

SECTION 16.0100 GENERAL PROVISIONS

16.0101 STATUTORY AUTHORITY

16.0102 TITLE

This Chapter shall be known as, referred to, and cited as the Municipal Water and Wellhead Protection Chapter.

16.0103 DEFINITIONS

- a) "Community water system" means a public water system which serves at least 15 service connections used by year-round residents or regularly serves at least 25 year-round residents. Any water system serving 7 or more homes, 10 or more mobile homes, 10 or more apartment units or 10 or more condominium units shall be considered a community water system unless information is provided by the owners indicating that 25 year-round residents will not be served.
- b) "Cross connection" means any physical connection or arrangement between two otherwise separate systems, one of which contains potable water from a public water system, and the other, water from a private source, water of unknown or questionable safety, or steam, gases, or chemicals, whereby there may be a flow from one system to the other, the direction of flow depending on the pressure differential between the two systems.
- c) "Distribution system" means all pipes or conduits by which water is delivered to consumers except piping inside buildings served and service pipes from a building to a distribution main or pipe.
 - a. "Existing Facilities which may cause or threaten to cause environmental pollution"- existing facilities which may cause or threaten to cause environmental pollution to the recharge area of a water well which include but are not limited to the Wisconsin Department of Natural Resources (hereafter DNR) draft list of "Inventory Sites or Facilities which may cause or threaten to cause environmental pollution", Department of Commerce (hereafter COMM) list of underground storage tanks (hereafter USTS) and list of facilities with hazardous solid waste permits, all of which are incorporated herein as of fully set forth.
- d) "Ground water" means that part of the subsurface water which is in the zone of saturation.
 - a. "Ground water divide" - Ridge in the water table, of the potentiometric surface, from which ground water flows away at right angles in both directions. Line of highest hydraulic head in the water table or potentiometric surface.
- e) "Groundwater Protection Area" - Shall be defined as that area that is defined in the wellhead protection plan for a particular well.
- f) "Ground water source" means all ground water obtained from horizontal collections, infiltration lines, springs and dug, drilled or other types of wells.
- g) "Municipal water system" means a community water system owned by a city, village, county, town, town sanitary district, utility district or a federal, state, county, or municipal owned institution for congregate care or correction, or a privately owned water utility serving the foregoing.
- h) "Noncomplying" means a well or pump installation which does not comply with the provisions of Ch. NR 812.42, Wisconsin Administrative Code, Standards for Existing Installations, and which has not been granted a variance pursuant to NR 812.43, Wisconsin Administrative Code.

- i) "PSC" means the Wisconsin Public Service Commission, its rule and rate structures.
- j) "Person" means an individual, corporation, company, association, cooperative, trust, institution, partnership, state, public utility, municipality, or federal, state or interstate agency.
- k) "Pump installation" means the pump and related equipment used for withdrawing water from a well including the discharge piping, the underground connections, pitless adapters, pressure tanks, pits, a water treatment device between a well and a pressure tank, controls needed to operate a pump, sampling faucets and well seals or caps.
- l) "Recharge area" - Area in which water reaches the zone of saturation by surface infiltration and encompasses all areas or features that supply groundwater to a well. Usually the area within 3/4 of a mile from a shallow aquifer well.
- m) "Superintendent" means the Superintendent of the water utility, responsible for conveyance facilities who shall be in charge of and supervise operations and functions of the water treatment or conveyance facilities.
- n) "Time of Travel" - The determined or estimated time required for a contaminant to move in the saturated zone from a specific point to a well.
 - a) "Unsafe" means a well or pump installation which produces water which is bacteriologically contaminated or exceeds the drinking water standards of Ch. NR 812.06, Wisconsin Administrative Code, or for which a Health Advisory has been issued by the Department of Natural Resources.
- o) "Unused" means a well or pump installation which is not in use or does not have a functional pumping system.
- p) "Utility" means a public utility as defined in Ch. 196, Wis. Stats.
- q) "Water Service" means any water lateral or service piping within the public right-of-way or on private lands which is used to supply any building or dwelling with potable water.
- r) "Waterworks or water system" means any facility installed or constructed to obtain, store, treat or convey water for drinking or domestic use for a public water system.
- s) "Well" means an excavation or opening into the ground made by digging, boring, drilling, driving or other methods for the purpose of obtaining ground water.
- t) "Well Abandonment" means the filling and sealing of a well according to the provisions of Ch. NR 812 Wisconsin Administrative Code.
- u) "Well Driller" means a person defined as a well driller by s. 162.025 (5), Wis. Stats.
- v) Well Field - Land used primarily for the purpose of supplying a location for construction of wells to supply a municipal water system.
- w) Wellhead Protection Plan/Policy - A plan prepared for a well pursuant to Ch. NR 811.16 (5), Wisconsin Administrative Code.

SECTION 16.0104 CONTROL OF COMMUNITY WATER SYSTEM

The Common Council of the City of Pewaukee does hereby create and establish a municipal water system for the City and the management, operation and control of said water system is vested in the Common Council of said City; all records, minutes and written proceedings thereof shall be kept and maintained by the City Clerk who shall keep all financial records as well.

- a) Facilities and Ownership. Said municipal water system shall consist of deep wells, storage tanks, distribution facilities, including fire hydrants, metering

vaults and other facilities required in connection therewith. City shall have the power to lay mains through the alleys, streets, private and public grounds of the territory encompassed by City and to construct and install required facilities and do all such work as may be necessary or convenient in the management of the water system. The Common Council shall have the power by themselves, their officers, agents and employees to enter upon any land for the purpose of making examinations or to supervise in the performance of their duties under this chapter without liability. In all such instances, the property owner's prior consent will be obtained. If it is refused, a special inspection warrant will then be obtained. The Common Council shall have the power to purchase and acquire in the name of the City all real and personal property necessary for the construction, repair and remodeling or additions to said municipal water system.

- b) Condemnation of Real Estate. Whenever any real estate or any easements therein, or use thereof, shall, in the judgment of the Common Council, be necessary to the operation of the water system and, whenever, for any cause, an agreement for purchase thereof cannot be made with the owner thereof, the Common Council shall proceed with all necessary steps to take such real estate or easement therein by condemnation in accordance with the Wisconsin Statutes.
- c) Title to Real Estate and Personality. All property real, personal and mixed acquired for the construction of the water system and all plans, specifications, diagrams, papers, books and records connected therewith and all buildings, machinery and fixtures pertaining thereto shall be City Property.

SECTION 16.0200 MUNICIPAL WATER SERVICE

16.0201 CONSUMER RULES AND REGULATIONS

That the rules, regulations and water rates of the water system of the City of Pewaukee hereinafter set forth shall be considered a part of the contract with every person, company or corporation who is supplied with water through the water system; and every such person, company or corporation, by taking water or connecting with the said system, shall be considered as expressing his or her assent and be bound thereby. These rules shall conform to the established rules and regulations of the PSC or Wisconsin Statutes applicable thereto. The right is reserved to the Common Council to change said rules, regulations, and water rates from time to time as they may deem advisable and to make special rates and contracts in all proper cases, subject to the authority of the PSC.

