

Chapter 2 Utility District: Water Use

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**Sec. 9-2-1 Introduction and Purpose.**

The purpose of these regulations is to regulate and control the operation and use of the public water system within the Town of Warren Water Utility District in order to promote the public health, safety, and general welfare of the community. They are designed to promote reasonably adequate water services for the community and to set forth equitable revenue systems so as to derive the maximum public benefit. The Town of Warren Water Utility District is subject to regulation by the Public Service Commission of Wisconsin. The Ordinance enables the Town of Warren Water Utility District to comply with the requirements of Wis. Adm. Code, Ch. PSC 185 as amended, Standards for Water Public Utility Service and any other state or federal law. This Ordinance shall supersede any previous Town of Warren Ordinances regulating operation and use of the public water system and shall repeal all provisions that may be inconsistent with this Ordinance.

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## **Sec. 9-2-2 Definitions.**

In Chapter 4 the following, words and phrases shall have the designated meaning:

- (a) **Commercial utility service** means water service for any commercial uses authorized under the provisions of the St. Croix County Zoning Ordinance, Section 17.17 as amended and Section 17.18 as amended. Copies of the relevant provisions are attached hereto and incorporated by reference herein.
- (b) **Commission** means the Town of Warren Water Utility District Commission; sometimes used synonymously with "Utility Commission" or "District Commission."
- (c) **Curb Stop** means a water shut-off valve located between the curb or street (pavement edge), as appropriate, and the property line.
- (c) **Customer** denotes any person, owner or occupant, firm, partnership, corporation, municipality, cooperative organization, governmental agency, or political entity provided with water service by the Town of Warren Water Utility District.
- (e) **Delinquent Account** denotes an account which has a bill for service unpaid after payment is due.
- (f) **District** shall mean the Town of Warren Water Utility District.
- (g) **Meter** means an instrument installed to measure the volume and/or rate of flow of water delivered through it.
- (h) **Residential Utility Service** means water service provided by the District for residential related purposes to any dwelling unit
- (i) **Shall** is mandatory.
- (j) **Stop Box** means an appurtenance installed on each water service to locate and protect the curb stop.
- (k) **Unit of Service** denotes any residential or small commercial aggregation of space or area occupied for a distinct purpose such as a residence, apartment, store or office, which is equipped with one or more fixtures for rendering water supply, separate and distinct from other users. Each unit of service will be regarded as a separate consumer and charges for more than one customer on a single meter will be assessed accordingly. Thus, an apartment building, having five separate dwelling units each of which is equipped with one or more fixtures for rendering water supply, will be classified as five separate units of service and five separate consumers even if all four units are on one meter.
- (l) **Utility Classification Codes.**  
**Residential** includes private homes, duplexes, and apartment buildings four (4) units and under.  
**Water Lateral** denotes the piping from the main to the curb stop.
- (m) **Water Service Pipe** denotes the piping from the curb stop to the building.

## **Sec. 9-2-3 General Provisions.**

- (a) **Management.** The District shall be managed by the Commission.

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- (b) **Organization.** Town of Warren Water Utility District is organized as a Utility District pursuant to Sec. 66.0827 as amended, Wis. Stats. Town of Warren Water Utility District is sometimes referred to as the "District". The District shall have all of the power and authority authorized by applicable statutes; and nothing contained in this Ordinance shall prohibit or otherwise limit the exercise of all such statutory power and authority. In connection with the organization of the District, the following provisions shall control:
- (1) (i) Unless otherwise provided for in Section 9-2-3(b)(1)(ii), the Town Board of the Town of Warren shall act as the Commission of the District. The term of office of such members of the Commission of the District shall be concurrent with their terms of office as members of the Town Board. In the event of any vacancy on the Commission of the District, such vacancy shall be filled in the same manner as the filling of a vacancy in the office of a Town Board Supervisor, (ii) As an alternative to Section 9-2-3(b)(1)(i), the Town Board may, by resolution, appoint three (3) persons, who shall be residents of the Town and of the District in question and shall own property within the District in question, as members of the Commission. The term of office for such members shall be three (3) years, and shall be staggered so no more than one (1) member is appointed each year. In making the initial appointments, the Town Board shall appoint one (1) member for a one (1) year term of office, another member for a two (2) year term of office, and the final member for a three (3) year term of office. Any vacancy may be filled by appointment by the Town Board for the remainder of the unexpired term.
  - (2) (i) When the Town Board constitutes the Commission of the District, the Town Board Chairman shall be the President of the Commission, the Town Clerk shall be the Secretary of the Commission, and the Town Treasurer shall be the Treasurer of the Commission; except where there is a Town Clerk/Treasurer, in which event, such individual shall be the Commission Secretary/Treasurer. Any vacancy in the offices of President, Secretary or Treasurer shall be filled in the manner applicable to filling vacancies in similar Town offices. (ii) When the Commission has been appointed by the Town Board pursuant to Section 9-2-3(b)(1)(ii), the Commission shall organize itself by electing one (1) of its members as President. The Town Clerk and the Town Treasurer shall be the Secretary and Treasurer of the Commission as provided for in Section 9-2-3(b)(2)(i), in any event.
  - (3) The President of the Commission shall preside at all meetings of the Commission. The Secretary shall keep a separate record of all proceedings and minutes of meetings and hearings of the Commission. The Treasurer shall maintain the accounts of the District pursuant to Sec. 66.0872 as amended, Wis. Stats.
  - (4) The Commission may project, plan, construct and maintain a system of water supply including all of the improvements or activities or any combination of them necessary for the promotion of the public health, comfort, convenience or welfare of the District. Without intending to limit the generality of the foregoing, the Commission may:

