

MUNICIPAL UTILITIES

CHAPTER 13 MUNICIPAL UTILITIES

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13.01 WATER UTILITY RULES AND REGULATIONS.

(1) DEFINITIONS. Unless the context specifically indicates otherwise, the meaning of terms used in this chapter shall be as follows:

- (a) Utility means the Sparta Water Utility, a department of the City of Sparta, Wisconsin.
- (b) Superintendent means the superintendent of the water utility of the City, or his authorized deputy, agent, representative or utility personnel.
- (c) Main or Mains means any pipe, conduit, or other conveyance through which water for public use may be transmitted or distributed. It shall include trenches or other structures in or upon which such pipe, conduit or other conveyance is carried, and also land, easements, or other right of occupancy or use requisite for the construction and operation of such pipe, conduit or other conveyance.
- (d) PSC means the State Public Service Commission.
- (e) Water Service (lateral or water lateral) means the pipe, fittings, meter and other accessories as may be required to extend a water supply from a distribution or transmission water main to the owner's or customer's point of use.
- (f) Service pipe means the pipe parts of a water service.
- (g) General Service means the use of a water service for all purposes except water used for extinguishing fire.
- (h) Fire protection service means the use of water only for the purpose of extinguishing fire.
- (i) Customer as used in connection with the extension of water mains means the owner of the premises to which water is now furnished or is to be furnished unless specific written agreements specify otherwise. The customer at all times means the property owner at the time a contribution is to be made or a refund becomes available.

MUNICIPAL UTILITIES 13.01 (1) (j)

(j) Contributor as used in connection with the extension of water mains means the owner of property at the time of a contribution or refund unless otherwise specified by written agreement.

(k) Free limit as used in connection with the extension of water mains means 1/2 the average cost of 50 feet of main in any extension where 6 inch or larger main is used and 100 feet of the average cost of 2 inch or larger main used for general use only.

(2) PUBLIC SERVICE COMMISSION RULES ADOPTED. The following provisions of Ch. PSC 185, Wis. Adm. Code, are adopted by reference and made a part of these rules as if set forth in full. A violation of any such rules shall constitute a violation of this section and shall be punishable as provided in Sec.13.85.

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13.02 COMPLIANCE REQUIRED. Any person now receiving a water supply from the water utility or who may hereafter make application therefor, shall be considered as having agreed to be bound by these rules and regulations and also by the rules and regulations as filed with and approved by the Public Service Commission.

13.05 WATER COMMISSION (Repealed #380, 1993)

13.06 POWERS AND DUTIES OF THE BOARD OF PUBLIC WORKS AS THEY RELATE TO THE WATER UTILITY. The Board of Public Works shall, in addition to the general powers and duties set forth in Section 62.14, Wis. Stats., exercise the following powers and duties in respect to the Sparta Water Utility:

- (1) Protect the utility plant and any property pertaining thereto from unnecessary damage and loss, and keep such plant in good running order and repair.
- (2) Appoint a manager who shall also be known as the Superintendent, and fix his compensation.

MUNICIPAL UTILITIES 13.06 (3)

(3) Employ, supervise, direct, or suspend any officer or employee in the service of the Utility.

(4) Make all contracts for and procure at the expense of the City, all power, materials, supplies and labor necessary to make extensions, additions, changes, alterations and attachments, and manage and maintain the utility plant, except in matters of public works, the estimated cost of which shall exceed \$10,000, they shall be governed by Sec. 62.15, Wis. Stats., and shall submit a concise statement of the necessity of such public works to the Council for its approval, which shall be acted upon by the Council as soon as convenient thereafter.

(5) Upon request of the Council, show a fully itemized account of the kind and amount of materials used and the costs thereof on all works under their control.

(6) Call upon any other department or City officers for such assistance as may be necessary, and for the best interests of the City in the economical management of the utility plant.

(7) Establish, keep up-to-date, and have audited annually, a "Uniform System of Accounts" as presently prescribed by the Public Service Commission, for this Class of Municipally Owned Water Utilities, the present "Uniform System of Accounts" having become effective January 1, 2013. (Am. #873, 10/15/2013)

(8) Audit and approve all bills incurred by them or by their authority, and, if approved by the President and Secretary of the Commission, shall be paid by the City Clerk-Treasurer as provided by Sec. 66.042, Wis. Stats.

(9) Prepare or cause to be prepared, and keep on file, permanent and adequate records, in the form of maps or clearly descriptive tabular statements, or both, showing the size, kind and location of all its underground distribution and transmission mains, water services, and other hidden construction, and definite locations of all valves and curb stops and other shutoffs. For all new construction work done the records shall show the date of construction by year and month.

MUNICIPAL UTILITIES 13.06 (10)

(10) Make all such rules and regulations as to the use of water and the taking of water from the system, and such other rules and regulations relating to the system as they shall deem necessary, including the fixing of rates to be charged for the use of water, which rates, however, shall be submitted to and approved by the PSC and the Council before the same shall be in force and effect, and provided further, the rates now in force shall be and remain the rates to be charged therefor until the same shall be changed as herein provided.

(11) Require the utility to furnish water of such quality as will comply with the requirements of the State Board of Health and Social Services.

(12) Enforce all City ordinances and all rules and regulations as they relate to the Utility.

(13) They shall require that all materials, pipes, valves, fittings, valve boxes, corporation stops, curb stops, adaptors, flanges, gaskets, couplings, parts, supplies, appurtenances, apparatus, and other applicable items without further enumeration and specifications therefor and standards at the time of purchase or contract, and all labor, at the time of performance or contract when used for or applied to repairing, maintaining, rebuilding, and additions to the utility plant, shall, in so far as possible, equal or exceed the applicable design specifications and installation standards for water works materials, supplies, and construction as published by the U.S.A. Standards Institute and by the American Water Works Association (AWWA).

(14) Require all hydrants to be kept in good state of repair and usable at all times of the year. All hydrants shall be so turned that steamer and hose connections can be readily made and attached to the hydrant in case of fire.

(15) Require that all City hydrants be tested and examined at least once a month from October 1 to May 1, and at least once every 2 months from May 1 to October 1 in each year, to determine that each hydrant is in good working condition.

(16) Require dead-end mains, or other portions of distributing systems to be flushed at sufficiently frequent periods as to eliminate or minimize complaints from consumers arising from foul or offensive conditions of the water due to stagnation. Proper provisions shall be made for flushing all parts of a system which need flushing.

MUNICIPAL UTILITIES 13.06 (17)

(17) Require records to be kept of all flushing of mains, showing date, place and duration, and such records shall be used as a guide, in determining the necessary frequency of flushing of the same mains thereafter, to avoid well-founded complaints from consumers.

(18) Apply, to the extent economically feasible, the recommendations for improvements to the water supply system as outlined in the latest suggested guide by the Fire Insurance Rating Bureau of Wisconsin.

13.10 APPLICATION FOR WATER MAIN EXTENSION.

(1) Application for extension of a water main shall be made in writing to the Water Utility by the owner of the property to be benefited or his authorized agent. The application shall state the location of the premises to be served using the officially recorded description. The petitioner may obtain the signatures of all of the owners of the land abutting such main extension to support the application.

(2) **COMPLIANCE REQUIRED.** Installation of water main extension will be considered by the Water Utility only when the conditions of this chapter are complied with.

13.11 LOCATION OF PROPERTY TO BE SERVED. The property to be served shall front on an official City street or streets as described in the City ordinance fixing the area in which water service is to be furnished and shall conform to all applicable platting and zoning regulations.

13.12 GRADE REQUIREMENTS. The street in which the main is to be placed shall have an established grade set and approved by the City. City streets shall be graded in accordance with the City's standard cross section according to Ch. 8 of this Code.

13.13 WINTER INSTALLATION. Installation of water main extensions shall not be made when the ground is frozen unless applicant will pay for all additional costs involved. The Water Utility reserves the right to decide when frost conditions are encountered and shall notify the property owner or his authorized agent in advance when such condition and practice is in effect.

13.14 EXTENSIONS.

(1) BY COUNCIL. Where, in the public interest, a main extension has been ordered by the Council, such extension shall be made even though requirements as set forth in this chapter have not been accomplished and irrespective of approval by the Commission.

(2) BY THE PUBLIC SERVICE COMMISSION. Where a main extension has been ordered by the Public Service Commission pursuant to Sec.196.58, Wis. Stats., such extension shall be made even though conditions contrary to those set forth above may exist, and irrespective of approval by the Council and/or the Commission.

13.15 FINANCING PROCEDURES FOR WATER MAIN EXTENSIONS. The purpose of this section is to provide rules for financing the extension of water mains for the benefit of new customers. The Water Utility will extend water mains for new customers and will decide whether the extension is to be 6 inch or larger pipe where fire-protection service is needed or 2 inch pipe as a minimum size or larger where only general service is needed, according to the following:

(1) SPECIAL ASSESSMENT BASIS. Where the cost of the extension is to be immediately assessed against the abutting property, the procedure set forth under Sec.66.60, Wis. Stats. shall apply.

(2) CUSTOMER FINANCE BASIS. In lieu of the special assessment, water main extension may be made on a customer-financed basis, where there is a low density of prospective consumers or for some other reason.

(a) Basis for Determining Contributions from Original Customer. The applicant pro rate shall advance the amount that would have been assessed under sub. (1). The contribution shall be paid in advance of construction.