16.0202 OPERATING RULES

a) Establishment of Service

- 1) Customers to be Subject to PSC Rules: All persons who may hereafter receive water from the City of Pewaukee or who may hereafter make application therefore shall be considered as having agreed to be bound by rules and regulations as filed with the PSC. Whenever any of said rules are violated, the water shall be shut off from the building or place of such violation even though two or more parties are receiving water through the same pipe, and shall not be turned on again except by order of the Common Council and on payment of all arrears, expenses, and established charges of shutting off and turning on, and such other terms as the Common Council may determine. In case of such violation, the said Common Council may declare any payment made for the water by the party or parties committing such violation to be forfeited and the same shall thereupon be forfeited.
- 2) Application: Application for water service shall be made in writing on a form furnished by the Water & Sewer Department. The application shall

contain a legal description of the property to be served, including tax key number, name of applicant, the use to be made of service and such other information as the City may require.

- 3) Conditions for Service: Service shall be furnished only if:
 - a) Applicant has installed or agrees to install an approved service pipe from the water main in the street to the point of use laid not less than six feet below the surface of an established or proposed grade and according to City specifications.
 - b) Applicant pays the required connection charge, plus any special assessment charges in accordance with the resolution for the project.
 - c) Premises have adequate piping beyond the metering point.
 - d) Applicant shall pay any Reserve Capacity Assessment charges, which the Common Council shall deem reasonable and necessary.
 - 4) Division of Water Service Prohibited: No division of water service of any lot or parcel of land shall be made for the extension of the supply to an adjoining lot or parcel. No division of a water lateral shall be made to supply water to a residential multi-family structure having less than four units. Each unit must have a separate water service with a separate shut off valve installed at the lot line. Water services shall be of undiminished size from the lot line into the building.
 - 5) Approval May be Withheld: The Common Council 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.
- b) Service Contract
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 prior to expiration of his minimum contract period and his account is not delinquent and where thereafter he request the reconnection of service, a reconnection charge payable in advance, at a rate set time to time by the Common Council shall be collected. The minimum contract period is renewed with each reconnection.
- A reconnection charge at a rate set time to time by the Common Council shall also be required from consumers whose services are disconnected because of nonpayment of bills when due, including disconnection for failure to comply with deposit or guarantee rules. A person shall be considered as the same consumer provided the reconnection is required for the same premises by any member of the same family, or if a place of business, by any partner or employee of the same business.
- c) Turning on Water
No water shall be turned on for a consumer except by a duly authorized employee of the City. When a plumber has completed his work he shall leave the water turned off. Said plumber will be permitted to test his work, however, but when said testing is completed he shall leave water shut off.
 - d) Stop Boxes
The consumer shall protect the stop box on his property and shall keep the same free from dirt and other obstructions. The City shall not be liable for failure to locate the stop box and shut off water in case of a leak on the consumer's premises. The consumer shall allow access to the stop box by, and not interfere with, City personnel at all times.
 - e) Thawing Frozen Services
 - 1) Frozen services shall be thawed out by and at the expense of the City unless freezing was caused by contributory fault or negligence by the

consumer such as reduction of grade, improperly installed consumer service pipe, etc.

- 2) Following the freezing of a service the City shall take such steps and issue such instructions as may be necessary to allow the water to flow to prevent refreezing. No charge will be made for re-thawing if instructions are followed. In case it is necessary to allow the water to flow to prevent refreezing, the consumer must make provision for proper disposal of the waste water. The charge for water will be adjusted to allow a credit for water permitted to run as a result of City instructions. Credit will not be allowed if ordered to run due to negligence or fault as stated in 16.0202(e)(1) above.

f) Installation of Meters

- 1) Meters will be furnished and placed by the City and are not to be disconnected or tampered with by the consumer. The meters furnished and installed by the City shall at all times remain the property of the City. The consumer shall at his own expense, provide a suitable location and the proper connections for the meter. When an existing service requires alteration for the consumer's convenience, the consumer shall, at his own expense, make changes, provided said changes are in accordance with City Ordinances.
- 2) All permanent water services shall be metered service. A meter horn is required on all residential (3/4") through one inch meter (1") sizes: 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. A horizontal nipple of standard length may be inserted with a coupling and removed upon installation of the meter. The Utility Superintendent shall be consulted as to the type and size of the meter setting, and given adequate notification when proper sizing has been established. All larger size meters (1 1/2" and larger) are required to provide by-pass piping around the meter.
- 3) Meters shall be placed no less than twenty-four inches (24") from the floor, and floor, and no more than forty-eight inches (48") high. The meter and setting shall have a clear circumference of eighteen inches (18") with no impedance whatsoever from such things as walls, fixtures, appliances, water softeners, water heaters, or cabinetry.
- 4) Where multiple meters are to be installed such as in condominiums and apartment complexes, separation of piping and valves shall be installed such that no other service shall be interrupted due to such functions as meter repairs, meter changes, or disconnection of services. Each meter and meter connection will be a separate water utility customer for the purpose of the filed rules and regulations of the City.

g) Meter Placement

- 1) Where it is possible, meters shall be set in the basement, or other suitable place within a building.
- 2) Where meter rooms are required, ingress/egress points shall be no less than forty-eight inches (48") high and thirty inches (30") wide. Rooms shall have adequate heat to prevent meters/services from freezing and lighting to allow for servicing of meters.
- 3) Banks of multiple meters shall provide a fourteen-inch (14") circumference between meter settings.
- 4) Large meter (1 1/2" or larger) installations shall allow an eighteen inch (18") circumference to allow for service fixtures, appliances or cabinetry.

h) Repairs to Meters

Meters will be repaired by the City and the cost of such repairs caused by ordinary wear and tear will be borne by the City.

Repair of any damage caused by the carelessness of the owner of the premises, his agents or tenants, or from the negligence of any of the same 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 should the consumer fail to pay.

i) Charges for Water Wasted Due to Leaks

When the meter registers losses due to pipe leaks the City shall determine whether or not the defect in the piping or equipment was known to the customer or, being known, had he used his best efforts to correct the conditions. The City may determine as nearly as possible what is the amount of loss by comparison with the use of the water during a like period and the excess may be billed at the lowest step in the rates. However, if the consumer knew of the leak and failed to give proper attention to it, the City will bill for the total consumption shown by the meter at regular rates.

j) Failure to Read Meters

Where the City is unable to read a meter after two successive attempts, that fact shall be indicated on the bill, the minimum charge applied and the difference adjusted when the meter is read again, that is, the bill for the succeeding quarter will be computed with the gallons 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 when approval is obtained from the consumer shall more than two consecutive estimated bills be rendered where the billing period is two months or more.

If the meter fails to operate, the bill will be based on the average use during the corresponding quarter of the past year unless there is some reason why the use was not normal. If the average use cannot be properly employed, the bill will be estimated by some equitable method.

k) Seasonal, Emergency, or Temporary Service

Seasonal customers are general service customers whose use of water is normally for recurring periods of less than a year. This includes service under Schedule Mg-1 and/or Schedule Am-1 of the PSC Rate File.

