

## Chapter 350

### WATER

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- § 350-46. Private well abandonment.
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**§ 350-48. Authority of Plumbing Inspector.****Well Operation Permit  
Application  
Well Permit**

**[HISTORY: Adopted by the Village Board of the Village of Black Creek as Title 5, Ch. 2, of the 1987 Village Code. Amendments noted where applicable.]**

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**ARTICLE I****Rates****§ 350-1. General service, metered (Mg-1). [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]**

Rate schedules for general water service are on file in the Clerk-Treasurer's office.

- A. Billing. Bills for water service are rendered monthly and become due and payable upon issuance following the period for which service is rendered. The Utility shall compute the estimated bills for the first two months of a regular quarterly meter-reading period based on the prior quarter's consumption. The bill for the third month will be computed at the regular quarterly rates for service, deducting the estimated bills for the first two months. Estimated monthly bills will be trued up on dollars at the end of each quarter when meters are read and not on consumption differences between the estimated monthly consumption and the actual quarterly reading. A late payment charge of 1 1/2% per month will be added to bills not paid within 20 days of issuance. 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 Utility customer may be given a written notice that the bill is overdue no sooner than 20 days after the bill is issued. Unless payment or satisfactory arrangement for payment is made within the next eight days, service may be disconnected pursuant to Ch. PSC 185, Wis. Adm. Code.
- B. Combined metering. Volumetric meter readings will be combined for billing if the Utility, for its own convenience, places more than one meter on a single water service lateral. Multiple meters placed for the purpose of identifying water not discharged into the sanitary sewer are not considered for Utility convenience and shall not be combined for billing. Meter readings from individually metered separate service laterals shall not be combined for billing purposes.
- C. General service. Metered (Mg-1). Buildings used in the same business, located on the same parcel and served by a single lateral may have the customer's water supply piping installed to a central point so that the volume can be metered in one place.

**§ 350-2. Public service (Mpa-1).**

- A. Water service supplied to municipal buildings, schools, sewer treatment plants, etc., shall be metered and the regular service rates applied.
- B. Water used on an intermittent basis for flushing sewers, street sprinkling, flooding skating rinks, drinking fountains, etc., shall be metered where meters can be set to

measure the service. Where it is impossible to measure the service, the superintendent shall estimate the volume of water used based on the pressure, size of opening and period of time water is allowed to be drawn. The estimated quantity shall be billed according to the PSC tariff.

**§ 350-3. General water service, unmetered (Ug-1).**

- A. Where the Utility cannot immediately install its water meter, service will be supplied temporarily on an unmetered basis. Such service shall be billed at the rate set by the PSC tariff. This rate shall be supplied to single-family residential and small commercial customers and approximates the cost of 3,600 gallons of water per month under Schedule Mg-1. If it is determined by the Utility that usage is in excess of 3,600 gallons of water per month, an additional charge per schedule Mg-1 will be made for the estimated additional usage.
- B. Billing. Billing rates for general water service shall be as set forth in the PSC tariff.

**§ 350-4. Seasonal emergency or temporary service (Mgt-1).**

Seasonal customers\* shall be served at the general service rate (set forth in the PSC tariff) except that each customer served under this rate shall pay an annual seasonal service charge equal to four times the applicable service charge. Water used in any billing period shall be billed at the applicable service charge. Further, if service has been disconnected, a charge under § 350-9 is applied at the time of reconnection. \*Seasonal customers are general service customers whose use of water is normally for recurring periods of less than a year.

**§ 350-5. Building and construction water service (Mz-1). [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]**

- A. For single-family and small commercial buildings, apply the unmetered rate as set forth in the PSC tariff.
- B. For large commercial, industrial or multiple apartment buildings, a temporary metered installation shall be made and general, metered rates, as set forth in the PSC tariff, applied.

**§ 350-6. Bulk water, (BW-1).**

- A. All bulk water supplied to fill tank trucks or swimming pools from the water system through hydrants or other connections shall be metered or, at the direction of the Utility, estimated. Utility personnel or a Utility-approved party shall supervise the delivery of water. Bulk water sales are:
  - (1) Water supplied to tank truck or from hydrant for the purpose of extinguishing fires outside the Utility's immediate service area;
  - (2) Water supplied by tank truck or from hydrant for purposes other than extinguishing fires, such as irrigation or the filling of swimming pools; or

- (3) Water supplied from hydrants or other temporary connections for general-service-type applications. (Water supplied for construction purposes, see § 350-5.)
- B. A charge for the volume of water used will be billed to the party using the water at the rate set forth in the PSC tariff. A service charge, in addition to the volumetric charge, will be \$25.
- C. A deposit for the meter and/or valve will be required. The deposit collected shall be \$25 and will be refunded upon return of the Utility's equipment. Damaged or lost equipment will be repaired or replaced at the customer's expense.