MUNICIPAL UTILITIES 13.15 (2)(b)

(b) Additional Customers and Refunds. When additional customers' premises are connected to a water main that was originally financed in part by customers, the utility shall require a contribution from each new customer equal to the existing average contribution. The amount of customer contribution computed under (2) is less than would have been assessed under sub. (1), the applicant for service shall pay an amount equivalent to the assessment. This amount shall then be refunded pro-rata to all contributors along the extension whose remaining contribution still exceeds what would have been assessed under sub. (1).

When refunds have reduced the contribution of any contributor to the applicable assessment per front foot, no further refund shall be made to that individual. After all refunds have been made, the remaining premises that may connect shall be charged at the rate per front foot established for the extension.

(c) Limit of Extension. When an extension beyond an existing extension is required to serve a new customer, and the cost to that customer exceeds the average remaining contribution in the original extension, then the new extension shall be considered as an entirely new project, without refunds, or other connections with the original extension.

13.16 CONNECTION TO TRANSMISSION MAIN. When customers connect to a transmission main or connecting loops laid at Utility expense, there shall be a contribution of an amount equivalent to the applicable assessment as determined in Sec.13.15(1).

13.17 DEVELOPMENT PERIOD. The development period during which refunds shall be made will be limited to 20 years.

13.18 SUBURBAN MAIN EXTENSIONS. Main extensions may be made in areas outside the City only when such areas are included in the water service area of the City, as established by ordinance. Such main extensions, when permitted, shall be governed by the same regulations that apply to extensions within the City except financing can be handled only on a customer finance basis, as in Sec.13.15 of this chapter.

13.20 APPLICATION FOR WATER SERVICE.

(1) Application for water service or for any extension or alteration of any existing service shall be made in writing by the owner of the property, or an authorized agent therefor, on a form furnished by the Utility.

MUNICIPAL UTILITIES 13.20 (2)

(2) The application shall 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 size of meter desired. Note particularly and special refrigeration, air conditioning, or other large water consuming appliances.

(3) The Superintendent may withhold approval of any application wherein and set forth by the applicant.

13.21 CONDITIONS TO OBTAIN SERVICE. Water service shall be furnished only if:

(1) The premises have a frontage on a properly platted street or public strip in which a cast iron or other long-life water main has been laid, or where the property owner has agreed to and complied with the provisions of the main extension rule in this chapter.

(2) The property owner has installed or agrees to install a water service from the curb line to the point of use, laid not less than 6 1/2 feet below the surface of an established or proposed grade according to the Utility's specifications.

(3) There will be no extension and independent meterage of the supply to an adjoining lot or parcel of land, whether owned by the same or different parties.

(4) There will be no division of the water service at the curb stop for separate supplies therefrom for 2 or more separate premises having frontage on any street or public strip whether owned by the same or different parties.

(5) The premises have adequate piping beyond the metering point.

(6) The premises are located within the area described by the City fixing the area in which water service is to be furnished by the Water Utility.

13.22 WATER SERVICE SIZE AND LOCATION.

(1) The size and location of the water service shall be agreed upon by the customer and the Water Utility but, in case of a difference, the Utility shall be the final judge.

MUNICIPAL UTILITIES 13.22 (2)

(2) Each water service shall have no other outlets or connection and shall be of undiminished size from the water main in the street to the point of meter placement unless utility specifications require a variance.

(3) The piping on the customer's side of the meter shall be sized and proportioned to provide on all floors, at all times, an ample and equitable distribution of water supply for the greatest probable number of fixtures or appliance units operating simultaneously, shall stand a pressure of 300 pounds to the square inch, and be subject to all the standards of the State Plumbing Code, the owner or consumer being subject to all damages.

13.23 WATER SERVICE INSTALLATIONS.

(1) **WATER SERVICE CONNECTIONS.** Taps, cut-ins, or other attachments made to any water main shall conform to the Utility specifications and shall be made only by or under the supervision of the Superintendent.

(2) Water Services from the water main in the street to the street line of the lot of the property owner applicant shall conform to Utility specifications and shall be installed under the direction and supervision of the Superintendent.

(3) All services shall be inspected by the Superintendent before concealment or burial.

(4) Curb stops shall ordinarily be located on the street side of the sidewalk. If cast iron piping or other large piping is used, the curb stop shall be of the street valve and box type located near the attachment to the water main.

(5) Each property shall have a single city owned curb stop located in the right of way. Duplexes, zero lot line structures and multi-family residential buildings with separately owned units, such as condominiums, shall have separate curb stops for each dwelling unit, located between the city owned curb stop and the building and accessible to city employees; this requirement shall also be applied when single owner buildings are converted to separately owned units. (Created #783, 4-21-09)

13.24 TRENCHING FOR WATER SERVICE. 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 and fittings, unless adequate means of protection are provided by sand filling or such other insulation as may be approved by the Superintendent. Services passing through curb or retaining walls shall be

MUNICIPAL UTILITIES 13.24 (cont.)

adequately safeguarded by provision of a channel space or pipe casing, not less than twice the diameter of the service piping. The space between the service pipe and channel or pipe casing shall be filled and lightly caulked with an oakum, mastic cement, or other resilient material, and made impervious to moisture.

13.25 BACKFILLING TRENCHES, MAINS AND SERVICES.

- (1) Trenches and excavations for water services and mains in public strips or streets shall be refilled with moist, damp earth, or by means of water tamping.
- (2) The pipe shall be protected against injury by carefully hand tamping the ground filling free from hard lumps, rocks, stones or other injurious materials, around and at least 6" over the pipe.
- (3) When water tamping is used, the water shall be turned into the trench after the first 12" of backfill has been placed, and then the trench shall be kept flooded until the remainder of the backfill has been put in.

13.26 WATER LATERAL INSTALLATION CHARGE. (Am. #918 02/17/2016)

Subdivision developers shall be responsible, where the main extension has been approved by the Utility, for the water service lateral installation costs from the main through the curb stop and box.

When the cost of a Utility main extension is to be collected through assessment by the municipality, the actual average water lateral installation costs from the main through the curb stop and box shall be included in the assessment of the appropriate properties.

The initial water lateral, not installed as part of a subdivision development or an assessable utility extension, will be installed from the main through the curb stop and box by the utility, for which there will be made a charge as follows:

- | | |
|---|---------------|
| 3/4-inch or 1-inch copper water service | - \$300.00 |
| Larger sized services | - Actual Cost |

13.27 REPLACEMENT WITH LARGER SIZE. Where the property owner requests that a larger water service be installed to replace an existing smaller service, an allowance of \$15 shall be made as a deduction in cost, provided the new water service is installed in the same ditch as the existing service.

13.28 WATER SERVICE MAINTENANCE.

(1) After the initial installation and construction, the water service from the water main in the street to and including the curb stop and curb box shall be maintained and kept in repair by the utility. The cost of such repairs caused by ordinary wear and tear, shall be borne by the utility, but damage by external violence shall be repaired by the utility at the expense of the property owner.

(2) Maintenance and repair of the water service from and including the connection at the curb stop to the customer's point of use shall be the responsibility of the owner, who also can be billed for any water which has not passes through the water meter, and has been wasted by leakage or defective pipes and fixtures, as estimated by authorized utility personnel.

(3) If the owner or consumer fails to repair a leaking or broken water service from the curb stop to the point of metering within such time as may appear reasonable to the Superintendent, after notification has been served on the owner or consumer by the Superintendent, the water shall be shut off and shall not be turned on again until the repairs have been completed.

13.29 CURB BOX AND CURB STOP MAINTENANCE.

(1) The top of each curb box shall have a cover to prevent dirt and other debris from getting into the box. Such cover shall be level with the top of the sidewalk or ground.

(2) The property owner shall protect the curb box and curb stop and shall keep them free from dirt and other obstructions. He shall immediately report to the utility any damage to same. Curb boxes and stops damaged by external violence shall be repaired by the utility at the expense of the property owner.

(3) The utility shall not be held liable for its failure to locate or use a curb stop and box and shut off the water in case of a leak or other failure on the owner's property.

13.30 WINTER INSTALLATION OF WATER SERVICES. If an applicant decides that a water service must be installed during conditions other than normal, such as freezing weather and while the ground is frozen, the applicant shall assume all additional costs that may arise during the installation and construction under such conditions. The Water Utility shall fix the dates when conditions other than normal are encountered.

13.31 THAWING FROZEN SERVICES.

(1) Frozen water services between the curb stop and the water main in the street shall be thawed out by and at the expense of the Utility except where the freezing was caused by contributory fault or negligence on the part of the consumer such as reduction of the grade, failure to comply with utility specifications and requirements as to depth of water service, lack of sufficient backfill, etc.

(2) Following the freezing of a service, the Utility shall take such steps and issue such instructions as may be necessary to prevent the refreezing of the same service. No charge shall be made for re-thawings, if the instructions are followed. If it is necessary for the water to flow to prevent refreezing, the owner or consumer shall make provision for proper disposal of the wastewater.

(3) Where the customer was not at fault, the utility shall adjust the billing for the quarter in which the freezing occurred to an amount determined by the average water use by the consumer for the prior two non-summer quarters. If freezing occurs in the two quarters in succession or with only one non-summer intervening, the billing will be determined by the last two non-summer quarters where water was not permitted to flow to prevent freezing of water services. Provided, however, the consumer shall not be entitled to this special billing consideration unless the consumer notifies the utility that water is being permitted to flow to prevent freezing. Notification is required whether or not the utility has published a general request to the public to flow water to prevent freezing. (Am. #410, 1994)

(4) Frozen services between the curb stop and the customer's point of use shall be sole responsibility of the customer or owner of the property.

