

Chapter 98 UTILITIES*

***Cross references:** Water, sewer and electric rates, rules and regulations of sewer and water main construction saved from repeal, § 1-10(13); administration, ch. 2; buildings and building regulations, ch. 14; businesses, ch. 18; health and welfare, ch. 42; mobile homes, ch. 54; planning, ch. 66; public nuisances, ch. 70; solid waste, ch. 78; streets, sidewalks and other public places, ch. 82; subdivisions, ch. 86; tree regulations with regard to utilities, § 102-69.

State law references: Authority regarding utilities generally, Wis. Stats. § 197.01 et seq.; regulation of public utilities generally, Wis. Stats. § 196.01 et seq.

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ARTICLE III. WATER UTILITY*

***State law references:** Authority regarding utilities generally, Wis. Stats. § 66.065.

DIVISION 1. GENERALLY

Sec. 98-56. Cross connection control.

- (a) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Cross connection means any physical connection or arrangement between two otherwise separate systems, one of which contains potable water from the city 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 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 may enter the supply or distribution system of the city 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 and by the department of natural resources in accordance with Wis. Admin. Code § NR 111.25(3).

- (c) *Inspections authorized.* The utility manager shall 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 reinspections based on potential health hazards involved shall be as established by the city council and as approved by the department of natural resources.
- (d) *Utility manager's right of entry.* Upon presentation of credentials, the utility manager 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 for cross connections. If entry is refused, such representative shall obtain a special inspection warrant under Wis. Stats. § 66.122. 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 on such property.
- (e) *Discontinuance of water service after hearing.* The city is authorized and directed to discontinue water service to any property wherein any connection in violation of this section exists, and to take such other precautionary measures deemed necessary to eliminate any danger of contamination of the public water system. Water service shall be discontinued only after reasonable notice and opportunity for hearing under Wis. Stats. ch. 68, except as provided in subsection (f) of this section. Water service to such property shall not be restored until the cross connection has been eliminated in compliance with the provisions of this section.
- (f) *Immediate discontinuance of water service.* If it is determined by the city 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 city clerk/treasurer and delivered to the customer's premises, service may be immediately discontinued. The customer shall have an opportunity for hearing under Wis. Stats. ch. 68 within ten days of such emergency discontinuance.
- (g) *Supplements plumbing codes.* This section does not supersede the state plumbing code and the city plumbing code, but is supplementary to them.

(Code 1983, § 13.10(1)--(6), (8))

Sec. 98-57. Public service commission rules adopted.

The following provisions of Wis. Admin. Code ch. PSC 185 are adopted by reference and made a part of this section 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 section 1-17.

(Code 1983, § 13.11(1)(c))

Sec. 98-58. Operating rules.

All persons who make application for water supply shall be considered as having agreed to be bound by all rules and regulations as filed with the state public service commission.

(Code 1983, § 13.11(1)(b))

Sec. 98-59. Applications for water service.

Applications for water service shall be made to the utility manager by the owner of the premises to be served or by the occupant of the premises with the written consent of the owner. Applications shall set forth the purpose for which the water service is to be used.

(Code 1983, § 13.11(2))

Sec. 98-60. Water leases; termination.

- (a) No leases for water will be made for less than one year, except where water is used for purposes purely temporary and upon special terms.
- (b) A consumer desiring to discontinue the use of water shall give notice in writing on or before a water rent payment date to avoid a rental charge to the subsequent payment date.

(Code 1983, § 13.11(6))

Sec. 98-61. Water meter regulations.

- (a) *Connection or removal.* No person, unless authorized by the board of public works or the utility manager, shall connect, remove or disturb any water meter.
- (b) *Meter failure.* The amount to be charged for water service during a period a water meter fails to register shall be estimated and based on the average consumption during like periods.
- (c) *Cost of repairs.* The cost of repairing a meter damaged by carelessness or neglect by the owner or his agent or tenant, including damage by frost, hot water or steam, shall be reimbursed to the city by the consumer or the owner of the premises serviced.

(Code 1983, § 13.11(8)(a)--(c))

Sec. 98-62. Disconnection fees.

The city shall charge for shutting off the water or removing any water meter per public service commission requirements.

(Code 1983, § 13.11(8)(d))

Sec. 98-63. Water rates and collection.