**§ 350-7. Public fire protection service (F-1).**

- A. For public fire protection service to the Village of Black Creek, the annual charge shall be \$37,945 to cover the use of mains and hydrants, up to and including the terminal hydrant and connection on each main existing for the 1997 test year.
- B. For all extensions of fire protection service, there shall be an additional annual charge of \$253 per net hydrant added to the system in excess of 68 hydrants.
- C. This service shall include the use of hydrants for fire protection only and such quantities of water as may be demanded for the purpose of extinguishing fire within the municipal boundary. This service shall include water used for testing equipment and training personnel. For all other purposes, the metered or other rates set forth, or as may be filed with the Public Service Commission, shall apply.
- D. The annual public fire protection charge shall never be less than the base amount.

**§ 350-8. Private fire protection service, unmetered (Upf-1).**

- A. This service shall consist of unmetered connections to the main for the purpose of supplying water to private fire protection systems such as automatic sprinkler systems, standpipes (where same are connected permanently or continuously to the mains) and private hydrants. Rate schedules are on file in the Clerk-Treasurer's office. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]**
- B. Billing. Same provisions as for general service.

**§ 350-9. Reconnection charges (R-1).**

Type of Reconnection	During Normal Business Hours	After Normal Business Hours
Reinstallation of meter, including valving at curb stop	\$30	\$45
Valve turned on at curb stop	\$25	\$37.50

NOTE: No charge for disconnection.

**§ 350-10. Water lateral installation charge (Cz-1).**

- A. Subdivision developers shall be responsible, where the main extension has been approved by the Utility, for the water service lateral installation costs from the main through the curb stop and box.
- B. When the cost of a Utility main extension is to be collected through assessment by the municipality, the actual average stop lateral installation costs from the main through the curb box stop shall be included in the assessment of the appropriate properties.
- C. The initial lateral, not installed as part of a subdivision development or an assessable Utility extension, will be installed from the main through the curb stop and box by the Utility, for which there will be made a charge as follows.

3/4-inch or 1-inch copper water service	\$750
Larger sized services	Actual cost

**ARTICLE II**  
**Rules and Regulations**

**§ 350-11. Compliance with standards.**

All persons now receiving a water supply from the Black Creek Water Utility, or who may hereafter make application therefor, shall be considered as having agreed to be bound by the rules and regulations as filed with the Public Service Commission of Wisconsin.

**§ 350-12. Establishment of service.**

- A. Application for water service shall be made, in writing, on a form furnished by the Water Utility. The application will contain the legal description of the property to be served, name of the owner, the exact use to be made of the service, and the size of the supply pipe and meter desired. (Note particularly any special refrigeration and/or air-conditioning, water-consuming appliances.)
- B. Service will be furnished only if:
  - (1) Premises have a frontage on a properly platted street or public strip in which a cast iron or other long-life water main has been laid, or where the property owner has agreed to and complied with the provisions of the Utility's filed main extension rule;
  - (2) Property owner has installed or agrees to install a service pipe from the curblin to the point of use and laid not less than six feet below the surface of an established or proposed grade and according to Utility's specification; and
  - (3) Premises have adequate piping beyond the metering point.
- C. The owner of a multi-unit dwelling has the option of being served by individual metered water service to each unit. The owner, by selecting this option, is required to provide interior plumbing and meter settings to enable individual metered service to



each unit and individual disconnection without affecting service to other units. Each meter and meter connection will be a separate Water Utility customer for the purpose of the filed rules and regulations.

- D. No division of the water service of any lot or parcel of land shall be made for the extension and independent meterage of the supply to an adjoining lot or parcel of land. No division of a water supply service shall be made at the curb for separate supplies therefrom for two or more separate premises having frontage on any street or public service strip, whether owned by the same or different parties.
- E. The superintendent is hereby empowered to withhold approval of any application wherein full information of the purpose of such supply is not clearly indicated and set forth by the applicant property owner.

#### **§ 350-13. Service contract.**

- A. The minimum service contract period shall be one year unless otherwise specified by special contract or in the applicable rate schedule. Where a customer, at his request, has been disconnected (meter removed) prior to expiration of his minimum contract period and his account is not delinquent, and where thereafter he requests the reconnection of service in the same or other location, a reconnection charge, payable in advance, shall be collected. (See § 350-9 for applicable rate.) The minimum contract period is renewed with each reconnection.
- B. A reconnection charge shall also be required from consumers whose services are disconnected (shut off at curb stop) because of nonpayment of bills when due (not including disconnection for failure to comply with deposit or guarantee rules). (See § 350-9 for applicable rate.)
- C. A consumer shall be considered as the same consumer, provided the reconnection is requested for the same location by any member of the same family or, if a place of business, by any partner or employee of the same business.

#### **§ 350-14. Temporary metered supply, meter and deposits.**

An applicant for temporary water supply on a metered basis shall make and maintain a monetary 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. A charge shall be made for setting the valve and furnishing and setting the meter. See the PSC tariff for the applicable rate.

