

## Chapter 254

### WATER

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[HISTORY: Adopted by the Village Board of the Village of Fall Creek as indicated in article histories. Amendments noted where applicable.]

#### GENERAL REFERENCES

Special assessments -- See Ch. 104.  
Building construction -- See Ch. 118.  
Health and sanitation -- See Ch. 148.  
A300.  
Sewers -- See Ch. 214.

Wells – See Ch. 258.  
Subdivision of land – See Ch. 267.  
Engineering standards – See Ch.

**ARTICLE I  
Water Utility**

**[Adopted 4-14-1994 (Ch.7, Sec 7.01 of the 1960 Code); amended in its entirety 6-9-1998, amending in its entirety 4-27-2006, amended in its entirety 5-18-2015]**

**§ 254-1. Public Fire Protection Service, F-1**

- A. Public fire protection service includes the use of hydrants for fire protection service only and such quantities of water as may be demanded for the purpose of extinguishing fires within the service area. This service shall also include water used for testing equipment and training personnel. For all other purposes, the metered or other rates set forth, or as may be filed with the Public Service Commission, shall apply.
- B. Municipal Charge. The annual charge for public fire protection service to the Village of Fall Creek shall be \$44,367. The utility may bill for this amount in equal monthly installments.
- C. Direct Charges. Under Wis. Stat. § 196.03(3)(b), the municipality has chosen to have the utility bill the retail general service customers for public fire protection service.

Effective 5-27-2015, Monthly Public Fire Protection Service Charges:

5/8 - inch meter -	\$ 6.10	3 - inch meter -	\$ 92.75
3/4 - inch meter -	\$ 6.10	4 - inch meter -	\$ 153.00
1 - inch meter -	\$ 15.00	6 - inch meter -	\$ 305.00
1 1/4 - inch meter -	\$ 23.00	8 - inch meter -	\$ 490.00
1 1/2 - inch meter -	\$ 30.75	10 - inch meter -	\$ 732.00
2 - inch meter -	\$ 49.00	12 - inch meter -	\$ 977.00

- D. Customers who are provided service under Schedules Mg-1, Ug-1, or Sg-1 shall be subject to the charges in this schedule according to the size of their primary meter. Customers who are provided service under Schedule Am-1 are exempt from these charges for an additional meters.
- E. Billing: Same as Schedule Mg-1.

**§ 254-2. Private Fire Protection Service - Unmetered, Upf-1.**

- A. This service shall consist of permanent or continuous unmetered connections to the main for the purpose of supplying water to private fire protection systems such as automatic sprinkler systems, standpipes, and private hydrants. This service shall also include reasonable quantities of water used for testing check valves and other backflow prevention devices.

B. Monthly Private Fire Protection Service Demand Charges:

2 - inch or smaller connection -	\$	8.00
3 - inch connection -	\$	15.00
4 - inch connection -	\$	25.00
6 - inch connection -	\$	50.00
8 - inch connection -	\$	80.00
10 - inch connection -	\$	120.00
12 - inch connection -	\$	160.00
14 - inch connection -	\$	200.00
16 - inch connection -	\$	240.00

C. Billing. Same as Schedule Mg-1.

**§ 254-3. General Service - Metered, Mg-1.**

A. Effective 5-27-2015, Monthly Service Charges:

5/8 - inch meter -	\$	10.50	3 - inch meter -	\$	46.00
3/4 - inch meter -	\$	10.50	4 - inch meter -	\$	68.00
1 - inch meter -	\$	14.00	6 - inch meter -	\$	125.00
1 1/4 - inch meter -	\$	18.00	8 - inch meter -	\$	175.00
1 1/2 - inch meter -	\$	22.00	10 - inch meter -	\$	250.00
2 - inch meter -	\$	30.00	12 - inch meter -	\$	325.00

B. Effective 5-27-2015, Plus Volume Charges:

First 10,000 gallons used per month -	\$4.80 per 1,000 gallons
Next 23,333 gallons used per month -	\$4.20 per 1,000 gallons
Over 33,333 gallons used per month -	\$3.25 per 1,000 gallons

C. Billing: Bills for water service are rendered monthly and become due and payable upon issuance following the period for which service is rendered. A late payment charge of 1 percent per month will be added to bills not paid within 20 days of issuance. This late payment charge shall be applied to the total unpaid balance for utility service, including unpaid late payment charges. This late payment charge is applicable to all customers. The utility customer may be given a written notice that the bill is overdue no sooner than 20 days after the bill is issued. Unless payment or satisfactory arrangement for payment is made within the next 10 days, service may be disconnected pursuant to Wis. Admin. Code ch. PSC 185.

