

**AN ORDINANCE REGULATING THE USE OF PUBLIC WATER SUPPLY AND DISTRIBUTION FACILITIES OF THE LAKELAND SANITARY DISTRICT NO. 1, OF THE TOWN OF MINOCQUA, ONEIDA COUNTY, AND ESTABLISHING WATER RATES, RULES AND REGULATIONS CONCERNING THE GOVERNMENT THEREOF AND ALSO CONCERNING GOVERNMENT OF WATER TAKERS, LICENSED PLUMBERS AND OTHERS, AND PENALTIES.**

The Lakeland Sanitary District No. 1, of the Town of Minocqua, Oneida County, Wisconsin, does hereby ordain as follows:

**SECTION 1**

(1) The management, operation, and control of the water system for the Sanitary District is vested in the Sanitary District Commissioners of said Sanitary District; all records, minutes and all written proceedings thereof shall be kept by the Clerk of the District; the Treasurer of the Sanitary District shall keep all the financial records.

(2) The water utility of the Sanitary District shall have the power to construct water lines for public use, and shall have to power to lay water pipes in and through the alleys, streets, and public grounds of the Sanitary District; and generally, to do all such work as may be found necessary or convenient in the management of the water system. The Sanitary District Commissioners shall have power by themselves, their officers, agents, and servants, to enter upon any land for the purpose of making examination or supervise in the performance of their duties under this Ordinance, without liability therefore; and the Sanitary District Commissioners shall have power to purchase and acquire for the Sanitary District all real and personal property which may be necessary for construction of the water system, or for any repair, remodeling, or additions thereto.

(3) **Condemnation of Real Estate.** Whenever any real estate or any easement therein, or use thereof, shall in the judgment of the Sanitary District Commissioners be necessary to the water system; and whenever, for any cause, an agreement for the purchase thereof, cannot be made with the owner thereof, the Sanitary District shall proceed with all necessary steps to take such real estate easement, or use by condemnation in accordance with the Wisconsin Statutes.

(4) **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 said water system, and all buildings, machinery, and fixtures pertaining thereto, shall be the property of said Sanitary District.

**SECTION 2**

The following rules and regulations for the government of licensed plumbers, water takers and others, and hereby adopted and established:

(1) **Plumbers:** No plumber, pipe fitter, or other person will be permitted to do any plumbing or pipe fitting work in connection with the water system without first receiving a license from the State of Wisconsin.

(2) **Users:**

A. **Application for service.** Every person connecting with the water system shall file an application in writing to the Sanitary District, in such form as is prescribed for that purpose. Blanks for such applications will be furnished at the office of the Sanitary District. The application must state full and truly all the use will be allowed except upon further application and permission regularly obtained from said Sanitary District.

If it appears that the service applied for will not provide adequate service for the contemplated use, the Sanitary District may reject the application. If the Sanitary District shall approve the application, it shall issue a permit for services as shown on the application.

B. **User To Keep in Repair.** All users shall keep their own service pipes in good repair and protected from frost, at their own risk and expense, and shall prevent any unnecessary waste of water. All expenses relating to the connection with the water system shall be paid by the applicant. No charge, however, shall be made for the services of the superintendent in directing where and in what manner the mains shall be tapped, and excavations made in the street for laying pipe.

C. **User Use Only.** No user shall allow others or other services to connect to the water system through his lateral.

D. **User To Permit Inspection.** Every user shall permit the Sanitary District, or their 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 they must at all times, frankly and without concealment, answer all questions put to them relative to its use.

E. **Utility Responsibility.** It is expressly stipulated that no claim shall be made against said Sanitary District or Sanitary District Commissioners by reason of the breaking, clogging, stoppage, or freezing of any service pipe; nor from any damage arising from repairing mains, making connections or extensions or any other work that may be deemed necessary. The right is hereby reserved to cut off the service at any time for the purpose of repairs or any other necessary purpose, any permit granted or regulation to the contrary notwithstanding. Whenever it shall become necessary to shut off the water service within any district of the said Sanitary District, the Sanitary District shall, if practicable, give notice to each and every consumer within said district, of the time when such service will be so shut off.

F. **Meters.** It shall be the duty of the owner of any premises to provide a location for a water meter, and to maintain such location and passageway thereto, clean and sanitary and free from any obstruction of any condition of a hazardous nature. No

connection for water meters shall be installed in any location not easily accessible or which is, or may be, unclean, unsanitary, or in any manner unsafe to utility employees in the discharge of their duties.

(3) **Excavations.**

A. In making excavations in streets or highways for laying service pipe or making repairs, the paving and earth removed must be deposited in a manner that will occasion the least inconvenience to the public.

B. 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 excavation.

C. In refilling the opening, after the service pipes are laid, the earth must be laid in layers of not more than nine inches in depth, and each layer thoroughly compacted to prevent settling. This work, together with the replacing of sidewalks, ballast and paving, must be done so as to make the street as good, at least, as before it was disturbed, and satisfactory to the Sanitary District. No opening of the streets for tapping the pipes will be permitted when the ground is frozen.

(4) **Tapping The Mains.**

A. No persons, except those having special permission from the Sanitary District, or persons in their service and approved by them will be permitted, under any circumstances to tap the water mains or distribution pipes. The kind and size of the connection with the pipe shall be that specified in the permit or order from said Sanitary District.

B. Pipes should always be tapped from the top position at a 10 or 2 o'clock position, and not within 18 inches (45 cm) of the joint, or within 24 inches (60 cm) of another connection.

(5) **Installation of House Laterals.**

A. All water lines on private property, whether underground or within a structure, will be installed in accordance with the State of Wisconsin Administrative Code, Chapter Comm. 82, "Design, Construction, Installation, Supervision and Inspection of Plumbing".