#### **§ 350-15. Water for construction.**

- A. When water is requested for construction purposes, or for filling tanks or other such uses, an application therefor shall be made to the Utility, in writing, upon application provided for that purpose in the Water Utility office, giving a statement of the amount of construction work to be done, or the size of the tank to be filled, etc. Payment for the water for construction shall be made in advance at the scheduled rates. The service pipe must be installed inside the building from where the water must be drawn. No

connection with the service pipe at the curb shall be made without special permission from the Utility. In no case will any employee of the Utility turn on water for construction work unless the contractor first presents a permit. Upon completion of the construction work, the contractor must return the original permit to the Utility.

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

**§ 350-16. Use of hydrants.**

- A. In cases where no other supply is available, permission may be granted by the Utility to use a hydrant. No hydrant shall be used until it is equipped with a sprinkling valve. In no case shall any valve be installed or moved except by a member of the Utility.
- B. Before a valve is set, payment must be made for its setting and for the water to be used at the scheduled rates. Where applicable, see Schedule H-1 for deposits and charges.<sup>1</sup> Upon completing use of the hydrant, the customer must notify the Utility to that effect.
- C. In the use of a hydrant supply, the hydrant valve will be set at the proper opening by the Utility when the sprinkling valve is set, and the flow of water must be regulated by means of the sprinkling valve. If the water is to be used through iron pipe connections, all such pipe installations shall have the swing joint to facilitate quick disconnection from the fire hydrant.

**§ 350-17. Operation of valves and hydrants; unauthorized use of water; penalty.**

Any person who shall, without authority of the Utility, 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 fire, or who shall wantonly damage or impair the same shall be subject to a fine as provided by municipal ordinances. Permits for the use of hydrants apply only to such hydrants as are designated for the specific use.

**§ 350-18. Refunds of monetary deposits.**

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 if the water is used on an unmetered basis, will be refunded to the depositor on the termination of the use of water, the payment of all charges levied against the depositor, and the return of the wheel and reducer.

**§ 350-19. Service connections (water laterals).**

- A. 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

<sup>1</sup> Editor's Note: Schedule H-1 is on file in the Clerk-Treasurer's office.

service pipe, unless adequate means of protection are provided by sand filling or such other insulation as may be approved by the superintendent. 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.

- B. In backfilling the pipe trench, the service pipe must be protected against injury by carefully hand-tamping the ground filling free from hard lumps, rocks, stones, or other injurious material, around and at least six inches over the pipe.
- C. All water supplies shall be of undiminished size from the street main in 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.

#### **§ 350-20. Service piping for meter settings.**

- A. 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 Water Utility 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 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 Utility (the superintendent may require a horizontal run of 18 inches in such pipeline), which may later be removed for the insertion of the meter into the supply line. Shut-off valves shall be provided on either side of the portion of the supply line in which the meter will be installed. All supply lines shall be copper tubing with brass or copper couplings with compression fittings, threaded fittings, or flared fittings, but not sweated fittings, which are expressly prohibited. No galvanized piping shall be allowed as a supply line.
- B. No permit will be given to change from metered to flat-rate service.

#### **§ 350-21. Turning on water.**

The water cannot be turned on for a consumer except by a duly authorized employee of the Utility. When a plumber has completed a job, he must leave the water turned off. This does not prevent him from testing his work.

#### **§ 350-22. Failure to read meters.**

- A. Where the Utility is unable to read a meter after two successive attempts, the fact will be plainly indicated on the bill, and either an estimated bill will be computed or the



minimum charge applied. The difference shall be adjusted when the meter is again read; that is, the bill for the succeeding quarter 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 minimum bill paid the preceding month. Only in unusual cases or where approval is obtained from the customer shall more than two consecutive estimated bills be rendered.

- B. If the meter is damaged (see § 350-37, Surreptitious use of water) 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. If the average use cannot be properly employed, the bill will be estimated by some equitable method.

**§ 350-23. Complaint meter tests.**

See Ch. PSC 185, Wis. Adm. Code.

**§ 350-24. Thawing frozen services.**

See Ch. PSC 185, Wis. Adm. Code.

**§ 350-25. Stop boxes.**

The customer shall protect the stop box in the terrace and shall keep the same free from dirt and other obstructions. The Utility shall not be liable for failure to locate the stop box and shut off the water in case of a leak on the owner's premises.

**§ 350-26. Installation of meters.**

Meters will be furnished and placed by the Utility and are not to be disconnected or tampered with by the consumer. All meters shall be so located that they shall be protected from obstructions and permit ready access thereto for reading, inspection and servicing; such location to be designated or approved by the Utility. All piping within the building must be supplied by the owner and shall be copper tubing with brass or copper couplings utilizing compression fittings, threaded fittings or flared fittings, but no sweated fittings. The owner shall provide shut-off valves in the piping on both sides of the space within the supply line where the meter will be installed. Where additional meters are desired by the consumer, he/she/it shall pay for all piping and additional amounts sufficient to cover the cost of maintenance and depreciation. Where applicable, see Schedule Am-1 for rates.<sup>2</sup>

**§ 350-27. Repairs to meters.**

- A. Meters will be repaired by the Water Department, and the cost of such repairs caused by ordinary wear and tear will be borne by the Utility.