Seasonal Customers shall pay an annual seasonal service charge equal to four times the applicable service charge in Schedule Mg-1 of the (PSC) Rate File. Water use in any quarter shall be billed at the applicable volume rates in Schedule Mg-1 of the PSC Rate File and the charge added to the annual seasonal service charge.

In addition, customers who have an additional meter pursuant to Schedule Am-1 of the PSC Rate File shall also pay an annual seasonal rental charge equal to four times the applicable additional meter rental charge in Schedule Am-1 of the PSC Rate File.

If service has been disconnected or a meter removed, a charge under Schedule R-1 of the PSC Rate File shall be applied at the time of reconnection or meter reinstallation.

l) Repairs to Mains

The City 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 sufficient delay, the City will give notification by

newspaper publication or otherwise, of the discontinuance of the supply. No rebate or damages will be allowed to consumers for such temporary suspension of supply.

m) Handling Water Mains and Service Pipes in Trenches

Where excavating machines are used in digging, all water mains shall be maintained at the expense of the contractor.

Contractors must ascertain for themselves the existence and location of all service pipes. Where they are removed, cut or damaged in the construction, the contractor shall at his own expense, cause them to be replaced or repaired at once. Said repair shall not cause water service to any consumer to be shut off for a period exceeding six hours.

n) Settling of Main or Service Trenches

Trenches in streets shall be refilled with approved granular backfill in accordance with State of Wisconsin Highway Specifications or City of Pewaukee specifications where more restrictive. The Contractor shall be responsible for the repair of all settled trenches for one year from the date of final payment of the project.

o) 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. A one half (1/2") inch drain pipe shall be connected to the relief valve for discharge on the floor or into a sink or open drain through an air gap. No stop valve shall be placed between the hot water tank and the relief valve or on the drain pipe.

p) No Claims for Damages

No person shall enter a claim for damage against the City of Pewaukee, as a City, or any officer thereof, for damage to any pipe, fixture or appurtenances by reason of interrupted service, variation of pressure, or for damage of any nature whatsoever caused by the turning off or turning on, whether wholly or partially, of the water supply for the extension, alteration or repair of any water main or premises supply, or for the discontinuance of the premise water supply for the violation of any rule or regulation of the Common Council. No claims will be allowed against the Common Council on account of the interruption of the water supply caused by the breaking of pipes or machinery, or by stoppage for repairs, on accounts of fire or other emergency, and no claims shall be allowed for any damage caused by the breakage of any pipe or machinery.

q) Operation of Valves and Hydrants

Any person who shall without authority of the City 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 damage or impair the same shall be subject to a forfeiture as hereinafter provided. Permits for the use of hydrants for filling sprinkling carts or water trucks apply only to such hydrants as are designated for such use.

r) Inspection of Premises

Any officer or authorized employee of the City shall have the right of access during reasonable hours to any premises supplied with service, for the purpose of inspection or enforcement of the City's rules and regulations. The City will make a systematic inspection of all metered and unfettered water taps at least once every two to ten years for the purpose of checking waste and unnecessary use of water.

s) Vacation of Premises

Before premises are to be vacated, the City shall be notified in writing, so that it may remove the meter and shut off the water at the curb valve. The owner of the premises shall be liable to prosecution for any damage to City Property by reason of failure to notify the City of vacancy.

t) Tap Permits

After water connections have been introduced into any building or upon any premises, no plumber shall have any tap or connection with the pipes upon such premises, for alterations, extensions or attachments, unless the party ordering such tapping or other work shall exhibit the proper permits for the same from the City. No person, corporation or entity shall perform any work on the premise water system unless said person, corporation or entity is a licensed plumber except that the owner of a residential dwelling may perform his own plumbing provided that he complies with the plumbing code of the State of Wisconsin, local Municipal Codes and obtains all required permits.

u) Consumers to Conserve Water

1) All consumers shall maintain the fixtures in proper working order so as to minimize water losses and conserve the water resources. Hydrants, taps, hoses, water closets, urinals, faucets or other fixtures shall remain closed except when obtaining water for use. The consumer shall be responsible for any damage or injury that may result from the improper use of said water.

2) Outdoor irrigation, including lawn and garden watering, shall be restricted between May 15 and September 15. During this time, customers whose official address ends in an even number will be allowed to water only on even number calendar days, and customers whose official address ends in an odd number will be allowed to operate only on odd number calendar days. These restrictions shall not supersede any emergency restrictions enacted by the Common Council according to Section 16.0202(bb) of this Ordinance. Violation of these sections shall be subject to Section 16.0404 of this Code.

v) Surreptitious Use of Water

When the City 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 City reserves the right to estimate and present immediately a bill for service unmetered as a result of such interference. Such bill shall be payable subject to a 24-hour notice of disconnection of service. When the City shall have disconnected the consumer for any such reason, the City will reconnect the consumer upon the following conditions:

- The consumer will be required to deposit with the City an amount sufficient to guarantee the payment of the consumer's bills for City service to the City.
- The consumer will be required to pay the City for any and all damages to its equipment on the consumer's premises due to such stoppage or interference with its metering.
- The consumer shall agree to comply with reasonable requirements to protect the City against further losses.

Sections 98.26 and 943.20, Wisconsin Statutes, as relating to water service, are hereby adopted and made a part of these rules.

w) Consumer to Keep in Repair

All consumers shall keep their own service pipes, stopcocks and apparatus in good repair and protected from frost, at their own risk and expense and shall prevent any unnecessary waste of water and overburdening of the system. All expenses relating to the introduction of water into buildings or private

premises, and connections with the system, shall be paid by the applicant. No charge, however, shall be made for the services of the City employee in directing where and in what manner the mains shall be tapped and excavations made in the street for laying pipe. The City reserves the right to inspect such connections and charge the costs of such inspections to the applicant.

x) Consumers Use Only

No consumer shall supply water to others for resale nor charge others to take it off his premises nor shall he allow others or other services to connect to the system.

y) Consumer to Permit Inspection

Every consumer shall permit the City, or its duly authorized agent, at all reasonable hours of the day, to enter their premises or building to examine the pipes and fixtures, and the manner in which the water is used and drains operate. Such consumers will at all times, frankly and without concealment, answer all questions put to them relative to water consumption.

z) Excavations

In making excavations in streets or highways for laying service pipes or making repairs, the planks, paving and earth removed must be deposited in a manner that will cause the least inconvenience to the public, and provide for the passage of water along gutters or ditches.

No person shall leave any such excavation made in any street or highway open at any time without barricades; and during the night, warning lights must be maintained at such excavations.

In backfilling the opening after the service pipes are laid, the earth must be laid in layers of not more than twelve (12") inches in depth, and each layer thoroughly rammed or puddled to prevent settling. Backfill shall be as specified by the City or its agent and may include but is not limited to: spoil materials, crushed road gravel or slurry material. This work, together with replacing sidewalks, ballast and paving shall be done in accordance with City Specifications and to a condition equal to or better than that which existed prior to excavation. No excavations shall be made without first obtaining a permit from the Utility Superintendent or his designated representative. All trenches and excavations in sidewalks or pavements shall be saw cut to provide a neat edge.

aa) Tapping Mains

No person, except those having special permission from the City, or persons in its service and approved by it, will be permitted, under any circumstances, to tap into mains or distribution pipes, or to insert stopcocks, corporation stops, valves or service piping therein.

