

CHAPTER 2

Water Utility Regulations

SEC. 9-2-1 CONTROL OF MAINS.

The water mains, supply pipes, curb-stops, stop-boxes, meters and service pipes shall be under the exclusive control of the Commission and its authorized agents and employees, and all other persons are forbidden to disturb, tamper with, injure, tap, change, obstruct access to or interfere with said water mains, supply pipes, curb-stops, stop-boxes, meters and/or service pipes in any way.

SEC. 9-2-2 USE OF HYDRANTS LIMITED.

Fire hydrants are to be opened and used only by the Water and Fire Departments of the City, or by such persons as may be specially authorized by the Commission.

SEC. 9-2-3 OBSTRUCTION OF FIRE HYDRANTS.

No person shall in any manner obstruct or prevent free access to, or tamper with, or injure, or damage, by causing or permitting a vehicle to come in contact with any fire hydrant, or place or store temporarily or otherwise any object, vehicle, material, snow, debris or structure of any kind within five (5) feet of any hydrant. Any such obstruction, when discovered, may be removed at once by the Commission at the expense of the person responsible for the obstruction, and he shall be liable to a fine as herein provided.

SEC. 9-2-4 CURB STOP OPERATED ONLY BY DEPARTMENT; EXCEPTIONS.

Under no circumstances shall curb-stops be opened or closed by any person not an authorized employee of the Commission, except that a licensed plumber may open or close a curb-stop to test his work, or to make necessary repairs. In all cases where a licensed plumber tests his work, or makes repairs in unoccupied premises, he shall, on completion of his work, leave the curb-stop closed and, upon failure to do or neglect to do so, shall be liable for all damages occasioned thereby, and be liable to a fine as herein provided.

SEC. 9-2-5 SUPPLY AND SERVICE PIPES.

- (a) (1) Application for water service must be made at the Commission's office on contracts provided for that purpose. The applicant must state the name, location of property and pay a fee for a three-fourths inch (3/4") supply pipe and fittings, which shall be a privilege charge for connection.
- (2) All supply pipes larger than three-fourths inch (3/4") internal diameter will be furnished by the Commission, and a deposit will be required before work is connected, or commenced, to cover the actual cost of materials and labor, plus twelve percent (12%) to cover incidental charges.

- (b) The Commission shall tap the water main, furnish all pipes, fittings, labor, etc., and install the service up to and including the curb-stop. Such service and connection shall remain the property of the City of Menasha at all times, and the said applicant shall acquire no interest, right and title to same by virtue of the fact that he has paid a fee giving him the privilege to receive water through such supply pipe, but he agrees to accept water through such supply pipe, subject to all the conditions set forth in this Chapter.
- (c) Water supply and service pipes of all sizes shall not be laid less than six (6) feet below the surface on the street and not less than five (5) feet on the premises. Every service pipe where it enters the cellar shall be furnished with a stop-washer so situated below the action of frost that the water can be completely shut off and drained from the pipes, when necessary, to prevent freezing. Service pipes between cellar walls and meter likely to be exposed to freezing temperature must be effectively protected to avoid freezing.
- (d) The supply pipes from the main to the curb-stop shall be maintained and kept at repair at the expense of the Commission and by the Commission. It is the duty of the owner of premises to maintain the service pipes from the curb-stop to the meter. Notice shall be given the owner or agent to make necessary repairs, and if same are not completed within ten (10) days after such notice, water will be shut off until such repairs are made, or the Commission will repair same at the expense of the property owner.
- (e)
 - (1) The owner or agent wishing to have service discontinued shall make an application at the office of the Commission before water will be shut off and when service is again resumed, a charge of Two Dollars (\$2.00) will be made and collected before service will be again turned on.
 - (2) The owner or agent of the premises shall protect the stop-box in the street and shall keep same free from dirt and other obstructions. The Commission shall not be liable for failure to locate the stop-box and shut off water in case of a leak on the premises.
- (f) The Commission will thaw out frozen service pipes and piping between meter and main without charge once during each year. If such service pipe freezes again during the winter season, the same may be thawed out at the expense of the owner under the direction of the Commission at cost, based upon the unique characteristics of the street.
- (g) All service pipes, which are connected to private supply pipes which have pumps attached thereto, whereby water may be pumped into City mains, shall have double checks provided on such private supply lines; such double check valves shall be of approved design and installed according to and as provided in applicable Codes.
- (h) All supply and service lines installed for private fire protection and sprinkler service shall have a weighted check valve of approved design and of the full size of the supply or service pipe, to be furnished and installed by the Commission at the expense of the owner of the premises, and shall be installed in such location that a bypass and meter connection of suitable size approved by the Commission can be placed so as to detect any loss of water in the fire protection system, and to be installed at the expense of the owner of the premises.