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- a. With the approval of the Town Board, sell any of its services to users inside or outside of the corporate limits of the District.
  - b. Fix and collect charges for water supply services.
  - c. Employ attorneys, engineers, accountants and other persons to assist it in the performance of its work.
- (5) The Commission shall meet at such times and places as it deems appropriate; and shall adopt such rules and procedures relative to its meetings as it may reasonably require.
  - (6) The Town Board, acting for the benefit of and on behalf of the District, may levy special assessments to finance the activities of the District and may acquire property by means of eminent domain for public purposes on behalf of the District.
  - (7) The District's fiscal year shall be the calendar year.
- (c) **Compliance with Rules.** All persons now receiving a water supply from the District, or who may make application for service, shall be deemed to have consented to the water utility rules and regulations filed with the Public Service Commission of Wisconsin and with the terms of this ordinance.

## Sec. 9-2-4 Connection to Existing Public Water System.

- (a) **Compulsory Connection.** The owner of any house or other building within the District which is used for human occupancy, employment, or recreation, located on a parcel which is adjacent to an existing public water main, shall install, at owner's expense, suitable plumbing facilities and shall take the necessary steps to connect such facilities directly with the District water system within one hundred twenty (120) days after date of written notification by the Commission.  
*Other Requirements.* The provisions of this section are not intended to interfere with, abrogate or alleviate the need for compliance with any connection requirements that may be imposed by the State of Wisconsin, St Croix County, or any governmental agencies.
- (b) **Application Required.** Any person desiring to connect to the District water system shall apply in writing to the District on a form furnished by the District. The application shall be made by the owner or his representative and shall include a statement giving the exact location of the premises to be served, the name of the owner, the purpose for which the service is to be used, the time when the work is to be done, the size of the supply pipe and meter desired, and such other information as may be required by the District. Any special refrigeration or air-conditioning water consuming appliances shall be particularly noted on the application. The District may deny any application where the required information is not provided.
- (c) **Connection Permit Required.** No work of laying the water lateral and/or water service pipe shall be commenced or continued without the required connection permit being on the premises. At the time of connecting, the water lateral and/or water service pipe to the

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meter setting shall be inspected by the District or its designate. Connection permits shall not be granted unless all of the following conditions are met:

- (1) The premises to be served are situated on a lot or parcel within the District and abutting on any street, alley, easement or right-of-way in which a District water main is located; and
  - (2) The property owner agrees to install a water service pipe from the curb stop to the unit of service according to all District specifications; and
  - (3) The premises to be served will have adequate piping beyond the metering point.
- (d) **Multi-unit Dwelling Application.** A multi-unit dwelling shall be served by individual metered water service to each unit. Each meter and meter connection will be a separate customer for the purpose of the filed rules and regulations.
- (e) **Lawn Sprinkler Systems.** The owner of a building who wishes to install a lawn sprinkler system may request that such system be metered separately from residential service. The owner, by selecting this option, is required to provide plumbing and meter settings to enable such service and to permit individual disconnection without affecting service to the residential unit or units. Each meter and meter connection will be a separate customer for the purpose of the filed rules and regulations. Any such owner shall further notify the District of the installation of any such lawn sprinkler system and shall consent to an inspection to ensure such system does not constitute an illegal cross connection as specified in Section 9-2-5 of this Ordinance.
- (f) **Temporary Water Services.** Any person desiring to connect to the District water system on a temporary and limited basis shall make application to the District for permission according to the following provisions of this Section.
- (1) **Temporary Metered Supply.** An applicant for temporary water supply on a metered basis shall make and maintain a cash escrow deposit 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. The amount of the deposit and the charge for setting the valve and furnishing and setting the meter will be pursuant to the rates and rules on file with the Wisconsin Public Service Commission.
  - (2) **Temporary Unmetered Services—Unmetered Temporary Supply, Unmetered Temporary Construction Use and Isolated Unmetered Usage.**
    - a. **Unmetered Temporary Use Other Than Building or Construction.** Where a water meter cannot be installed immediately, service may be supplied temporarily on an unmetered basis upon written application to the District. Such service shall be billed pursuant to the rates and rules on file with the Wisconsin Public Service Commission.
    - b. **Unmetered Temporary Construction Use.** When water is wanted on an unmetered basis for construction purposes, an application shall be made to the District in writing, upon the application provided for that purpose in the District's office, giving a statement of the amount of construction work to be done, or the size of the tank to be filled, etc. If the application is approved, payment for the water shall be required in advance and shall be made in accordance with the approved building and construction water

service (unmetered) rate. For construction purposes, the water must be drawn from the service pipe which is carried inside the foundation wall. No connection with the service pipe at the curb stop shall be made without special permission from the District. In no case will any employee of the District 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 District, together with a statement of the actual amount of construction work performed. Customers shall not allow contractors, masons or other persons to take water from their premises without first showing a permit from the District. Any customer failing to comply with this provision will have their water service discontinued.

- c. Isolated Unmetered Usage. When water is wanted on an unmetered basis for isolated purposes such as filling swimming pools, tanks or tank wagons, etc., written application shall be made to the District. If the application is approved, payment for the water shall be made in advance at the scheduled rates for general unmetered water service. In addition, an application administration fee shall be paid by persons not otherwise customers of the District as established by the Wisconsin Public Service Commission.
- (3) **Deposits Returned.** All monies deposited as security for payment of charges arising from the use of temporary water supply on a metered basis, or for the return of a sprinkling valve wheel or reducer, shall be refunded to the applicant when the use of water has terminated, all charges have been paid, and the wheel and reducer have been returned undamaged.
- (g) **Inspections.** During reasonable hours, any officer or authorized employee of the District shall have the right of access to the premises supplied with service, for the purpose of inspection or for the enforcement of the District's rules and regulations. Whenever appropriate, the District will make a systematic inspection of all unmetered water taps for the purpose of checking waste and unnecessary use of water.