13.32 WATER MAIN INSTALLATIONS IN PLATTED SUBDIVISIONS. (Cr. #126)

(1) Application for installation of water mains in regularly platted real estate development subdivisions shall be filed with the Clerk and shall set forth the following information:

(a) Name of subdivision.

(b) Legal description.

MUNICIPAL UTILITIES 13.32 (1)(c)

(c) Map showing streets, lots and sizes of proposed mains and hydrants and street laterals.

(d) Date of approval of subdivision plan by State Department of Development.

(e) Date of approval of proposed mains by State Department of Development.

(f) Number of houses presently under construction.

(2) Upon receipt of the application, the Water Utility will prepare detailed estimates of the cost of extending water mains and hydrants of the size deemed necessary in the subdivision and submit same to the City Council for approval of the extension as it pertains to public fire protection service requirements.

(3) The applicant for water service to be supplied to a subdivision shall be required to advance to the Utility, prior to the beginning of the construction, the total estimated cost of the extension. If the final costs exceed estimated costs, an additional billing will be made for the balance of the cost due. This balance is to be paid within 30 days. If final costs are less than estimated, a refund or overpayment will be made by the Water Utility.

(4) If the developer, or a contractor employed by the developer, is to install the water mains (with approval of the Utility), the developer shall be responsible for the total cost of construction.

PRIVATE FIRE LINE INSTALLATIONS

13.35 DEFINITION. (Am. #55, 1980) This service shall consist of separate connections for automatic sprinkler system standpipes (where same are connected permanently or continuously to the water mains), water storage tanks and private hydrant systems. Private fire protection service shall be supplied separately from general service, except that the water line used for fire protection service may also be used for general service where the property owner first provides the Water Utility with an easement to enter the property to turn off the water, where necessary, and where a general service water valve is installed inside the building adjacent to the fire line.

13.36 APPLICATION. Application shall be made in writing at the Utility office.

13.37 INSTALLATION.

(1) The installation of fire service lines from the water main to the building shall be made to conform with the specifications and installation of general water service and, in addition, the pipe gallery and all the piping installed for private fire protection service upon the premises of the users shall be open and not concealed or the premises shall be equipped entirely with dry systems where proper adequate seals are maintained. Service shall be supplied on an unmetered basis billed at the established rate.

(2) All connections shall include a fire underwriter's approved audio or visual flow alarm system.

13.38 COST TO CUSTOMERS. (Am. #662, 2004)(Amended #789, 7-21-09) This service shall consist of unmetered connections to the main for the purpose of supplying water to private fire protection systems such as automatic sprinkler systems, standpipes, (where same are connected permanently or continuously to the mains) and private hydrants,

Quarterly Demand Charges for Private Fire-Protection Service:

<u>Size of Connection</u>	<u>Quarterly Charge</u>
1-1/2"	\$10.80
2"	24.00
2-1/2"	39.00
3"	45.00
4"	75.00
6"	150.00
8"	240.00
10"	363.00
12"	480.00

Billing: Same provisions as for general service.

13.40 METERS.

(1) SERVICE AND LOCATION.

(a) The size and location of a water meter shall be agreed upon by the customer and the Water Utility but, in case of a difference, the Superintendent shall be the final judge. (1)(a)

(b) The meter shall be located so it will be safe from both heat and cold and preserved from obstructions or any fixture which might retard easy access thereto for reading, removal, or observation.

(c) The meter shall be located as near as possible to the point of entrance of the service pipe, between one and 4 feet from the floor, with the dial pointing up, and the top of the meter dial not more than 54" above the surrounding floor area, unless a variation from these requirements is granted by the Superintendent.

(d) If the owner desires a change in the meter location, he shall consult with the Water Utility to determine its acceptability to the Utility. The owner shall pay for all costs required to make the change.

(2) PIPING TO.

(a) The owner shall, at his expense, provide suitable piping to and from the meter connections and the piping shall be arranged to provide sufficient flexibility to permit easy removal and resetting of the meter, using slip joint or dresser type connections when and/or as designated and approved by the Superintendent. All piping to and from the meter must be supported so its weight is not borne by the meter connections. When designated by the Superintendent, bases shall be provided by the owner for the support of larger and heavier meters.

(b) Where it is possible to set the meter in the basement, or other suitable place within the building, a short nipple shall be inserted after the service valve, 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 plans of the utility (a horizontal run of 18 inches may be required in such pipe line) which may later be removed for the insertion of the meter into the supply line.

MUNICIPAL UTILITIES 13.40 (3)

(3) SERVICE VALVES FOR.

(a) In the service pipe just ahead of each meter there shall be a utility approved shut-off service valve of good quality, good hydraulic characteristics, and of the same nominal size as the service pipe.

(b) In meter locations where water on the floor or area under the meter, due to meter servicing or changing, is objectionable, there should be an additional service valve, located immediately after the meter as well as the one ahead of the meter.

(4) BYPASS VALVES FOR. All meters of a nominal size and capacity greater than one inch shall have a piped bypass around the meter which may be one nominal pipe size smaller than the meter. In such piped bypass there shall be a utility approved bypass valve capable of being sealed in the closed position.

(5) UTILITY TO FURNISH. All water meters and/or other water measuring apparatus for the purpose of measuring water furnished to a consumer shall be the property of and installed by the Utility.

(6) REPAIRS TO.

(a) Water meters or other measuring apparatus furnished by the Utility, shall be repaired by the Utility and the cost of such repairs caused by ordinary wear and tear will be borne by the Utility.

(b) Any damage to a meter resulting from the carelessness of the owner of the premises, his agent, or tenant, or from the negligence of anyone 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 the presence of hot water or steam, shall be paid for by the consumer or the owner of the premises.

MUNICIPAL UTILITIES 13.40 (7)

(7) ADDITIONAL METER RENTAL CHARGE (Created #918, 02/17/2016)

(a) Upon request, the utility shall furnish and install additional meters to:

- 1) Water service customers for the purpose of measuring the volume of water used that is not discharged into the sanitary sewer system; and
- 2) Sewerage service customers who are not customers of the water utility for the purpose of determining the volume of sewage that is discharged into the sanitary sewer system.

(b) The utility shall charge a meter installation charge of \$40.00 and a quarterly/monthly rental fee for the use of this additional meter.

(c) Additional Meter Rental Charges:

	<u>Quarterly</u>	<u>Monthly</u>
5/8 –inch meter - \$	4.10	12.30
¾ -inch meter - \$	4.10	12.30
1 –inch meter - \$	6.75	20.25
1 ¼ -inch meter - \$	9.00	27.00
1 ½ -inch meter - \$	12.50	37.50
2 –inch meter - \$	20.75	62.25

(d) This schedule applies only if the additional meter is installed on the same service lateral as the primary meter and either:

1. The additional meter is ¾ -inch or smaller if the metering configuration is the Addition Method; or
2. The additional meter is 2-inch or smaller for all other metering configurations.

(e) If the additional meter is larger than 2 –inch or larger than ¾ -inch and installed in the Addition Method, each meter shall be treated as a separate account and Schedule Mg-1 rates shall apply.

MUNICIPAL UTILITIES 13.41

13.41 INITIAL ACCURACY OF METERS.

(1) Before initial installation every new meter shall be tested by the Utility for accuracy of registration, and no meter whose accuracy of registration does not fall within the following limits of allowable error shall be placed in service:

Meter Size (Diameter of Connection, in Inches)	Allowable Error 2% Plus or Minus on Rates of Flow (Gals. per Min.)		Allowable Error 10% (Under-registration on Flow of Gals. per Min.)
	From	To	
5/8	1	20	1/4
3/4	2	35	1/2
1	3	60	3/4
1 1/2	5	100	1 1/2
2	8	160	2
3	16	320	4
4	28	560	7
6	48	960	12

(2) MAINTENANCE OF ACCURACY. The accuracy of registration of all meters in service shall be maintained, and insured by periodic retests of such frequency by the Utility as the conditions of service in any case may warrant. Retests should include a test on a small and definite rate of flow within the range for which the allowable error is 2%.

(3) RECORDS. A permanent record shall be kept of the tests on each meter, and such records shall show the name, number and size of the meter, date and place of the original and of each subsequent installation and the complete results of each test and retest. The records shall also show the cause of removal from service and what, if any, repairs were made between time of removal and the retest of the meter. The original test record shall show the identification of the meter and all data taken in form that permits convenient checking of the methods employed and the calculations. Any meter that has been in service for 2 years, for which no satisfactory record is available, shall be tested, and a permanent record made within one year unless extended by written order of the PSC.

MUNICIPAL UTILITIES 13.42

13.42 OUTSIDE METER PIT INSTALLATION. If an outside meter pit installation is chosen by the property owner, this pit shall be located near the street line of the property. The meter pit shall conform to standard utility plans and specifications and shall include a suitable and convenient-to-use ladder. The original cost and maintenance of the meter pit, including the ladder, shall be borne by the property owner or customer.