SEC. 9-2-6

PROVISIONS, CARE AND PROTECTION OF METERS.

- (a)
 - (1) All premises using City water shall be provided with proper type and size of water meters as shall be determined by the Commission, properly attached as to measure correctly all water used. The Commission shall furnish such meters to all applicants using City water at actual cost together with the cost of installation. No water shall be turned on any service pipe until a meter has been properly installed on the premises. All meters shall be so located that they shall be preserved from all obstructions and so

as to allow easy access thereto for reading and inspection; the location shall be designated by proper employee of the Commission.

- (2) If more than one (1) family occupies a dwelling, other than a hotel, each single or family unit shall have separate meters, or the account shall be carried in the name of the landlord. Combined residential and commercial buildings where a building contains both commercial and residential uses each shall be separately metered. Whenever an owner of a building that has combined residential and commercial uses finds that it is prohibitive for him to install separate meters, he may apply to the Water and Light Commission for an exemption. However, then the entire building will be billed at the commercial rate.
- (b) No by-pass or other connection between the meter and main shall be made or maintained, except in special cases under the lock and seal in charge of the Commission.
- (c) Where a building is in process of construction and where the Commission finds it impossible to install a meter due to cold weather or other causes, a nipple the length of the meter shall be inserted between the meter connections until such time as a meter can be set. The water used in this case shall be billed on the average basis. Additional meters shall be installed on request of any property owner who so arranges the water pipe on his premises, so as to allow a meter being set with a separate stop-waste valve, making such consumer independent of the others.
- (d) In case a service pipe is to be metered and there is no basement or cellar, or where it is impossible to properly set a water meter in the premises, the Commission will provide, at the expense of the owner of the premises, the proper frost-proof box of approved design (to be used and located outside of owner's buildings) at a cost of labor and materials expense, plus fifteen percent (15%) to cover overhead expenses.
- (e) All water which has gone through the meter must be paid for; if, however, there is a sound of running water, the consumer shall notify the Commission office, and an expert will be sent to examine the pipes and fixtures, and will give advice free of charge.
- (f) Repairs caused by ordinary wear and tear will be borne by the Commission. Any damage which a meter may sustain, resulting from the carelessness of the owner or agent of the premises, or from the neglect of either of them to properly secure and protect same, including any damage that may result from allowing said meter to become frozen, or to be injured from hot water or from steam backing up from behind the boiler, or otherwise, shall be charged to the owner of the premises, and may be charged and collected as a special tax against the property.
- (g) Where meters have been installed prior to the passage of these rules, in places interfering with the reading inspection and reading of same, such meters shall be located as may be directed by the Commission.
- (h) All water meters will be tested as prescribed by the rules and orders of the Public Service Commission.
- (i) Water meters in service shall be put under seal fixed by an authorized employee of the Commission and shall only be broken by such employee with authority of the Commission. Violation of this rule shall subject the guilty party or parties to the penalty provided in a succeeding paragraph of this Chapter, and the party or parties responsible for the water bills for water supplied through a meter whose seal has been tampered with or broken shall be deemed guilty of the offense.
- (j) No water meter shall be removed, impaired or otherwise disturbed, except by the Commission employees.
- (k) It shall be the duty of all persons using City water supplied by the Commission to ascertain and to satisfy themselves that it is being supplied through a meter furnished by the

Commission. Any neglect so to do will not relieve any person and/or premises from any liability therefor, and the Commission shall determine the amounts of water so used and the rates and charges therefor. Any person who shall turn on a supply of water to the service pipe from which the supply has been turned off by the City on account of non-payment of water rents or for any other reason, without first having obtained a permit to do so from the proper City officers, shall be subject to a forfeiture as specified in Section 1-1-7.

SEC. 9-2-7 FAILURE OF SUPPLY.

Consumers using water for supplying boilers or generating steam or other domestic or commercial uses, and depending on the water main pressure for supply, will do so at their own expense and the Commission shall not be liable for any damages because of lack of pressure or failure of supply.

