

CHAPTER 705. WATER UTILITY RULES, RATES, AND REGULATIONS.

705.01. Definitions.

(a) Available Utilities. Municipal utilities shall be deemed available when a water or wastewater main exists within a Right-of-Way abutting a property line.

(b) Well Failure. Private or non-community water system producing water containing contaminant levels in excess of the primary drinking water standards contained in ch. NR 809, WI Administrative Code.

705.02. Management of Water System. The management, operation and control of the water system for the City of Ashland, hereinafter “City,” is vested in the Common Council of said City. All records, minutes and all written proceedings thereof shall be kept by the City Clerk of the City. The Finance Director of the City shall keep all the financial records.

705.03. Construction of Water Lines. The Water Utility of the City shall have the power to construct water lines for public use, and shall have the power to lay water pipes in and through the alleys, streets, and public grounds of the City; and generally, to all such work as may be found necessary or convenient in the management of the water system. The Common Council shall have power by themselves, their officers, agents, and servants to enter upon any land for the purpose of making examination or supervise in the performance of their duties under this Chapter, without liability therefore; and the Common Council shall have the power to purchase and acquire for the City all real and personal property which may be necessary for construction of the water system, or for any repair, remodeling, or additions thereof.

705.04. Condemnation of Real Estate. Whenever any real estate or any easement therein, or use thereof, shall in the judgment of the Common Council be necessary to the water system; and whenever, for any cause, an agreement for the purchase thereof, cannot be made with the owner thereof, the City Attorney shall proceed with all necessary steps to take such real estate, easement, or use by condemnation in accordance with the Wisconsin Statutes, and the Uniform Relocation and Real Property Acquisition Policy Act of 1970, if Federal Funds are used.

705.05. Title to Real Estate and Personalty. All property, real, personal, and mixed, acquired for the construction of the water system, and all plans, specifications, diagrams, papers, books, and records connected with said water system, and all buildings, machinery, and fixtures pertaining thereto, shall be the property of the said City.

705.06. User Rules and Regulations. The rules, regulations, and water rates hereinafter set forth shall be considered a part of the contract with every person, company, or corporation who is connected with the water system and every such person, company, or corporation by connection with the water system shall be considered as expressing his or their assent to be bound thereby. Whenever any of said rules and regulations, or such others as the said Common Council may

hereafter adopt are violated, the service shall be shut off from the building or place of such violation (even though two or more parties are receiving service through the same connection) and shall not be re-established except by order of the Common Council , and on payment of all arrears, the expenses and established charges of shutting off and putting on, and such other terms as the Common Council may determine, and a satisfactory understanding with the party that no further cause for complaint shall arise. In case of such violation, the said Common Council furthermore, may declare any payment made for the service by the party or parties committing such violation, to be forfeited, and the same shall thereupon be forfeited. The right is reserved to the Common Council to change the said rules, regulations, and water rates from time to time as they may deem advisable; and to make special rates and contracts in all proper cases, all subject to the authority of the Wisconsin Public Service Commission.

705.07. Rules and Regulations. The following rules and regulations for the government of licensed plumbers, water takers and other, are hereby adopted and established.

705.08. Plumbers. No plumber, pipe fitter, or other person will be permitted to do any plumbing or pipe fitting work in connection with the water system without first receiving a license from the State of Wisconsin.

705.09. Lateral Charges. “Street Laterals” will be installed by the Utility (on existing mains) upon payment in advance according to the schedule of charges set by the Public Service Commission of Wisconsin Rate Schedule. If a request for an extension to the system is granted, the cost for such extension, including laterals, will be paid for by the requestor. Upon inspection and approval by the Utility, the extension will be dedicated to the Utility. There will be no additional charge for laterals installed by this method. All plans and specifications must be approved by the Utility before construction begins.

705.10. Tap Permits. After water connections have been introduced into any building or upon any premises, no plumber shall make any alterations, extensions, or attachments, unless the party ordering such tapping or other work shall exhibit the proper permit for the same from the City.

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

709.12. User to Permit Inspection. Every user shall permit the City Building Inspector or their duly authorized agent, at all reasonable hours of the day, to enter their premises or building to examine the pipes and fixtures and the manner in which the water is used, and they must at all times, frankly and without concealment, answer all questions put to them relative to its use.

709.13. Utility Responsibility. It is expressly stipulated that no claim shall be made against said City by reason of the breaking, clogging, stoppage, or freezing of any service pipe; nor from any damage arising from repairing mains, making connections or extensions or any other work that

may be deemed necessary. The right is hereby reserved to cut off the service at any time for the purpose of repairs or any other necessary purpose, any permit granted or regulation to the contrary notwithstanding. Whenever it shall become necessary to shut off the water service within any district of the said City, the City shall, if practicable, give notice to each and every consumer within said district, of the time when such service will be so shut off.

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

705.15. Excavations.

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

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

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

705.16. Tapping the Mains.

(a) Tapping water mains. No persons, except those having special permission from the City, or persons in their service and approved by them will be permitted, under any circumstances to tap the water mains or distribution pipes. The kind and size of the connection with the pipe shall be that specified in the permit or order from said City.