13.45 MINIMUM BILL AND CONSUMPTION CHARGES. (Amended #662, 2004) (Amended #789, 7-21-09) (Amended #828, 01-18-11) (Amended #918, 02/17/2016)

(1) MINIMUM BILL, effective 02-15-2016

	Per Month	Quarterly
Residential Fixed Charge	\$8.25	\$24.75
Non-Residential		
Size of Meter		
5/8"	\$8.25	\$24.75
3/4"	\$8.25	\$24.75
1"	\$13.50	\$40.50
1.5"	\$25.00	\$75.00
2"	\$41.50	\$124.50
3"	\$63.00	\$189.00
4"	\$113.00	\$339.00
6"	\$213.00	\$639.00
8"	\$288.00	\$864.00
10"	\$343.00	\$1,029.00
12"	\$464.00	\$1,392.00

Plus Volume Charge:

First 5100 cf	\$2.27 per 100 cf
Next 270,000 cf	\$2.10 per 100 cf
Next 300,000 cf	\$1.80 per 100 cf
Over 575,100 cf	\$1.60 per 100 cf

Bills are rendered quarterly for residential and small commercial, industrial and public authority customers. Large commercial and industrial customers are billed monthly.

(3) BILLING RULES.

(a) General Service.

1. Water used on an intermittent basis for flushing sewers, street sprinkling, flooding skating rinks, drinking fountains, etc., shall be metered where meters can be set to measure the service. Where it is impossible to measure the service, the Superintendent shall estimate the volume of water used based on the pressure, size of opening and period of time water is allowed to be drawn. The estimated quantity used shall be billed at the rate of \$.97 per 100 cubic feet.
2. Water service supplied to municipal buildings, schools, sewer treatment plants, etc., shall be metered and the regular metered service rates applied.

(b) Payment of Bills. Except as may otherwise be provided in this chapter, bills for water service are rendered quarterly or monthly and become due and payable upon issuance following the period for which service is rendered.

(c) Multiple Buildings. When a consumer's premises has several buildings, each supplied with service and metered separately, the full service charge will be billed for each meter separately and the readings will not be cumulated. If these buildings are all used in the same business and are connected by the consumer, they can be metered in one place. If the Utility, for its own convenience, installs more than one meter, the readings will be cumulated for billing.

(d) Reading Periods. Water meters shall be read as regularly as possible for established billing periods. If access to the meter cannot be gained, a meter reading form (self-addressed post card) shall be left. If it is not returned in time for the billing operation, an estimated bill shall be rendered. Only in unusual cases or when approval is obtained from the customer shall more than 2 consecutive estimated bills be rendered. The customer shall be notified by letter if all reasonable attempts to contact him fail, procure a reading by a specified date, service shall be discontinued until such arrangements are made.

MUNICIPAL UTILITIES 13.45 (3)(e)

(e) Failure to Read Meters.

1. Where the Utility is unable to read a meter after two successive attempts, the fact shall be plainly indicated upon the bill, and either an estimated bill will be computed, or the minimum charge applied. The difference shall be adjusted when the meter is again read, that is, the bill for the succeeding billing period will be computed with the gallons or cubic feet in each block of the rate schedule doubled and credit will be given on that bill for the amount of the bill paid the preceding period. Only in unusual cases or when approval is obtained from the customer, shall more than three consecutive estimated bills be rendered where bills are rendered monthly and there shall be not more than two consecutive estimated bills where the billing period is two months or more.
2. If the meter is damaged or fails to operate for any reason, the Utility shall render a bill for the current period, based on an average of the water consumption for a comparable preceding period for which readings were obtained. In case these periods cannot be properly used, the bill shall be estimated by some equitable method. 13.45(3)(e)2

(f) Mailing of Bills. All bills and notices shall be mailed to the owner or, upon his written request, to his designated agent or tenant. A bill, even if in duplicate, for one period for one meter shall go to one address only.

(g) No Penalty Waiver. Every reasonable care will be exercised in the proper mailing of water service bills to the owner or occupant. However, failure to receive a bill shall not relieve any person for the payment of the bill within the prescribed period, nor exempt any person from any penalty imposed for the delinquency in the payment thereof.

(h) Vacant Premises - Minimum Charge. When a premises remains vacant following a special or regular meter reading and billing, but the meter remains on the premises, the regular minimum charge shall apply.

(i) Complaints. Any claims or complaints on bills or billings should be filed within 10 days after the day the bill becomes due and payable.

MUNICIPAL UTILITIES 13.45 (3)(j)

(j) Penalty for Delinquent Payment. (Repealed & Recreated #918, 02/17/2016)

1. A late payment charge of 3%, but not less than \$.30 will be added to bills not paid within 20 days of issuance. This ONE-TIME 3% late payment charge will be applied only to any unpaid balance for the current billing period's usage. This late payment charge is applicable to all customers. The Utility customer may be given a written notice that the bill is overdue no sooner than 20 days after the bill is issued and unless payment or satisfactory arrangement for payment is made within the next 8 days, service may be disconnected, pursuant to Ch. PSC 185, Wis. Adm. Code.

2. Payment Not Honored by Financial Institution Charge: The utility shall assess a \$20.00 charge when a payment rendered for utility service is not honored by the customer's financial institution. This charge may not be in addition to , but may be inclusive of, other such charges when the payment was for multiple services.

Special Meter Reading Charge: The utility shall assess a \$15.00 charge to the requestor whenever an existing customer or the property owner requests a special meter reading by utility personnel on a date other than the regularly scheduled meter reading. This charge may not be assessed if the customer or the property owner provides the meter reading. This charge may not be assessed to a new customer.

(k) Charges a Lien on Property. Should all efforts of the Utility to collect a water bill or any other bill pertaining to water service and/or water meter installation, these charges shall be a lien on the lot, part of lot or parcel of land to which such service was supplied. All bills for such services prior to October 1 that are not paid shall be mailed directly to the owner by October 15, designating the delinquency and if not paid by November 1, shall be increased by an additional 10% penalty. If still not paid by November 15, same shall be placed on the tax roll for collection according to Sec.66.069(1)(b), Wis. Stats.

MUNICIPAL UTILITIES 13.45 (3)(l)

(l) Combined Metering: Volumetric meter readings will be combined for billing if the utility for its own convenience places more than one meter on a single water service lateral. Multiple meters placed for the purpose of identifying water not discharged into the sanitary sewer are not considered for utility convenience and shall not be combined for billing. Meter readings from individually metered separate service laterals shall not be combined for billing purposes.

Buildings used in the same business, located on the same parcel and served by a single lateral may have the customer's water supply piping installed to a central point so that volume can be metered in one place.

13.46 TEMPORARY SERVICE.

(1) UNMETERED. (Am. #479) Where the Utility cannot immediately install its water meter, service may be supplied temporarily on an unmetered basis. Such service shall be billed at the rate of \$44.03 per billing period. This rate shall be applied only to single family residential and small commercial customers and approximates the cost of 2,300 cubic feet of water per billing under Sec.13.45. If it is determined by the Utility that usage is in excess of 2,300 cubic feet per billing period, an additional charge per the schedule under Sec.13.45 will be made for the estimated additional usage.

(2) BILLING RULES; GENERAL. (Am. #151) Except as otherwise provided in this chapter, bills for water service shall be rendered quarterly as of the last day of March, the last day of June, the last day of September and the last day of December of each year. Statements covering water service rendered during the quarterly periods ending on the last day of March and the last day of October shall be based on estimates. Bills for water service shall become due and payable on the 20th day of the month following the period for which the service has been rendered.

13.47 SPECIAL READINGS/BILLINGS AND RULES.

(1) SPECIAL READINGS.

(a) Where it is desired to divide a water bill, because of moving, property sale or otherwise, a special reading of the meter may be requested by either the renters or landlord, or by the seller or purchaser of property involved in a sale provided at least 15 days have elapsed since the last reading. A \$10 fee will be charged for this special service. (Amended #789, 7-21-09)

(b) The person making the request shall furnish the Utility with the name and address of the party to whom the bill is to be sent (usually the person moving out), the owner's name and address and the date the meter is to be locked so the meter will be accessible to the Water Utility employee.

(c) When service has been discontinued (meter removed), this is considered a special reading for billing purposes, but the \$10 fee shall not be charged. (Amended #789, 7-21-09)

(2) BILLING RULES - PRO RATA. Bills for special readings (pro rata billings) shall be computed according to the following schedule:

(a) For meter readings up to and including the 5th day after the end of a previously billed period, present consumption shall be added to that for the previous period, the total bill recomputed, re-billed and credit given for previous payment, if any, on such bill.

(b) For meter readings from the 6th day through the 15th day after the end of a previously billed period, present consumption shall be billed on the basis of 1/3 month, in which case the amounts consumed under each grouping of the semiannual metered rate schedule are 1/18 of the amount computed for the semiannual rate.

(c) For meter readings from the 16th day through the 25th day after the end of a previously billed period, present consumption shall be billed on the basis of 2/3 month, in which case the amounts consumed under each grouping of the semiannual metered rate schedule are 1/9 of the amount computed for the semiannual rate.

MUNICIPAL UTILITIES 13.47 (2)(d)

(d) For meter readings from the 26th day through the 35th day after the end of a previously billed period and for each monthly period thereafter, in the pro rata billing period, present consumption shall be billed on the basis of monthly billings and multiples thereof, in which case the amount consumed under each grouping of the semiannual metered rate schedule are 1/6 of the amount computed for the semiannual rate.

(e) In all cases cumulated pro rata billings shall equal but not exceed the amount that would be billed if consumption were cumulated and billed as of one billing period.

(3) APPORTIONING BILLS. When a premises changes occupants or owners, etc., unless the Utility is immediately informed of the change to permit reading the meter and issuing a special reading bill, the billing for the entire period will be submitted to the owner or occupant, and any adjustment in the way of apportioning the bill between the outgoing and incoming consumers shall be the responsibility of the owner and/or parties involved.