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2. Editor's Note: Schedule Am-1 is on file in the Clerk-Treasurer's office.

- B. 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 consumer or the owner of the premises.

**§ 350-28. Replacement and repair of service pipe.**

- A. Where the property owner requests that a larger service lateral be installed to replace an existing, smaller-diameter pipe, an allowance of \$15 will be made as a deduction in the cost, providing the new service is to be installed in the same ditch as the existing service pipe.
- B. The service pipe 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 Utility. The property owner shall maintain the service pipe from the curb stop to the point of use.
- C. If an owner fails to repair a leaking or broken service pipe from curb to point of metering or use within such time as may appear reasonable to the superintendent after notification has been served on the consumer by the superintendent, the water will be shut off and will not be turned on again until the repairs have been completed.

**§ 350-29. Charges for water wasted due to leaks.**

See Ch. PSC 185, Wis. Adm. Code.

**§ 350-30. Inspection of premises.**

During reasonable hours, any officer or authorized employee of the Utility shall have the right of access to the premises supplied with service for the purpose of inspection or for the enforcement of the Utility's rules and regulations. At least once every 12 months, the Utility will make a systematic inspection of all unmetered water taps for the purpose of checking waste and unnecessary use of water.

**§ 350-31. Customer deposit.**

See Ch. PSC 185, Wis. Adm. Code.

**§ 350-32. Conditions of deposit.**

See Ch. PSC 185, Wis. Adm. Code.

**§ 350-33. Guarantee contracts.**

See Ch. PSC 185, Wis. Adm. Code.

**§ 350-34. Deferred payment agreement.**

See Ch. PSC 185, Wis. Adm. Code.

**§ 350-35. Disconnection and refusal of service.**

- A. See Ch. PSC 185, Wis. Adm. Code.
- B. The form of disconnection notice to be used is as follows:

**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 time payment arrangements, we will proceed with disconnection action.

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

If you have entered into a deferred payment agreement with us and have failed to make the time payment you agreed to, your service will be subject to disconnection unless you pay the 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 time 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 Utility 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, for some reason, you are unable to pay the full amount of the utility service arrears on your bill, you may contact the Utility 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 utility, you may make an appeal to the Wisconsin Public Service Commission, Madison, Wisconsin.

(UTILITY NAME)

**§ 350-36. Collection of overdue bills.**

An amount owed by the customer may be levied as a tax as provided in § 66.0809, Wis. Stats.

**§ 350-37. Surreptitious use of water.**

- A. When the Utility has reasonable evidence that a consumer is obtaining his supply of water, in whole or in part, by means of devices or methods used to stop or interfere with the proper metering of the Utility service being delivered to his equipment, the Utility reserves the right to estimate and present immediately a bill for service unmetered as a result of such interference, and such bill shall be payable subject to a twenty-four-hour disconnection of service. When the Utility shall have disconnected the consumer for any such reason, the Utility will reconnect the consumer upon the following conditions:
- (1) The consumer will be required to deposit with the Utility an amount sufficient to guarantee the payment of the consumer's bills for Utility service to the Utility.
  - (2) The consumer will be required to pay the Utility for any and all damages to its equipment on the consumer's premises due to such stoppage or interference with its metering.
  - (3) The consumer must further agree to comply with reasonable requirements to protect the Utility against further losses.
- B. Sections 98.26 and 943.20, Wisconsin Statutes, as relating to water service, are hereby adopted and made a part of these rules.

**§ 350-38. Vacation of premises.**

When premises are to be vacated, the Utility shall be notified, in writing, at once so that it may remove the meter and shut off the supply at the curb cock. The owner of the premises shall be liable to prosecution for any damage to the property of the Water Department by reason of failure to notify the Utility of vacancy.



**§ 350-39. Repairs to mains.**

The Utility reserves the right to shut off the water in the mains temporarily, to make repairs, alterations or additions to the plant or system. When the circumstances will permit of sufficient delay, the company will give notification, by newspaper publication or otherwise, of the discontinuance of the supply. No rebate will be allowed to consumers for such temporary suspension of supply.

**§ 350-40. Duty of Utility with respect to public safety.**

It shall be the duty of the superintendent to see that all open ditches for water mains, hydrants, and service pipes are properly guarded to prevent accident to any person or vehicle, and at night, there shall be displayed amber signal light in such manner as will, so far as possible, ensure the safety of the public.