The City must receive notification forty-eight (48) hours prior to the scheduled tap.

Mains shall be tapped according to the Standard Specifications for Sewer and Water Construction in Wisconsin and the specifications of the City of Pewaukee Water & Sewer Utility.

bb) Emergency Restrictions

In the event there exists an emergency or water shortage and in the judgment of the Public Works Director it is necessary to declare an emergency, said Director will have the power to declare said emergency and direct the Utility Superintendent or his designated agents to restrict the usage of water for any use other than personal bathing, food preparation and other domestic use as

necessary. The restrictions may apply to lawn sprinkling, car washing, swimming pool filling, construction use or other uses deemed appropriate by the Director of Public Works or Utility Superintendent.

Notice of the restriction shall be published as soon as possible in the official newspaper of the City. Failure of the consumer to read such notice shall not allow for the consumer to circumvent the restrictions. The notice shall describe the general area and type of prohibited usage. Any person violating this section shall be subject to those penalties contained in Section 16.0202(ee) of this Code.

cc) Obstruction of Hydrants

No person shall obstruct a hydrant such that it becomes inaccessible for normal maintenance or emergency use. Obstructions that are not allowed include, but not limited to, fencing, retaining walls, landscaping, bushes, trees and ditches. A clear space of five (5.0) feet radius from the center of the hydrant shall be maintained at all times. The City shall have the right to remove or cause the removal of any obstructions to maintain the operation of the hydrant.

dd) Billing

Billing for water service shall be on a quarterly basis with quarters ending March 20, June 20, September 20, and December 20. The property owner is held responsible for all water bills on the real estate he owns. All water bills and notices relative to water service shall be addressed to the owner and mailed to the address of the premises referred to on such bill or notice to such other address as requested in writing by the owner.

ee) Penalties

Any person who shall violate any provision of these rules or regulations established by the City of Pewaukee relating to the water system, any person who shall turn on the water into any premises from which the water has been shut off or has not yet been turned on, any person who shall connect any water main or service pipe without a permit therefore or any person who shall violate any provision of State Statutes applicable hereto, Wis. Adm. Code or any other provisions which are incorporated by reference shall upon conviction therefore forfeit not less than \$100.00 per day nor more than \$500.00 per day plus costs of prosecution. If the violation continues, each day the violation is allowed to continue shall be considered a separate violation.

Any person who shall violate lawn and garden watering restrictions according to Section 16.05(v) and 16.05(bb) shall be subject to the following forfeiture schedule for each occurrence plus the costs of prosecution:

<u>OCCURRENCE</u>	<u>FORFEITURE</u>
First	\$100.00
Second	\$200.00
Third	\$300.00
Fourth and each subsequent	\$500.00

The forfeiture shall be double the above amount during declared times of emergency restrictions as provided in Section 16.05(bb) of this Ordinance.

16.0203 MAINTENANCE OF SERVICE

All Building Water Services from the point of connection of curb stop to the house to the premises served must be maintained free of defective conditions, by and at the expense of the owner or occupant of the property served.

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 City. The property owner shall maintain the service pipe from the curb stop to the point of use. All adjustments to stop boxes due to landscaping or other changes in grade level, except those performed by public contract will be the responsibility of the property owner.

If the property owner does not repair an existing leak between the curb stop and the building within twenty-four (24) hours, the water will be shut off and remain off until the repair is made.

16.0204 WATER RATES

- a) The following water rates and regulations prescribed by PSC by order dated 1st day of January, 2002, are hereby adopted by the City of Pewaukee and incorporated into this subchapter as a part thereof.
- b) Charges to be Lien on Real Estate
All water services, charges and special assessments shall be a lien on the lot, part of a lot, or real estate on which service is supplied or available for service. All charges accrued during the preceding year and those charges delinquent for the first two quarters of the current year, and which will not be paid by the 15th of October in any year after billing, shall be certified to the City Clerk/Treasurer of the City of Pewaukee to be placed upon the tax roll for collection as provided by Wisconsin Statutes for real estate taxes, as a special charge under S. 66.0809(3), Wisconsin Statutes.

16.0205 SEVERANCE OF PRIVATE WELLS

- a) Severance from Municipal System. Upon connection to the City's municipal water system, the owner of any private well shall sever completely from the municipal system the operation of his private water supply. Once the private water supply has been severed from the municipal water system, there shall be no reconnection of said private supply to the municipal system.
- b) Method of Severance. Severance of the private well shall consist of disconnection and removal of the well lateral at the well casing and thereafter any use of the private well shall be by separate water piping. Said private well shall not be piped into any building served by municipal water.
- c) Private Wells to be tested and those testing unsafe abandoned & sealed
 - 1) Private Wells where a municipal connection exists. Private Wells, after complete separation from the municipal system, shall be allowed to be maintained by the owner, if said owner complies with section 16.0206 of this Code.

16.0206 CONTINUATION OF PRIVATE WELLS PERMITTED (Rep. & Rec. 09-12)

All private well permits and/or well abandonment inspections are required to be conducted by a Wisconsin licensed well driller or pump installer NR 812.27 Wisconsin Administrative Code.

- a) Use of Private Wells upon Connection to Municipal Water Service
 - 1) Since it is recognized that the entire private water supply in the City of Pewaukee has the potential for pollution, a building's water distribution system shall be completely severed from a private well upon connection to the Municipal Water System. If such private well does not test "safe" according to the standards of the State Department of Natural Resources

and Waukesha County Health Department, such well shall be permanently sealed and abandoned in accordance with NR 812.26, Wis. Administrative Code

- aa.) Contamination includes but is not limited to the following: bacteriological, viral, parasitic, and any substance in exceedence of the drinking water standards specified in s. NR 812.06.
- 2) The owners of wells testing “safe” shall have an opportunity to obtain a private well permit that will enable the owner to utilize the private well for outside uses not involving human consumption of water. The well owner must provide to the City the following prior to issuance of a permit:
- The well and pump installation are inspected by a licensed well driller or pump installer and meet or are upgraded to meet the requirements of Ch. NR 812, Wisconsin Administrative Code. A report shall be submitted to the Utility as such.
 - The well construction and pump installation prove the production of “safe” water by providing water quality test results two (2) consecutive “safe” water samples taken within two (2) weeks of each other performed by the Waukesha County Health Department or recognized private testing laboratory, showing that the water from such well is bacteriologically safe. Testing such well shall be performed by a person working for the testing laboratory from a sample obtained from the well and he shall certify the test results.
 - There are no cross-connections between the private well and pump installation and the municipal water system.
 - The proposed use of the private well and pump installation can be justified as being necessary in addition to water provided by the municipal water system.
 - Submission of forms and application fee to the utility office.
- 3) Such well tests and report shall be required prior to the issuance of each well permit and prior to the renewal of a permit. Permits shall expire after five (5) years. If such well tests are not submitted or if the test results show the well as producing bacteriologically unsafe water, use of such well shall be immediately discontinued. Said unsafe well shall be permanently sealed or abandoned according to DNR regulations. Failure to properly seal or abandon the well shall subject the owner of the premises where such well is located to the Section 16.0202(ee) of this Code.
- b) Once the private water supply has been severed from the municipal system, there shall be no reconnection of said private supply to the municipal system. After severance of the private well, no cross-connection between the public and private system will be allowed.
- c) Permanent Abandonment Procedure. Owner intending to permanently abandon well will notify the City of Pewaukee of the date of intended abandonment. The City of Pewaukee will be permitted to fully inspect the entire process of abandonment. Owner/Owners agent will comply with NR 812.26 (1) and (3), Wisconsin Administrative Code. In the event the Owner of a private well that has tested unsafe or has failed to obtain well permit refuses or neglects to permanently abandon said well on or before September 1 of each year or within one year of connection to the municipal water system, the City of Pewaukee or its agents or contractors may, without notice, enter upon Owner’s property and