13.48 GENERAL SERVICE CONTRACT.

(1) 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 his request, has been disconnected prior to expiration of his minimum contract period and his account is not delinquent and where thereafter he requests the reconnection of service in the same or some other location, a reconnection charge of \$3, payable in advance, shall be collected. The minimum contract period is renewed with each reconnection.

(2) A consumer shall be considered the same consumer provided the reconnection is requested for the same location by any member of the same family, or if a place of business, by any partner or employee of the same business.

MUNICIPAL UTILITIES 13.49

13.49 RECONNECTION CHARGE. (Am. #238) (Amended #789, 7-21-09) (Amended #918, 02/17/2016) A reconnection charge as follows, payable in advance, shall be required from consumers whose services are disconnected because of nonpayment of bills when due (not including disconnection for failure to comply with deposit or guarantee rules), and if disconnected because of seasonal use. Any outstanding bills, such as meter damage, delinquent bills, penalties, etc., shall be paid before such reconnection is made.

	<u>During Normal Business Hrs.</u>	<u>After Normal Business Hrs.</u>
Reinstallation of meters and Valve turned on at curb cock	\$40	\$55

13.50 DISCONTINUANCE OF WATER REQUEST. To discontinue the supply of City water to a property or unit of service, notice shall be given to the Water Utility office during office hours and arrangements made to have the premises accessible for the removal of the meter by Water Utility personnel. The water shall be shut off at the curb stop and the meter removed. If the building is too razed, the Utility shall be so notified so the meter may be removed. The owner of the premises shall be responsible for the protection of the meter from damage. A bill for the water used prior to discontinuance shall be rendered in accordance with the rates and regulations governing special readings, except the special fee shall not be charged.

13.51 CHARGES FOR WATER WASTED DUE TO LEAKS. The Utility is not responsible for water lost through leaks in plumbing or otherwise. Customers are responsible for keeping their own plumbing in repair.

13.52 SPECIAL WATER SERVICES.

(1) BULK WATER. (Am. #479) (Amended #789, 7-21-09) (Amended #918, 02/17/2016) All bulk water supplied from the water system through hydrants or other connections shall be metered, or at the direction of the utility, estimated. Utility personnel or utility-approved party shall supervise the delivery of water.

Bulk water sales are:

1. Water supplied to tank truck or from hydrant for the purpose of extinguishing fires outside the utility's immediate service area;

MUNICIPAL UTILITIES 13.52 (1)2

2. Water supplied by tank truck or from hydrant for purposes other than extinguishing fires such as irrigation or the filling of swimming pools; or,
3. Water supplied from hydrants or other temporary connections for general service type applications. (Water supplied for construction purposes - see Sec. 13.46)

A charge for the volume of water used will be billed to the party using the water at \$2.27 per 100 cubic feet. A service charge, in addition to the volumetric charge, will be \$40.00.

A deposit for the meter and/or valve will be required. The deposit collected shall be \$25.00 and will be refunded upon return of the utility's equipment. Damaged or lost equipment will be repaired or replaced at the customer's expense.

(2) Deposit. A deposit shall be required for the water used, hydrant, hydrant wrench and meter with fittings according to the size of the meter as follows: present new cost of the size of meter required plus 30% to cover the other items. The Utility shall record the meter, number, size and reading. The contractor or his authorized agent shall state the location where the meter is to be used, the contractor's name and address, and made the proper deposit. He shall sign a form provided at the Utility office, which shall constitute a contract for all water used and embody these rules and regulations as part of same.

(3) Meter and Fittings Removed at End of Each Working Day. The meter and fittings as a unit shall be removed by the contractor at the end of each working day and the hydrant shall be properly closed and left until the next morning at beginning of work. If it becomes necessary to use the hydrant for fire any time while the meter is attached thereto, the contractor shall close the hydrant and remove the meter and fittings as a unit. The meter shall be protected from damage at all times.

(4) Building and Construction Water Service - MZ-1. (Am. #342)

(a) For single family and small commercial buildings, apply the unmetered rate in Sec.13.46.

(b) For large commercial, industrial or multiple apartment buildings, a temporary metered installation shall be made and general, metered rates in Sec.13.45 applied.

MUNICIPAL UTILITIES 13.52 (5)

(5) Return of Supplies at End of Construction. When the contractor no longer requires the hydrant for construction purposes, he shall return the meter, fittings and hydrant wrench to the Utility. Should the meter with fittings and/or the hydrant be damaged, the Utility shall repair the damage and bill the contractor for the cost of same plus 20%. Should the contractor fail to return the hydrant wrench, meter or fittings, he shall be billed for the cost or replacement. When all charges have been paid by the contractor, the Utility shall make a refund of the deposit following approval of the payment voucher at the next regular commission meeting.

(6) Failure of Payment. Should the contractor fail to make payment of any or all charges, the Utility shall, after 60 days, deduct the charges from the deposit and refund the remainder as specified.

(7) TEMPORARY METERED SUPPLY.

(a) Deposits. (Am. #238) A consumer or owner of a premises may apply for a temporary water supply on a meter basis, in which case such applicant shall make and maintain a monetary deposit of not less than \$25 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.

(b) Charges. (Am. #342) (Amended #789, 7-21-09) The charge for setting the valve and furnishing and setting the meter shall be \$40 during normal business hours and \$55 after normal business hours. Water usage shall be billed at present rates.

(c) Refund of Deposit. All monies deposited as security for payment of charges arising from the use of this temporary metered supply, 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 return of the meter and equipment.

MUNICIPAL UTILITIES 13.52 (8)

(8) WATER FOR CONSTRUCTION. When water is requested for construction purposes, or for filling tanks or other such uses, an application therefor shall be made to the utility, in writing, upon application provided for that purpose in the utility's office, giving a statement of the amount of construction work to be done, or the size of the tank to be filled, etc. Payment for the water for construction may be required 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 curb shall be made without special permission from the utility. In no case, will any employee of the utility turn on water for construction work unless the contractor first presents a permit. Upon completion of the construction work, the contractor must return the original permit to the utility.

Consumers shall not allow contractors, masons or other persons to take water from their premises without first showing a permit from the department. Any consumer failing to comply with this provision will have water service discontinued.

(9) SEASONAL, EMERGENCY OR TEMPORARY SERVICE - MGT-1. (Am. #342) Seasonal customers shall be served at the general service rate in Sec.13.45, except that each customer served under this rate shall pay an annual seasonal minimum bill equal to four times the applicable semiannual service charge. Water use in any quarter shall be billed at the applicable volume schedule in Sec.13.45 and the charge added to the annual seasonal service charge.

13.53 SURCHARGE RATES - NONCONSERVANT AIR CONDITIONING AND REFRIGERATION.

(1) APPLICABILITY.

(a) These surcharge rates shall be applicable to non-conservant water-cooled air conditioning and/or refrigeration units, as defined below, which are installed or operated for maintenance by heat removal of room or space temperatures which are not less than 60 degrees F., and which are operated in summer months. The surcharges shall be in addition to charges at regular applicable rates for water used by such units.

MUNICIPAL UTILITIES 13.53 (1)(b)

(b) These surcharge rates shall not apply to relatively uniform quarterly use for refrigeration or to air conditioning units that have no water connections or are conservant units as defined below.

(2) BILLING AND PAYMENT.

(a) The amount of any annual surcharge shall be billed after May 1 of each year, and shall be the entire annual surcharge based upon the capacity of non-conservant equipment installed prior to July 1 of each year.

(b) Partial-year surcharges for new equipment installed after July 1 of any year shall be billed after the date the proper surcharge has been determined.

(c) No surcharge shall be billed where equipment is installed, but has been physically disconnected from the building plumbing system. If, however, such equipment is reconnected and operated at any time before September 30 of any year, the entire annual surcharge shall be billed and paid for that year.

(d) The payment of surcharge bills shall be enforced the same as bills for other water service.

(3) RATES.

(a) Annual. An annual surcharge of \$10.00 a ton of rated refrigerating capacity, as defined below, for non-conservant water-cooled air conditioning and refrigerating units shall be charged in addition to charges under other applicable rates.

(b) One-fourth of the annual surcharge shall be charged for each new unit installed between September 1 and September 30; 1/2 of the annual surcharge shall be charged for each new unit installed between August 1 and August 31; 3/4 of the annual surcharge shall be charged for each new unit installed between July 1 and July 31 of any year.

MUNICIPAL UTILITIES 13.53 (3)(c)

(c) Where non-conservant air conditioning is converted to conservant air conditioning by the installation of necessary equipment and the revision of water connections, the annual surcharge shall be reduced by 9/10 of the conversion between June 1 and June 30; by 1/2 for conversion between July 1 and July 31; and by 1/4 for conversion between August 1 and August 31 of any year.

(4) NOTIFICATION CONCERNING INSTALLATION OF NON-CONSERVANT UNITS. Each customer installing a new non-conservant air conditioning unit in his premises shall promptly notify the Water Department of the date of installation and shall furnish information from which the capacity rating of such unit may be computed.

(5) DEFINITION OF RATED REFRIGERATING CAPACITY. The capacity of unit in tons shall be the greatest of the following:

(a) The manufacturer's rating in tons per 24 hours of equivalent ice-making capacity.

(b) The 24 hour BTU rating of heat removal capacity divided by 288,000.

(c) The horsepower rating of the motor driving the refrigerant compressor.

