

CHAPTER 4

Miscellaneous Provisions Governing Utilities

- § 5-4-1 Fluoridation of Water Supply
- § 5-4-2 Private Well Abandonment
- § 5-4-3 Cross-Connection Control
- § 5-4-4 Water Service and Sewer Laterals
- § 5-4-5 Sewer Connections
- § 5-4-6 Special Assessment for Delinquent Utility Bills
- § 5-4-7 Unauthorized Use of Water

SEC. 5-4-1 FLUORIDATION OF WATER SUPPLY.

Upon receiving the consent and approval of the State Board of Health, and until further direction of the Village Board, the water utility is authorized and directed to provide the means and to proceed with the introduction of approximately one to one and five-tenths (1 to 1-5/10) parts of fluoride to every million parts of water being distributed in the water supply system of the Village of Prairie du Sac.

SEC. 5-4-2 PRIVATE WELL ABANDONMENT.

- (a) **PURPOSE.** The purpose of this section is to prevent unused and improperly constructed wells from serving as a passage for contaminated surface or near-surface waters or other materials to reach the usable groundwater. These wells must be properly filled and sealed. Certain wells may be operated, upon the issuance of a well operation permit, subject to conditions of maintenance and operation.
- (b) **DEFINITIONS.**
 - (1) **Municipal Well:** A well owned or leased by the Village of Prairie du Sac.
 - (2) **Private Well:** A well owned, leased, constructed or operated by any individual, business, corporation, organization other than the Village of Prairie du Sac.
 - (3) **Safe Water:** Water which is free of bacteriologically contaminates or substances in excess of the Standards of Chapters NR 809 or 140 of the Wisconsin Administrative Code, or for which a health advisory has been issued by the Department of Natural Resources.
 - (4) **Well:** An excavation or opening into the ground made by digging, boring, drilling, driving, or other methods for the purpose of obtaining groundwater for consumption or other use.
- (c) **MUNICIPAL WELLS.** This section shall apply to all wells within the Village of Prairie du Sac except municipal wells.
- (d) **NEW WELLS PROHIBITED.** All individuals and properties within the village shall use the village's public water system for all water uses. No new wells for residential, agricultural, institutional, commercial, or industrial use may be approved or constructed within the village. Notwithstanding the preceding sentences, a person who has obtained a well operation permit pursuant to subsection (f) may continue to use an existing private well so long as compliance with subsection (f) is maintained.
- (e) **FILLING REQUIRED.** Every private well located on any premises which is served by the public water system of the village shall be properly filled. Only a well for which a well operation permit has been granted by the village administrator may be exempted from this subsection, subject to conditions of maintenance and operation pursuant to subsection (f).
 - (1) The well Owner shall have ninety (90) days to comply with abandonment notices issued by the village administrator.

- (2) Wells to be abandoned shall be filled according to the procedures outlined in section NR 812.26, Wisconsin Administrative Code. The pump and piping must be removed and the well checked for obstructions prior to filling and sealing. Any obstruction or liner must be removed.
 - (3) A well abandonment report must be submitted by the well owner to the Wisconsin Department of Natural Resources on forms provided by that agency. A copy of the report shall be submitted to the village within ten (10) days of completion of the filling and sealing of the well.
 - (4) The well owner shall notify the village two (2) business days prior to the filling and sealing of the well. The village may require that the filling and sealing be observed and verified by a representative of the village.
- (f) WELL OPERATION PERMITS. A permit may be granted to a well owner to operate an existing well for a period not to exceed three (3) years if the requirements of this subsection are met. A permit may be renewed, provided water is tested as directed below and safe water samples have been obtained from the well annually, before the anniversary date of the issuance or expiration of the well operation permit, or as otherwise determined by the village administrator. The results of such tests shall be submitted within fourteen (14) days of testing to the village or as requested by the village administrator. Application shall be made on forms provide by the village administrator. The requirements are as follows:
- (1) The well and pump installation meet the requirements of Chapter NR 812, Wisconsin Administrative Code and a well constructor's report is on file with the department of natural resources, or certification of the acceptability of the well has been granted by the private water supply section of the Department of Natural Resources.
 - (2) The well has a history of producing safe water and presently produces safe water, as required by section NR 812.06 Wisconsin Administrative Code, as evidenced by two (2) samplings taken two (2) weeks apart. A licensed water well driller or licensed pump installer shall collect water samples and submit them to a state certified laboratory for analysis. At minimum, such water quality test must include results for coliform bacteria, nitrate, and chlorine. The village administrator may require additional testing results. No disinfection of the well prior to sampling may occur.
 - (3) If an annual test samples result in unsafe water, the well owner shall be given thirty (30) days to bring the well into compliance. The failure to do so will result in the permit being revoked.
 - (4) The proposed use of the well can be justified as being necessary in addition to water provided by the public water system.
 - (5) No physical connection shall exist between the piping of the public water system and the private well.
 - (6) A fee as set forth in the village's Fee Schedule shall be charged at the time of application.
 - (7) In the event a well operation permit is not issued, renewed prior to expiration date, or is revoked, the well shall be filled and sealed per the procedures outlined in subsection (e) above.
- (g) PENALTIES. Any person who shall violate any provision of this section shall be subject to a forfeiture of not less than One Hundred Dollars (\$100.00) nor more than Five Hundred Dollars (\$500.00), together with costs. Each twenty-four (24) hour period during which a violation exists shall be deemed to constitute a separate offense.