**§ 350-41. Water mains and service pipes in sewer or other trenches.**

Contractors must ascertain for themselves the existence and location of all service pipes. Where they are removed, cut or damaged in the construction of a sewer, 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 hours.

**§ 350-42. Protective devices.**

- A. Protective devices in general. The owner or occupant of every premises receiving water supply shall apply and maintain suitable means of protection of the premises supply, and all appliances thereof, 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 for refrigeration systems by means of high-pressure safety cutout devices. There shall likewise be provided means for the prevention of the transmission of water ram or noise of operation of any valve or appliance through the piping of their own or adjacent premises.
- B. Relief valves. On all closed systems (i.e., systems having a check valve, pressure regulator, or 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 drainpipe. See applicable plumbing codes.
- C. 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 have a diameter not less than that of the pipe it serves and a length not less than 15 diameters of said supply pipe. Where possible, the air chamber should be provided at its base with a valve and drain cock for water drainage and replenishment of air.

**§ 350-43. Purity of supply not to be impaired by cross-connections.**

Every person owning or occupying a premises receiving municipal water supply shall maintain such municipal 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 municipal water system.

**§ 350-44. Water main extension rule.**

Water mains will be extended for new customers on the following basis:

- A. Where the cost of the extension is to immediately be collected through assessment by the municipality against the abutting property, the procedure set forth under § 66.0703, Wis. Stats., will apply, and no additional customer contribution to the Utility will be required.
- B. Where the municipality is unwilling or unable to make a special assessment, the extension will be made on a customer-financed basis as follows:
  - (1) The applicant(s) will advance, as a contribution in aid of construction, the total amount equivalent to that which would be assessed for all property under Subsection A.
  - (2) Part of the contribution required in Subsection B(1) will be refundable. When additional customers are connected to the extended main within 20 years of the date of completion, contributions in aid in construction will be collected equal to the amount which could have been assessed under Subsection A for the abutting property being served. This amount will be refunded to the original contributor(s). In no case will the contributions received from additional customers exceed the proportionate amount which would have been required under Subsection A nor will it exceed the total assessable cost of the original extension.
- C. When a customer connects to a transmission main or connection loop installed at Utility expense within 20 years of the date of completion, there will be a contribution required of an amount equivalent to that which would have been assessed under Subsection A.

**§ 350-45. Water main installations in platted subdivisions.**

- A. Application for installation of water mains in regularly platted real estate development subdivisions shall be filed with the Village Clerk-Treasurer and shall set forth the following information:
  - (1) Name of subdivision.
  - (2) Legal description.
  - (3) Map showing streets, lots and sizes of proposed mains and hydrants, and street laterals.

- (4) Date of approval of subdivision plan by State Department of Administration. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]**
- (5) Date of approval of proposed mains by State Department of Natural Resources.
- (6) Number of houses presently under construction.
- B. Upon receipt of the application, the Water Utility will prepare detailed estimates of the cost of extending water mains and hydrants of the size deemed necessary in the subdivision and submit same to the municipal governing body for approval of the extension as it pertains to public fire protection service requirements.
- C. The applicant for water service to be supplied to a subdivision shall be required to advance to the Utility, prior to the beginning of the construction, the total estimated cost of the extension. If the final costs exceed estimated costs, an additional billing will be made for the balance of the cost due. This balance is to be paid within 30 days. If final costs are less than estimated, a refund of overpayment will be made by the Water Utility.
- D. If the developer, or a contractor employed by the developer, is to install the water mains (with approval of the Utility), the developer shall be responsible for the total cost of construction.

**§ 350-46. Private well abandonment.**

- A. Purpose. To prevent contamination of groundwater and to protect public health, safety and welfare. All unused, unsafe or noncomplying wells or wells which may serve as conduits for contamination or wells which may be illegally cross-connected to the municipal water system shall be properly abandoned.
- B. Applicability. This section applies to all wells located on premises served by the Black Creek Municipal Water Utility.
- C. Definitions. As used in this section, the following terms shall have the meanings indicated:

MUNICIPAL WATER SYSTEM — The Black Creek Municipal Water Utility.

NONCOMPLYING — A well or pump installation which does not comply with the provisions of Ch. 812, Wis. Adm. Code, in effect at the time the well was constructed, a contamination source was installed, the pump was installed or work was done on either the well or pump installation.

PUMP INSTALLATION — The pump and related equipment used for withdrawing water from a well, including the discharge piping, the underground connections, pitless adapters, pressure tanks, pits, sampling faucets and well seals or caps.

UNSAFE — A well or pump installation which produces water which is bacteriologically contaminated with substances which exceed the standards of Ch. NR 109 or 140, Wis. Adm. Code, or for which a health advisory has been issued by the Department of Natural Resources.

UNUSED — A well or pump installation not in use or does not have a functional pumping system.

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.

WELL ABANDONMENT — The filling and sealing of a well according to the provision of Ch. 812, Wis. Adm. Code.

