

## Chapter 357

### WATER

**[HISTORY: Adopted by the Town Board of the Town of Scott 6-10-2008. Amendments noted where applicable.]**

#### GENERAL REFERENCES

Uniform Dwelling Code — See Ch. 35, Art. I.

Condominiums — See Ch. 68.

Sewers and sewage disposal — See Ch. 260.

Subdivision of land — See Ch. 308.

Water Utility — See Ch. 363.

Zoning — See Ch. 375.

#### ARTICLE I

##### Well Abandonment

###### § 357-1. Purpose.

The purpose of this article is to prevent contamination of groundwater and to protect public health, safety and welfare by assuring that unused, unsafe or noncomplying wells or wells which may serve as conduits for contamination or wells which may be illegally cross-connected to the municipal water system are properly abandoned.

###### § 357-2. Applicability.

This article applies to all wells located on premises served by the Scott Water Utility.<sup>1</sup>

###### § 357-3. Definitions.

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

**MUNICIPAL WATER SYSTEM** — A system for the provision to the public of piped water for human consumption, when such system has at least 15 service connections or regularly serves at least 25 year-round residents, owned or operated by a city, village, county, town, town sanitary district, utility district or public institution, or a privately owned water utility serving any of the above.<sup>2</sup>

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

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<sup>1</sup>. Editor's Note: See Ch. 363, Water Utility District.

<sup>2</sup>. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

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

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

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

**WELL** — An excavation or opening into the ground made by digging, boring, drilling, driving or other methods for the purpose of obtaining groundwater for consumption or other use.

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

**§ 357-4. Abandonment required.**

All wells located on premises served by the municipal water system shall be abandoned in accordance with the terms of this article and Ch. NR 812, Wis. Adm. Code, no later than one year from the date of connection to the municipal water system unless a well operation permit has been obtained by the well owner from the Scott Water Utility ("Water Utility").

**§ 357-5. Well operation permits.**

- A. The Water Utility may grant a permit to a private well owner once he has hooked up to the municipal water system. Well permit application forms shall be provided by the Clerk or his designated representative. The property owner shall submit a well operation permit within 30 days of the date he connects to municipal water. The submittal of an application, along with application fee, must verify that the following conditions are met for issuance or renewal of a well operation permit:<sup>3</sup>
- (1) The well and pump installation meet or are upgraded to meet the requirements of Ch. NR 812, Wis. Adm. Code. Compliance shall be verified by inspection for initial issuance of a permit and every 10 years thereafter. Inspections shall be conducted by a Wisconsin licensed well driller or pump installer and documented on inspection report Form DNR #3300-221, which shall be submitted to the Clerk.
  - (2) The well construction and pump installation have a history of producing bacteriologically safe water as evidenced by at least one bacteriologically safe sample report submitted to the Clerk per § NR 811.10, Wis. Adm. Code. No exception to this condition may be made for unsafe wells, unless the Department of Natural Resources approves, in writing, the continued use of

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<sup>3</sup>. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

the well. In areas where the Department of Natural Resources has determined that groundwater aquifers are contaminated with substances other than bacteria, additional chemical tests may be required to document the safety of the water.

- (3) There are no cross-connections between the well and pump installation and the municipal water system.
  - (4) The proposed use of the well and pump installation can be justified as being necessary in addition to water provided by the municipal water system.
  - (5) The water from a private well shall not be discharged into a drain leading directly to a public sewer utility unless properly metered and authorized by the sewer utility.
- B. The Water Utility or its agent may conduct inspections or have water quality tests conducted at the applicant's expense to obtain or verify information necessary for the consideration of a permit application or renewal.
- C. Well permit renewal shall be done every five years.