**Sec. 9-2-5 Cross Connection Control.**

- (a) **Cross Connection Defined.** In this section, "cross connection" means any physical connection or arrangement between two otherwise separate systems, one of which contains potable water from the water system, and the other, water from a private source, water of unknown or questionable safety, or steam, gases, or chemicals, where upon loss of pressure or any other pressure condition, there may be a flow from one system to the other.
- (b) **Cross Connections Prohibited.** No person, firm or corporation may establish or permit to be maintained any cross connection. No interconnection may be established where potable water from a private, auxiliary or emergency water supply, other than the town

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water supply, may enter the supply or distribution system of the town, unless the private, auxiliary or emergency water supply and the method of connection and use of the supply shall have been approved by the District and by the state Department of Natural Resources under Wis. Adm. Code §NR 811.09.

- (c) **Inspections.**
- (1) ***By District.*** The District shall cause periodic inspections to be made of all properties served by the water system where cross connection with the water system is deemed possible. The frequency of inspections and reinspections shall be as established by the District and as approved by the state Department of Natural Resources.
  - (2) ***Owner to Cooperate; Inspection Warrants.*** Upon presentation of credentials, a representative of the District may request entry at any reasonable time to examine for cross connections any property served by a connection to the District's water system. If entry is refused, the representative shall obtain a special inspection warrant under Secs. 66.019 as amended, Wis. Stats. Upon request by a representative of the District, the owner, lessee or occupant of any property so served shall furnish to the District any pertinent information regarding the piping system or systems on the property if the information is known to the owner, lessee or occupant.
- (d) **Discontinuance of Service to Offending Properties.** The District is authorized and directed to discontinue water service to any property where 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. Except as provided in Section 9-2-5(e), water service may be discontinued only after reasonable notice and opportunity for a hearing under Section 9-2-16(b). Water service to the property shall not be restored until the cross connection has been eliminated in compliance with this Section.
- (e) **Emergency Discontinuance of Service.** If it is determined by the District 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 Town Clerk/Treasurer and delivered to the customer's premises, service may be immediately discontinued or ordered disconnected. The customer shall have an opportunity for a hearing under Section 9-2-16(b), within ten (10) days of such emergency discontinuance.
- (f) **Plumbing Code Not Superseded.** This Section does not supersede the state plumbing code or the Town plumbing code, but is supplementary to them.
- (g) **Annual Report by Commission.** The District shall annually file a report with the Town Board on the administration and effectiveness of this Section.

### **Sec. 9-2-6 State Plumbing Code Adopted.**

The provisions of Wis. Adm. Code Subch. IX, COMM 5, and COMM 81 to COMM 87 as amended, inclusive (state plumbing code), and all subsequent amendments are adopted by reference and incorporated in this Code as if fully set forth. A copy of the current state plumbing

code shall be filed in the office of the Town Clerk/Treasurer and kept permanently on file and open to public inspection. The regulations adopted shall be administered by the Commission and the town plumbing and heating inspector. Violations of the provisions adopted or any rule or order of the Commission shall be subject to the enforcement and abatement procedures of Section 9-2-15 of this Chapter.

**Sec. 9-2-7 Installation and Repair of Water Supply Piping and Equipment.**

- (a) **Service Connections (or Water Laterals).** 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, unless adequate means of protection are provided by sand filling or such other insulation as may be approved by the District. Service pipes passing through curb or retaining walls shall be adequately safeguarded by provision of a channel space or pipe casing, not less than twice the diameter of the service connection. 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.

In backfilling the pipe trench, the service pipe must be protected against injury by carefully hand tamping the backfill. The backfill shall be free from hard lumps, rocks, stones or other injurious material, around and at least six (6) inches over the pipe.

- (b) **Installation and Repair of Water Service Lateral .** The owner or applicant shall install the water service lateral at his own expense. Such installation by owner or applicant shall be in accordance with District specifications and shall be subject to inspection and approval in accordance with the Town's ordinance regulating the division and subdivision of land. A non-refundable permit fee for a residential user shall be paid upon filing the application pursuant to the rates and rules on file with the Wisconsin Public Service Commission.

- (c) **Installation and Repair of Water Service Pipe by Owner's Licensed Contractor.**

Water service pipes shall be installed in accordance with the regulations contained in the Wisconsin Administrative Code. After the necessary application procedures are complete, the property owner shall install a water service pipe from the curb stop to the point of use not less than 8 feet below the surface of the established or proposed grade, whichever grade is lower, and according to all specifications of the District. In addition, special protective coverings may be required where soil conditions and other factors are conducive to premature failure of the service. The applicant's plumber shall be responsible for connecting and installing said service pipe to the curb stop and lateral. No plumber shall cover or permit the covering of any water service pipe until the installation has been inspected and approved by the District or his designate.

The lateral from the main, to and through the curb stop, will be maintained and kept in repair and when worn out, replaced at the expense of the District. The property owner shall maintain the service pipe from the curb stop to the point of use.



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If the owner fails to repair a leaking or broken service pipe from curb stop to point of metering or use within such time as may appear reasonable to the District, after written notice, the water will be shut off and will not be turned on again until the repairs have been completed.

- (d) **Water Lateral Installation Charge.** Where the main extension has been approved by the District, land division developers shall be responsible 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 Town of Warren, 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.