(b) Location of tap. Pipes should be tapped on the top half of the pipe, and not within six inches (15cm) of the joint, or within 24 inches (60cm) of another connection.

705.17. Installation of House Laterals.

(a) Water lines on private property. All water lines on private property, whether underground or within a structure, will be installed in accordance with State of Wisconsin Administration Code.

(b) Building water lines. The building's water line shall be inspected upon completion of placement of the pipe and before backfilling and, tested before or after backfilling.

705.18. Water Service Rates. So called standard rules published by the Public Service Commission of Wisconsin (small utility rules), and the rates as provided by the Public Service Commission Finding of Fact, Certification, and Order are hereby adopted by the Common Council, as applicable to the Water Utility.

705.19. Mandatory Hook-up.

(a) Connection to public water system. The Owner or Occupant of any building, used for residential, commercial, industrial, governmental, or other use that requires water, situated within the City which is abutting to or having a permanent right of access to any street, alley, or right-of-way in which there is located a Municipal Water System shall, if applicable, cease using any other method of domestic potable water service and at the owner's expense shall connect the Private Water System to the Municipal Water System in accordance with the provisions of this chapter within one hundred eighty (180) days after official notice from the City to do so.

(b) Annexed property. Notwithstanding the foregoing requirement, any Property annexed into the City or adjacent to a new Water Main may request a delay in complying with the mandatory connection provided for herein by means of application to the Public Works Director. Delayed compliance shall be granted by the Public Works Director only if the applicant establishes to the satisfaction of the Public Works Director that the applicants' existing water system functions properly and meets all current health and safety requirements. To demonstrate the well meets health and safety standards, the applicant shall submit laboratory test results from a state certified laboratory indicating the well is free from Coliform Bacteria and the nitrate levels are below 5mg/l. Any delay granted pursuant to this section shall be for a period of 6 (six) years. At the end of this period, the applicant may request from the Public Works Director additional 6 (six) year extensions. Each additional delay shall be granted so long as the applicant again establishes to the satisfaction of the Public Works Director that applicant's existing water system functions properly and meets all current health and safety requirements as defined above. Any delay granted pursuant to this section shall be automatically terminated if said property meets any of the provisions listed in subsection (d) below.

(c) Failure to comply with the above requirements. The City may opt to impose a penalty for the period the violation continues, after ten (10) days written notice to any owner failing to make a connection to the water system in an amount equal to the average residential user cost (per residential unit equivalent) per month plus 12% for administrative cost, for each residential unit equivalent for the period in which the failure to connect continues, and upon failure to make such payment said charge shall be assessed as a special tax lien against the property, all pursuant to Section 144.06 Wisconsin Statutes.

(d) Newly installed mains. Properties served by newly installed water main adjacent to the property and which have been granted a delay in compliance per subsection 705.19 (b), need not hook up to the City of Ashland water system until the occurrence of the earliest of the following events:

- (1) Failure of the private well or the inability to use the private well for human consumption;
- (2) Sale, transfer, change in title, or subdivision of the subject property or any part thereof
- (3) Construction of a new dwelling on the property.

705.20. Maintenance of Services. All water services within the limits of the City from the street main to the property line and including all controls between the same will be maintained by the Water Utility without expense to the property owner, except when they are damaged as a result of negligence or carelessness on the part of the property owner, a tenant, or an agent of the owner, in which case they will be repaired at the expense of the property owner. All water services from the point of maintenance by the Utility to and throughout the premises must be maintained free of defective conditions, by and at the expense of the owner or occupant of the property.

705.21. Payment of Bills.

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

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

705.22. Penalty for Improper Use.

(a) Pollution. It shall be unlawful for any person to willfully pollute or otherwise injure any water supplied by the water system.

(b) Cross-connections. Cross-connections are not permitted between the water utility system and any other source of water as set forth in Wisconsin Administrative Code.

(c) Private Wells. All private wells which are unused, unsafe, or do not comply with appropriate Wisconsin Administrative Code must be abandoned in compliance with the Code.

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

705.24. Penalties. Any person who shall violate any of the provisions of this chapter or rules or regulations of the City of Ashland; or who shall connect a service pipe without first having obtained a permit therefore; or who shall violate any provisions of the Wisconsin Statutes, Wisconsin Administrative Code, or any other materials which are incorporated by reference, shall upon conviction thereof forfeit not less than \$10 nor more than \$200 and the costs of prosecution. This, however, shall not bar the City from enforcing the connection duties set out in Section 705.19 for mandatory hookup.

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

705.26. Adoption of Other Rules. There are hereby adopted all the rules and regulations of the State Plumbing and State Building Codes and the building rules of the Department of Safety and Professional Services; and the Department of Natural Resources of the State of Wisconsin, and the rules of the Public Service Commission, insofar as the same are applicable to the City of Ashland. In the event of any conflict between any statute or administrative rule of the State of Wisconsin and the provisions of this chapter, the state statute or rule shall control.

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