

CHAPTER 24 WATER SERVICE

24.01 WATER UTILITY. (1) Management and Control. The general control and supervision of the water utility shall be vested in the Common Council, acting as the Board of Public Works, who shall have the powers and perform the functions of public utility commission as prescribed by the Wisconsin Statutes.

(2) Director. The Utility Director shall have charge and management of the public water utility, subject to the supervision and direction of the Common Council.

(3) Rates and Regulations. The Common Council, by resolutions, may establish rates and regulations under which the customers of the water utility shall be served, subject to the control of the Public Service Commission ("PSC") as provided by the Wisconsin Statutes.

24.02 WATER MAINS AND LATERALS. (1) Cost of Water Mains. The cost of construction of new water mains may be assessed to adjoining property owners pursuant to Section 7.23 of the Code.

(2) Cut-Off Valves. The installation of the water meter shall provide for two cut-off valves with one being located on either side of the meter.

(3) Water Meter. Prior to providing water service to any new residence, a water reading meter shall be installed.

(4) Tracer Wire. Any person who installs a non-conductive water or service lateral after January 1, 2008 shall also be required to install a locating/tracer wire for marking the water main or service lateral. The trace wire shall be a twelve (12) gauge solid copper electrical wire with light blue PVC coating with 30-mil minimum polyethylene jacket designed specifically for buried use and treated for wet locations. The copper wire shall extend along the entire length of the pipe in a continuous fashion with access points at 300 feet maximum. The trace wire shall be placed directly above the water main and service lateral and taped every ten feet. Splices will only be allowed if they are made under the direction of the on-site inspector. Any splices below grade shall be water-tight. The trace wire shall be brought to the surface behind each fire hydrant and valve stop box and brought through each valve manhole. Trace wire shall be encased in 1-inch PVC conduit at the rear of hydrant with removable cap. The trace wire shall begin at the valve (stop) box and inside the customer's home when installing service laterals.

24.03 TAPS OF WATER MAINS. (1) Charges for Water Taps. The uniform charges for connecting water taps to the water main shall be as established by the PSC.

(2) Water Taps and Service Pipes. (a) A 4-inch main shall receive no single tap larger than 3/4-inch; a 6-inch main shall receive no single tap larger than 1-1/4-inch; no tap larger than one-inch shall be inserted in any main unless authorized by the Utility Director. Where larger connections are desired, two or more small taps shall be used. All taps shall be at least 18 inches apart and no main shall be tapped nearer to the joint than 6 inches.

(b) All service pipe laid from the building to the curb shut off must be at least six feet below the finished surface of the street after the street is brought to grade and may be laid in the sewer trench if properly shelved to one side of the trench.

(c) All pipes used in plumbing shall conform to the requirements of COMM 84.

(d) Services larger than two inches must be constructed of ductile iron pipe of a quality that will meet the specifications of the American Water Works Association.

24.04 CONNECTING WITH MAINS PROHIBITED. No person shall lay any water service pipe or shall make any attachment to any old pipe or fixture which has been shut off by the water utility, or make any new connection to the main or pipes without the written permission from the water utility.

24.05 TAMPERING WITH HYDRANTS. No unauthorized person shall open any hydrant or hydrant stop or in any manner tamper, molest or interfere with the works, pipe, hydrants or property of the water utility of the City.

24.055 LEAD SERVICE LINE REPLACEMENT. (1) Purpose. Lead service lines have the potential to leach lead into drinking water. Disturbing or reconnecting to an existing lead service line may increase lead levels in drinking water. Elevated lead levels in drinking water have been determined to cause health problems in young children, pregnant women and their unborn children, and are also potentially harmful to adults. The Common Council therefore finds it in the public interest to establish a comprehensive program for removing and replacing all lead service lines within and connected to the Water Utility water distribution system.

(2) Authority. This ordinance is enacted pursuant to Section 62.11 (5), Wis. Stats.