- (e) **Sizing of Water Supply Pipes; Division Prohibited.** All water pipes shall be of undiminished size from the District water main to the point of meter placement. Beyond the meter outlet valve the piping shall be sized and proportioned to provide, on all floors, at all times, an equitable distribution of water supply for the greatest probable number of fixtures or appliances operating simultaneously. No division of the water service of any lot or parcel of land shall be made for the extension and independent metering of the supply to an adjoining lot or parcel of land. No division of a water supply service shall be made at the curb stop for separate supplies for two or more separate premises having frontage on any street or public service strip whether owned by the same or different parties.
- (f) **Stop Box and Curb Stop Inspection.** The District shall inspect the stop box and curb stop prior to setting of the water meter to ascertain any damages incurred during construction of improvements on a given lot. If at that inspection, or any prior inspection it is found that the stop box and curb stop have been damaged, they shall be repaired by the District and the full cost of the repair shall be paid by the property owner. If not paid within ninety (90) days, the cost of said repairs shall be placed on the tax roll pursuant to Section 66.0809(3) as amended, of the Wisconsin Statutes.
- (g) **Meters Required.** All service connections to the water system shall be metered. The District will not approve nor permit changes from metered to flat rate service.
- (h) **Installation of Meters.** Meters will be furnished and placed by the District and are not to be disconnected or tampered with by the customer. All meters shall be so located that they shall be protected from obstructions and permit ready access for reading, inspection and servicing, such location to be designated or approved by the District. All piping within the building must be supplied by the owner. Where additional meters are desired by the owner, the owner shall pay for all piping and an additional amount sufficient to cover the cost of maintenance and depreciation.
- (i) **Service Piping for Meter Settings.** Where the original service piping is installed for a new metered customer, where existing service piping is changed for the customer's convenience, or where a new meter is installed for an existing unmetered customer, the owner of the premises at his/her expense shall provide a suitable location and the proper connections for the meter. The District should be consulted as to the type and size of meter setting. Where it is possible to set meters in the basement, or other suitable place

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within the building, a short nipple shall be inserted after the stop and waste cock, 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 the plans of the District (the President of the Commission may require a horizontal run of 18 inches in such pipe line) which may later be removed for the insertion of the meter into the supply line.

(j) **Protective Devices.**

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

(2) **Relief Valves:** On all "closed systems" (i.e., systems having a check valve, pressure regulator, or pressure-reducing valve, water filter or softener), an effective pressure relief valve shall be installed either in the top tapping or the upper side tapping of the hot water tank, or on the hot water distributing pipe connection at the tank. No stop valve shall be placed between the hot water tank and the relief valve or on the drain pipe. See applicable plumbing codes.

(3) **Air Chambers:** An air chamber or approved shock absorber shall be installed at the terminus of each riser, fixture branch, or hydraulic elevator main for the prevention of undue water hammer. The air chamber shall be sized in conformance with local plumbing codes. Where possible, the air chamber should be provided with a valve at its base for water drainage and replenishment of air.

(k) **Code Requirements.** Plumbing shall be designed, constructed and installed in accordance with the provisions of the Wisconsin Administrative Code.

(l) **Duty of District with Respect to Safety of the Public.** It shall be the duty of the District to see that all open ditches for water mains, hydrants and laterals are properly guarded to prevent accident to any person or vehicle, and at night, there shall be displayed amber signal lights in such manner as will, so far as possible, insure the safety of the public.

**Sec. 9-2-8 Water Main Extensions.**

(a) **Extensions in New Subdivisions or Land Divisions.**

- (1) **Application.** Application for installation of water mains in subdivisions or land division shall be filed in writing with the Commission. The application shall set forth at least the following: (1) name and address of applicant; (2) name of subdivision or land division; (3) legal description of property; (4) map showing streets, lots and sizes of proposed mains and hydrants, and street laterals; (5) date of approval of plat by state Department of Development; (6) certified survey by Town; (7) date of approval of proposed mains by Department of Natural Resources; and (8) number of houses presently under construction.

Upon receipt of the application, the District 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 Town of Warren for approval of the extension as it pertains to public fire-protection service requirements.

The applicant for water service to be supplied to a subdivision shall be required to advance to the District, prior to the beginning of the construction, a letter of credit in a form approved by the Town Attorney for 125% of the estimated cost of the public improvements for provision of water to the subdivision or land division. A portion of such letter of credit shall remain in full force and effect for a period of one year after completion of the public improvements and approval of them by the District as a guarantee of the work and materials. The amount of the letter of credit to remain in effect shall be at the sole discretion of the District upon recommendation of the Town engineer and attorney.

- (2) **Installation and Payment.** The installation of the water mains in new subdivisions or land divisions shall be made by the developer, or a contractor employed by the developer, all in accordance with the terms and provisions of the Town's ordinance relating to the division and subdivision of land. The developer shall be responsible for the total cost of construction including any related engineering and legal review, inspection or other fees incurred by the District related to the subdivision or land division of developer. Plans and specifications for construction of the water main extension shall be submitted to the Town engineer for approval prior to commencement of any work. Any street or public service strip in which a main is to be placed should be graded to an established grade elevation as set and approved by the Town Engineer. All Utilities shall be

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installed prior to the blacktop of the roads in the subdivision. Any additional costs involved in installing a main in a street or public service strip that is not to grade will be charged to, and made a lien upon, the property fronting on said extension. The developer shall be responsible for maintenance and repair of any main extension for a period of one (1) year after completion and approval by the District unless specific written agreements specify otherwise. The District shall provide developer with written notice of any defect or problem with the public improvements during such one-year period and developer shall have twenty days from the receipt of such notice to remedy the defect or problem to the District's satisfaction. If developer fails to timely remedy any such defect or problem or fails to document to the District's satisfaction that it is giving its best effort to perform such remedy, the District is entitled to draw on developer's letter of credit to finance and perform the remedy itself.