D. Combined Metering: For a residential customer with more than one meter on a single service lateral, volumetric reading from all meters shall be combined for billing. For a nonresidential customer, volumetric readings may be combined for billing if the utility for its own convenience places more than one meter on a single water service lateral. Multiple meters placed for the purpose of identifying water not discharged into the

sanitary sewer are not considered for utility convenience and may not be combined for billing. This requirement does not preclude the utility from combining readings where metering configurations support such an approach. Volumetric readings from individually metered separate service laterals may not be combined for billing purposes.

**§ 254-4. Additional Meter Rental Charge, Am-1.**

Upon request, the utility shall furnish and install additional meters to:

- A. Water service customers for the purpose of measuring the volume of water used that is not discharged into the sanitary sewer system; and
- B. Sewerage service customers who are not customers of the water utility for the purpose of determining the volume of sewage that is discharged into the sanitary sewer system.
- C. The utility shall charge a meter installation charge of \$40 and a monthly rental fee for the use of this additional meter.
- E. Monthly Additional Meter Rental Charges:

5/8 - inch meter -	\$ 5.25
3/4 - inch meter -	\$ 5.25
1 - inch meter -	\$ 7.00
1-1/4 - inch meter -	\$ 9.00
1- 1/2 - inch meter -	\$ 11.00
2 - inch meter -	\$ 15.00

This schedule applies only if the additional meter is installed on the same service lateral as the primary meter and either:

- (1) The additional meter is 3/4 - inch or smaller if the metering configuration is the Addition Method; or
- (2) The additional meter is 2 - inch or smaller for all other metering configurations.

If the additional meter is larger than 2 - inch or larger than 3/4 - inch and installed in the Addition Method, each meter shall be treated as a separate account and Schedule Mg-1 rates shall apply.

- F. Billing. Same as Schedule Mg-1.

**§ 254-5. Other Charges, OC-1.**

- A. Payment Not Honored by Financial Institution Charge: The utility shall assess a \$30.00 charge when a payment rendered for utility service is not honored by the customer's financial institution. This charge may not be in addition to, but may be inclusive of, other such charges when the payment was for multiple services.
- B. Billing: Same as Schedule Mg-1.

**§ 254-6. Public Service, Mpa-1.**

- A. Metered Service. Water used by the Village of Fall Creek on an intermittent basis for flushing sewers, street washing, flooding skating rinks, drinking fountains, etc., shall be metered and billed according to the rates set forth in Schedule Mg-1.
- B. Unmetered Service. Where it is impossible to meter the service, the utility shall estimate the volume of water used based on the pressure, size of opening, and the period of time the water is used. The estimated quantity shall be billed at the volumetric rates set forth in Schedule Mg-1, excluding any service charges.
- C. Billing: Same as Schedule Mg-1.

**§ 254-7. General Water Service - Unmetered, Ug-1.**

- A. Service may be supplied temporarily on an unmetered basis where the utility cannot immediately install a water meter, including water used for construction. Unmetered service shall be billed the amount that would be charged to a metered residential customer using 3,000 gallons of water per month under Schedule Mg-1, including the service charge for a 5/8-inch meter. If the utility determines that actual usage exceeds 3,000 gallons of water per month, an additional charge for the estimated excess usage shall be made according to the rates under Schedule Mg-1. This schedule applies only to customers with a 1-inch or smaller service connection. For customers with a larger service connection, the utility shall install a temporary meter and charges shall be based on the rates set forth under Schedule Mg-1.
- B. Billing. Same as Schedule Mg-1.

**§ 254-8. Seasonal Service, Sg-1.**

- A. Seasonal customers are general service customers who voluntarily request disconnection of water service and who resume service at the same location within 12 months of the disconnection, unless service has been provided to another customer at that location in the intervening period. The utility shall bill seasonal customers the applicable service charges under Schedule Mg-1 year-round, including the period of temporary disconnection.
- B. Seasonal service shall include customers taking service under Schedule Mg-1, Schedule Ug-1, or Schedule Am-1.
- C. Upon reconnection, the utility shall apply a charge under Schedule R-1 and require payment of any unpaid charges under this schedule.
- D. Billing: Same as Schedule Mg-1, unless the utility and customer agree to an alternative payment schedule for the period of voluntary disconnection.

