

## TITLE 9

### Public Utilities

- Chapter 1 Water Utility Regulations and Rates
- Chapter 2 Sewer Utility Regulations and Rates
- Chapter 3 Cable Television
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### CHAPTER 1

#### Water Utility Regulations and Rates (Rev. 3/04', Rev 6/12', Rev 7/16')

#### Article A      Rates

- 9-1-1      Public Service Commission of Wisconsin Adopted rates and regulations
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**ARTICLE  
A**

**Rates  
(Rev. 3/04', Ord. 2004-  
01)**

**SEC. 9-1-1 RATE FILE, PUBLIC SERVICE COMMISSION OF WISCONSIN  
MARSHALL WATER AND SEWER UTILITY**

- (a) Water Rate schedules and rules as authorized by the Public Service Commission of Wisconsin are herein incorporated:

(see attached schedules)

**SEC. 9-1-2 PUBLIC FIRE PROTECTION CHARGES – Fd-1**

- (a) Under Wis. Stat. 196.03(3)(b), the municipality has chosen to have the utility bill the retail general service customers for public fire protection service. The municipality has also elected to make this rate applicable to non-general service customers, who own properties or parcels of land, upon which there is a building, in an area where the utility has an obligation to provide water for public fire protection.
- (b) This service shall include the use of hydrants for fire protection service only and such quantities of water as may be demanded for the purpose of extinguishing fires within the service area. This service shall also include water used for testing equipment and training personnel. For all other purposes, the metered or other rates set forth, or as may be filed with the Public Service Commission, shall apply.

**SEC. 9-1-3 PROTECTIVE DEVICES.**

- (a) **Protective Devices in General.** The owner or occupant of every premise receiving water supply shall apply and maintain suitable means of, protection of the premise supply, and all appliances thereof, against damage arising in any manner from the use of the water supply, variation of water pressure, or any interruption of water supply. Particularly, such owner or occupant must protect water-cooled compressors for refrigeration systems by means of high and/or low pressure safety cutout devices. There shall likewise be provided means for the prevention of the transmission of water ram or noise of operation of any valve or appliance through the piping of their own or adjacent premises.

- (b) **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. No stop valve shall be placed between the hot water tank and the relief valve or on the drain pipe. (See applicable plumbing codes).
- (c) **Air Chambers.** An air chamber or approved shock absorber shall be installed at the terminus of each riser, fixture branch, or hydraulic elevator main for the prevention of undue water hammer. The air chamber shall be sized in conformance with local plumbing codes. Where possible, the air chamber should be provided at its base with a valve for water drainage and replenishment of air.

#### **SEC. 9-1- 4      CROSS CONNECTION CONTROL**

*(Rev. 9/01'-Ord. 2001-10, Rev. 6/12'-Ord. 2012-02)*

- (a) **Definition.** 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 Village public 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, with the direction of flow depending on the pressure differential between the two systems.
- (b) **Unprotected Cross Connections Prohibited.** No person, firm or corporation shall establish or maintain, or permit to be established or maintain any unprotected cross connection. Cross connections shall be protected as required in Ch. SPS 382, Wisconsin Administrative Code.
- (c) **Inspections.** The water utility may inspect, or arrange for an inspection of, property served by the public water system for cross connections. [Optional: As an alternative, the water utility may require a persons, 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/Surveyor.] The frequency of inspections and re-inspections shall be as established by the Water Utility in accordance with Wisconsin Administrative Code. 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 paragraph (f) of this ordinance.
- (d) **Right to Inspect/Entry.** Upon presentation of credentials, the 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 paragraph 6 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 for the water utility to discontinue water service property, as provided under paragraph (f) of this ordinance.

- (f) **Discontinuation of Service.** The Water Utility is hereby authorized and directed to discontinue water service to any property wherein any unprotected connection in violation of this Ordinance exists, and to take such other precautionary measures deemed necessary to eliminate any danger of contamination of the public water system. Water service shall be discontinued however, only after reasonable notice and opportunity for hearing under Chapter 68, Wis. Statutes, except as provided in Section (g), Water service to such property shall not be restored until the unprotected cross connection(s) has been eliminated.
- (g) **Immediate Discontinuation.** If it is determined by the Water Utility that an unprotected 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 Village Clerk-Treasurer and delivered to the customer's premises, service may be immediately discontinued. The customer shall have an opportunity for hearing under Chapter 68, Wis. Statutes., within ten (10) days of such emergency discontinuance. Water service to such property shall not be restored until the unprotected cross connection has been eliminated.
- (h) **State Code Adopted.** The Village adopts by reference the State Plumbing Code of Wisconsin being Comm. 82, Wisconsin Administrative Code.
- (i) **Section Not to Supersede Other Ordinances.** This Section does not supersede the State Plumbing Code and any Village plumbing ordinances but it is supplementary to them.