- (b) **Installation of Water Main Extension.** Installation of water main extensions will not be allowed when the ground is frozen unless the applicant agrees to pay for additional cost involved. The District shall determine when frost conditions are encountered and will notify the owner or his authorized agent in advance when such condition is in effect. Any street or public service strip in which a main is to be placed should be graded to an established grade elevation as set and approved by the Town Engineer. Any additional costs involved in installing a main in a street or public service strip that is not to grade will be charged to, and made a lien upon, the property fronting on said extension. The developer shall be responsible for maintenance and repair of any main extension for a period of one (1) year after completion and approval unless specific written agreements specify otherwise.

## **Sec. 9-2-9 General Customer Provisions.**

- (a) **Purity of Supply Not to Be Impaired by Cross Connections.** Every person owning, or occupying a premises or building within the District shall maintain the District water supply free from any connection, either of a direct or of an indirect nature, with a water supply from a foreign source, or of any manner of connection with any fixture or appliance, whereby water from a foreign supply or the waste from any fixture, appliance, waste or soil pipe may flow, be siphoned or pumped into the piping of the District's water system.
- (b) **Operation of Valves and Hydrants, and Unauthorized Use of Water—Penalty.** Any person who shall, without authority of the District, allow contractors, masons or other unauthorized persons to take water from their premises, operate any valve connected with the street or supply mains, or open any fire hydrant connected with the distribution system, except for the purpose of extinguishing a fire, or who shall wantonly damage or impair the same, shall be subject to a fine as provided by municipal ordinance. Permits for the use of hydrants apply only to such hydrants as are designated for the specific use.

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- (c) **Stop Boxes.** The customer shall protect the stop box in his terrace and shall keep the same free from dirt and other obstructions. The District shall not be liable for failure to locate the stop box and shut off the water in case of a leak on a customer's premises.
- (d) **Thawing Frozen Services.** Frozen services shall be thawed out by and at the expense of the District except where the freezing was caused by contributory fault or negligence on the part of the customer such as reduction of the grade or undue exposure of the piping in the building or on customer's property, or failure to comply with district specifications and requirements as to depth of service, lack of sufficient backfill, etc. Following the freezing of a service, the District shall take such steps and issue such instructions as may be necessary to prevent the refreezing of the same service. No charge will be made for rethawings if the instructions are followed. In case it is necessary to allow the water to flow to prevent refreezing, the customer shall make provision for proper disposal of the waste water. For the period in which the water is allowed to run, the customer's bill shall be adjusted for the consumption exceeding the customer's average consumption.
- (e) **Inspection of Premises.** During reasonable hours the District shall have the right of access to the premises supplied with service, for the purpose of inspection or for the enforcement of this ordinance and the requirements of the Public Service Commission of Wisconsin.
- (f) **Vacation of Premises.** When premises are to be vacated, the District shall be notified in writing at once, so that it may remove the meter and shut off the supply at the stop box. The owner of the premises shall be liable for any damage to the property of the District by reason of failure to notify the District.
- (g) **Interruption of Service.** The District reserves the right to shut off the water in the mains temporarily, to make repairs, alterations or additions to the plant or system. Except in case of emergency repairs, whenever possible the District shall give notification, by newspaper publication or otherwise, of the interruption of service. No rebate will be allowed to customers for such temporary suspension of supply.
- (h) **Complaint Tests, Meters.** If a customer requests, the District shall promptly make an accuracy test in addition to the periodic or installation test if twenty-four (24) months or more has elapsed since the last complaint test of the same meter in the same location. If less than twenty-four (24) months has expired, there will be a charge according to the rates and rules of the Wisconsin Public Services Commission, payable in advance. If the meter is found fast in excess of 2%, any payment that was made for the test will be refunded and there will be an adjustment for past billings pursuant to Wis. Adm. Code PSC Secs. 185.61 through 185.79 as amended.
- (i) **Repairs to Meters.** Meters will be repaired by the District and the cost of such repairs caused by ordinary wear and tear will be borne by the District. Repair of any damage to a meter resulting from the carelessness of the owner of the premises, his agent, or tenant, or from the negligence of any one 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 in the meter, shall be paid for by the customer or the owner of the premises. In cases in which the customer and the owner of

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the premises are separate persons or entities, both shall be jointly and severally liable for any such damages.

- (j) **Surreptitious Use of Water.** When the District has reasonable evidence that a customer is obtaining his water, in whole or in part, by means of devices or methods used to stop or interfere with the proper metering of the water being delivered to his equipment, the District 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 twenty-four (24) hour disconnection of service. When the District shall have disconnected the customer for any such reason, the District will reconnect the customer upon the following conditions:
- (1) The customer will be required to deposit with the District an amount sufficient to guarantee the payment of the customer's bills for utility service to the District.
  - (2) The customer will be required to pay the District for any and all damages to its equipment on the customer's premises due to such stoppage or interference with its metering.
  - (3) The customer must further agree to comply with reasonable requirements to protect the District against further losses.