SEC. 9-2-8 REPAIRS TO MAINS.

The Commission reserves the right to shut off the supply in the main temporarily to make repairs, alterations or additions to the works or pipes. When circumstances will permit of sufficient delay, the Commission will give notice by the official newspaper, or by other means, of the discontinuance of the service and the approximate length of time the service will be off. No rebate or damage will be allowed to consumers for such temporary suspension of supply.

SEC. 9-2-9 RECORDS.

A record of the location of all parts of the water works which are underground shall be made on computer records, tracings or cards by the Director of Public Works, and all such records will be the property of the City of Menasha.

SEC. 9-2-10 UNAUTHORIZED USE OF BADGE OR CREDENTIALS.

No person not an authorized officer or employee of the Commission shall have, wear or exhibit any badge or credentials of the Commission. It shall be the duty of each and every officer and employee of the Commission, upon resignation or dismissal, forthwith to surrender and deliver at the office all badges and credentials.

SEC. 9-2-11 FREE ACCESS TO PREMISES FOR INSPECTION.

No person shall hinder or refuse to admit any officer, inspector, foreman or other authorized employee of the Commission, upon the presentation of the badge or other credentials provided by the Commission at all reasonable hours to any premises supplied with City water, for the purpose of making inspection thereof, including the examination of the entire water supply and plumbing system upon said premises. No person shall harbor a vicious dog or other animal on his premises that is inclined to attack any meter-reader or other employee who is authorized by the Commission to enter said premises. Such premises shall be subject to disconnection of water supply pending notice being

given to the Commission that the premises are safe for employees to enter.

SEC. 9-2-12 MISREPRESENTATION IN APPLICATION FOR SERVICE.

Applicants for City water or any service in connection therewith shall not make any misstatement or misrepresentation of facts with respect to such application and shall be governed and bound by all the rules of this Chapter.

SEC. 9-2-13 PROCLAMATION BY MAYOR; PENALTY FOR VIOLATION.

The Mayor or, in his absence, the President of the Council, may issue a proclamation prohibiting the use of water during emergency periods. Violations of such orders shall be subject to the penalties in this Code provided in Sec. 1-1-7.

SEC. 9-2-14 WATER SERVICES OUTSIDE CITY LIMITS.

Based upon a survey of the outside area now served, the City of Menasha herewith acts pursuant to Section 66.069(6) of the Wisconsin Statutes to restrict its holding out to provide water service in unincorporated areas to the territory specifically set forth as follows: All properties located within the corporate city limits of Menasha and the properties outside the corporate limits being served on January 1, 1988.

- (a) The Southerly 180 feet of the following described property, the West on-half of the SE 1/4 of the SE 1/4 Sec. 10 Town 20 N range 17 East-lying Southeasterly of the Railroad right-of-way excepting the East 320 feet, and excepting the South 153 feet of West 66 feet.
- (b) Part East 1/2 of the South East 1/4 of the South East 1/4 Section 10 Town North range 17 East-commencing at the southwest corner of said East 1/2 of the SE 1/4 x SE 1/4 x SE 1/4 - North 373 feet; thence East to the centerline of County Trunk Highway P as presently laid out - thence southerly along the centerline of said County Trunk Highway P to the South line of said Section 10; thence Westerly to point of beginning.
- (c) Part of the SE 1/4 of the SE 1/4 Section 10 Town 20 North range 17 East - commencing at a point 323 feet west of the Southeast corner of said Section 10; thence Northerly 153 feet; thence easterly 110 feet; thence Northeasterly to point 218 feet North and 193 feet west of the Southeast corner of Section 10; thence West 200 feet to the centerline of County Trunk Hwy. P; thence southerly along said Highway centerline to the South line of said Section 10; thence east 110.7 feet to the point of beginning.
- (d) Part SE 1/4 SW 1/4 Section 11 Town 20 North range 17 East - commencing at the west line of the northerly extension of Manitowoc Street in the City of Menasha and the South line of said Section 11; thence North 153 feet West 120 feet, South 153 feet; East 120 feet to the point of beginning.
- (e) The east 762.5 feet of the South 1/4 of the Southwest 1/4 Section 11 Town 20 North range 17 East except the South 183 feet lying east of the east line of Manitowoc Street in the City of Menasha extended Northerly and except that part of said SE 1/4 of SW 1/4 Section 11 - Commencing at the southwest corner Lot 10 Block 1 Suburban Heights Addition, thence West 50 feet; thence North 120 feet; thence east 50 feet to Northwest corner Lot 11 Block 1 Suburban Heights Addition; thence South 120 feet to the point of beginning.
- (f) That part of the South east 1/4 of the Southwest 1/4 of Section 11 Town 20 North range 17

east - commencing at a point on the South line of said Section 11, 260 feet east of the easterly line of Manitowoc Street in the City of Menasha extended northerly; thence North 183 feet; thence East 140 feet; thence South 183 feet; thence West to point of beginning.