**§ 357-6. Abandonment procedures.**

- A. All wells abandoned under the jurisdiction of this article or rule shall be abandoned according to the procedures and methods of Ch. NR 812, Wis. Adm. Code. All debris, pumps, piping, unsealed liners and any other obstructions which may interfere with sealing operations shall be removed prior to abandonment.<sup>4</sup>
- B. All well filling and sealing under jurisdiction of this chapter shall be performed by a Wisconsin licensed well driller or pump installer, per § 280.30, Wis. Stats.<sup>5</sup>
- C. The owner of the well, or the owner's agent, shall notify the Clerk at least 48 hours prior to commencement of any well abandonment activities. The abandonment of the well may be observed by the Water Utility.
- D. An abandonment report form, supplied by the Department of Natural Resources, shall be submitted by the well owner to the Town Clerk and the Department of Natural Resources within 10 days of the completion of the well abandonment.

**§ 357-7. Violations and penalties.**

Any well owner violating any provision of this article shall, upon conviction, be punished by forfeiture as set forth in the Scott Water Utility Fee Schedule. Each day of violation is a separate offense. If any person fails to comply with this article for more than 10 days after receiving written notice of the violation, the Water Utility may impose a penalty and cause the well abandonment to be performed and the expense to be assessed as a special tax against the property.

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<sup>4</sup>. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

<sup>5</sup>. Editor's Note: Added at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

ARTICLE II  
**Mandatory Utility Connections**

**§ 357-8. Water service.**

- A. The owner of each parcel of land adjacent to a water main on which there exists a building usable for human occupation shall connect to such system within 30 days of notice, in writing, from the Water Utility after water service is available.
- B. Developed areas adjacent to existing or proposed water mains and which are serviced with sanitary sewers from one of the sanitary districts within the Town of Scott shall be extended water service and shall be required to connect.
- C. Connection to the municipal water system shall include, at a minimum, all interior fixtures of the occupied building.
- D. Upon failure of the owner to hook up, the Water Utility may cause such connection to be made and bill the property owner for such costs. If such costs are not paid within 30 days, such costs shall be assessed as a special tax lien against the property; however, the owner may, within 30 days after completion of the work, file a written request for an option with the Water Utility stating that he cannot pay such amount in one sum and asking that it be levied in not to exceed five equal installments, and the amount shall be collected with interest at the rate of 15% per annum from the completion of the work, the unpaid balance being a special tax lien, all pursuant to § 281.45, Wis. Stats.<sup>6</sup>
- E. In lieu of the above, the Water Utility will:
  - (1) Impose a penalty for the period that the violation continues, after 10 days' written notice to any owner failing to make connection to the water system, of a fine in the amount as specified on the Scott Water Utility Fee Schedule, payable quarterly, for the period in which the failure to connect continues, and upon failure to make such payment, said charge shall be assessed as a special tax lien against the property, all pursuant to § 281.45, Wis. Stats.<sup>7</sup>
  - (2) Commence court action to require connection to the Water Utility water main and to impose such other penalty as this article provides.
- F. This article ordains that the failure to connect to the water system is contrary to the minimum health standards of the Water Utility and fails to assure preservation of public health, comfort and safety of the Water Utility residents.
- G. This article shall be applicable to new water main extension projects following the expiration of the period for connection to the new water main as provided in the special assessment proceedings for such project or the order of the Water Utility Commission.<sup>8</sup>

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<sup>6</sup>. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

<sup>7</sup>. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

<sup>8</sup>. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

**§ 357-9. Connection of both water and sewer.**<sup>9</sup>

When water and sewer are both available and connection is requested for one service, the property owner must connect to both.

**§ 357-10. Approval required for contractors.**

Any and all contractors wishing to tap into the water main in the Town of Scott must have prior approval of the Water Utility and must be supervised by the Water Utility or representative thereof, so as to protect and maintain quality of such systems within the Water Utility service area.

**§ 357-11. Maintenance of services.**

All water services from the street main to the property line, including all controls between the same, will be maintained by the Water Utility without expenses to the property owner, except when they are damaged as a result of negligence or carelessness on the part of the property owner, tenant, or agent of the owner, in which case they will be repaired at the expense of the property owner. All water services from the point of maintenance by the Water Utility to and throughout the premises must be maintained free of defective conditions by and at the expense of the owner or occupant of the property.