### **Sec. 9-2-10 Customer Deposits.**

- (a) **New Residential Service.** The District may require a cash deposit or other guarantee as a condition of new residential service if, and only if, the customer has an outstanding account balance with the District which accrued within the last six (6) years, and which at the time of the request for new service remains outstanding and not in dispute.
- (b) **Existing Residential Service.** The District may require a cash deposit or other guarantee as a condition of continued service if, and only if, either or both the following circumstances apply:
- (1) Service has been shut off or discontinued within the last twelve (12) months for violation of these rules and regulations or for nonpayment of a delinquent bill for service which is not in dispute.
  - (2) Credit information obtained by the District subsequent to the initial application indicates that the initial application for service was falsified or incomplete to the extent that a deposit would be required under these rules and regulations.
- (c) **Commercial Service.** If the credit for an applicant for commercial service has not been established to the satisfaction of the District, he shall be required to make a deposit or otherwise guarantee to the District payment of bills for service.
- (d) **Conditions of Deposit.** The provisions of Wis. Adm. Code, Ch. PSC 185.36 as amended are incorporated and adopted by reference as conditions of deposit.

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- (e) **Refund of Deposits.** The District shall review the payment record of each residential customer with a deposit on file at not less than twelve (12) month intervals and shall not require or continue to require a deposit unless a deposit could be required under the conditions stated above. In the case of a commercial customer, the District shall refund the deposit after twenty-four (24) consecutive months of prompt payment if the customer's credit standing is satisfactory to the District. Payment shall be considered "prompt" if it is made prior to notice of disconnection for non-payment of a bill not in dispute. Any deposit or portion refunded to a customer shall be refunded by check unless both the customer and the District agree to credit the regular bill or unless service is terminated, in which case the deposit with accrued interest at the current legal rate shall be applied to the final bill and any balance returned to the customer promptly.
- (f) **Other Conditions.** A new or additional deposit may be required upon reasonable written notice of the need if such new or additional deposit could have been required under the circumstances when the initial deposit was made. Service may be refused or disconnected for failure to pay a deposit request as provided in the rules. When service has been disconnected for failure to make a deposit, or for failure to pay a delinquent bill, or for failure to comply with the terms of a deferred payment agreement, and satisfactory arrangements have been made to have service restored, a reconnection charge as specified in Section 9-2-11(g) shall be paid by the customer as a condition to restoration of service.
- (g) **Guarantee Contracts.**
- (1) The District may accept, in lieu of a cash deposit, a contract signed by a guarantor satisfactory to the District, where payment of a specified sum not exceeding the cash deposit requirement is guaranteed. The term of a guarantee contract shall be two years, but shall automatically terminate after the customer has closed his account, or at the guarantor's request upon thirty (30) days written notice to the District.
  - (2) Upon termination of a guarantee contract or whenever the District deems such guarantee insufficient as to amount or surety, a cash deposit or a new or additional guarantee may be required upon reasonable written notice to the customer. Service to any customer who fails to comply with these requirements may be refused, or upon eight (8) days written notice, disconnected. The District shall mail the guarantor copies of all disconnect notices sent to the customer whose account he has guaranteed unless the guarantor waives such notice in writing.
  - (3) In lieu of a cash deposit or guarantee, an applicant for new service who has an outstanding account accrued within the last six (6) years with the District shall have the right to receive service from the District under a deferred payment agreement as provided in this section for the outstanding account balance.

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**Sec. 9-2-11 Billing and Payment Procedure for General Service—  
Metered.**

- (a) **Billing.** Water bills will be issued as determined by the District and become due and payable on the first of the month following the period for which service is rendered.
- (b) **Combined Metering.** When a customer'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, located on the same parcel, served by a single lateral and are properly connected by the customer, they may be metered in one place. If the District, for its own convenience, installs more than one meter on a single water service lateral, the readings will be cumulated for billing. Multiple meters placed for the purpose of identifying water not discharged into the sanitary sewer are not considered for District convenience and shall not be combined for billing.
- (c) **Deferred Payment Agreement.**
  - (1) The District shall offer Deferred Payment Agreements to residential customers. The Deferred Payment Agreement shall provide that service will not be discontinued for the outstanding bill if the customer pays a stated reasonable amount of the outstanding bill and agrees to pay a stated reasonable portion of the remaining outstanding balance in installments until the bill is paid. In determining what amounts are "reasonable", the District shall consider the:
    - a. Size of the delinquent account.
    - b. Customer's ability to pay.
    - c. Customer's payment history.
    - d. Time that the debt has been outstanding.
    - e. Reasons why the debt has been outstanding.
    - f. Any other relevant factors concerning the circumstances of the customer.
  - (2) In the Deferred Payment Agreement, it shall state immediately preceding the space provided for the customer's signature and in bold face print at least two sizes larger than any other used, the following:

**IF YOU ARE NOT SATISFIED WITH THIS AGREEMENT, DO NOT SIGN. IF YOU DO SIGN THIS AGREEMENT YOU GIVE UP YOUR RIGHT TO DISPUTE THE AMOUNT DUE UNDER THE AGREEMENT EXCEPT FOR THE DISTRICT'S FAILURE OR REFUSAL TO FOLLOW THE TERMS OF THIS AGREEMENT.**
  - (3) A Deferred Payment Agreement shall not include a finance charge.
  - (4) If an applicant for service has not fulfilled the terms of a Deferred Payment Agreement, the District shall have the right to disconnect service or refuse service



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in accordance with these rules. Under such circumstances, it shall not be required to offer subsequent negotiations of a Deferred Payment Agreement prior to disconnection.