- D. Abandonment required. All wells located on premises serviced by the municipal water system shall be abandoned in accordance with the terms of this chapter and Chapter 812, Wis. Adm. Code, by December 31, 1990, or no later than one year from the date of connection to the municipal water system, whichever occurs last, unless a well operation permit has been obtained by the well owner from Black Creek Municipal Water Utility.
- E. Well operation permit. Black Creek Municipal Water Utility may grant a permit to a private well owner to operate a well for a period not to exceed five years, providing the conditions of this section are met. An owner may request renewal of a well operation permit by submitting information verifying the conditions of this section are met. The Plumbing Inspector or his agent may conduct inspections or have water quality tests conducted at the applicant's expense to obtain or verify information necessary for consideration of a permit application or renewal. In addition, Black Creek Municipal Water Utility reserves the right to conduct yearly compliance inspections during the term of the five-year permit. Wells deemed noncomplying may be subject to the penalty of this chapter at the discretion of Black Creek Municipal Water Utility. Permit applications and renewals shall be made on forms provided by the Plumbing Inspector. The following conditions must be met for issuance or renewal of a well permit: **[Amended 6-14-2010]**
- (1) The well and pump installation meet or are upgraded to meet the requirements of Ch. 812, Wis. Adm. Code.
  - (2) The well construction and pump installation have a history of producing bacteriologically safe water, as evidenced by at least two samplings taken a minimum of two weeks apart. No exception to this condition may be made for unsafe wells unless the Department of Natural Resources approves, in writing, the continued use of the well.
  - (3) There are no cross-connections between the well and pump installation and the municipal water system.
  - (4) The proposed use of the well and pump installation can be justified as being necessary in addition to water provided by the municipal water system.
  - (5) The well construction and pump installation have a history of producing chemically safe water, as evidenced by one arsenic sample at or below 10 micrograms/L. No exception to this condition may be made for unsafe wells.
  - (6) The Utility reserves the right to require additional testing on a case-by-case basis.



- F. Fee. The fee for any well operation permit or renewal thereof shall be \$25, payable upon the filing of the application.
- G. Abandonment procedures.
- (1) All wells abandoned under the jurisdiction of this chapter or rule shall be abandoned according to the procedures and method of Ch. 812, Wis. Adm. Code. All debris, pump, piping, unsealed liners and any other obstructions which may interfere with sealing operations shall be removed prior to abandonment.
  - (2) The owner of the well or the owner's agent shall notify the Plumbing Inspector at least 48 hours prior to commencement of any well abandonment activities. The Plumbing Inspector shall observe the abandonment of the well.
  - (3) An abandonment report form, supplied by the Department of Natural Resources, shall be submitted by the well owner to the Plumbing Inspector and the Department of Natural Resources within 10 days of the completion of the well abandonment.
- H. Penalties. In addition to any forfeitures imposed under Subsection I, if any person fails to comply with well abandonment for more than 10 days after receiving written notice of a violation, the municipal Water Utility may cause the well abandonment to be performed and the expense to be assessed as a special assessment against the property.
- I. Penalty. Any person, firm or corporation who violates any provision of these rules and regulations of the Utility adopted shall be punishable as provided in § 1-4, General penalty, of Chapter 1, General Provisions. Every day a violation exists shall constitute a separate offense. **[Amended 7-13-2009; at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]**

**§ 350-47. Cross-connection and backflow prevention.**

- A. Definitions. As used in this section, the following terms shall have the meanings indicated:

**BACKFLOW** — The undesirable flow of water or mixtures of water and other liquids, solids, gases or other substances under positive or reduced pressure into the Black Creek Municipal Water Utility (hereinafter "Utility") potable supply of water from any source.

**BACKFLOW PREVENTER** — A device or means designed to prevent backflow caused by backpressure or backsiphonage, most commonly categorized as "air gap," "reduced pressure principle backflow assembly," "double check valve assembly," "pressure vacuum breaker assembly," "backsiphonage backflow vacuum breaker (spill-resistant pressure vacuum breaker) assembly," "pipe applied atmospheric vacuum breaker," "flush tank ball cock," "laboratory faucet backflow preventer," "backflow preventer for carbonated beverage machine," "vacuum breaker wall hydrants," "chemical dispensing machine," "hose connection vacuum breaker," "hose connection backflow preventer," "backflow preventer with intermediate atmospheric vent and barometric loop."

**BACKPRESSURE** — An elevation of pressure in the downstream piping system (pump elevation of piping, or steam and/or air pressure) above the Utility supply pressure which would cause or tend a reversal of the normal direction of flow.

**BACKSIPHONAGE** — The flow of water or other liquids, mixtures or substances into the distribution pipes of the Utility's potable water supply system from any source caused by the sudden reduction of pressure in the Utility's potable water supply system.