History: Sec.5-4-2 repealed and recreated. Ordinance No.2, Series of 2021.

SEC. 5-4-3 CROSS-CONNECTION CONTROL.

- (a) **CROSS-CONNECTION DEFINED.** A cross-connection shall be defined as any physical connection or arrangement between two otherwise separate systems, one of which contains potable water from the Village of Prairie du Sac 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.
- (b) **CROSS-CONNECTIONS PROHIBITED.** 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 Village of Prairie du Sac may enter the supply or distribution system of the Village, unless such private, auxiliary or emergency water supply and the method of connection and use of such supply shall have been approved by the Village Board of the Village of Prairie du Sac and by the Wisconsin Department of Natural Resources in accordance with Section NR 111.25(3) of the Wisconsin Administrative Code.
- (c) **INSPECTIONS PERMITTED.** It shall be the duty of the Water Utility to cause inspections to be made of all properties served by the public water system where cross-connection with the public water system is deemed possible. The frequency of inspections and re-inspections based on potential health hazards involved shall be as established by the Water Utility and as approved by the Wisconsin Department of Natural Resources. Upon presentation of credentials, the Water Utility shall have the right to request entry at any reasonable time to examine any property served by a connection to the public water system of the Village of Prairie du Sac for cross connections. If entry is refused, such representative shall obtain a special inspection warrant under Section 66.122 of the Wisconsin Statutes. On request, the owner, lessee or occupant of any property so served shall furnish to the Water Utility any pertinent information regarding the piping system or systems on the property.
- (d) **DISCONTINUANCE OF WATER SERVICE.** The 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 of the Wisconsin Statutes, except as hereinafter provided. 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. If it is determined by the Water Utility that a cross-connection or an emergency endangers public health, safety or welfare and requires immediate action, and a written finding to that effect is filed with the Administrator of the Village of Prairie du Sac and delivered to the customer's premises, service may be immediately discontinued. The customer shall then have an opportunity for hearing under Chapter 68 of the Wisconsin Statutes within ten (10) days of such emergency discontinuance.
- (e) **ADOPTION OF STATE PLUMBING CODE.** Chapter H 62 of the Wisconsin Administrative Code (the State Plumbing Code) is hereby incorporated by reference. This ordinance does not supersede the State Plumbing Code and the Village Building Code, but is supplementary thereto.
- (f) **PENALTY.** In addition to any other remedies available for violation of this ordinance, any person who violates this ordinance shall be subject to a forfeiture of not less than Twenty (\$20.00) Dollars nor more than Five Hundred (\$500.00) Dollars plus costs. Each twenty-four (24) hour period during which a violation exists shall be deemed to constitute a separate offense.

SEC. 5-4-4 WATER SERVICE AND SEWER LATERALS.

- (a) LOT OWNER DUTIES PRIOR TO PAVEMENT OF STREETS. Whenever the Village Board determines to lay a permanent pavement, or to pave or macadamize or repair or remacadamize any street or portion thereof in which water or sewer mains have been laid, it shall be the duty of all lot owners to lay water service pipes and sewer laterals from main to curb, and it shall be the duty of the Village Administrator forthwith to notify all property holders in writing to lay within the time specified water service pipe; and sewer laterals from street mains to curb in accordance with laws, ordinances, rules and regulations governing such work.
- (b) PIPES TO BE LAID BY VILLAGE WHEN--COSTS. In cases where property holders fail to comply within the time specified, the Village Board shall proceed to lay the necessary water service pipes and sewer laterals before the improvement of such street. The expense of laying such water service pipes and sewer laterals from main to curb, and of connecting such water service pipes and sewer laterals with street mains shall be charged to and made a lien on the real estate to be served by such water service and sewer pipes. If the said expense shall not be paid within thirty (30) days after completion thereof, the same shall be levied and collected as a special tax upon the real estate so to be served. Such other service and sewer pipes shall be laid and connections made for the actual cost thereof, or such sum as has been determined by ordinance by the Village Board.

State Law Reference: Sections 61.39, 62.16(2) and 62.18, Wis. Stats.

SEC. 5-4-5 SEWER CONNECTIONS.