(d) Nine-tenths of the horsepower rating of a motor driving both compressor and fan.

(e) Where none of the above ratings is available, or where question arises as to the accuracy of any rating, the rating shall be determined by measurement of power input to the compressor motor, the rate of fuel consumption, or other suitable means.

(6) DEFINITION OF NON-CONSERVANT WATER-COOLED UNITS. A non-conservant unit shall be one which:

(a) Uses water from the building plumbing system directly for cooling refrigerant, with discharge to waste or to lawn sprinklers or to any other place where the water is not cooled and reused for cooling the refrigerant;
or

MUNICIPAL UTILITIES 13.53 (6)(b)

(b) Uses an average of more than 12 gallons of water an hour from the building plumbing system for each ton of cooling capacity when the unit is operating; or

(c) Has accompanying conservant equipment installed, but which has the piping so connected that a valve may be opened or other means are provided so the water may be taken from the building plumbing system to allow operation of the unit when the conservant equipment is out of service; or

(d) Uses water for air conditioning without the use of a compressor or cooling refrigerant.

(7) DEFINITION OF CONSERVANT WATER-COOLED UNITS. (Amended #918, 02/17/2016) A conservant water-cooled unit shall be one which:

(a) Is equipped with a cooling tower, atmospheric condenser, spray pond, or other equipment which shall directly or indirectly cool refrigerant; and

(b) Can use water from the building plumbing system only for make-up water to replace water lost by evaporation or by flushing of the equipment; and

(c) Uses an average of less than 12 gallons of water an hour from the building plumbing system for each ton of cooling capacity when the unit is operating, and

(d) Has no piping connection to allow operation of the unit by direct use of water from the building plumbing system either in conjunction with, or in place of such cooling tower, atmospheric condenser, spray pond, or other recirculating and heat exchanging equipment.

13.54 METER TESTS.

(1) COMPLAINT METER TESTS. If a consumer demands that a test be made of his meter in addition to the periodic or installation test, he may have his meter retested by the utility at any time upon his conditional deposit of \$2.00 per inch of nominal size or fraction thereof. Such deposit shall be returned to him by the Utility if the retests shows the meter to be over-registering by more than 2%. Otherwise, it shall be forfeited to the Utility by the depositor. Such retests on request of a consumer shall be made in his presence, if desired by him.

(2) REFEREE TESTS. Any water consumer may have official test of his meter made by the PSC upon request, accompanied by a deposit of \$4.00 per inch of nominal size or fraction thereof and upon payment of meter transportation expense, if any. In such case, the meter test fee deposited by the consumer shall be refunded to him by the Utility furnishing the metered service in question if the PSC finds the meter to be over-registering beyond the allowable limit of error for new meters. 13.54(1)

13.55 SURREPTITIOUS USE OF WATER. When the Utility has reasonable evidence that a consumer is obtaining water, 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, the utility reserves the right to estimate and present immediately a bill for service unmetered as a result of such interference and such bill shall be payable subject to a 24-hour disconnection of service. When the utility shall have disconnected the consumer for any such reason, the utility will reconnect the consumer upon the following conditions:

1. The consumer will be required to deposit with the utility, an amount sufficient to guarantee the payment of the consumer's bills for utility service to the utility.
2. The consumer will be required to pay the utility for any and all damages to its equipment on the consumer's premises due to such stoppage or interference with its metering.
3. The consumer must further agree to comply with reasonable requirements to protect the utility against further losses.

13.60 AVAILABILITY. Water service shall be furnished to applicants living outside the City only when such service is authorized by the Council by inclusion of the property to be served within the water Service area designated by City ordinance.

MUNICIPAL UTILITIES 13.61

13.61 RATES. (Am. #126) The rates for suburban water service shall be the same as for metered general service (Sec.13.45), plus a 25% surcharge.

13.62 BILLING AND OTHER REGULATIONS. Billing, payment of bills, penalties and all other applicable rules and regulations in this chapter shall apply to suburban water service areas designated by City ordinance.

13.65 URBAN SERVICE. (Am. #479) (Amended #918, 02/17/2016) For public fire protection service to the City of Sparta, the annual charge shall be \$494,855 to cover the use of mains and hydrants up to and including the terminal hydrant and connection on each main existing for the 1997 test year.

For all extensions of fire protection service, there shall be an additional annual charge of \$691 per net hydrant added to the system in excess of 357 hydrants.

This service shall include the use of hydrants for fire protection service only and such quantities of water as may be demanded for the purposes of extinguishing fires within the municipal boundary. 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.

The annual public fire protection charge shall never be less than the base amount.

GENERAL RULES AND REGULATIONS

13.70 COMPLAINTS. Properly classified records shall be kept of all complaints received from consumers relative to character of service, low pressure, bad water, unusually high bills, or other matters, together with the disposition of or remedy provided for each complaint, if any, and the dates of complaint, and shall be complete and explicit.

13.71 INSPECTION OF PLUMBING. The Utility personnel shall not make inspections of internal plumbing or fixtures. Such are the responsibility of the owner or consumer. The Utility shall furnish and maintain only the meter and the couplings on either side of the meter. All other facilities and appurtenances, including the meter service valve, are the owner's or consumer's responsibility.

13.72 SERVICE CALLS.

(1) Consumers requesting special service from the Utility regarding pressure, complaints, no water, noisy meter and pipes, leaky meters, and various other queries shall first ascertain that the fault does not lie within the plumbing on the consumer's premises, such as a closed valve, condensation, defective water heater, leak from pipes on either side of the meter rather than from the meter or meter connections, and so forth.

(2) Should Utility personnel, upon making a service call, find that the cause does lie within the customer's plumbing and the Utility's meter is functioning properly, a service charge of \$3.00 shall be made to cover the cost of the call.

13.73 INSPECTION OF PREMISES.

(1) INSPECTION. Any officer or authorized employee of the Utility may enter during reasonable hours the premises supplied with water service, for inspection and maintenance or for the enforcement of the Utility's rules and regulations.

(2) REFUSING ENTRY. No person shall, upon receipt of a notification stating the need for entry to the premises or any part thereof, refuse an authorized agent of the Utility free access thereto as required in sub. (1).

13.74 NO CLAIMS FOR DAMAGES. No person shall enter a claim for damage against the City as a Water Utility or any officer thereof, for damage to any pipe, fixture, appurtenance or to laundry by reason of interrupted water supply, variation of pressure or temperature, discolored water, or for damage caused by turning off or turning on, either wholly or partially, the water supply for the extension, alteration, repair of any water main or premises supply or for the extension, alteration, repair of any water main or premises supply or for the discontinuance of the premises water supply for the violation of any rules or regulations of the Utility. No claims shall be allowed against the City as a Water Utility on account of the interruption of the water supply caused by the breaking of pipes or machinery, or by stoppage for repairs, on account of fire or other emergency. No claims shall be allowed for the damage caused by the breakage of any pipe or machinery.

13.75 HYDRANTS.

(1) OPENING. No person shall open fire hydrants unless authorized by the Water Utility or the Fire Department.

MUNICIPAL UTILITIES 13.75 (2)

(2) OPERATION OF VALVES AND HYDRANTS. No person shall, without authority of the Water Utility or the Fire Department, operate any curb stop or any valve connected with the street or supply mains, or open any fire hydrant connected with the Utility distribution system, except for extinguishing fire, or wantonly injure or impair the same.

(3) DAMAGES TO. Owners and operators of motor vehicles and equipment shall be liable for the cost of repair or replacement to any hydrant damaged by being hit by same. The water utility is not responsible for damage to the motor vehicle or equipment by reason of such accident.

(4) MOVING. Anyone who requests moving a hydrant shall pay for such moving, including the cost of materials, labor and overhead, less salvage and accrued depreciation. Requests of a governmental unit made in connection with street or highway improvement are not included with the above.

13.76 UNAUTHORIZED WATER USE.

(1) PERMIT REQUIRED. Property owners or consumers shall not allow contractors, masons or other persons to take water from their premises without first showing a permit from the Utility.

(2) DISCONNECTION. No person shall disconnect or allow any person, other than authorized Utility personnel, to disconnect or interfere with the water meter being used to measure the water furnished to a premises.

(3) PENALTY. Any consumer failing to comply with the provisions of this section shall be subject to a penalty as provided in Sec.13.85 of this chapter.

13.77 PUBLIC SAFETY AT EXCAVATIONS.

(1) The Superintendent shall see that all ditches for water mains, hydrants, and service pipes are properly guarded to prevent accident to any person or vehicle. At night there shall be displayed red signal lights to, so far as possible, insure the safety of the public.

MUNICIPAL UTILITIES 13.77 (2)

(2) All open ditches for water mains, hydrants, and service pipes shall be opened to cause the least inconvenience to the public and admit the uninterrupted passage of water along the gutter, of the street. The street and pavement shall be restored to as good condition as it was prior to excavation. All debris shall be immediately removed after the completion of the work. Should any excavation by contractor or others in any street or alley be left open and unfinished for 24 hours or the work improperly done, the enforcing personnel shall finish or correct the work; and the expense incurred shall be charged to the person whose work is finished or corrected and shall be paid by the person before receiving another permit. Applicable regulations in Ch. 8 of this Code shall also apply.