- (5) Any payments made by the customer in compliance with a Deferred Payment Agreement, or otherwise, shall be first considered made in payment of the previous account balance with any remainder credited to the current bill.
- (d) **Penalties for Nonpayment and Collection of Unpaid Bills.** A late payment charge of one and one-half percent (1½%) per month compounded monthly will be added to bills not paid within twenty (20) days after issuance or by due date, whichever is later. This late payment charge will be applied to the total unpaid balance for utility service, including unpaid late payment charges. The late payment charge is applicable to all customers. The customer may be given a written notice that the bill is overdue no sooner than twenty (20) days after the bill is issued. Unless payment or satisfactory arrangement for payment is made within the next eight (8) days, service may be disconnected pursuant to Ch. PSC 185, Wis. Adm. Code. All unpaid bills for water service which are due and outstanding as of October 15 shall be collected by the District or its designate in the manner provided by Sec. 66.00809(3) as amended, Wis. Stats.
- (e) **Disconnection and Refusal of Service.** The provisions of Wis. Adm. Code, Ch. PSC 185.37 as amended, are incorporated and adopted by reference as conditions of disconnection and refusal of service. The Town Utility District will charge an Administration Fee for the Disconnection Notice.
- (f) **Form of Disconnection Notice.** The form of disconnection notice to be used shall be:

### DISCONNECTION NOTICE

Dear Customer:

The bill enclosed with this notice includes your current charge for utility service and your previous unpaid balance.

You have eight days to pay the utility service arrears or your service is subject to disconnection.

If you fail to pay the service arrears, or fail to contact us within the eight days allowed to make reasonable deferred payment arrangement, or other suitable arrangement, we will proceed with disconnection action.

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To avoid the inconvenience of service interruption and an additional charge of (amount) for reconnection, we urge you to pay the full arrears IMMEDIATELY AT OUR OFFICE.

If you have entered into a Deferred Payment Agreement with us and have failed to make the deferred payments you agreed to, your service will be subject to disconnection unless you pay the entire amount due within eight days.

If you have a reason for delaying the payment, call us and explain the situation.

PLEASE CALL THIS TELEPHONE NUMBER, (Appropriate telephone number), IMMEDIATELY IF:

1. You dispute the notice of delinquent account.
2. You have a question about your utility service arrears.
3. You are unable to pay the full amount of the bill and are willing to enter into a deferred payment agreement with us.
4. There are any circumstances you think should be taken into consideration before service is discontinued.
5. Any resident is seriously ill.

### Illness Provision

If there is an existing medical emergency in your home and you furnish the District with a statement signed by either a licensed Wisconsin physician, or a public health official, we will delay disconnection of service up to 21 days. The statement must identify the medical emergency and specify the period of time during which disconnection will aggravate the existing emergency.

### Deferred Payment Agreements

If you are a residential customer and, for some reason, you are unable to pay the full amount of the utility service arrears on your bill, you may contact the District to discuss arrangements to pay the arrears over an extended period of time.

This time payment agreement will require:

1. Payment of a reasonable amount at the time the agreement is made.
2. Payment of the remainder of the outstanding balance in monthly installments over a reasonable length of time.
3. Payment of all future utility service bills in full by the due date.

In any situation, where you are unable to resolve billing disputes or disputes about the grounds for proposed disconnection through contacts with our District, you

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may make an appeal to the Wisconsin Public Service Commission, Madison, Wisconsin.

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(g) **Reconnection Charges.**

- (1) Where the District has disconnected service at the customer's request prior to expiration of the minimum contract period, a reconnection charge shall be made, payable in advance, when the customer requests reconnection of service.
- (2) A reconnection charge shall also be required from customers whose services are disconnected (shut off at curb stop box) because of nonpayment of bills when due (not included disconnection for failure to comply with deposit or guarantee rules).
- (3) A customer shall be considered as the same customer provided the reconnection is requested for the same location by any member of the same household, or if a place of business, by any partner of the same business.
- (4) No reconnection charge will be applied to the customer if disconnection occurred solely because of general operation and was in no way a result of circumstances specific to the customer or property involved.

### **Sec. 9-2-12 Water Service Charges.**

- (a) **General Service Charges—Metered.** The water service charge to each unit of service shall consist of a minimum monthly charge and an output charge pursuant to the rates and rules on file with the Wisconsin Public Service Commission.
- (b) **Building and Construction Water Service Charges.** The water service charge for water provided for building and construction shall be provided pursuant to the rates and rules on file with the Wisconsin Public Service Commission. Where service is furnished prior to meter installation the minimum monthly charge will be applied until permanent service is established.
- (c) **Bulk Water.** All bulk water supplied from the water system through hydrants or other connections shall be metered, or at the direction of the District, estimated. District personnel or District-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 District's immediate service area;
  - (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

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(3) Water supplied from hydrants or other temporary connections for general service type applications.

The person requesting the use of bulk water must pay a deposit for the meter and/or valve. The amount of the deposit and the cost of the water provided will be pursuant to the rates and rules on file with the Wisconsin Public Service Commission. Damaged or lost equipment will be repaired or replaced at the customer's expense.