ARTICLE III  
**Cross-Connection Control**

**§ 357-12. Purpose.**

The purpose of this article is to prevent contamination of the potable water system and to protect public health, safety and welfare.

**§ 357-13. Applicability.**

This article applies to all properties serviced by the public water system.

**§ 357-14. 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 Water Utility potable supply of water from any source.

**BACKFLOW PREVENTER** — A device or means designed to prevent backflow caused by backpressure or backsiphonage; most commonly categorized as air gap, reduced pressure principle backflow assembly, double check valve assembly, pressure vacuum breaker assembly, backsiphonage backflow vacuum breaker (spill-resistant pressure vacuum breaker) assembly, pipe applied atmospheric vacuum breaker, flush tank ballcock, laboratory faucet backflow preventer, backflow preventer for carbonated

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<sup>9</sup>. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

beverage machine, vacuum breaker wall hydrants, chemical dispensing machine, hose connection vacuum breaker, hose connection backflow preventer, backflow preventer with intermediate atmospheric vent and barometric loop.

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

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

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

**§ 357-15. Unprotected cross-connections prohibited.**<sup>10</sup>

No person, firm, or corporation may establish or maintain, or permit to be established or maintained, any unprotected cross-connection. Cross-connections shall be protected as required in Ch. SPS 382, Wis. Adm. Code.

**§ 357-16. Inspections.**

- A. It shall be the duty of the Water Utility to cause inspections to be made of all properties served by the public water system where cross-connections with the public water system are deemed possible. The frequency of inspections and reinspections based on potential health hazards involved shall be as established by the Water Utility and as approved by the Wisconsin Department of Natural Resources. At a minimum, the following schedule shall be followed:
  - (1) Residential properties serviced by the Water Utility shall be inspected on a ten-year interval.
  - (2) All nonresidential properties serviced by the Water Utility shall be inspected on a two-year interval.
- B. It shall be the duty of each owner of property subject to commercial or industrial use receiving water service within the district to engage a certified plumbing inspector to conduct an inspection for the existence and condition of cross-connections and backflow devices every two years and furnish a report of said inspection to the Water Utility.

**§ 357-17. Right of entry for inspections.**

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<sup>10</sup>. Editor's Note: Added at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

Upon presentation of credentials, the representative of the 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 Water Utility for cross-connection. If entry is refused, such representative shall obtain a special inspection warrant under § 66.0119, Wis. Stats. On request, the owner, lessee or occupant of any property so served shall furnish to the inspection agency any pertinent information regarding the piping system or systems on such property.

**§ 357-18. Discontinuance of water service.**

The Water Utility is hereby authorized and directed to discontinue water service to any property wherein any connection in violation of this article 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 Ch. 68, Wis. Stats. Water service to such property shall not be restored until the cross-connection(s) has been eliminated in compliance with the provisions of this article.

**§ 357-19. Emergency discontinuance of water service.**

If it is determined by the Water Utility that a cross-connection or an emergency endangers public health, safety and welfare and requires immediate action, and a written finding to that effect is filed with the Water Utility and delivered to the customer's premises, service may be immediately discontinued. The customer shall have an opportunity for hearing under Ch. 68, Wis. Stats., within 10 days of such emergency discontinuance.

**§ 357-20. Owner responsibility.**

The property owner shall be responsible for the elimination of or protection from all cross-connections on his premises. The property owner shall, at his or her expense, have installed, maintained, and tested any and all backflow preventers on his or her premises in compliance with Chs. NR 811 and SPS 382, Wis. Adm. Code. The property owner shall have corrected any malfunction, revealed by periodic testing, of any backflow preventer on his premises. The property owner shall inform the Water Utility of any proposed or modified cross-connections and also any existing cross-connections that are not protected by an approved backflow prevention device. The property owner shall not install a bypass around any backflow preventer unless there is a backflow preventer of the same type on the bypass. Property owners who cannot shut down operation for testing of the backflow prevention device must supply additional devices necessary to allow testing to take place. In the event the property owner installs plumbing upstream of the backflow preventer, such plumbing must have its own backflow preventer. The property owner is required to follow the protection practices described in the American Water Works Association publication AWWA M14, titled "Recommended Practice for Backflow Prevention and Cross Connection Control," unless the Water Utility requires or authorizes other means of protecting the public water system. These requirements or authorizations will be at the discretion of the Water Utility.