**§ 254-9. Bulk Water, BW-1.**

- A. All bulk water supplied from the water system through hydrants or other connections shall be metered or estimated by the utility. Utility personnel or a party approved by the utility shall supervise the delivery of water.
- B. Bulk water sales are:
- (1) Water supplied by tank trucks or from hydrants for the purpose of extinguishing fires outside the utility's service area;
  - (2) Water supplied by tank trucks or from hydrants for purposes other than extinguishing fires, such as water used for irrigation or filling swimming pools; or,
  - (3) Water supplied from hydrants or other temporary connections for general service type applications, except that Schedule Ug-1 applies for water supplied for construction purposes.
- C. A service charge of \$40.00 and a charge for the volume of water used shall be billed to the party using the water. The volumetric charge shall be calculated using the highest volumetric rate for residential customers under Schedule Mg-1. In addition, for meters that are assigned to bulk water customers for more than 7 days, the applicable service charge in Schedule Mg-1 will apply after the first 7 days.
- D. The water utility may require a reasonable deposit for the temporary use of its equipment under this and other rate schedules. The deposit(s) collected shall be refunded upon return of the utility's equipment. Damaged or lost equipment shall be repaired or replaced at the customer's expense.
- E. Billing: Same as Schedule Mg-1.

**§ 254-10. Reconnection Charge, R-1.**

- A. The utility shall assess a charge to reconnect a customer, which includes installing a meter and turning on the valve at the curb stop, if necessary. A utility may not assess a charge for disconnecting a customer.
- During normal business hours: \$40.00  
After normal business hours: \$50.00
- B. Billing. Same as Schedule Mg-1.

**§ 254-11. Water Lateral Installation Charge, Cz-1.**

- A. The utility shall charge a customer for the actual cost of installing a water service lateral from the main through curb stop and box if these costs are not contributed as part of a subdivision development or otherwise recovered under Wis. Stats. Chapter 66.
- B. Billing: Same as Schedule Mg-1.

**§ 254-12. Water Main Extension Rule, X-2.**

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

- A. Where the cost of the extension is to immediately be collected through assessment by the municipality against the abutting property, the procedure set forth under Wis. Stat. § 66.0703 will apply, and no additional customer contribution to the utility will be required.
- B. Where the municipality is unwilling or unable to make a special assessment, the extension will be made on a customer-financed basis as follows:
  - (1) The applicant(s) will advance as a contribution in aid of construction the total amount equivalent to that which would have been assessed for all property under paragraph A.
  - (2) Part of the contribution required in paragraph B.1. will be refundable. When additional customers are connected to the extended main within 10 years of the date of completion, contributions in aid of construction will be collected equal to the amount which would have been assessed under paragraph A. for the abutting property being served. This amount will be refunded to the original contributor(s). In no case will the contributions received from additional customers exceed the proportionate amount which would have been required under paragraph A., nor will it exceed the total assessable cost of the original extension.
- C. When a customer connects to a transmission main or connecting loop installed at utility expense within 10 years of the date of completion, there will be a contribution required of an amount equivalent to that which would have been assessed under paragraph A.

**§ 254-13. Water Main Installations in Platted Subdivisions, X-3.**

- A. Application for installation of water mains in regularly platted real estate development subdivisions shall be filed with the utility.
- B. If the developer, or a contractor employed by the developer, is to install the water mains (with the approval of the utility), the developer shall be responsible for the total cost of construction.
- C. If the utility or its contractor is to install the water mains, the developer shall be required to advance to the utility, prior to the beginning of the construction, the total estimated cost of the extension. If the final costs exceed estimated costs, an additional billing will be made for the balance of the cost due. This balance is to be paid within 30 days. If final costs are less than estimated, a refund of the overpayment will be made by the water utility.



**Disconnection Notice**

Dear Customer:

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

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

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

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

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

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

Please call this telephone number (appropriate telephone number) immediately if:

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

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

Deferred payment agreements If you are a residential customer and you are unable to pay the full amount of the water utility service arrears on your bill, you may contact the utility to discuss arrangements to pay the arrears over an extended period of time.

This time payment agreement will require:

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

In any situation where you are unable to resolve billing disputes or disputes about the grounds for proposed disconnection through contacts with our water utility, you may make an appeal to the Public Service Commission of Wisconsin by calling (800)225-7729.