- (g) That part of Southwest 1/4 of the SE 1/4 Section 11 Town 20 North range 17 East - commencing at the Southwest corner of said Southwest 1/4 Southeast 1/4 Section 11; thence North 155.5 feet; thence East 191.3 feet; thence Southeasterly at right angles to Appleton Road as presently laid out 143 feet to the centerline of said Appleton Road; thence Southwesterly along said centerline of Appleton Road to the South line of said Southwest 1/4 Southeast 1/4 Section 11; thence West to point of beginning.

SEC. 9-2-15 CROSS CONNECTION CONTROL.

- (a) 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 Menasha Water Utility, and the other, containing water from a private source, water of unknown or questionable safety, or steam, gases, or chemicals, whereby there may be a flow from one system to the other, the direction of flowing depending on the pressure differential between the two systems.
- (b) No person shall establish or permit to be established or maintain or permit to be maintained any cross connection. No interconnection shall be established whereby potable water from a private, auxiliary or emergency water supply other than the regular public water supply of the City of Menasha may enter the supply or distribution system of the City unless such private, auxiliary or emergency water supply and the method of connection and use of such supply shall have been approved by the Menasha Water Utility and by the Wisconsin Department of Natural Resources in accordance with Section NR 810.15, Wisconsin Administrative Code.
- (c) The Menasha Water Utility shall 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. If the Menasha Water Utility is not able to perform the inspection, the property owner must, at the property owner's expense, have the plumbing inspected for cross connections by a State of Wisconsin Certified Cross-Connection Inspector/Surveyor or by a State of Wisconsin licensed plumber. The frequency of inspections and reinspection based on potential health hazards involved shall be as established by the Menasha Water Utility Cross Connection Program and as approved by the Wisconsin Department of Natural Resources. Upon inspection, if a potential cross connection involving a health hazard exists, the Menasha Water Utility's inspector or authorized representative may order that an approved cross connection control device be installed, tested, maintained and repaired for containment from the public water system.
- (d) Upon presentation of credentials, the representative of the Menasha Water Utility shall have the right to request entry at any reasonable time to examine any property served by a connection to the public water system of the City of Menasha for cross connections. If entry is refused, such representative shall obtain a special inspection warrant under Sec. 66.0119, Wis. Stats. On request, the owner, lessee or occupant of any property so served shall furnish to the Menasha Water Utility any pertinent information regarding the piping system or systems on such property.
- (e) The Menasha Water Utility is hereby authorized and directed to discontinue water service to any property wherein any connection in violation of this Section exists and to take such other precautionary measures deemed necessary to eliminate any danger of contamination of the public water system. Water service shall be discontinued only after reasonable notice and

opportunity for hearing under Chapter 68, Wis. Stats., except as provided in Subsection (f). Water service to such property shall not be restored until the cross connection(s) has been eliminated in compliance with the provisions of this Section.

- (f) If it is determined by the Menasha Water Utility 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 Menasha and delivered to the customer's premises, service may be immediately discontinued. The customer shall have an opportunity for hearing under Chapter 68, Wis. Stats., within ten (10) days of such emergency discontinuance.
- (g) The provisions of State Plumbing Code of Wisconsin, Comm 81-87, Wisconsin Administrative Code and any amendments thereto are adopted by reference. This Section does not supersede the State Plumbing Code and the Menasha Plumbing Code, but is supplementary to them.
- (h) Fees and charges for effectuating this Section may be established by the Administration Committee or the Water and Light Commission.

SEC. 9-2-16 WATER TAPS.

It is hereby the policy of the City of Menasha that all water mains tapped shall be charged as an ongoing service to the customer. Such charge shall be payable at the time of the request for the water main tap. Water tap fees shall be as established by the Commission. The Commission shall also establish fees for fire service laterals. "Fire service lateral" shall be defined as that line which serves one (1) particular business or industry and whose principal purpose is fire protection.