(3) Definitions. This ordinance shall be interpreted so that the intent and purpose described may be accomplished. Word and phrases shall be understood according to common meanings unless the contrary is clearly indicated. Definitions of terms used in this Section are listed below.

- a. **Customer-side service line.** The Property Owner's water service line, from the outlet of the curb stop to the inlet of the customer's water meter.
- b. **Distribution System.** The network of water pipes, hydrants, valves and appurtenances including mains and service lines, owned and operated by the Water Utility.
- c. **Lead Service Lines or LSL.** A water line constructed of lead. The term includes the customer-side service line and/or the Utility-side service line.
- d. **Property.** Real property as defined in Wisconsin State Statute 70.03.
- e. **Property Owner.** A person or legal entity having a possessory interest, legal or equitable, in property, which defined term includes an estate, trust or lien.
- f. **Plumbing Contractor.** A person, firm, corporation or other entity licensed by the State of Wisconsin to perform plumbing work in the City.
- g. **Utility-side service line.** The Utility-owned portion of the water service line from the water main to the outlet of the curb stop, including the curb stop, but not the outlet joint of the curb stop.

(4) Lead Service Line Replacement Requirement

- a. As provided in this ordinance, all existing lead service lines connected to the distribution system shall be replaced with water service lines constructed of materials approved by the Building Inspector.
- b. Where both the customer-side and Utility-side service lines are constructed of lead, the replacement of both service lines shall be completed under a schedule established by the Utility.
- c. Where only the customer-side service line is constructed of lead, the replacement of the customer-side LSL shall be completed under a schedule established by the Utility.
- d. As of the effective date of this ordinance, no person, other than a Utility employee or agent, may connect a customer-side LSL to a non-lead Utility-side service line, except as a temporary emergency repair.

(5) Identification of Lead Service Lines

- a. Upon notice from the Utility, any persons or entity who owns, manages or otherwise exercises control over a property connected to the distribution system shall allow the Utility to inspect the customer-side service line to determine the material of construction as authorized by Wisconsin State Statute 196.171.
- b. The Utility shall create and maintain a record of the location of all identified lead service lines in the City.

(6) Customer-side LSL Replacements Done in Conjunction with Utility-side LSL Replacements

- a. Prior to scheduling the replacement of Utility-side service lines, the Utility Director or the Director's designee, shall inspect all affected customer-side service lines for the presence of lead. In the event that the Property Owner fails to provide access to the interior of any improvement to accomplish such inspection, the Utility Director shall take such steps necessary to make the determination, and shall collect the cost therefore from the Property Owner, including by imposition of a special charge.
- b. If the customer-side service line is found to be constructed of lead, the Property Owner will be notified in writing of that fact, along with notification that the Property Owner must replace the customer-side service line or the City will replace the customer-side service line as part of the project.
- c. For any project involving the replacement of Utility-side service lines, the City shall request unit bid prices for the calculation of the cost of the replacement of customer-side LSLs.
- d. In the event that the Property Owner elects to replace the customer-side LSL, the replacement must be completed by the Property Owner prior to the time the Utility-side service line is replaced.
- e. For any customer-side LSL replacement not completed prior to the time the Utility-side service line is replaced, the City shall proceed with the replacement of the customer-side LSL and shall assess the entire cost of the replacement to the Property Owner. Repayment of the amount so assessed may be made by immediate payment, application of the total cost onto the Property Owner's property tax bill, or by the Property Owner entering into a payment plan following standard City policies for the repayment of the assessment over a period of five years or less.