permanently seal said well in accordance with NR 812.26 (1) and (3), Wisconsin Administrative Code, and the cost thereof shall be presented to the City/Clerk Treasurer who shall place said amount on the tax roll as a special charge pursuant to S.66.0627 Wisconsin Statutes. Any person who shall attempt to abandon said well without having first notified the City of Pewaukee shall be subject to the requirements of furnishing the City of Pewaukee proof of proper compliance with NR 812.26 (1) and (3), Wisconsin Administrative Code. In the event owner is unable to furnish satisfactory proof to the City of Pewaukee that said well was properly abandoned under said Administrative Code provision, the City of Pewaukee shall have the right to enter upon the property and perform all necessary tasks to verify that the abandonment of said well was done under the Administrative Code procedure and specifications. Any and all costs incurred by the City of Pewaukee in permanently sealing said well shall be presented to the City Clerk/Treasurer who shall place said amount on the tax roll as a special charge pursuant to S. 66.60 (16), Wisconsin Statutes.

- d) Wells Testing Unsafe or Wells Not Having a Permit. All private wells in the City that test unsafe or have not received a permit as provided for herein, shall be immediately removed from use and shall on or before September 1 of each year, be permanently sealed and abandoned as provided below.
- e) Temporary Sealing Not Permitted. Because of the clear and present danger from the water supply serving private wells in the City of Pewaukee, no private wells, whether within or without the municipal water service area will be permitted to be temporarily sealed.
- f) Permit Procedure for New Wells. New wells will be permitted to be constructed only under the following conditions:
 - 1) Said new well must be located in an area where municipal water service is not available and cannot readily be made available by the City of Pewaukee.
 - 2) Owner or applicant applies to the City and receives a permit for the construction of the new well.
 - 3) The new well is constructed in complete conformity with State and local regulations and codes. The Owner of the new well, before it will be permitted to be put into human use and consumption, will furnish to the City of Pewaukee test results verified by a certified testing laboratory that said well water is bacteriologically safe.
 - 4) All new wells constructed within the City limits will be permitted on the condition that the Owner agrees that once municipal water is available to the property, said private well Owner will immediately connect to municipal water and sever the private well.
- g) New Wells Prohibited. Whenever municipal water service is available or can readily be made available by the City, no new wells for potable or non-potable water will be permitted to be constructed and the owner of the property will be required to connect to the municipal service.

16.0207 CONNECTION OF MALFUNCTIONING WELLS

In the event that the City undertakes a project and the project adversely affects the local well water supply of local residents, or if the City anticipates that a project may adversely affect the local well water supply then the City, at its option may undertake the following steps:

- a) The City shall request that the residents or property owners allow the City to test and inspect individual wells. Such testing and inspection may include but is not limited to:
- Testing for potability of water supply
 - Removal of pump for water level inspection
 - General inspection of well pump facilities
- b) If during the inspection of the well, either the well or appurtenant facilities are damaged through no fault of the property owner, the City may have the damages repaired at no cost to the owner, or, if public water is available the owner may connect to the Public Water Supply and the City will credit the owner for the cost of the damages against any outstanding assessments or water connection fees. The City reserves the right to prorate the cost of repairs if it is determined that the age or existing condition of the owner's facilities were at or near the point of failure at the time of damage. Determination will be made by the City or its authorized representatives.
- b) If the owner cooperates with the City and allows inspection of the owners well, and if the well is determined to be operating within normal standards as defined in Ch. NR 812, Wisconsin Administrative Code, and it is determined that the City's operations have adversely affected the owners well then the following shall apply.
- 1) The City reserves the right to determine if the well will return to its normal functioning capacity. This includes waiting for fourteen (14) days after termination of City activities to determine if the adverse affect on the private well was minor in nature. The City shall provide interim relief.
 - 2) If the well is determined to be permanently damaged then the property owner shall connect to the Public Water Supply. The City shall waive the Reserve Capacity Assessment Fee and shall pay all costs related to the connection of the residence to the Public Water Supply. The resident will still be responsible for the payment of all frontage and right-of-way lateral costs and pay those costs in accordance with the final resolution for the respective watermain project. The City shall be allowed to approve or deny the plumbing contractor that will be making the residential connection. The City will only pay for those costs associated with the connection of the Public Water Supply to the point of the meter horn and the abandonment of the owner's well.
- d) If the owner fails to cooperate with the City and does not allow for testing and inspection of the owners well, the owner shall provide documentation that the City's activities caused the owners well to malfunction. Such documentation shall include but is not limited to well logs and tests that indicate that the well was properly functioning immediately prior to the commencement of City activities.

If it is determined that the City's activities adversely affected the owners well then the City shall connect the owner to the Public Water Supply.

If it cannot be determined that the City activities adversely affected the owners well or documentation cannot be provided by the owner of a properly functioning well as per Ch. NR 812 Wisconsin Administrative Code then no reimbursement will be made to the owner.

SECTION 16.0208 CONTROL OF CROSS CONNECTIONS

16.02081 GENERAL POLICY

In accordance with the requirements set forth by the Wisconsin Department of Commerce (COMM.-82) and the Wisconsin Department of Natural Resources (DNR 811), the Common Council of the City of Pewaukee, Waukesha County, Wisconsin hereby adopts this Cross Connection Control Program to protect the public water supply system.

The purpose of this program is to protect the public water supply system from contamination or pollution by isolating within the customers internal distribution system such contaminants or pollutants that could backflow into the public supply system; to eliminate or control existing cross connections, to the public supply system, said connections being actual or potential; and to maintain a continuing program of cross connection control that will systematically and effectively prevent the contamination or pollution of the public supply water system.

16.02082 AUTHORITY

The authority to carry out and enforce this program is in accordance with Section V (17) of the Water Service Ordinance of the former Town of Pewaukee Sanitary District No. 3, Ordinance No. 2.0 and further adopted by the City of Pewaukee.

16.02083 HAZARD CLASSIFICATION AND INSPECTION SCHEDULE

The City will classify each customer according to the potential of hazard.