SEC. 9-2-17 WATER SERVICE LATERALS.

Every water service lateral connected to the Utility shall be made of suitable material as determined by the Water and Light Commission. No lead or galvanized service line will be allowed to connect to a Utility line once replaced.

SEC. 9-2-18 LEAD & GALVANIZED WATER SERVICE REPLACEMENT PROGRAM.

- (a) Intent and Purpose. The Common Council of the City of Menasha finds that it is in the public interest to establish a comprehensive program for the removal and replacement of lead and galvanized water service laterals in use within both the Menasha Utilities Water system (Utility) and in private systems and to that end declares the purposes of this ordinance to be as follows:
 - (1) To ensure the water quality at every tap of Utility customers meets the water quality standards specified under the Federal Safe Drinking Water Act; and
 - (2) To reduce the lead in City drinking water to meet Environmental Protection Agency (EPA) standards and ideally to reduce lead contaminant level to zero in City drinking water for the health of City residents; and
 - (3) To eliminate the constriction of water flow caused by mineral rich surface water flowing through lead and galvanized water service pipes and the consequent buildup of mineral deposits inside lead and galvanized pipes; and
 - (4) To meet the Wisconsin Department of Natural Resource (WDNR) requirements for local compliance with the Lead and Copper Rule (*see* 56CFR6460; Title 40 CFR part 141.80-141.91 and Chapter NR 809.54-809.55 Wisconsin Administrative Code).

- (b) Owner to Replace Lead and Galvanized Service. Existing lead and galvanized water service laterals connected to the Utility shall be replaced with water service laterals made of suitable material and at the owner's expense. Replacement shall be completed either before or in conjunction with the next Utility project in the area of the affected property. Except, any property tested by the Utility in accordance with Wisconsin Department of Natural Resources lead and copper monitoring that exceeds the lead level established by the Environmental Protection Agency's lead and copper rule, will be required to replace the lateral in one hundred twenty (120) days .
- (1) Affected property owners may contract with a licensed contractor to complete the replacement. If the property owner selects this option, the lead or galvanized water service lateral shall be replaced before the start of or during construction of the Utility project; or,
 - (2) If available, affected property owners may have the Utility contractors complete the replacement.
 - A. The Utility may, as part of any water project, add an alternative to the Utility's contract requesting unit bid prices for the calculation of the cost for private lead or galvanized water service lateral replacement. This will include removing the entire lateral from the main to the inside of the house and replacing all lead or galvanized piping with suitable material.
 - B. If available, and should the property owner select this option, the property owner will be charged the entire cost of the removal and replacement. In addition, all restoration will be the responsibility of the property owner (for example, top soil, concrete, steps, asphalt, bushes, and porches).
- (c) Utility Water System Construction Requirements.
- (1) Notification to Property Owners. Property owners in the project area will be notified, in writing, of capital improvement projects involving public water mains or replacement of lead services on the Utility side. The notification shall be at least 30 days prior to commencement of the construction.
 - (2) Inspection Required. The Water Utility Manager or their designee shall inspect all private connections to the public water mains for the presence of lead or galvanized pipe prior to, if possible, or at the time that the Utility system is to be reconstructed and if unable to gain access for inspection, may pursue an inspection warrant.
 - A. In the event that a private water service lateral is found to contain lead or galvanized pipe the Water Utility Manager or designee shall immediately notify the owner, in writing, of that fact along with information about the Utility's Lead or Galvanized Water Service Lateral Replacement Program.
 - B. The affected property owner shall provide proof of arrangements for replacement of the lead or galvanized water service lateral to the Water Utility Manager or their designee within 30 days of the date of the notification letter.
- (d) Utility Financial Assistance.
- (1) The Utility may provide financial assistance to the owner of the property to which water utility service is provided for the purpose of assisting the owner in replacing customer-side water service lines containing lead. The financial assistance must satisfy all the following conditions:
 - A. Any loan provided may not be forgiven by the Utility or the City;
 - B. Grants that are provided by the Utility are limited to no more than one-half of the total cost to the owner of replacing the lead service;
 - C. The amount of financial assistance must be the same for each owner in a

customer class, be it a fixed amount or a percentage of the replacement cost;
and

- D. The financial assistance program must be approved by the Public Service Commission of Wisconsin.