**§ 357-21. Additional protection.**

In the case of premises having internal cross-connections that cannot be permanently corrected or controlled, or intricate plumbing and piping arrangements where entry to all portions of the premises is not readily accessible for inspection purposes, making it impracticable or impossible to ascertain whether or not dangerous cross-connections exist, the public water system shall be protected against backflow from the premises by installing an approved backflow preventer in the service line. In the case of any premises where there is any material hazard that could be dangerous to health that is handled in such a manner that, in the opinion of the Water Utility, could create an actual or potential hazard to the public water system, the public water system shall be protected by an approved air-gap separation or an approved reduced pressure principle backflow preventer. Examples of premises where these conditions will exist include sewage treatment plants, hospitals, plating plants, and car wash establishments. In the case of any premises where, in the opinion of the Water Utility, an undue health threat is posed because of the presence of toxic substances, the Water Utility may require an approved air gap at the service connection to protect the public water system. This requirement will be at the discretion of the Water Utility.

ARTICLE IV  
**Construction Standards**

**§ 357-22. Identification of curb stops.** <sup>11</sup>

The Water Utility requires all contractors working within its water district to place markers to identify the curb stops after service is hooked up at their working location. A fine as specified on the Scott Water Utility Fee Schedule will be levied upon those contractors failing to comply with this requirement.

**§ 357-23. Jumper wires.**

The Water Utility mandates that a jumper wire be installed across the water meter connecting the incoming line to the outgoing line so as to prevent electrical shock.

**§ 357-24. Contamination of water system.**

Contamination of the Water Utility system is prohibited. Anyone who contaminates the water system, whether by sprinkling system or any other means, will be fined as specified on the Scott Water Utility Fee Schedule plus cleanup and testing cost.

ARTICLE V  
**Private Well Drilling**

**§ 357-25. Private wells.**

Private potable well drilling is herewith prohibited within the boundaries of the Scott Projected Water Utility Service Area Map, which is on display at the Town Hall and

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<sup>11</sup>. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

updated yearly by the Scott Water Utility. Temporary private potable wells may be allowed if approved by the Scott Water Utility.

**§ 357-26. Violations and penalties.**

- A. Any person who violates this article shall, upon conviction of such violation, be subject to a penalty of a civil forfeiture as specified on the Scott Water Utility Fee Schedule, together with the costs of prosecution. Any default of such forfeiture or conviction determined by a court of competent jurisdiction shall be subject to any penalties as provided in §§ 66.0109, 66.0113, 66.0114 and 66.0115, Wis. Stats., as may be amended.
- B. Each violation and each day a violation continues or occurs shall constitute a separate offense. Nothing in this article shall preclude the Water Utility from maintaining any appropriate Circuit Court action to prevent or remove a violation of this article.

ARTICLE VI

**Private Water Flow-Through Systems**

**§ 357-27. Installation of check valves and shutoff valves required.** <sup>12</sup>

In accordance with § NR 811.68(3), Wis. Adm. Code, the Water Utility mandates that all current and future private water systems that are connected to the municipal distribution system in more than one location and have a flow-through design are to install check valves, followed by shutoff valves, at each connection to the public water system.

**§ 357-28. Flushing devices.**

If at any time one of the connections is severed, leaving only one connection and no longer having a flow-through situation, thus creating a dead end, a flushing device must be installed and a maintenance agreement is to be filed with the Water Utility.

ARTICLE VII

**Mandatory Master Meters**

**§ 357-29. Multitenant buildings.**

The Water Utility mandates that all future multitenant buildings, residential and commercial, with the exception of duplexes or condominiums, are to install a master meter, either per building or for the entire complex, for the purpose of ascertaining total consumption to be applied toward quarterly billings or water use.

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<sup>12</sup>. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).