- (a) *Rates.* The rates for water for all classes and purposes, the method of collecting water rents and penalties for nonpayment of rents shall be in accordance with the rates, rules and regulations authorized and prescribed by the public service commission, which shall be kept on file at the office of the water department.
- (b) *Intermittent supplies.* Persons desiring water for cisterns, tanks or other intermittent supply shall be charged at regular rates; provided all expenses incurred in furnishing such service shall be paid by the applicant.

(Code 1983, § 13.11(9))

Secs. 98-64--98-76. Reserved.

DIVISION 2. RULES, REGULATIONS AND RATES*

***State law references:** Charges generally, Wis. Stats. § 66.069.

Sec. 98-77. Suspending water supply.

The utility manager may suspend the use of fountains and hoses for sprinkling streets, yards, gardens and all other service whenever in his opinion the public safety requires it.

(Code 1983, § 13.11(10))

Sec. 98-78. Unauthorized use and damage to facilities.

- (a) *Opening or tampering with hydrants, etc.* No person except a member of the board of public works, the fire chief, in case of fire or in drilling the members of the department, or authorized person shall open or tamper with any public or private hydrant, plug, drawcock, hose or any other attachment without first obtaining a permit and conforming to such conditions as the board of public works or the authorized person may impose.
- (b) *Damage prohibited.* No person shall damage the fire hydrants, valves or other parts of the waterworks of the city, or attempt to work on them without authority.
- (c) *Unlawful use.* No person shall supply water to a service pipe from which the supply has been turned off by the utility manager for nonpayment of water rates or for any other reason without first obtaining a permit.
- (d) *Obstructing prohibited.* No person shall place an obstruction that interferes with the use of any hydrant.

(Code 1983, § 13.11(5))

Sec. 98-79. Repair of leaks; city not liable.

- (a) The costs of repairing all breakage or leaks in the service pipe from the water meter to

the service box shall be paid for by the owner of the premises serviced, his agent or tenant.

- (b) No claims shall be made against the city for breakage of any main pipe, service pipe or cock, or for an interruption of the supply of water because of the breakage of machinery or stoppage for necessary repairs.

(Code 1983, § 13.11(7))

Sec. 98-80. Permit required for plumbing work.

No person shall perform any plumbing work connected with any part of the city water system without first having obtained a permit from the plumbing inspector. The work performed under the permit shall be subject to the approval of the inspector and shall be in conformity with the state plumbing code.

(Code 1983, § 13.11(4))

Sec. 98-81. Service pipe connections and extensions.

- (a) *Connections.* No service pipe shall run from one lot to another on streets where water mains are laid. All water service pipe connections shall be made from the main in front of the premises or some point adjacent to it; except in the case of a corner lot, the water and sewer lateral may run from the main on either street.
- (b) *Pipe requirements.* Only state approved water service pipe will be permitted to be used.

(Code 1983, § 13.11(3)(a), (c))

Sec. 98-82. Plumbing system; inspection; correction of defects.

The owner of any building connected with the water mains may adopt such system of plumbing as he may see fit, provided it withstands a pressure of at least 300 pounds per square inch. Any plumbing system shall be subject to inspection by the inspector, who shall have free access to the premises connected at all reasonable hours for the purpose of ascertaining the condition and location of pipes and fixtures. In case of a defect in a service pipe or pipe beyond the service, the inspector or utility manager shall give notice in writing of such fact to be left at the premises; and the occupant shall be allowed 24 hours to repair the defect before the water shall be shut off.

(Code 1983, § 13.11(3)(b))

Secs. 98-83--98-95. Reserved.

DIVISION 3. WATER UTILITY COMMISSION*

*Cross references: Administration, ch. 2.

Sec. 98-96. Water utility commission--Appointment and terms.

The water utility commission shall consist of seven members appointed by the mayor, subject to confirmation by the city council, for terms of seven years each and in such a manner so as to have the term of at least one but not more than two commissioners commence on October 1 of each year.

(Code 1983, § 13.01(1))

Sec. 98-97. Same--Eligibility.

No person shall be eligible for membership on the water utility commission or hold any office or position under its jurisdiction who directly or indirectly has a pecuniary interest in any contract for furnishing heat, light, water, power or other public service to or for the city, or who is a stockholder in any corporation so interested. Any such position or office shall immediately become vacant upon the holder's acquiring any such interest.

