pipe.
- C. All water supplies shall be of undiminished size from the service valve to the point of meter placement. Beyond the meter outlet valve the piping shall be sized and proportioned to provide, on all floors, at all times, an equitable distribution of water supply for the greatest probable number of fixtures or appliances operating simultaneously.

#### **Section 9 Service piping for meter settings.**

- A. The owner of the premises at their expense shall provide a suitable location and the proper connections for the meter. The water utility should be consulted as to the type and size of meter setting by a licensed plumber.
- B. No permit will be given to change from metered to flat rate service.

#### **Section 10 Turning on water**

- A. Water cannot be turned on for a consumer except by a duly authorized employee or designee of the Utility. When a plumber has completed a job, the Utility may turn on water for the plumber to test his work.

#### **Section 11 Failure to read meters**

- A. Where the utility is unable to read a meter the fact will be plainly indicated on the bill, and either an estimated bill will be computed, and/or the minimum charge applied. The succeeding quarter will be computed with the gallons used and an adjustment will be made for the amount paid on the preceding bill. No more than (3) consecutive estimated bills will be rendered where bills are rendered monthly and there shall be not more than two (2) consecutive estimated bills where the billing period is quarterly (3) months or more.
- B. If the meter is damaged (See Surreptitious use of water) or fails to operate, the bill will be based on the average use during the past year unless there is some reason why the use is not normal. If the average use cannot be properly employed, the bill will be estimated by some equitable method

#### **Section 12 Service valve**

- A. The customer shall protect the service valve in the terrace and shall keep the same free from dirt and other obstructions. The utility shall not be liable for failure to locate the service valve and shut off the water in case of a leak on the customer's property

#### **Section 13 Meters**

- A. A water permit is required for water service.
  - 1. The Water Utility shall require a licensed plumber to sign for a meter to be released. Prior to releasing the meter for installation, the plumber shall request the size of meter appropriate for the building.
  - 2. The licensed plumber needs to verify that water calculations are correct.
- B. Installation of meters and registers shall be installed by a licensed plumber.

1. Valves shall be the same size as service pipe, and shall be placed on the inlet side of meter and the outlet side of the same meter. Meter shall be between 2 to 4 feet off the floor and a minimum 1 foot away from wall or any obstruction. Meter shall be installed in a horizontal position.
- C. Meters will be furnished by the utility and are not to be disconnected or tampered with by the customer. All meters shall be so located that they shall be protected from obstructions and allow ready access thereto for reading, inspection, and servicing, such location to be designated or approved by the Utility.

#### **Section 14 Repairs to meters**

- A. Meters will be repaired by the Water Utility and the cost of such repairs caused by ordinary wear and tear will be borne by the utility.
- B. Repair of any damage to meter shall be paid for by the customer or the owner of the premises.

#### **Section 15 Replacement and repair of service pipe**

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

#### **Section 16 Charges for water wasted due to leaks**

#### **Section 17 Surreptitious use of water**

- A. When the utility has reasonable evidence that a supply of water is being obtained in whole or in part, by means of devices or methods used to stop or interfere with the proper metering of the utility service being delivered to his equipment, the utility reserves the right to estimate and present immediately a bill for service un-metered as a result of such interference and such bill shall be payable subject to a twenty-four (24) hours disconnection of service. When the utility shall have disconnected the customer for any such reason, the utility will reconnect the customer upon the following conditions:
  1. The customer will be required to deposit with the utility an amount sufficient to guarantee the payment of the customer's bills for utility service to the premise
  2. The customer will be required to pay the utility for any and all damages to its equipment on the customer's premises due to such stoppage or interference with its metering.
  3. The customer must further agree to comply with reasonable requirements to protect the utility against further losses.
  4. The customer must pay cost of reconnecting

#### **Section 18 Vacation of premises**

- A. When premises are to be vacated, the utility shall be notified in writing at once, so that the utility may remove the meter and shut off the supply at the ditch stop box. The owner

of the premises shall be liable to prosecution for any damage to the property of the water department by reason of failure to notify the utility of vacancy.