(Water Utility Name)

**ARTICLE II**  
**Cross Connections**  
**[Adopted 11-14-2011]**

**§ 254-15. Purpose.**

The purpose of this ordinance is:

To protect the health and welfare of users of the public potable water supply of the Village of Fall Creek from the possibility of contamination or pollution of the potable water system(s) under the direct authority of the Village Board.

To promote for the control and/or elimination of existing cross connections (actual or potential) between the customer's potable water system(s) and other environment(s) containing substance(s) which may contaminate or pollute the water supply.

To provide for the maintenance of a continuing Comprehensive Program of Cross Connection Control which will systematically and effectively prevent the contamination or pollution of all potable water system(s) under the direct authority of the Fall Creek Water System.

**§ 254-16. Definitions.**

As used in this article, the following terms shall have the meanings indicated:

**BACKFLOW** – The undesirable flow of water or mixtures of water and other liquids, solids, gases or other substances under positive or reduced pressure into the Fall Creek Water System potable supply of water from any source.

**BACKFLOW PREVENTION** – A means designed to prevent backflow caused by backpressure or backsiphonage; most commonly categorized as air gap, reduced pressure principle backflow assembly, double check valve assembly, pressure vacuum breaker assembly, backsiphonage backflow vacuum breaker (spill resistant pressure vacuum breaker) assembly, pipe applied atmospheric vacuum breaker, flush tank ballcock, laboratory faucet backflow preventer, backflow preventer for carbonated beverage machine, vacuum breaker wall hydrants, (freeze resistant automatic draining type), chemical dispensing machine, hose connection vacuum breaker, hose connection

backflow preventer, backflow preventer with intermediate atmospheric vent and barometric loop.

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

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

**CROSS CONNECTION** – Any physical connection or arrangement between two otherwise separate systems, one of which contains potable water from the utility, and the other containing water from a private source, water of unknown or questionable safety, or steam, gases or chemicals, whereby there may be a flow from one system to the other, the direction of the flow depending on the pressure differential between the two systems.

**CROSS CONNECTION CONTROL MANUAL** – Policies and procedures for cross connection control and backflow prevention for the Village of Fall Creek, Wisconsin.

**§ 254.17. Cross connections prohibited.**

No person shall establish or permit to be established or maintain or permit to be maintained any cross connections. No interconnection shall be established whereby potable water from a private, auxiliary or emergency water supply, other than the public water supply of the utility, unless such private, auxiliary or emergency water supply and the method of connection and use of such supply have been approved by the utility and the Wisconsin Department of Natural Resources.

**§ 254.18. Responsibility.**

The Fall Creek Water Utility shall be responsible for the protection of the public potable water distribution system from the contamination or pollution due to backflow of contaminants or pollutants. The utility shall charge fees according to the utility's "Cross Connection Control Manual" for maintaining a Comprehensive Cross Connection Control Protection Plan.

**§ 254-19. Owner responsibility.**

The property owner shall be responsible for the protection of the customer's potable water system. The responsibilities include the elimination of or protection from all cross connections on their premises. The owner shall, at their own expense, install, maintain and test any and all backflow preventers on their premises in compliance with the Department of Commerce Comm 82.21 requirements and the utility's "Cross Connection Control Manual". The property owner shall have corrected any malfunction revealed by periodic testing of any backflow preventer on their premises. The property owner shall inform the utility of any proposed or modified cross connections and also any existing cross connections that are not protected by an approved backflow prevention means.

The property owner shall not install a by-pass around any backflow preventer unless there is a backflow preventer of the same type in the by-pass. Property owners who cannot shut down operation for testing of the backflow prevention assembly must supply additional assemblies necessary to allow testing and maintenance to take place. In the event the property owner installs potable water using fixtures, equipment or appurtenances upstream of a backflow preventer, such must have its own approved backflow prevention means.

The property owner is required to follow the protection practices described in the American Water Works Association publication AWWA M-14 titled "Recommended Backflow Prevention and Cross Connection Control", United States Environmental Protection Agency publication

titled “Cross Connection Control Manual”, Wisconsin Department of Commerce Plumbing Code, Comm 82-84 and the utility’s “Cross Connection Control Manual”, unless the utility requires or authorizes other means of protecting the potable water supply system. These requirements or authorizations will be at the discretion of the utility.