(Code 1983, § 13.01(2))

Sec. 98-98. Same--Organization.

Members of the water utility commission shall, on or before October 10 of each year, organize by choosing from among their members a president, vice-president and a secretary, who shall hold their respective offices until their successors are chosen and qualified.

(Code 1983, § 13.01(3))

Sec. 98-99. Same--Duties of officers.

- (a) *President.* The president of the water utility commission shall preside at all meetings and perform the duties appropriate to his office as the commission may direct.
- (b) *Vice-president.* The vice-president shall perform the duties of the president in his absence.
- (c) *Secretary.* The secretary of the commission shall keep accurate records of all proceedings of the commission, shall notify the commissioners of all meetings called by the president, and shall perform the necessary secretarial duties for the commission.
- (d) *Cashier.* The duties of cashier shall be performed by a cashier appointed by the commission. The cashier shall receive and issue receipts for all moneys derived from the operation of the public utility plant and businesses and shall deposit such money at least weekly. The cashier shall properly safeguard in a lawful manner all moneys in his possession and keep proper account of all moneys received and disbursed by him, and all financial transactions conducted by the commission. Such accounts shall be recorded in the manner and form prescribed by the public service commission and shall be open to the public. The cashier shall give a surety bond for the honest and faithful performance of his duties in such amount and upon such conditions as the commission may from time to time direct, such bond to be executed by a surety company lawfully authorized to do business as such within the state or by such other sureties as the

commission may approve. He shall perform such other duties as may be prescribed by law, by direction of the commission or by resolution of the city council.

- (e) *Salaries.* Commissioners may receive such salary or remuneration as provided by action of the council. Members of the commission shall be paid all necessary expenses incurred in performing their duties as commissioners.

(Code 1983, § 13.01(4))

Sec. 98-100. Same--Duties and powers.

- (a) *Management.* The water utility commission shall have the entire charge, management and direction of any water utility property, plant, equipment and business owned by the city subject only to the general control and supervision of the council.
- (b) *Appoint: manager and employees.* The commission may appoint a manager and fix his compensation and may employ other employees and agents necessary to the conduct of its business and fix their compensation.
- (c) *Services of other officials.* The commissioners may command the services of the city engineer and may employ and fix the compensation of such subordinates as shall be necessary. They may make rules for their own proceedings and for the government of their department. They shall keep books on account, in the manner and form prescribed by the department of transportation or public service commission, which shall be open to the public.
- (d) *Audit of expenditures.* It may be provided that departmental expenditures be audited by the commission, and if approved by the president and secretary of the commission, be paid by the city clerk/treasurer as provided by Wis. Stats. § 66.042; that the utility receipts be paid to a bonded cashier or cashiers appointed by the commission, to be turned over to the city clerk/treasurer at least once a month; and that the commission have such general powers in the construction, extension, improvement and operation of the utility as shall be designated. Where water mains have been installed or extended and the cost has been in some instances assessed against the abutting owners and in other instances paid by the city, it may be provided by the city council that all persons who paid any such assessment against any lot or parcel of land may be reimbursed the amount of such assessment regardless of when such assessment was made or paid. Such reimbursement may be made from such funds or earnings of the utility or from such funds of the city as the city council determines.

(Code 1983, § 13.01(5))

State law references: Similar provisions, Wis. Stats. § 66.068(3).

Sec. 98-101. Construction and improvements.

The water utility commission may construct, extend, improve, operate and maintain the water utility but shall not incur any expenses in the construction, extension or improvement of the water utility exceeding \$5,000.00 without approval of the council. Such work shall be subject to the jurisdiction of the public service commission and further subject to the provisions of statute for expenditures exceeding \$1,000.00 with regard to any construction or public

improvements. Utility construction work shall be under the immediate supervision of the council or the proper committee appointed for that purpose.

(Code 1983, § 13.01(5))

Sec. 98-102. Operating revenues.

The revenues, moneys and funds belonging to or derived from the ownership and operation of the water utility property by the city shall be held, invested and disposed of in accordance with Wis. Stats. § 66.069(1), and other provisions of law.

(Code 1983, § 13.01(6))

Secs. 98-103--98-120. Reserved.