**Section 19    Collection of overdue bills**

- A. An amount owed by the customer may be levied as a tax.

**Section 20    Inspections**

- A. It shall be the duty of the Water Utility to cause inspections to be made of all properties served by the municipal water system where cross connections with the public water system is deemed possible. The frequency of inspections and re-inspections based on potential health hazards involved shall be as established by the Water Utility.

### Article III – Definitions

**Section 1 Water Utility:** For purposes of this ordinance, water utility is defined as the Town of Algoma Sanitary District #1.

**Section 2 Cross Connection:** A “cross connection” shall be defined as any physical connection or arrangement between two otherwise separate systems, one of which contains potable water from the Water utility’s 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.

**Section 3 Utility Director:** Refers to the person charged with carrying-out the day-to-day administrative and managerial functions of the Town of Algoma Sanitary District #1

**Section 4 Well Abandonment:** The sealing of a well according to NR 812.

**Section 5 Customer:** An entity that utilizes the water services of the utility.

**Section 6 Main:** Water pipe to supply water as a conduit up to and through the service valve. All mains are the property of the Algoma Sanitary District #1.

**Section 7 Shall:** What is mandatory.

**Section 8 Fines/Forfeiture:** An amount of dollars payable for violation of this ordinance.

**Section 9 Point of Use:** Any water faucet, hose bib, shower, toilet, or needed point for water.

**Section 10 Hook up Fee:** Fee charged for establishment of service, checking for well abandonment, checking cross connection and check of meter.

**Section 11 Connection Deposit:** A sum of money payable by a customer prior to establishment of service that may be implemented by commissioner.



**Article IV – Rates and Charges**

**Article V – Water Main Extensions**

**Section 1 Water Main Extension Implementations.**

- A.** Water main extensions may be initiated by the water utility to:
  1. Establish a route to a treatment facility and/or tower
  2. Establish a corridor route
  3. Establish water service to an area the Commissioners have determined that a sufficient number of property owners would benefit from an extension/service
  4. Provide water service to a new residential or commercial development upon formal written request from the property owner.
- B.** Owner initiated water main extensions may be initiated by petition of property owner by filling out and presenting in writing on such forms that water utility may provide for requests for extension.

**Section 2 Backfill**

**A. Slurry Mix**

1. Backfill used on road openings for sewer and lateral construction shall consist of fine and coarse, aggregate conforming to the requirements of ASTM C-33 or latest revision. Coarse aggregate shall be size number 67 and size number 4. The material shall be mixed with water to provide an approximate three-inch slump. The mix shall be deposited in the trench directly from ready mix concrete transit mix trucks and shall be consolidated using concrete vibrators or vibratory plate compactors. When specified in the SPECIAL PROVISIONS or called for by the Engineer, approximately one bag of Portland cement concrete shall be added per cubic yard.
2. Backfill material for water mains and service lateral installations shall be aggregate slurry backfill conforming to the definition in paragraph 1. Bedding stone shall be placed 1 foot above pipe. Aggregate slurry backfill shall be placed from bedding stone elevation to street sub grade elevation and extend 5 feet beyond edge of pavement. Or

**B. Granular backfill**

1. Granular backfill is required for all road/driveway crossings and under any other pavement areas damaged. Granular backfill shall also be used within 2 feet of the edge of roadway.
2. Granular backfill shall be granular and shall consist of durable particles ranging in size from fine to coarse in a substantially uniform combination. Sufficient fine material shall be present to fill all the voids in the coarse material. No stones over 3 inches or clay lumps shall be present. Granular backfill shall conform to the following gradation specification:

**Granular Backfill**

Sieve Size	Percentage by Weight Passing
2-inch	95-100%
No. 4	35-60%
No. 200	5-10%

**C. Compaction**

1. Backfill beneath paved areas or future paved areas shall be consolidated as follows: Within 3 feet of the surface 95% of maximum dry density, below 3 feet from the surface to 1 foot above the pipe 90% of maximum dry density, as determined by the modified Proctor test (ASTMD1557).