- (d) **General Water Service—Unmetered.** Where the water meter cannot be installed immediately, service may be supplied temporarily on an unmetered basis. Such service shall be billed pursuant to the rates and rules on file with the Wisconsin Public Service Commission.
- (e) **Standby Water Service.** The charge specified in this paragraph shall be applicable to property that is platted and not connected to the water mains but for which facilities have been made available. A standby charge shall apply to each lot or equivalent parcel of land for water system facilities available but not connected. Where more than one lot or equivalent is used as a unit and a customer is connected, the total charge for water service to such customer shall be not less than the standby charge applicable to the several lots on file with the Wisconsin Public Service Commission.
- (f) **Seasonal, Emergency or Temporary Service.** Seasonal customers shall be served at the general service rate on file with the Wisconsin Public Service Commission except that each customer served under this rate shall pay an annual seasonal service charge equal to four times the applicable service charge. Further, if service has been disconnected, the customer will pay a reconnection charge pursuant to the rates and rules on file with the Wisconsin Public Service Commission. Seasonal customers are general service customers whose use of water is normally for recurring periods of less than one (1) year.
- (g) **Failure to Read Meters.** Where the District is unable to read a meter after two (2) successive attempts, the fact will be plainly indicated on the bill, and either an estimated bill will be charged, or the minimum charge applied. The difference shall be adjusted when the meter is again read, that is, the bill for the succeeding month 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 month. Only in unusual cases or where approval is obtained from the customer shall more than two (2) consecutive estimated bills be rendered. If the meter is damaged or fails to operate, the bill will be based on the average use during the past year unless there is some reason why the use is not normal. Such average use shall be the average of the most comparable recent month. If the customer has been a customer for less than one (1) year, then such average use shall be the average of the available consumption history. If the average use cannot be properly determined, the bill will be estimated by some equitable method.
- (h) **Charges for Water Wasted Due to Leaks.** Water losses that occur on the premises, which are registered by the water meter, shall be the responsibility of the customer. It is the sole responsibility of the customer to prevent leakage in all piping and fixtures on the premises at and beyond the metering point. The District shall inform each customer at least once each year that it is the sole responsibility of the customer to prevent leakage in

all piping and fixtures on the premises at and beyond the metering point, and that any leaks or other losses of water registered by the meter will be billed at the filed rates.

**Sec. 9-2-13 Water Service to Public Buildings.**

- (a) Water service supplied to public buildings, schools, etc., shall be metered and the regular service rates applied.
- (b) Water used for other public purposes such as flushing sewers, street sprinkling, flooding skating rinks, drinking fountains, filling swimming pools, etc., shall be metered where meters can be set to measure the service. Where it is impossible to measure the service, the gallons of water used shall be estimated, based on the pressure, size of opening, and period of time water is allowed to flow. The estimated quantity shall be billed pursuant to the rates and rules on file with the Wisconsin Public Service Commission.

**Sec. 9-2-14 Claims for Damages.**

- (a) No person shall enter a claim for damage against the Town of Warren, the District, or any officer, for damage to any pipe fixture or appurtenance by reason of interrupted water supply, or variation of pressure, or for damage of any nature whatsoever caused by the turning off, or turning on either wholly or partially, of the water supply, or for the extension, alteration, or repair of any water main on the premises' water supply, or for the discontinuance of the premises' water supply or for the violation of any rules or regulations of the District. No claims will be allowed against the Town, or the District 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, and no claim shall be allowed for any damage caused by the breakage of any pipe or machinery.
- (b) Owners or operators of motor vehicles will be held for the cost of repair of any hydrant damaged by being hit by a motor vehicle and the District will not be responsible for the damage to the motor vehicle by reason of such accident.
- (c) Contractors must ascertain for themselves the existence and location of all water mains and service pipes. Where they are removed, cut or damaged during any construction the contractor must at his own expense cause them to be replaced or repaired at once. He must not shut off the water service pipes from any consumer for a period exceeding six (6) hours and contractor shall make reasonable efforts to give any such consumer whose water service will be temporarily shut off at least 24 hour's notice prior to shut off.

**Sec. 9-2-15 Enforcement and Abatement.**

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- (a) **Notice of Violation and Special Order of Remedy.** Any person found in violation of this Ordinance or of any prohibition, limitation, or requirement, will be served by the Commission with a written notice stating the nature of the violation and issuing a special order for the appropriate remedy.
- (b) **Appeal Procedure.**
  - (1) ***Appeal to the Commission.*** Any person who objects to any action or decision of the Commission or its designate shall first appeal to the Commission for reconsideration.
    - a. A written notice of appeal shall be filed with the secretary of the Commission within thirty (30) days of the date of the action or decision appealed from.
    - b. The notice of appeal shall state the action or decision of the Commission or its designate appealed.
    - c. The secretary of the Commission shall schedule the appeal for consideration by the Commission at a meeting, open to the public, within thirty (30) days of the filing of the notice of appeal. The secretary shall send notice of the time scheduled for the consideration of the appeal to the appellant at least ten (10) days prior to the hearing.
    - d. Within thirty (30) days of the appeal hearing, the Commission shall affirm, modify, or reverse the action or decision. Notice of the final decision of the Commission shall be sent to the appellant.
  - (2) ***Application of Chapter 68 of the Wisconsin Statutes.*** The provisions of Ch. 68 of the Wisconsin Statutes shall not be applicable to any determination made pursuant to the provisions of this ordinance.
- (c) **Penalties for Violations.** Any person who fails to comply with the provisions of this Ordinance or any rule, order issued shall, upon conviction, forfeit not less than Ten Dollars (\$10) nor more than One Thousand Dollars (\$1,000) for each day such failure continues plus the costs of prosecution. In addition to said forfeiture, the remedial provisions of Sec. 236.31 as amended, and Ch. 823 as amended, of the Wisconsin Statutes relating to public nuisances are incorporated and adopted by reference and shall be enforced when applicable.
- (d) **Falsifying of Information.** No person shall knowingly make any false statement, representation, record, report, plan, or other document filed with the District. Any person who violates this provision shall be subject to the penalties imposed under Section 9-2-15 of this Ordinance.
- (e) **Surreptitious Use of Water.** Sections 98.26 as amended, and 943.20 as amended, Wis. Stats., as relating to water service, are adopted and made a part of these rules.