**CROSS-CONNECTION** — Any physical connection or arrangement between two otherwise separate systems, one of which contains potable water from the Utility and the other containing 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 public water supply of the Utility, may enter the supply or distribution system of the Utility, unless such private, auxiliary, or emergency water supply and the method of connection and use of such supply shall have been approved by the Utility and the State of Wisconsin Department of Natural Resources.
- C. Inspections. It shall be the duty of the Utility to cause inspection to be made of all properties serviced by the Utility where cross-connection with the public water system is deemed possible. Residential properties serviced by the Utility shall be inspected on a ten-year interval. All nonresidential properties serviced by the Utility shall be inspected on a two-year interval. The Utility may, but is not required to, perform the cross-connection inspection of the owner's property. If, in the opinion of the Utility, the Utility is not able to perform the inspection, the property owner must, at his or her own expense, have the plumbing inspected for cross-connections by a State of Wisconsin certified cross-connection inspector/surveyor or by a State of Wisconsin licensed plumber. The frequency of required inspections and reinspections, based on potential health hazards involved, may be shortened by the Utility. The Utility shall charge fees as approved by the State of Wisconsin Public Service Commission for on-premises follow-up visits by Utility personnel for reinspection due to customer noncompliance and for after-hours inspections or reinspections.
- D. Right of entry. Upon presentation of credentials, representatives of the 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 Utility for cross-connection. If entry is refused, such representatives shall obtain a special inspection warrant under § 66.0119, Wis. Stats. Upon request, the owner, lessor, or occupant of any property so served shall furnish to the inspection agency any pertinent information regarding the piping system on such property.
- E. Authority to discontinue service. The Utility is hereby 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 damage to or contamination of the public water system. Water service shall be discontinued if the means of backflow prevention required by the Utility is not installed, tested, maintained, and repaired in compliance with this section and Ch. NR 811, Wis. Adm. Code, or if it is found that the means of backflow prevention required by this section has been removed or bypassed. Water service shall be discontinued only after reasonable notice and opportunity for hearing under Ch. 68, Wis. Stats., except as provided below.

- F. Reconnection of service. Water service to any property discontinued under the provisions of this section shall not be restored until the cross-connection has been eliminated or a backflow prevention device approved by the Utility has been installed in compliance with the provisions of this section. The Utility shall charge fees as approved by the State of Wisconsin Public Service Commission for reconnection of the water service.
- G. Emergency discontinuance of service. If it is determined by the Utility that a cross-connection or an emergency endangers public health, safety, or welfare and requires immediate action, service may be immediately discontinued. The owner, lessee, or occupant shall have an opportunity for hearing under Ch. 68, Wis. Stats., within 10 days of such emergency discontinuance. Such hearing shall be before the Village of Black Creek Village Board and shall conform to all existing due process requirements.
- H. Owner responsibility. The property owner shall be responsible for the elimination of or protection from all cross-connections on his or her premises. The property owner shall, at his or her expense, have installed, maintained, and tested all backflow preventers on his or her premises in compliance with Ch. NR 811, Wis. Adm. Code, and Department of Safety and Professional Services Chapter 382. The property owner shall have corrected any malfunction, revealed by periodic testing, of any backflow preventer on his or her premises. The property owner shall inform the Utility of any proposed or modified cross-connections and also any existing cross-connection not protected by an approved backflow prevention device. The property owner shall not install a bypass around any backflow preventer, unless there is a backflow preventer of the same type on the bypass. Property owners who cannot shut down operation for testing of the backflow prevention device must supply additional devices necessary to allow testing to take place. In the event the property owner installs plumbing upstream of the backflow preventer, such plumbing must have its own backflow preventer. The property owner is required to follow the protection practices described in the American Water Works Association publication AWWA M14 titled "Recommended Practice for Backflow Prevention and Cross-Connection Control," unless the Utility requires or authorizes other means of protecting the public water system. These requirements or authorizations will be at the discretion of the Utility. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]**
- I. Additional protection. In the case of premises having internal cross-connections that cannot be permanently corrected or controlled, or intricate plumbing and piping arrangements where entry to all portions of the premises is not readily accessible for inspection purposes, making it impracticable or impossible to ascertain whether or not dangerous cross-connections exist, the public water system shall be protected against backflow from the premises by installing an approved backflow preventer in the service line. In the case of any premises where there is any material dangerous to health that is handled in such a manner that, in the opinion of the Utility, could create an actual or potential hazard to the public water system, the public water system shall be protected by an approved air-gap separation or an approved reduced-pressure principle backflow preventer. Examples of premises where these conditions will exist include sewage treatment plants, hospitals, plating plants and car wash establishments. In the case of any premises where, in the opinion of the Utility, an undue health threat is posed because of the presence of toxic substances, the Utility may require an approved air gap

at the service connection to protect the public water system. This requirement will be at the discretion of the Utility.