**SEC. 9-1-5 PRIVATE WELL ABANDONMENT. (Rev. 2/97-Ord. 1997-01)**

- (a) **Purpose.** The purpose of this Section is to prevent contamination of ground water and to protect public health, safety and welfare by assuring that unused, unsafe or non-complying wells or wells which may be illegally cross-connected to the municipal water system are properly abandoned.
- (b) **Applicability.** This Section applies to all wells located on any premises served by the Village of Marshall municipal water system.
- (c) **Definitions.** The following definitions shall be applicable in this Section:
  - (1) Municipal Water System. A system for the provision to the public of 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, public institution or a privately owned water utility serving any of the above.
  - (2) Non-complying. A well or pump installation which does not comply with the provisions of Ch. NR 812, Wis. Adm. Code, in effect at the time the well was constructed, a contamination source was installed, the pump was installed or work was done on either the well or pump installation.
  - (3) Pump Installation. The pump and related equipment used for withdrawing water from a well including the discharge piping, the underground connections, pittees adapters, pressure tanks, pits, sampling faucets and well seals or caps.
  - (4) Unsafe. A well or pump installation which produces water which is bacteriologically contaminated or contaminated with substances in exceedance of the standards or Chpts. NR 809 or 140, Wis. Adm. Code, or for which a Health Advisory has been issued by the Department of Natural Resources.
  - (5) Unused. A well or pump installation which is not in use or does not have a functional pumping system.

- (6) Well. 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.
  - (7) Well Abandonment. The filling and sealing of a well according to the provisions of Ch. NR 812, Wis. Adm. Code.
- (d) **Abandonment Required.** Well operation permits shall be obtained for wells located on premises served by the municipal water system. All wells located on premises served by the municipal water system shall be abandoned in accordance with the terms of this Section and Chpt. NR 812, Wis. Adm. Code, by (1) May 1, 1991;
- (2) For non-agricultural property, upon change of ownership of the property whether by sale, inheritance or other transfer of ownership;
  - (3) Or agricultural property, upon discontinuation of use of the well for agricultural purposes; or
  - (4) No later than one (1) year from the date of connection to the municipal water system, whichever occurs last. Upon the date for abandonment of the well, the well operation permit shall expire and cease to be valid.
- (e) **Well Operation Permit.**
- (1) No well permits shall be issued for new private wells after January 1, 1997.
  - (2) The Village Board may grant a permit to a private well owner to operate a well for a period not to exceed five (5) years in use prior to January 1, 1997, providing the conditions of this Section are met. An owner may request renewal of a well operation permit by submitting information verifying that the conditions of this Section are met. The Village Board, or its agent, may conduct inspections or have water quality tests 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 forms provided by the Clerk-Treasurer. 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 Chpt. NR 112, Wis. Adm. Code.
    - b. The well construction and pump installation have a history of producing bacteriologically safe water as evidence by at least two (2) samplings taken a minimum of two (2) weeks apart, every year. Results are to be filed with the Village Clerk-Treasurer. 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.
  - (3) The application for a well permit shall be filed with the Village Clerk-Treasurer and shall contain a non-refundable fee in the amount of Ten Dollars (\$10.00).
  - (4) Any person, firm, or well owner violating any provision of Section 9-1-5 is subject to a forfeiture of Five Hundred Dollars (\$500.00) and shall abandon their well in accordance with the provisions of Section 9-1-5(f).

(f) **Abandonment Procedures.**

- (1) All wells abandoned under the jurisdiction of this Section or rule shall be abandoned according to the procedures and methods of Ch. NR 812, Wis. Adm. Code. All debris, pump, piping, unsealed liners and any other obstructions which may interfere with sealing operations shall be removed prior to abandonment.
- (2) The owner of the well, or the owner's agent, shall notify the Clerk at least forty-eight (48) hours prior to commencement of any well abandonment activities. The abandonment of the well shall be observed by Utility Superintendent or his agent.
- (3) An abandonment report form, supplied by the Department of Natural Resources, shall be submitted by the well owner to the Clerk-Treasurer and the Department of Natural Resources within ten (10) days of the completion of the well abandonment.

- (g) **Penalties.** Any person, firm, or well owner, violating any provision of this Section shall, upon conviction, be punished by forfeiture as prescribed in Section 1-1-6, and the cost of prosecution. Each twenty-four (24) hour period during which a violation exists shall be deemed and constitute a separate offense. If any person fails to comply with this Section for more than ten (10) days after receiving written notice of the violation, the municipality may impose a penalty and cause the well abandonment to be performed and the expense to be assessed as a special tax against the property.