13.78 CONTRACTOR AND CONSTRUCTION RESPONSIBILITIES. Contractors and others making excavations shall ascertain location of all water mains, water services, valves, valve boxes and other underground facilities of the Utility. Any damage to such pipes, appurtenances, or facilities shall be reported to the Utility who shall make the necessary repairs and bill all costs to the contractor or person liable for the damage. Should such contractor or person fail to pay for the repair of such damages, the charges shall become a lien against the property which it serves.

13.79 REPAIRS TO WATER MAINS. The Water Utility may shut off the water mains temporarily to make repairs, alterations or additions to the plant or system. When the circumstances permit sufficient delay, the Utility shall notify by newspaper publication or otherwise of the discontinuance of the supply. No rebate or damages shall be allowed to customers for such temporary suspension of supply.

13.80 PROTECTIVE DEVICES. The owner or occupant of any premises receiving water supply shall apply and maintain protection of the premises' supply and all appliances thereof against damage from the use of the water supply, variation of water pressure, or any interruption of water supply. Particularly, such owner or occupant shall protect water-cooled compressors for refrigeration systems by means of high pressure safety cutout devices. They shall provide a 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.

13.81 RELIEF VALVES - CLOSED SYSTEMS. On all closed systems (i.e., systems having a check valve, pressure regulator, reducing valve, water filter or softener) an effective pressure relief valve shall be installed in the top tapping of the hot water 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.

MUNICIPAL UTILITIES 13.82

13.82 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 prevention of undue water hammer. The air chamber shall have a diameter not less than the pipe it serves and a length not less than 15 diameters of such supply pipe. Where possible, the air chamber should be provided at its base with a valve and drain cock for water drainage and replenishment of air.

13.83 (1) CROSS CONNECTION. That no person, firm or corporation shall establish or permit to be established or maintain or permit to be maintained any cross connection. No interconnection shall be established whereby potable water from a private, auxiliary or emergency water supply other than the regular public water supply of the City of Sparta 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 City of Sparta Water utility and by the Wisconsin Department of Natural Resources in accordance with Section NR 811.15, Wisconsin Administrative Code.

(2) DEFINITIONS. 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 City of Sparta 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.

(3) INSPECTIONS.

(a) It shall be the duty of the City of Sparta 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 is based on potential health hazards involved shall be as established by the City of Sparta Water utility and as approved by the Wisconsin Department of Natural Resources.

MUNICIPAL UTILITIES 13.83 (3)(b)

(b) That upon presentation of credentials, the representative of the City of Sparta 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 City of Sparta for cross connections. If entry is refused, such representative shall obtain a special inspection warrant under § 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.

(4) DISCONTINUANCE OF SERVICE.

(a) The City of Sparta Water Utility is hereby authorized and directed to discontinue water service to any property wherein any 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 only after reasonable notice and opportunity for hearing under Chapter 68, Wisconsin Statutes, except as provided in Section 6. Water service to such property shall not be restored until the cross connection(s) has been eliminated in compliance with the provisions of this ordinance.

(b) If it is determined by the City of Sparta 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 Clerk of the City of Sparta and delivered to the customer's 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.

(5) ADOPTION OF STATE PLUMBING CODE. That the City of Sparta adopts by reference the State Plumbing Code of Wisconsin, Chapter SPS 382, Wisconsin Administrative Code. This ordinance does not supercede the State Plumbing Code and City of Sparta ordinances pertaining to plumbing, but is supplementary to them. (Amended #868, 06/18/13)

13.84 (1) PURPOSE: To protect public health, safety and welfare and to prevent contamination of groundwater by assuring that unused, unsafe or noncomplying wells or wells 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 in accordance with Section NR 810.16 Wisconsin Administrative Code.

MUNICIPAL UTILITIES 13.84 (2)

(2) APPLICABILITY. This ordinance applies to all wells located on premises served by the City of Sparta municipal water system.

(3) DEFINITIONS.

(a) “Municipal water system” means a community water system owned by a city, village, county, town, town sanitary district, utility district or a federal, state, county, or municipal owned institution for congregate care of correction, or a privately owned water utility serving the foregoing.

(b) “Noncomplying” means a well or pump installation which does not comply with s. NR 812, Wisconsin Administrative Code, Standards of Existing Installation, and which has not been granted a variance pursuant to s. NR 812 Wisconsin Administrative Code.

(c) “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.

(d) “Unsafe” means a well or pump installation which produces water which is bacteriologically contaminated or exceeds the drinking water standards of s. NR 812, Wisconsin Administrative 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 used 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 s. NR 812 Wisconsin Administrative Code.

MUNICIPAL UTILITIES 13.84(4)

(4) ABANDONMENT REQUIRED. All wells on premises served by the municipal water system shall be abandoned in accordance with the terms of the ordinance and Ch. NR 812 Wisconsin Administrative Code, by January 1 or no later than 1 year from the date of connection to the municipal water, system which occurs last, unless a well operation permit has been obtained by the well owner from the City of Sparta.

(5) WELL OPERATION PERMIT. The City of Sparta Water Utility shall grant a permit to a well owner to operate a well for a period not to exceed 5 years providing the conditions of this section are met. An owner may renew a well operation permit by submitting information verifying that the conditions of this section are met. The City of Sparta Water Utility, 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. The following conditions must be met for issuance or renewal of a well operation permit:

(a) The well and pump installation shall meet or shall be upgraded to meet the requirements of s. NR 812, Wisconsin Administrative Code, and have a functional pumping system.

(b) The well construction and pump installation shall have a history of producing bacteriologically safe water as evidenced by at least 2 samples taken a minimum of 2 weeks apart. No exception to this condition may be made for unsafe wells, unless The Department of Natural Resource approves, in writing, the continued use of the well.

(c) There shall be no cross-connections between the well's pump installation and the municipal water system, and

(d) The proposed use of the well and pump installation can be justified as reasonable in addition to water provided by the municipal water system.

(6) ABANDONMENT PROCEDURES

(a) All wells abandoned under the jurisdiction of this ordinance or rule shall be abandoned according to the procedures and methods of s. NR 812, Wisconsin Administrative Code. All debris, pumps, 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 owner's agent, shall notify the Clerk at least forty-eight hours prior to commencement of any well abandonment activities. The abandonment of the well shall be observed by a certified well driller or pump installer. (Amended #633, 2003)

(c) An abandonment report form, supplied by the Department of Natural Resources, shall be submitted by the well owner to the Clerk and The Department of Natural Resources within 30 days of the completion of the well abandonment.

(7) 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 \$500.00 and the cost of prosecution. Each day of violation is a separate offense. If a person fails to comply with this ordinance for more than 30 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. (Rcr. #535, 1999)

13.845 WATER PIPING FROM MAINS. Water service piping from water mains to structures shall be copper. (Cr. #330, 1991)

PENALTIES

13.85 PENALTY. Any person who fails to obtain a permit required hereunder or who violates any of the rules or regulations established hereunder shall be subject to a penalty as provided in Sec.25.04 of this Municipal Code.

13.86 WELLHEAD PROTECTION ORDINANCE. (Cr. #756, 5/2008)

(1) Title of Ordinance. This Ordinance shall be known, cited and referred to as the "Wellhead Protection Ordinance" (hereinafter referred to as "WHP Ordinance".)

(2) Purpose, Authority and Application.

(a) Residents in the City of Sparta depend exclusively on groundwater for a safe drinking water supply. Certain land use practices and activities can seriously threaten or degrade groundwater quality. The purpose of this WHP Ordinance is to institute land use regulations and restrictions to protect the City's Municipal water supply and well fields, and to promote the health, safety and general welfare of the residents of the City of Sparta.

(b) Statutory authority of the City to enact these regulations was established by the Wisconsin Legislature in ss. 62.23(7)(a) and (c) Wis. Stats. Under these statutes, the City has the authority to enact this ordinance, effective in the incorporated areas of the City, to encourage the protection of groundwater resources.

(c) The regulations specified in this WHP Ordinance shall apply within the City's corporate limits.

(3) Definitions.

(a) Aquifer. "Aquifer" means a saturated, permeable, geologic formation that contains, and will yield, significant quantities of water.

(b) Existing facilities. "Existing facilities" means current facilities, practices and activities which may cause or threaten to cause environmental pollution within that portion of the City's wellhead protection area that lies within the corporate limits of the City. Existing facilities include but are not limited to the type listed in the Department of Natural Resources' form 3300-215, Public Water Supply Potential Contaminant Use Inventory Form which is incorporated herein as if fully set forth.

(c) Recharge Area. "Recharge area" means the land area which contributes water to a well by infiltration of water into the subsurface and movement with groundwater toward the well. This area extends beyond the corporate limits of the City of Sparta.

MUNICIPAL UTILITIES 13.86 (3)(d)

(d) Groundwater Protection Overlay District. "Groundwater Protection Overlay District" means that portion of the recharge area for the city wells that lies within the city limits as shown in the map attached hereto as Exhibit "A" and incorporated herein as if fully set forth.

(e) Well Field. "Well field" means a piece of land used primarily for the purpose of supplying a location for construction of wells to supply a municipal water system.

(4) Groundwater Protection Overlay District.

(a) Separation Distances. The following minimum separation distances shall be maintained within the Groundwater Protection Overlay District.

1. Fifty feet between a well and storm sewer main.
2. Two hundred feet between a well and any sanitary sewer main, sanitary sewer manhole, lift station or single family residential fuel oil tank. A lesser separation distance may be allowed for sanitary sewer mains where sanitary sewer main is constructed of water main materials and joints and pressure tested in place to meet current American Waterworks Association (AWWA) C600 specifications. In no case may the separation distance between a well and sanitary sewer main be less than 50 feet.