J. Adoption of additional standards. The following are also adopted: **[Amended 6-14-2010]**

- (1) Public water supplies. Chapter NR 811, Wis. Adm. Code, is hereby adopted. This section does not supersede the State of Wisconsin Department of Natural Resources Administrative Code NR 811, but is supplementary to it.
- (2) Plumbing code. The Wisconsin Uniform Plumbing Code, Department of Safety and Professional Services, Chapters 382 to 384 of the Wisconsin Administrative Code are hereby adopted. This section does not supersede the Wisconsin Uniform Plumbing Code or the Village of Black Creek Plumbing Ordinance as outlined in Chapter 384, but is supplementary to it. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]**

**§ 350-48. Authority of Plumbing Inspector.**

- A. Inspections. The Plumbing Inspector or any other person so designated may conduct inspections of all structures located in the Village in order to enforce the provisions of this article. He may enter any structure and have access to any premises during reasonable hours. He shall keep a record of all inspections and submit written reports of his inspections to the Water Utility.
- B. Enforcement. If inspection reveals nonconformance to any provision of this article, written notice shall be given by the Water Utility to any person ordering compliance within 30 days of this notice. If cause is shown that compliance cannot be made within said 30 days, the Water Utility may grant an extension of 30 days, at the conclusion of which compliance shall be made.



WATER

350 Attachment 1

Village of Black Creek

Well Operation Permit Application

The following application must be completed in full before it is submitted to the Black Creek Water Utility.

PART 1 GENERAL INFORMATION

\*This section may be completed by the property owner. All others must be completed by proper authority.

Name of property owner \_\_\_\_\_

Address of property owner \_\_\_\_\_

Phone number of property owner (\_\_\_\_) \_\_\_\_ - \_\_\_\_\_

Address of property where well is located \_\_\_\_\_

Location of well on the property \_\_\_\_\_

Proposed use of well and justification that well is necessary in addition to water provided by municipal water system: \_\_\_\_\_

By \_\_\_\_\_ Date \_\_\_\_\_  
Property owner's signature

Name \_\_\_\_\_  
Print

PART 2 WELL AND PUMP INSTALLATION

\*This section **MUST** be completed by a pump installer holding a valid Wisconsin license for pump installation.

Type of well construction \_\_\_\_\_

Depth \_\_\_\_\_ (Feet) Diameter \_\_\_\_\_ (Inches) Date of well construction \_\_\_\_\_

Name of contractor drilling well \_\_\_\_\_

Was construction report filed with WDNR? Yes \_\_\_\_\_ No \_\_\_\_\_

## BLACK CREEK CODE

Type of pump \_\_\_\_\_

Maximum gallon per minute \_\_\_\_\_ Date of pump installation \_\_\_\_\_

Name of contractor installing pump \_\_\_\_\_

After having reviewed all aspects of the pump installation of the well listed above, I hereby certify that the pump installation meets all current requirements of Chapter NR 812 of the Wisconsin Administrative Code.

By \_\_\_\_\_ Date \_\_\_\_\_  
Pump installer's signature

Name \_\_\_\_\_ License No. \_\_\_\_\_  
Print

### PART 3 SAFE WATER SAMPLES

**\*\*TWO** safe water sampling reports must be submitted with this application. The reports must be done by a laboratory certified by the State of Wisconsin for bacteriological testing.

### PART 4 CROSS CONNECTIONS

\*This section **MUST** be completed by a plumber holding a valid Wisconsin license for plumbing or by a pump installer holding a valid Wisconsin license for pump installation.

After having reviewed all aspects of the plumbing of the well and water distribution system listed above, I hereby certify that there are no cross connections between the well and pump installation and the Municipal Water System.

By \_\_\_\_\_ Date \_\_\_\_\_  
Plumber's signature

Name \_\_\_\_\_ License No. \_\_\_\_\_  
Print

\_\_\_\_\_  
THIS SECTION FOR UTILITY USE ONLY

WELL OPERATION PERMIT ISSUED: Yes \_\_\_\_ No \_\_\_\_ Date of issue \_\_\_\_

Utility Manager's signature: \_\_\_\_\_

WATER

350 Attachment 2

Village of Black Creek

WELL PERMIT

VILLAGE OF BLACK CREEK  
PRIVATE WELL PROGRAM

GROUNDWATER—KEEP IT CLEAN

Date issued: \_\_\_\_\_

Expiration date: \_\_\_\_\_

For well located at: \_\_\_\_\_

Owner name: \_\_\_\_\_ Telephone # \_\_\_\_\_

Mailing address: \_\_\_\_\_

Receipt #: \_\_\_\_\_

Permit Fee \$: \_\_\_\_\_

This permit allows the above well to be operated in the Village of Black Creek until its expiration date. It is the responsibility of the owner to keep the well from contaminating groundwater during the permit period. Prior to expiration, the owner has the option of abandoning the well or applying for a renewal permit through the Village of Black Creek Department of Public Works.

Director of Public Works