- a) Level I. A Level I customer is a low risk customer where the potential to cross contamination is lowest. Inspections will be performed by City staff at least once every ten years. Residential customers in single family homes and multi-family residential buildings of no more than four (4) units fall into this category. The City will inspect the premises at the time of the regularly scheduled meter replacement, or at least every ten (10) years.
- b) Level II. A Level II customer is a medium risk customer whose use of the water system presents a greater opportunity for a cross-connection than a single family residence. Examples of these customers would be multi-family buildings (greater than four (4) units), or general office buildings. The City will inspect all Level II premises at least every five (5) years.
- c) Level III. A Level III customer is a high risk customer whose process possesses the greatest risk of hazard due to a cross-connection. Examples of high risk customers may be businesses that process metals, chemicals, food producers and processors, and high water use customers. The District will inspect all Level III premises at least once every two (2) years.

16.02084 QUALIFIED INSPECTOR

A qualified inspector shall be an employee of the City or an agent of the City recognized by the Wisconsin DNR, Wisconsin COMM (formerly DILHR) with training and experience necessary to provide a level of expertise to inspect and analyze water supply piping systems and identify cross-connections. Qualified inspectors may include:

- a) Wisconsin licensed master plumber;
- b) Wisconsin licensed plumbing inspector;
- c) Wisconsin (COMM) registered cross-connection control device tester and Wisconsin (DNR) certified waterworks operator;
- d) Wisconsin registered professional engineer;
- e) Wisconsin registered plumbing designer;

16.02085 ENFORCEMENT

Enforcement of violations to the cross connection regulations shall be enforced by the City of Pewaukee Plumbing Inspector under the authority of the Department of Commerce Chapter 82.

SECTION 16.0300 WELLHEAD PROTECTION AREAS

16.0301 GROUNDWATER PROTECTION AREA

- a) **INTENT** - The area to be protected is the City well field recharge areas extending to the groundwater divide or a five year time of travel, as determined through the use of EPA's WHPA computer groundwater model, contained within the City boundary. These lands are subject to land use and development restrictions because of their close proximity to the well fields and the corresponding high threat of contamination.
- b) **PERMITTED USES** - Subject to the conditions for existing uses listed in section 16.0301(e), the following are the only permitted uses within the Area. Uses not listed are to be considered non-permitted uses.
 - Parks provided there is no on-site waste disposal or fuel storage tank facilities associated with this use.
 - Playgrounds.
 - Wildlife areas.
 - Non-motorized trails, such as biking, skiing, nature, and fitness trails.
 - Municipally sewerred residential development, free of flammable and combustible liquid underground storage tanks.
 - Agricultural uses in accordance with the county soil conservation department's best management practices guidelines.
 - Municipally sewerred business development subject to the prohibitions set forth in subsection (c) below.
- c) **PROHIBITED USES**
 - Above-ground storage tanks.
 - Underground storage tanks.
 - Asbestos product sales.
 - Automotive service, repair garages, and body shops.
 - Blue printing and photocopying services.
 - Car washes.
 - Equipment repair services.
 - Laundromats and diaper services.
 - Dry cleaning.
 - Gas stations.
 - Holding ponds or lagoons.
 - Infiltration ponds.
 - Nurseries, lawn and garden supply stores.
 - Small engine repair services.
 - Wells, private, production, injection or other.
 - Quarry or mining operations.
 - Animal waste and animal waste storage facilities.
 - Asphalt products manufacturing.
 - Bus or truck terminals.
 - Electro plating.
 - Exterminating.
 - Hazardous and toxic wash storage, use or disposal.
 - Junk and salvage yards.
 - Landfills or waste disposal filtration.
 - Paint and coating manufacturing.

- Print shop.
- Public and municipal storage garbage.
- Radioactive waste storage facilities.
- Salt storage.
- Sludge storage.
- Tire and battery service.
- Waste transfer station.

Any other use determined by the Director of Public Works to be similar in nature to the above practices guidelines subject to the prohibitions set forth in subsection (e) below.

d) SEPARATION DISTANCES The following separation distances from the well, as specified in the Ch. NR 811.16 Wisconsin Administrative Code, shall be maintained unless otherwise approved by the Wisconsin Dept. of Natural Resources.

- Fifty (50) feet between a well and a storm sewer main:
- Two hundred (200) feet between a well and any sanitary sewer main, lift station or a single family residential fuel oil tank. A lesser separation distance may be allowed for sanitary sewer mains where the sanitary sewer main is constructed of water main materials and joints and pressure tested in place to meet current AWWA 600 specifications. In no case may the separation distance between a well and a sanitary sewer main be less than 50 feet.
- Four hundred feet between a well and a septic tank or soil absorption unit receiving less than 8,000 gallons per day, a cemetery or a storm water drainage pond.
- Six hundred (600) feet between a well and any gasoline or fuel oil storage tank installation that has received written approval from the Wisconsin Department of Commerce or its designated agent under s. COMM 10.10, Wis. Administrative Code.
- One thousand feet between a well and land application of municipal, commercial or industrial waste; the boundaries of a land spreading facility for spreading of petroleum-contaminated soil regulated under Ch. NR 718 while that facility is in operation; industrial, commercial or municipal waste water lagoons or storage structures; manure stacks or stage structures; and septic tanks or soil absorption units receiving 8,000 gallons per day or more.
- Twelve hundred feet between a well and any solid waste storage, transportation, transfer, incineration, air curtain destructor, processing, wood burning, one time disposal or small demolition facility; sanitary landfill; any property with residual groundwater contamination that exceeds Ch. NR 140 enforcement standards that is shown on the department's geographic information system registry of closed remediation sites; coal storage area; salt or deicing material storage area; gasoline or fuel oil storage tanks that have not received written approval from the department of commerce or its designated agent under COMM.10.10; bulk fuel storage facilities; and pesticide or fertilizer handling or storage facilities.

e) REQUIREMENTS FOR PROHIBITED USES AND FACILITIES EXISTING AT TIME OF PASSAGE OF THIS ORDINANCE

- 1) Existing uses and facilities shall provide copies of all federal, state, and local facility operation approvals or certificate and on-going environmental monitoring results to the City.
- 2) Existing uses and facilities shall provide additional environmental or safety structures/monitoring as deemed necessary by the City, which may

include but is not limited to stormwater runoff management and monitoring.

- 3) Existing uses and facilities shall have the responsibility of devising and filing with the City a contingency plan satisfactory to the City for the immediate notification of City officials in the event of an emergency.
- 4) Existing facilities must replace equipment or expand in a manner that improves the existing environmental and safety technologies already in existence.

f) SPECIAL PERMITTED USES

- 1) Individual uses and/or facilities may request, in writing, that the City permit additional land use in the area.
- 2) All requests shall be in writing, whether on or in substantial compliance with forms to be provided by the City and may require an environmental assessment report prepared by a licensed environmental engineer. Said report shall be forwarded to the City and/or designee(s) for recommendation and final decision by the Common Council.
- 3) The individual uses and/or facility shall reimburse the City for all consultants fees associated with this review at the total costs plus administrative costs.
- 4) Any uses permitted shall be conditional and may include required environmental and safety monitoring consistent with local, state, and federal requirements, and letters of credit, bonds and/or securities satisfactory to the City.

g) ENFORCEMENT

- 1) In the event that the individual use or facility causes the release of any contaminants which endanger the area, the activity causing said release shall: (1) Immediately cease; (2) the head of law enforcement services, the Fire Chief and Public Works Director shall be notified at once; and (3) A cleanup of the contamination satisfactory to the City will be implemented. The individual use or facility that causes the release of the contaminants is responsible for implementing and paying for all clean up costs. (Rep. & Recr. 09-21)
- 2) The individual use or facility shall be responsible for all costs of cleanup as well as City consultant and legal fees at the total costs plus administrative costs for oversight, review and documentation. In the event of nonpayment of cleanup fees, the City will assess all costs as a special charge against the property under Wis. Stat. 66.0627, and in addition:
 - a) The cost of city employees' time associated in any way with cleanup based on the hourly rate paid to the employee multiplied by a factor determined by the City representing the City's cost for expenses, benefits, insurance, sick leave, holidays, overtime, vacation, and similar benefits.
 - b) The cost of City equipment employed.
 - c) The cost of mileage reimbursed, to City employees attributed to the cleanup.
- 3) Following any such discharge the City may require additional test monitoring and/or letters of credit, bonds, or securities.