NOTE: Current AWWA C600 specifications are available for inspection at the office of the Wisconsin Department of Natural Resources, the Secretary of State's office and the office of the Revisor of Statutes.

3. Four hundred feet between a well and a septic tank or soil adsorption unit receiving less than 8,000 gallons per day, a cemetery or a storm water drainage pond.
4. Six hundred feet between a well and any gasoline or fuel oil storage tank installation as per SPS 310.

MUNICIPAL UTILITIES 13.86 (4)(a)5

5. One thousand feet between a well and land application of municipal, commercial or industrial waste; boundaries of a land spreading facility for spreading of petroleum-contaminated soil regulated under Ch. NR 718 while that facility is in operation; industrial, commercial or municipal waste water lagoons or storage structures; manure stacks or storage structures; and septic tanks or soil adsorption units receiving 8,000 gallons per day or more.

6. Twelve hundred feet between a well and any solid waste storage, transportation, transfer, incineration, air curtain destructor, processing, wood burning, one time disposal or small demolition facility; sanitary landfill; any property with residual groundwater contamination that exceeds Ch. NR140 enforcement standards that is shown on the Department of Natural Resources' geographic information system registry of closed remediation sites; coal storage area; salt or deicing material storage area; gasoline or fuel oil storage tanks that have not received written approval from Commerce or its designated agent under s. Comm 10.10, Wis. Adm. Code; bulk fuel storage facilities; and pesticide or fertilizer handling or storage facilities.

(b) Three Overlay District Zones. This District is hereby divided into Zone A, B, and C.

1. Zone A. Identified as the primary source of water for the municipal well aquifer and as the area most likely to transmit groundwater contamination to the municipal wells. Zone A is more restrictive than Zones B or C.

2. Permitted uses- Zone A. The following uses are permitted uses within the groundwater protection Zone A. Uses not listed shall be considered prohibited uses:

- a. Parks, provided there is no on-site waste disposal or fuel storage tank facilities associated with its use.
- b. Playgrounds.
- c. Wildlife areas.

MUNICIPAL UTILITIES 13.86 (4)(b)2d

- d. Non-motorized trails, such as bike, skiing, nature and fitness trails.
 - e. Residential, commercial and industrial property, which is municipally sewered, and free of flammable and combustible liquid and underground storage tanks (USTs).
3. Zone B. Identified as a secondary source of water for the municipal wells because of the large cone of depression and a greater time of travel. Zone B is less restrictive than Zone A, but more restrictive than Zone C.
4. Permitted Uses – Zone B. The following uses are permitted uses within the groundwater protection Zone B. Uses not listed shall be considered prohibited uses:
- a. All uses listed as permitted uses in Zone A.
 - b. Above-ground petroleum product storage tanks less than 660 gallons. All new or replaced tanks shall be installed in compliance with Ch. Comm 10, Wis. Adm. Code.
 - c. Residential, commercial and industrial property which is municipally sewered or has a state-approved sewer and septic system.
5. Zone C. Identified as the Groundwater Protection Overlay District, excluding those areas within Zone A and Zone B.
6. Permitted Uses-Zone C. All uses listed as permitted in Zone A and Zone B. Individuals and/or facilities may make a request to the Public Works Board to permit additional land uses in Zone C.
7. Mapping. The location and boundaries of the zoning districts established by this Ordinance are set forth on the attached Exhibit “A” which is incorporated herein and hereby make a part of this Ordinance. Said map, together with everything shown thereon and all amendments thereto, shall be as much a part of this Ordinance as though fully set forth and described herein.

(5) Review of Permit Application.

(a) The City of Sparta Public Works Board shall review all requests for approval of permits for land uses in the Groundwater Protection Overlay District. All determinations shall be made by the City of Sparta Public Works Board within sixty (60) days of any request for approval, provided however, that this sixty (60) day period of limitation may be extended by the City of Sparta Public Works Board for "good cause", as determined in the sole and absolute discretion of the City of Sparta Public Works Board.

(b) Upon reviewing all requests for approval, the City of Sparta Public Works Board shall consider all of the following factors:

1. The City's responsibility, as a public water supplier, to protect and preserve the health, safety and welfare of its citizens.
2. The degree to which the proposed land use practice, activity or facility may seriously threaten or degrade groundwater quality in the City of Sparta or the City's recharge area.
3. The economic hardship which may be faced by the landowner if the application is denied.
4. The availability of alternative options to the applicant, and the cost, effect and extent of availability of such alternative options.
5. The proximity of the applicant's property to other potential sources of contamination.
6. The then existing condition of the City's groundwater public water wells and well fields, and the vulnerability to further contamination.
7. The direction of flow of groundwater and other factors in the area of the applicant's property which may affect the speed of the groundwater flow, including topography, depth of soil, extent of aquifer, depth to water table and location of private wells.

MUNICIPAL UTILITIES 13.86 (5)(b)8

8. Any other hydrogeological data or information which is available from any public or private agency or organization.

9. The potential benefit, both economic and social, from the approval of the applicant's request for a permit.

(c) Any exemptions granted will be made conditional and may include environmental and/or safety monitoring which indicates whether the facility may be emitting any releases or harmful contaminants to the surrounding environment. The facility will be held financially responsible for all environmental cleanup costs. The City of Sparta Public Works Board may require that a bond be posted for future monitoring and cleanup costs if deemed necessary at the time of granting an exemption.

(d) The applicant shall be solely and exclusively responsible for any and all costs associated with the application, including all of the following:

1. The cost of an environmental impact study if so required by the City of Sparta or its designee.
2. The cost of groundwater monitoring or groundwater wells if required by the City of Sparta or its designee.
3. The costs of an appraisal for the property or other property evaluation expense if required by the City of Sparta or its designee.
4. The costs of City's employee's time associated in any way with the application based on the hourly rate paid to the employee multiplied by a factor, determined by the City, representing the City's costs for expenses, benefits, insurance, sick leave, holidays, overtime, vacation and other similar benefits.
5. The cost of City equipment employed.
6. The cost of mileage reimbursed to the City employees.

(6) Requirements for Existing Facilities and Land Uses

(a) Existing facilities shall provide copies of all Federal, State and local facility operation approvals or certificates and ongoing environmental monitoring results to the City of Sparta.

(b) Existing facilities shall provide additional environmental or safety monitoring as deemed necessary by the City of Sparta Public Works Board, specifically including the production of any and all environmental statements detailing the extent of chemical use and storage on the property.

(c) Existing facilities shall replace equipment or expand in a manner that improves the existing environmental and safety technologies already in existence.

(d) Existing facilities shall have the responsibility of devising and/or filing with the City of Sparta, a contingency plan satisfactory to the Public Works Board for the immediate notification of the appropriate City of Sparta officers in the event of an emergency.

(e) Property owners with an existing agricultural use shall be exempt from requirements of this Ordinance as they relate to restrictions on agricultural uses, provided however, that such exemption shall only apply to the property owners in existence at the time of passage of the Ordinance and this exemption shall not constitute a covenant running with the land.

(7) Enforcement and penalties.

(a) In the event an individual and/or facility causes the release of any contaminants which endanger of the Groundwater Protection Overlay District, the individual/facility causing said release shall immediately cease and desist, and provide clean-up satisfactory to the City of Sparta.

(b) The individual/facility shall be responsible for all costs of cleanup and the City of Sparta consultant fees at the invoice amount plus administrative costs for oversight, review and documentation, including all of the following:

MUNICIPAL UTILITIES 13.86 (7)(b)1

1. The cost of City employees' time associated in any way with the clean-up based on the hourly rate paid to the employee multiplied by a factor determined by the City, representing the City's cost for expenses, benefits, insurance, sick leave, holidays, overtime, vacation, and similar benefits.
2. The cost of City equipment employed.
3. The cost of mileage reimbursed to the City employees attributed to the clean-up.

(c) Following any such discharge, the City may require additional test monitoring or other requirements as outlined in Section 6 and 7 herein.

(d) Violations: It shall be unlawful to construct or use any structure, land or water in violation of this Ordinance. Any person who is specifically damaged by such violations may institute appropriate action or proceeding to enjoin a violation of this Ordinance.

(e) Penalties. Any person, firm or corporation who fails to comply with the provisions of this Ordinance shall, upon conviction thereof, forfeit not less than One Hundred and 00/100 Dollars (\$100.00) no more than Five Hundred and 00/100 Dollars (\$500.00) plus the costs of the prosecution for each violation, and in default of payment of such forfeiture and costs, shall be imprisoned in the County Jail until payment thereof, but not exceeding thirty (30) days, or in the alternative, shall have such costs added to their real estate property tax bill as a lien against the property. Each day a violation exists or continues shall constitute a separate offense.

(8) Severability Clause. If any section, subsection, sentence, clause paragraph or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, or other applicable administrative or governing body, such decision shall not affect the validity of any other section, subsection, sentence, clause, paragraph or phrase or portion thereof. The Common Council of the City of Sparta hereby declares that they would have passed this Ordinance and each section, subsection, sentence, clause, paragraph or phrase thereof irrespective of the fact that any one or more other sections, subsections, sentences, clauses, paragraphs, or phrases may be declared invalid or unconstitutional.

MUNICIPAL UTILITIES 13.86 (9)

(9) All Ordinances in conflict with the foregoing are hereby repealed or amended to read consistent with this Ordinance.

(10) This Ordinance shall take affection upon passage and publication as provided by law.