**§ 254-20. Inspections.**

It shall be the duty of the utility to cause surveys to be made of all properties serviced by the utility where cross connections with the public water system is deemed possible. Residential properties serviced by the utility shall be surveyed at time of meter change. The utility may, but is not required to, perform the cross connection survey of the customer’s property. All non-residential properties serviced by the utility shall be surveyed on an interval not exceeding 2 (two) years. The frequency of required surveys and resurveys, based upon the potential health hazards, may be shortened by the utility. If, in the opinion of the utility, the utility is not able to perform the survey, the property owner must, at their own expense, have the water system piping surveyed for cross connections by a person who has been properly trained in accordance with the American Society of Sanitary Engineers (ASSE) Standard number 5120 as a Cross Connection Control Surveyor. The utility shall charge fees as approved by the State of Wisconsin Public Service Commission for on-premises follow-up visits by utility personnel for re-inspection due to customer noncompliance and for after hours inspections or re-inspections.

**§ 254-21. Right of entry.**

Upon presentation of credentials, representatives of the utility shall have the right to request entry at any reasonable time to examine property served by a connection to the public potable water system of the utility for cross connections. If entry is refused, such representatives shall obtain a special inspection warrant under s. 66.122, Wisconsin Statutes. The utility shall charge the property owner a fee of \$25.00 (twenty-five dollars) per day for refusal to allow entry to examine any property. Upon request, the owner, lessee or occupant of any property served shall furnish to the inspection agency any pertinent information regarding the piping system on such property.

**§ 254.22. Authority to discontinue service.**

The utility is hereby authorized and directed to discontinue water service to any property wherein any connection in violation of this section exists and to take such other precautionary measures deemed necessary to eliminate any damage of contamination of the potable water system. Water service shall be discontinued if the means of backflow prevention required by the utility is not installed, tested, maintained and/or repaired in compliance with this ordinance, the Department of Commerce Plumbing Code Comm 82-84 and the utility’s “Cross Connection Control Manual”, or if it is found that the means of backflow prevention required by this ordinance has been removed or bypassed. Water service shall be discontinued only after reasonable notice and opportunity for hearing under Chapter 68, Wisconsin Statutes, except as provided in § 254.22.2 of this section.

**§ 254.23. Reconnection of service.**

Water service to any property disconnected under provisions of this ordinance shall not be restored until the cross connection(s) has been eliminated or a backflow prevention means approved by the utility has been installed in compliance with the provisions of this section. The utility shall charge fees as approved by the State of Wisconsin Public Service Commission for the reconnection of the water service.

**§ 254.24. Emergency discontinuance of service.**

If it is determined by the utility that a cross connection or an emergency endangers public health safety or welfare and requires immediate action, service may be immediately discontinued. The owner, lessee or occupant shall have an opportunity for hearing under Chapter 68, Wisconsin Statutes within 10 days of such emergency discontinuance. Such hearing shall be before the Village of Fall Creek Public Works Committee and shall conform to all existing due process requirements.

**§ 254.25. Additional protection.**

In the case of premises having (a) cross connections that cannot be permanently corrected or controlled, or (b) intricate plumbing and piping arrangements or where entry to all portions of the premises is not readily accessible for surveying purposes, making it impractical or impossible to ascertain whether or not dangerous cross connections exist, the public water supply system shall be protected in the service line. In the case of any premises where there is any material dangerous to health that is handled in such a manner that, in the opinion of the utility, could create an actual or potential hazard to the public water supply system, an approved air gap separation or an approved reduced pressure principle backflow assembly shall protect the public water system. Examples of premises where these conditions will exist include premises with auxiliary water supplies either interconnected or not interconnected with the public water supply, premises where inspection is restricted, hospitals, mortuaries, clinics, laboratories, piers, docks, and other water front facilities, sewage treatment plants, sewage lift stations, food and beverage processing plants, chemical plants using a water process, metal processing plants or nuclear reactors, car washing facilities and premises with reclaimed water systems. In the case of any presence of toxic substances, the utility may require an approved air gap or reduced pressure principal backflow assembly at the service connection to protect the public water supply system. This requirement will be at the discretion of the utility.

**§ 254-26. Public water supplies.**

This section does not supersede the State of Wisconsin Department of Natural Resources Administrative Code NR 810, but is supplementary to it.

**§ 254-27. Plumbing code.**

The Village Board of Fall Creek adopts by reference the Wisconsin Uniform Plumbing Code being Chapter Comm 82-84, Wisconsin Administrative Code. This section does not supersede the Wisconsin Uniform Plumbing Code and/or the Building Code, but is supplementary to it.

**§ 254-28. Conflicting ordinances.**

All ordinances, or parts of ordinances, in conflict herewith are hereby repealed.