## Article VI – Well Use & Abandonment

### Section 1 Private well abandonment

### Section 2 Purpose.

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

### Section 3 Applicability.

- A. This section applies to all wells located on premises served by the town municipal water system.

### Section 4 Definitions:

- A. “Municipal water system” means a system for the provision to the public of public piped water for human consumption when such system has at least fifteen (15) service connections or regularly serves at least twenty-five (25) year-round residents owned or operated by a city, village, county, town, town sanitary district, utility district or public institution as defined in Section 49.10(12)(f)1, Wis. Stats., or a privately owned water utility serving any of the above.
- B. “Non-complying” means a well or pump installation which does not comply with the provisions of Chapter NR 812, Wis. Adm. Code.
- C. “Pump installation” means the pump and related equipment used for withdrawing water from a well including the discharge piping, the underground connections, pit less adapters, pressure tanks, pits, sampling faucets and well seats or caps.
- D. “Unsafe” means a well or pump installation which produces water which is bacteriologically contaminated or contaminated with substances in exceedance of the standards of Chapters NR 809 or 140, Wis. Adm. Code, or for which a Health Advisory has been issued by the Department of Natural Resources.
- E. “Unused” means a well or pump installation which is not in use or does not have a functional pumping system.
- F. “Well” means an excavation or opening into the ground made by digging, boring, drilling, driving, or other methods for the purpose of obtaining groundwater for consumption or other use.
- G. “Well abandonment” means the filling and sealing of a well according to the provisions of Chapter NR 812, Wisconsin Administrative Code.

**Section 5 Well Operation Permit.** The water utility may grant a permit to a private well owner to operate a well for a period of 5 years providing the owner submits information verifying the conditions of this section are met. The water utility or its agent may conduct inspections or have water quality tests conducted at the applicants expense to obtain or verify information necessary for consideration of a permit application or renewal. Permit applications and renewals shall be made on forms provided by the water utility. The following conditions must be met for issuance or renewal of a well operation permit:

- A. The well and pump installation meet or are upgraded to meet the requirements of Chapter NR 812, Wis. Adm. Code;
- B. The well construction and pump installation have a history of producing bacteriological safe water as evidenced by two samples taken two weeks apart within 2 months of permit start or expiration. No exception to this condition may be made for unsafe wells, unless the Department of Natural Resources approves, in writing, the continued use of the well;
- C. There are no cross-connections between the well and pump installation and the municipal water system;
- D. The proposed use of the well and pump installation can be justified as being necessary in addition to water provided by the municipal water system.

#### **Section 6 Abandonment Required.**

- A. All wells located on premises served by the municipal water system shall be abandoned in accordance with the terms of this section and Chapter NR 812, Wis. Adm. Code. If the well does not pass the bacteriological sample, the well must be abandoned no later than 3 months after failing the test.

#### **Section 7 Abandonment Procedures.**

- A. All wells abandoned under the jurisdiction of this section or rule shall be abandoned according to the procedures and method of Chapter NR 812, Wis. Adm. Code. All debris, pump, piping, unsealed liners and any other obstructions which may interfere with sealing operations shall be removed prior to abandonment.
- B. The owner of the well, or the owners agent, shall notify the water utility at least forty-eight (48) hours prior to commencement of any well abandonment activities. The abandonment of the well may be observed by a representative of the water utility.
- C. An abandonment report form, supplied by the Department of Natural Resources, shall be submitted by the well owner to the Water utility and the Department of Natural resources within ten days of the completion of the well abandonment.

#### **Section 8 Penalties**

- A. Any well owner violating any provision of this section shall, upon conviction be punished by forfeiture of not less than twenty-five dollars (\$25.00) nor more than five hundred dollars (\$500.00) 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 ten days after receiving written notice of the violation, the municipality may impose a penalty and cause the well abandonment to be performed and the expense to be assessed as a special tax against the property.