16.0302 VILLAGE OF PEWAUKEE WELLHEAD PROTECTION ORDINANCE (V§40.459)
(Created 07-11)

- A. This Section of the Village Code of Ordinances shall be referred to as the Wellhead Protection Ordinance.

B. PURPOSE AND AUTHORITY.

1. The residents of the Village of Pewaukee rely on a public water supply furnished by the Village from underground aquifer sources. Certain land use practices and activities can seriously threaten or impair ground water aquifer quality. The purpose of this Wellhead Protection Ordinance is to institute land use regulations and restrictions supplemental to the Village Zoning Code in order to protect the Village Municipal water supply and well fields and to promote the public health safety and welfare of the residents of the Village.
2. These regulations are established pursuant to the authority granted to the Village by Wisconsin Legislature through Wisconsin Statute Section 62.23(7)(c) which specifically includes ground water protection in the statutory authorization for Municipal Planning and Zoning in order to protect the public health safety and welfare.

C. APPLICABILITY.

The regulations specified in this Ordinance shall apply within the boundary limits of the wellhead protection area as defined herein.

D. DEFINITIONS (V\$40.460)

1. EXISTING FACILITIES. Existing facilities which may cause or threaten to cause environmental pollution to the recharge area of a well which include, but are not limited to, the Wisconsin Department of commerce draft list of inventory sites or facilities which may cause or threaten to cause environmental pollution; Department of Industry, Labor and Human Relations list of underground storage tanks; and any facilities with hazardous solid waste permits.
2. WELLHEAD PROTECTION AREA. Those areas defined and adopted pursuant to Wisconsin Administrative Code Section NR811.16(5) and as approved by the Village Board of the Village of Pewaukee.
3. RECHARGE AREA. The geographic area within which ground water reaches the zone of saturation by surface infiltration and supplies ground water to a well.

E. WELLHEAD PROTECTION AREA (V\$40.461)

1. INTENT. The area to be protected includes the land used primarily for the purpose of supplying a location for construction of wells to supply municipal water system along with that portion of the recharge area for the Village of Pewaukee municipal well number six with a minimum radius of 1200 feet around the well or a distance equivalent to the five year time of travel which is the time required for a contaminant to move in the saturated zone from a specific point in the recharge area to a well measured through a modeling system approved by the Village Engineer/DPW Director, whichever is greater. This land area is subject to land use and development restrictions because of the close proximity of such uses to the well field and the corresponding threat of contamination.
2. PERMITTED USES. Subject to the exemptions listed in this ordinance, the following are the only permitted uses within the wellhead protection area. Uses not specifically listed are prohibited unless special permission is granted as provided for under this ordinance:
 - a. Parks, provided there is no onsite waste disposal or fuel storage tank

- facilities associated with its use
 - b. Playgrounds
 - c. Open space or conservancy area
 - d. Trail use for non-motorized conveyance such as biking, skiing, nature and fitness trails
 - e. Municipally sewered residential development, free of flammable and combustible liquid underground storage tanks
 - f. Agricultural uses in accordance with the county soil conservation department's best management practices guidelines
3. SPECIAL EXCEPTIONS. The following separation distances as specified in Wisconsin Administrative Code NR 811 as amended shall be maintained unless otherwise approved in writing by the Wisconsin Department of Natural Resources.
- a. Fifty feet between a well and a storm sewer main.
 - b. Two hundred feet between a well and any sanitary sewer main, lift station or a single family residential fuel oil tank. A lesser separation distance may be allowed for sanitary sewer mains where the sanitary sewer main is constructed of water main materials and joints and pressure tested in place to meet current AWWA 600 specifications. In no case may the separation distance between a well and a sanitary sewer main be less than 50 feet.
 - c. Four hundred feet between a well and a septic system, tank, leach bed or mound system receiving less than 8,000 gallons per day or a cemetery or a storm water drainage pond unless otherwise exempted by the State of Wisconsin Department of Natural Resources.
 - d. Six hundred feet between a well and any gasoline or fuel oil storage tank installation that has received written approval from the Wisconsin Department of Commerce or its designated agent.
 - e. One thousand feet between a well and land application of municipal, commercial or industrial waste; industrial, commercial or municipal wastewater, lagoons or storage structures; manure stacks or storage structures; and septic tanks or soils absorption units receiving 8,000 gallons per day or more.
 - f. Twelve hundred feet between a well and any solid waste storage, transportation, transfer, incineration, air curtain destructor, processing, one time disposal or small demolition facility; sanitary landfill; coal storage area; gasoline or fuel oil storage tanks that have not received written approval from the Wisconsin Department of Commerce or its designated agent; bulk fuel storage facilities and pesticide handling or storage facilities.
4. Requirements for pre-existing uses and facilities which conflict with the uses and special exception uses referred to in subsections "2" and "3" above.
- a. Existing uses and facilities shall provide copies of all federal, state and local operation approvals or certificates and ongoing environmental monitoring results to the Village Director of Public Works.
 - b. Existing uses and facilities shall provide additional environmental or safety structures as may be required by the Village, monitoring them as deemed necessary by the Village, which may include, but are not limited to, stormwater runoff management and monitoring.
 - c. Existing uses and facilities shall have the responsibility of devising and filing with the Village a contingency plan satisfactory to the Village for the immediate notification of Village officials in the event of an emergency as

well as the plan of remediation for the discharge of contaminants or environmental spill.

5. EXEMPTIONS AND WAIVERS.

Individual uses and/or facilities may request in writing that the Village permit additional land uses in the wellhead protection area. All such requests shall be in writing. The Village may require an environmental assessment report prepared by a licensed environmental engineer to support the requested use. Said report shall be forwarded to the Village and/or designee for recommendation and final decision by the Village Board. The individual uses and/or facility shall reimburse the Village for all consultant fees associated with this review plus administrative costs. Any exemptions granted shall be conditional and may include required environmental and safety monitoring consistent with applicable regulations as well as letters of credit, bonds or other financial securities satisfactory to the Village.