(7) Loan Program for Customer-Side LSL Replacements

- a. The City may allocate general fund balance funds for the provision of financial assistance in the form of loans to Property Owners looking to perform Customer-side LSL replacements. In accordance with Wisconsin State Statute 66.0627, the Utility shall require that an eligible Property Owner enter into a loan agreement, which provides that loan repayments be paid in annual installments, with installment payments being placed on the tax roll as a special charge. Interest rates for loans shall be established by the Utility Committee. The total amount of loans provided as financial assistance by the City may not exceed the actual cost of replacement of the customer-side LSL. Loans provided to customers cannot be forgiven by the City. The current interest rate for customer-side LSL replacements is set at the prime interest rate plus one percent (1%).
- b. Loans granted to eligible Property Owners shall be in accordance with the following priority:
 1. For Properties with leaking or failed customer-side or Utility side service lines.
 2. For Properties where the Water Utility is replacing the Utility-side service line, on either a planned or emergency basis.
 3. For Properties where the Utility Director has determined that replacing a customer-side service line is in the best interest of health or safety.
 4. For Properties with licensed child care facilities and schools.
 5. For Properties where children under the age of seven (7) or pregnant women reside.
 6. For all remaining Properties with customer-side LSLs.
- c. A Property Owner is eligible for loan assistance for the purpose of replacing the customer-side LSL if the Property Owner satisfies all of the following criteria:
 1. The Property Owner alone, or collectively with others, owns the entire fee simple title to the Property served by a customer-side LSL.
 2. The Property Owner's customer-side LSL is either attached to a Utility-side service line that is not a LSL, or a Utility-Side LSL scheduled for replacement and for which the Property Owner has been notified by the Utility of such scheduled replacement.
 3. The Property Owner of subparagraph a, above, agrees to have the work done by a Utility-approved Plumbing Contractor and in compliance with this ordinance.
 4. The Property Owner of subparagraph a, above, executes a temporary right of entry and construction easement authorizing the Utility access to the dwelling as needed.
- d. Written applications for loan assistance shall include the following:
 1. A completed application on a form furnished by the Utility signed by the Property Owner of subparagraph c.1, above. The completed application form shall include a certification by the Property Owner that attests that all eligibility criteria are met.
 2. The executed documentation required by this paragraph 7.d.
 3. Copies of written quotes from at least two pre-qualified Plumbing Contractors for the replacement of the customer-side LSL. A prequalified Plumbing Contractor is one that either is on the Utility's Prequalified Plumbing Contractor list, or is a Plumbing Contractor that is properly licensed to work in the State of

Wisconsin, has filed a properly completed Prequalification Form at the Hartford Water Utility office, and has been accepted by the Utility.

- e. Prior to commencement of any work, the Utility shall determine if the Property Owner is eligible for loan assistance, and if there is money available to provide loan assistance to replace the customer-side LSL. Such determination shall be provided in writing to the Property Owner who applied.
- f. Customer-side service line replacement work must be accomplished in a worker-like manner and be coordinated with any Utility replacement work as required by paragraph 6.
- g. Upon completion of the customer-side service line replacement, the Property Owner shall provide the Utility with a copy of the invoice from the Plumbing Contractor. Upon proof of completion satisfactory to the City, the City shall pay directly to the Plumbing Contractor the amount of loan assistance approved by the City for the replacement of the customer-side LSL. The City shall notify the Property Owner of the payment.
- h. Disputes regarding eligibility for financing may be appealed to the Utility Committee. The decision of the Committee is final.

(8) Severability. If any subsection or portion of this ordinance is for any reason determined to be invalid or unconstitutional by the decision of a court of competent jurisdiction, that subsection or portion shall be deemed severable and shall not affect the validity of the remaining subsection or portions of this ordinance.

(9) Authority to Discontinue Service. As an alternative to any other methods provided for obtaining compliance with this section regarding replacement of a customer-side LSL, the Utility may, after at least thirty (30) days of giving notice, discontinue water service to such property served by customer-side service LSL after reasonable opportunity has been given to make the appropriate replacement.

(SECTION 24.055 CREATED 6/26/2018—ORDINANCE NO. 1389)

24.06 CONNECTIONS. (1) Required Connections. To assure preservation of public health, welfare and safety, the owner of any house, building or property used for human occupancy, employment, recreation or other habitation, situated within the City and adjacent to a water main, or in a block through which a water main extends, is hereby required at his expense to install a lateral and to connect such facilities to the structural plumbing in accordance with the provisions of this Ordinance within 12 months after the public water main first becomes operational, or if an immediate health hazard exists, within 10 days, upon receipt of notice from the City Health Officer or the City Building Inspector.