**Article VII – Violations, Penalties and enforcement**

**Section 1 Right of entry, safety and identification**

- A. Right of Entry** – The water utility director, operator, inspector of the water utility, plumbing inspector or other duly-authorized employee of the water utility bearing proper credentials and identification, shall be permitted to enter all properties for the purpose of inspection, observation, repairing, or testing, in accordance with the provisions of this section. They shall have no authority to inquire into any process which does not have a direct bearing on the kind and source of discharge to the sewers or waterways or facilities for wastewater treatment
- B. Safety** - While performing such work, water utility employees shall observe all reasonable safety rules applicable to the premises established by the owner; and the water utility shall indemnify the property owner against loss or damage for personal injury or property damage asserted against the property owner and growing out of sampling, inspecting, and testing operations, and indemnify the owner against loss or damage to its property by water utility employees, unless caused by negligence or failure of the owner to maintain safe conditions.
- C. Right to enter easements** – Duly-authorized water utility employees bearing proper credentials and identification shall be permitted to enter all private properties through which the water utility holds an easement for the purpose of, but not limited to, inspection, observation, measurement, sampling, repair and maintenance of any portion of the water main works lying within such easement, subject to the terms of this ordinance.
- D. Inspection of Premises** - During reasonable hours any officer or authorized employee of the utility shall have the right of access to the premises supplied with service, for the purpose of inspection or for the enforcement of the utility’s rules and regulations.

## Article VIII – Cross Connections

### Section 1 Section 1 – Cross Connections

- A. Cross Connections Prohibited.** No person, firm or corporation shall establish or permit any cross connection. No interconnection shall be established whereby potable water from a private, auxiliary or emergency water supply other than the regular public water supply of the Water utility may enter the supply or distribution system of said municipality, unless such private, auxiliary or emergency water supply and the method of connection and use of such supply shall have been approved by the Water Utility and by the Wisconsin Department of Natural Resources in accordance with Section NR 811.09 (2), Wisconsin Administrative code.
- B. Inspections.** It shall be the duty of the Water Utility to cause inspections to be made of all properties served by the public water system where cross connections with the public water system is deemed possible. The frequency of inspections and re-inspections based on potential health hazards involved shall be as established by the Water Utility and as approved by the Wisconsin Department of Natural Resources.
- C. Right to inspect.** Upon presentation of credentials, the representative of the water utility shall have the right to request entry at any reasonable time to examine any property served by a connection to the public water system of the town for cross-connections. If entry is refused, such representative shall obtain a special inspection warrant under Section 66.122, Wis. Stats. On request the owner, lessee or occupant of any property so served shall furnish to the inspection agency any pertinent information regarding the piping system or systems on such property.
- D. Discontinuation of Service.** The water utility is 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 danger of contamination of the public water system. Water service shall be discontinued only after reasonable notice and opportunity for hearing under Chapter 68, Wis. Stat., except as provided in subsection E of this section. Water service to such property shall not be restored until the cross connection(s) has been eliminated in compliance with the provisions of this section.
- E. Immediate Discontinuation.** If it is determined by the water utility that a cross connection or an emergency endangers public health, safety, or welfare and requires immediate action, and a written finding to that effect is filed with the Water utility administrator and delivered to the customers premises, service may be immediately discontinued. The customer shall have an opportunity for hearing under Chapter 68, Wis. Stats., within ten days of such emergency discontinuance.
- F. State Code Adopted.** The water utility adopts by reference the State Plumbing Code of Wisconsin being Chapter H 82, Wisconsin Administrative Code.
- G. Section not to supersede other ordinances.** This section does not supersede the State Plumbing Code and any town plumbing ordinances but is supplementary to them.

This ordinance shall be in full force and effect from and after its adoption, approval and publication as provided by law.

This ordinance was adopted by the Commission of the Algoma Sanitary District No. 1, Town of Algoma, Winnebago County, State of Wisconsin, on the 11<sup>th</sup> Day of December 2003, by the following vote:

Ayes: Namely – Alexander Irvine, Earl Lawrence, and Neal Hedke

Nays:

Signed: \_\_\_\_\_  
Alexander Irvine, Commission President

Attest: \_\_\_\_\_  
Rose Mraz, District Secretary