- (a) SEWER PIPES -- WORK PERFORMED BY VILLAGE -- COSTS. Sewer service pipes from the mains or manholes to the property lines of property to be served by such sewers shall be laid by the Village, through contract or otherwise, as the Village Board may direct. The expense of laying service pipes from the mains or manholes to the property line, and of connecting such sewer service pipes with the mains or manholes shall be charged to and is made a lien upon the real estate to be served by such service pipes, and all such service pipes in the street shall be maintained and kept in repair under the supervision of the Sewer Committee of the Village Board at the expense of such property.
- (b) APPLICATION FOR CONNECTION PERMIT -- FEE, INSPECTION AND OTHER REQUIREMENTS. Any property owner desiring to make connection to the public sewer in any street, alley, public way or public grounds shall make application therefor to the Village Administrator. Said application shall be accompanied by a deposit of Two Hundred Twenty-five (\$225.00) Dollars to cover the costs of laying and making connections to sewer service pipes between the property line and the main or manhole unless a special assessment has been levied for such service pipe and connection; and such application shall be accompanied by an inspection fee as stated in the Schedule of Fees. Thereupon, the Administrator shall issue a permit for sewer connection to said property owner and shall notify the Sewer Inspector to proceed with the work of laying and connecting said service pipe if one had not been previously constructed under contract. Every such connection shall be inspected by an inspector designated by the Village Board or by the Sewer Committee of the Village Board.

SEC. 5-4-6 SPECIAL ASSESSMENT FOR DELINQUENT UTILITY BILLS.

- (a) In addition to other methods provided by law, it is hereby provided that special assessments for delinquent utility bills may be levied in accordance with the provisions of this Section, which are hereby adopted pursuant to Section 66.0809(4)(a) of the Wisconsin Statutes.
- (b) Delinquent utility bills shall be levied as a special assessment against the real property, shall become a lien thereon, and placed on the tax roll with the same effect as other Village taxes

unless the Village Board determines after notice and opportunity to be heard pursuant to Section 66.0809(3) and (5) of the Wisconsin Statutes.

- (c) An utility bill shall be deemed delinquent, if any amount remains unpaid for sixty (60) days or more, and if delinquent, the Village Administrator shall send written notice no later than October 15, to the user and to the property owner, and said notice shall state:
 - (1) The amount of the bill, amount of penalty(ies), and that the bill is delinquent and that unless paid by November 1, a penalty of 10% of the arrears amount will be added to the balance due.
 - (2) The arrears and additional penalty amount will be specially assessed against the real property and become a lien thereon and placed on the tax roll unless paid by November 15.
- (d) The Village Board may not permit payment of specially assessed delinquent utility bills by installments.
- (e) The procedure set forth in Sec. 66.0809(3), Wis. Stats., may be used for the collection of arrearages for electric services.

History: Code of Ordinances, 1986. Sec.5-4-6 repealed and recreated. Ordinance No.5, Series of 2001.

History: Code of Ordinances, 1986. Sec. 5-4-6 (e) created. Ordinance No. 8, Series of 2002.

SEC. 5-4-7 FRAUDULENT TAPPING OF ELECTRIC WIRES OR GAS OR WATER METERS OR PIPES

- (a) No person may, without permission and for the purpose of obtaining electrical current, gas or water with intent to defraud any vendor of electricity, gas or water, do any of the following:
 - (1) Connect or cause to be connected by wire or any other device with the wire, cables or conductors of any such vendor.
 - (2) Connect or disconnect the meters, pipes or conduits of the vendor or in any other manner tamper or interfere with the meters, pipes or conduits, or connect with the meters, pipes or conduits by pipes, conduits or other instruments.
 - (3) Knowingly take, receive, use or convert to such person's own use, or the use of another, any electricity, water, or gas which has not been measured or authorized.
 - (4) Cut, remove or in any manner make ineffective any seal, locking band or lock on an electric, gas or water meter.
 - (5) Provide electricity, gas or water to another dwelling, via any means, which is without electricity, gas or water. Upon discovery of such instance, the dwelling providing electricity, gas or water may be disconnected immediately by the utility company.
- (b) The existence of any of the conditions with reference to meters, pipes, conduits or attachments, described in this section, is presumptive evidence that the person to whom gas, electricity or water is at the time being furnished by or through the meters, pipes, conduits or attachments has, with intent to defraud, created or caused to be created the conditions. The presumption does not apply to any person furnished with gas, electricity or water for less than 31 days or until there has been at least one meter reading.
- (c) Any person violating this section may be subject to a forfeiture of not less than \$200 nor more than \$500. Each day that a violation continues is a separate violation.
- (d) Any person violating this section will be required to make full restitution to the utility company for the cost of services obtained in violation of the ordinance, and the cost of any damage to the equipment of a utility company as a result of the violation.

History: Code of Ordinances, 1986. Sec. 5-4-7 created. Ordinance No. 7, Series of 1996. Sec. 5-4-7 repealed and recreated. Ordinance No. 4, Series 2016