(2) If a person fails to comply with said notice to connect within the given period of time, the City may cause such connection to be made and bill the property owner for such costs. If such costs are not paid within 30 days, such costs shall be assessed as a special tax lien against the property, unless the owner within 30 days after completion of the work, files a sworn affidavit with the City Clerk stating that he cannot pay such amount in one sum and asking that it be levied in not to exceed five equal annual installments, and the amount shall be so collected with interest at a rate which is sufficient to recover the City's cost of borrowed funds or interest lost plus one percentage point per annum from the completion of the work, the unpaid balance to be a special tax lien.

24.07 EXTRATERRITORIAL SERVICE. (1) It is the intent of the City of Hartford that in limited circumstances Municipal Water Service may be provided to any existing singular or collective water user outside of the corporate limits of the City. Service may be extended at the discretion of the Council provided the following applies:

- a. No new water main will be constructed by the City unless it is to service a Municipal well or loop existing water service, except as provided in “c” below.
- b. Water pressure is adequate on the line without the use of additional equipment to increase pressure.
- c. Hydrant availability is acceptable to the City.
- d. No new equipment is required to provide water service.
- e. The property owner agrees to abandon any wells existing on the property to be served.
- f. In accordance with Public Service Commission rules, water service is charged at 125% of the cost charged to users within the Municipal boundaries. Any amendment in this rule by the PSC will be applied by the City.
- g. Any municipal participation in hook-up costs will be determined by PSC rules.
- h. Execution of an annexation covenant by the property owner is required prior to Common Council action.
- i. A property owner requesting extension of the main shall pay the full cost of the construction, which may be recovered by the property owner if and when additional properties connect to the main within ten years.

24.08 PRIVATE WELL ABANDONMENT. (1) Purpose. To prevent contamination of groundwater and to protect public health, safety and welfare by assuring that unused, unsafe, non-complying and/or improperly constructed wells must be properly filled and sealed to prevent them from serving as a passage for contaminated surface or near-surface waters or other materials to reach the usable ground water.

(2) Coverage. All private wells within the City of Hartford shall be properly filled, except those wells for which a well operation permit has been granted by the Utility Director. In addition, all private water supply wells or pump installations which are not used currently, or are found to be in noncompliance with NR 812, or wells which test unsafe, shall be abandoned in accordance with ch. NR 812 by an established date which may not extend beyond one year from date of connection to the public system. (NR 811.10(1))

(3) Well Operation Permits. Permits may be granted, for a fee as determined in Chapter 42 of the Municipal Code, to well owners to operate wells for periods not to exceed five years if the requirements of the following sections are met. Permit applications shall be made on forms provided by the Utility Director.

- a. The well and pump installation shall meet the requirements of Chapter NR 812, Wisconsin Administrative Code, and a well constructor's report shall be on file with the Department of Natural Resources, or certification of the acceptability of the well shall have been granted by the Private Water Supply Section of the Department of Natural Resources.
- b. The well must have a history of producing safe water and presently must produce bacteriologically safe water as evidenced by one sample. The City shall draw the sample and submit it to a certified laboratory for testing. The cost of the testing shall be paid by the property owner prior to testing and will be included in the fee for the well operation permit.
- c. The proposed use of the well is justified as being necessary in addition to water provided by the public water system.
- d. No physical connection shall exist between the piping of the public water system and the private well. The City will periodically inspect the property for compliance.

(4) Methods. Wells to be abandoned shall be filled according to the procedures outlined in ch. NR 812, Wisconsin Administrative Code. The pump and piping must be removed and the well checked for obstructions prior to plugging. Any obstruction or liner must be removed.