6. NONCONFORMING USES.

Pre-existing legal uses and structures which are not in conformity with the provisions of this ordinance may be continued subject to the following. No modifications or additions to a nonconforming use or structure shall be permitted unless they are made in conformity with the provisions of this section and this zoning code. For the purpose of this section, the words "modification" and "addition" shall include but not be limited to any alteration, addition, modification, rebuilding or replacement of any such existing structure or accessory use. Ordinary maintenance repairs are not considered structural repairs, modification or additions. If a nonconforming use is discontinued for 12 consecutive months, any future use of the land, structure or building shall conform to the appropriate provisions of this ordinance.

7. REMEDIES (VS40.462).

In the event that an individual use or facility causes the release of any contaminants which endanger or contaminate the wellhead protection area and/or jeopardize the use of the well for potable water purposes, the individual and/or facility causing said release shall notify the Village and immediately cease any activity which caused or contributed to the discharge of the contaminants or which in any way may exacerbate the extent or scope of the discharge and promptly contain and cleanup the contamination on the site in a timely fashion satisfactory to the Village. The individual use or facility responsible for the discharge and the property owner shall be jointly and severally liable for all costs of cleanup 'as well as Village consultant fees at the invoiced amount, plus administrative costs for oversight, review and documentation, assessment and monitoring, and the cost of Village employees associated in any way with cleanup or the monitoring of the cleanup based on the hourly rate paid to the employee multiplied by a factor determined by the Village representing the Village's cost for expenses, benefits, insurance, sick leave, holidays, overtime, vacation and similar benefits. The individual use or facility shall also be responsible for the cost of Village equipment employed and the cost of mileage reimbursed to Village employees attributed to the cleanup and the Village's actual cost for any consumable supplies which may be utilized in the monitoring assessment or remediation of any discharge. Following any such discharge, the Village may require additional testing, monitoring and/or letters of credit, bonds or other securities to ensure the successful completion of cleanup at the site. In addition to any other remedy provided for under this ordinance, the violation shall be subject to enforcement

as provided for in this code and/or actions for injunctive relief in a court of competent jurisdiction.

SECTION 16.0400 RESERVE CAPACITY ASSESSMENTS, BILLING AND PAYMENT

16.0401 RESERVE CAPACITY ASSESSMENTS

There is hereby levied against each parcel of land serviceable by said water system (vacant, unimproved parcels and established lots) a Reserve Capacity Assessment (RCA) which is an area assessment being served by the reserve capacity of the system. Said Reserve Capacity is hereby established at three thousand four hundred thirty-eight dollars (\$3,438.00) per residential equivalent unit (REU), 2007 rate, and shall change annually according to the construction cost index of the Municipal Cost Indexes for the year published in the December issue of a previous year of American City & County (ISSN 0149-337X).

Reserve Capacity Assessments (RCA) are assessments payable at the time of connection to the system to reflect the costs of over sizing wells, reservoirs, pump stations and tanks of the water utility. All properties connecting to the initial system and future extensions of the initial system shall pay a RCA whether or not they have paid a front foot assessment. The assessment is based upon a residential equivalent unit with a lateral of one (1”) inch diameter considered as one single family RCA.

Residential RCA’s shall be assigned according to the table below:

**TABLE 1
 SCHEDULE FOR ASSIGNING REU’S FOR RESIDENTIAL CUSTOMERS
 RESIDENTIAL RCA**

<u>NO. UNITS</u>	<u>REU/UN IT</u>	<u>TOTAL REU</u>	<u>NO. UNITS</u>	<u>REU/UNIT</u>	<u>TOTAL REU</u>
1	1.00	1.0	25	0.35	8.9
2	0.89	1.8	26	0.34	8.9
3	0.78	2.3	27	0.33	9.0
4	0.67	2.7	28	0.32	9.2
5	0.65	3.2	29	0.31	9.6
6	0.62	3.7	30	0.30	9.9
7	0.60	4.2	31	0.30	10.2
8	0.57	4.6	32	0.30	10.6
9	0.55	4.9	33	0.30	10.9
10	0.52	5.2	34	0.30	11.2
11	0.51	5.6	35	0.30	11.6
12	0.50	6.0	36	0.30	11.9
13	0.49	6.3	37	0.30	12.2
14	0.48	6.7	38	0.30	12.5
15	0.47	7.0	39	0.30	12.9
16	0.45	7.3	40	0.30	13.2
17	0.44	7.5	41	0.30	13.5
18	0.43	7.8	42	0.30	13.9
19	0.42	8.0	43	0.30	14.2
20	0.41	8.2	44	0.30	14.5
21	0.40	8.4	45	0.30	14.9

22	0.39	8.5	46	0.30	15.2
23	0.38	8.7	47	0.30	15.5
24	0.37	8.8	48	0.30	15.8

NOTE: Multi-family buildings of thirty units (30) or more shall be assigned an REU of 0.30 per unit.

RCA's for nonresidential users shall be assigned according to Table 2.

TABLE 2
SCHEDULE FOR ASSIGNING REU'S FOR NONRESIDENTIAL CUSTOMERS
NONRESIDENTIAL RCA

<u>DOMESTIC LATERAL SIZE</u>	<u>REU</u>
1.00	1.0
1.25	1.6
1.50	2.3
2.00	4.0
3.00	9.0
4.00	16.0
6.00	36.0
8.00	64.0
10.00	100.0

Reserve Capacity Assessments may, in hardship cases, be payable in installments of equal principal plus interest as determined by the Common Council.

There is capacity in the initial system to service an area considerably beyond the properties fronting the proposed mains. The commission directs that additional over sizing costs in future extensions may also be paid from RCA's.

16.0402 BILLING AND PAYMENT

- a) Billing. Billing for water service shall be on a quarterly basis with quarters ending March 20, June 20, September 20, and December 20. The property owner is held responsible for all water bills on the real estate he owns. All water bills and notices relative to water service shall be addressed to the owner and mailed to the address of the premises referred to on such bill or notice or to such other address as requested in writing by the owner.
- b) Failure to Review Bill No Excuse. Reasonable care shall be exercised in proper delivery of water bills. Failure to receive a water bill shall not relieve any owner of responsibility of payment of a water bill within the prescribed period, nor exempt any person from any penalty imposed for delinquency in the payment thereof.
- c) Penalty for Polluting Water or Injuring Waterworks. No person shall willfully pollute or otherwise injure any water supplied by the system in any tunnel, aqueduct, reservoir, pipe, etc; to willfully injure or cause damage to the system, building machinery for fixture pertaining hereto; to willfully and without authority of the City of Pewaukee impede or divert the flow of water in any tunnel, aqueduct, pipe, etc., belonging to such system, to willfully and without authority of such City bore to otherwise cause to leak, any tunnel, aqueduct, reservoir, pipe, etc. used in the system to hold, convey or distribute water.
- d) Damage Recovery. The City of Pewaukee shall have the right to recover from any person any expense incurred by the City for repair or replacement of any water pipe, curb cock, valve, hydrant or valve box damaged in any manner by any person by reason of operation of any electrical system, performance of any work under their control, or by negligence. Owners or operators of motor vehicles shall be liable for the cost of repair of any hydrant damaged by such vehicle. The City shall not be responsible for the damage caused to the motor vehicle by reason of such accident.