(5) Reports and Inspections. Well abandonment reports must be submitted by the well owner to the Department of Natural Resources on forms provided by that agency: NR 812.26(8). An abandonment report shall be filed with the Department of Natural Resources and with Hartford Utilities within 30 days after the well or drill-hole is abandoned. (NR 812.26(8))

24.09 WATER CROSS CONNECTIONS. (1) A cross-connection shall be defined as any physical connection or arrangement between two otherwise separate systems, one of which contains potable water from the City of Hartford water system, and the other, water from a private source, water of unknown or questionable safety, 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.

(2) No person, firm or corporation shall establish or permit to be established, or maintain or permit to be maintained, any cross-connection. No interconnection shall be established whereby potable water from a private, auxiliary or emergency water supply other than the regular public water supply of the City of Hartford may enter the supply or distribution system of said municipality, unless such private, auxiliary or emergency water supply and the method of connection and use of such supply shall have been approved by the director of Public Works and by the Wisconsin Department of Natural Resources in accordance with Section 811.09, Wisconsin Administrative Code.

(3) It shall be the duty of the Utility Director to cause inspections to be made of all properties served by the public water system where cross-connections with the public water system are deemed possible. The frequency of inspections and re-inspections based on

potential health hazards involved shall be as established by the Utility Director and as approved by the Wisconsin Department of Natural Resources.

(4) Upon presentation of credentials, the representative of the City of Hartford shall have the right to request entry at any reasonable time to examine for cross-connections any property served by a connection to the public water system of the City of Hartford. If entry is refused, the City's representative shall obtain a special inspection warrant under Section 66.0119, Wisconsin Statutes. On request, the owner, lessee or occupant of any property served by a connection to the public water system shall furnish to the inspection agent any pertinent information regarding the piping system or systems on such property.

(5) The Utility Director is hereby authorized and directed to discontinue water service to any property wherein any connection in violation of this ordinance exists, and to take such other precautionary measures deemed necessary to eliminate any danger of contamination of the public water system. Water service shall be discontinued only after reasonable notice and opportunity for hearing under Chapter 68, Wisconsin Statutes, except as provided in Section 6. Water service to any property to which water service has been discontinued shall not be restored until the cross-connection(s) has been eliminated in compliance with the provisions of this ordinance.

(6) If it is determined by the Utility Director 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 Clerk of the City of Hartford and delivered to the customer's premises, service may be immediately discontinued. The customer shall have an opportunity for hearing under Chapter 68, Wisconsin Statutes, within ten days of such emergency discontinuance.

(7) The City of Hartford adopts by reference the State Plumbing Code of Wisconsin, i.e., COMM 81-87, Wisconsin Administrative Code.

(8) This Section does not supersede the State Plumbing Code and City of Hartford's Municipal Code Chapter 15, but is supplementary to them.

24.10 WATER USE RESTRICTIONS. (SECTION 24.10 REPEALED 6/14/11—ORDINANCE NO. 1263)

24.11 VIOLATIONS. (1) Any person who fails to comply with any of the provisions of this Ordinance or with an order of the City issued in pursuance of this Ordinance, or shall tamper with metering shall be liable to the City for any expense, loss or damage occasioned by such violation including reasonable attorney's fees and other expenses of litigation and upon conviction of any violation of this Ordinance, shall be fined an amount within a range as shown in Chapter 42 of the Municipal Code, plus damages. Each day a condition is allowed to exist which is contrary to all or any part of this Ordinance shall constitute a new violation. Change of ownership or occupancy of premises delinquent under the provisions of this Ordinance shall not be cause for reducing or eliminating charges due and penalties for violations.

(2) In addition to the Court proceedings and penalties described in this Ordinance, whenever a person violates any provision of this Ordinance or fails to comply with any order of

the City, the City may order that an action be commenced on behalf of the City in the Circuit Court for Washington County for injunction or mandamus.

(CHAPTER 24 REPEALED AND RECREATED 4/15/08—ORDINANCE NO. 1177)