B. The building's water line shall be inspected upon completion of placement of the pipe and before backfilling; and, tested before or after backfilling.

(6) **Water Service Rates.**

A. Water Utility Rules. Wisconsin Administrative Code, PSC 185 regulations published by the Public Service Commission of Wisconsin (small utility

rules), and the Rates as provided by the Public Service Commission Finding of Fact, Certification, and Order are hereby adopted by the Lakeland Sanitary District No. 1, in the Town of Minocqua, as applicable to the Water Utility.

(7) **Mandatory Hookup.**

A. The owner of each parcel of land adjacent to a water main on which there exists a building useable for human habitation or in a block, through which such system is extended, shall connect to such system within one (1) year of notice in writing from the Sanitary District. If connection is not made within the one (1) year period of time, the Sanitary District will send a notice by certified mail that connection shall be made within ninety (90) days. Upon failure to do so, the Sanitary District may cause such connection to be made and bill the property owner for such costs. If such costs are not paid within thirty (30) days, such notice shall be assessed as a special tax lien against the property, all pursuant to Section 144.06 Wisconsin Statutes provided, however, that the owner may, within thirty (30) days after the completion of the work, file a written option with the Sanitary District's secretary stating that he/she cannot pay such amount in one sum and ask that there be levied in not to exceed five (5) equal installments and that the amount shall be so collected with interest at the rate of 1(%) percent per annum over current borrowing rate of interest, not to exceed 15(%) percent per annum from the completion of the work, the unpaid balance being a special tax lien, all pursuant to Section 144.06 Wisconsin Statutes.

B. This ordinance ordains that the failure to connect to the water system is contrary to the minimum health standards of said Sanitary district and fails to assure preservation of public health, comfort, and safety of said Sanitary District.

(8). **Maintenance of Services.**

A. All water services within the limits of the Sanitary District from the street main to the property line and including all controls between the same will be maintained by the Water Utility without expenses to the property line and 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, a tenant, or an 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 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.

(9) **Payment Of Bills.**

A. Failure to Receive Bill, No Penalty Exemption. Every reasonable care will be exercised in the proper delivery of water bills. Failure to receive a water bill, however, shall not relieve any person of the responsibility for payment of water rates

within the prescribed period, nor exempt any person from any penalty imposed for delinquency in the payment thereof.

(10) **Penalty For Improper Use.**

A. It shall be unlawful for any person to willfully pollute or otherwise injure any water supplied by the water system.

B. Cross-connections are not permitted between the water utility system and any other source of water as set forth in Wisconsin Administrative Code NR111.25 and Comm. 62.14.

C. All private wells which are unused, unsafe, or do not comply with appropriate Wisconsin Administrative Code, must be abandoned in compliance with Sections NR111.26 and NR111.27(1)(c) of the Code.

(11) **Damage Recovery.**

A. The utility shall have the right of recovery from all persons, any expense incurred by said utility for the repair or replacement of any water pipe, curb-cock, gate valve, hydrant, or valve box damaged in any manner by any person by the performance of any work under their control, or by an negligent act. Owners or operators of motor vehicles will be held liable for the cost of repair of any hydrant damaged by them and the utility will not be responsible for the damage due the motor vehicle by reason of such accident.

(12) **Penalties.**

A. Any person who shall violate any of the provisions of this ordinance, or rules, or regulations of the Lakeland Sanitary District No. 1, of the Town of Minocqua, or who shall connect a service pipe without first having obtained a permit therefore; or who shall violate any provisions of the Wisconsin Statutes, Wisconsin Administrative Code, or any other materials which are incorporated by reference, shall upon conviction thereof; forfeit not less than \$10 nor more than \$200 and the costs of enforcing the connection duties set out in Section 2 (7) for mandatory hookup.

## **SECTION 3**

### **Miscellaneous Rules and Regulations:**

(1.) **Vacating of Premises and Discontinuance of Service.** Whenever premises served by the system are to be vacated, or whenever any person desires to discontinue service from the system, the system must be notified in writing. The owner of the premises shall be liable for any damages to the property of the system by reasons of failure to notify the system of a vacancy or any such damage which may be discovered

having occurred to the property of the system other than through the fault of the system or its employees, representatives, or agents.

(2) **Charges Are A Lien On Property.** All water services, charges, and special assessments shall be a lien on a lot, part of a lot, or land on which water services were supplied. All sums which have accrued during the preceding year, and which are unpaid by the first day of October of any year, shall be certified to the Town Clerk to be placed on the tax roll for collection as provided by Wisconsin Statutes.

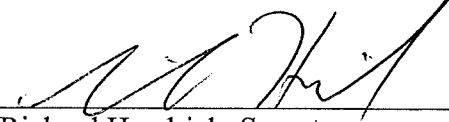
(3) **Adoption of Other Rules.** There is hereby adopted all the rules and regulations of the State Plumbing and State Building Codes and the building rules of the Department of Industry, labor, and Human Relations, and the Department of Natural Resources of the State of Wisconsin, insofar as the same are applicable to the Lakeland Sanitary District No. 1, of the Town of Minocqua.

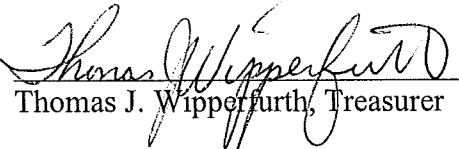
(4) **Connection Charges.** A connection fee shall be charged for waterworks expansion, infrastructure improvements, and any debt or costs incurred as a result of these activities. The connection fee shall be charged on newly developed property and on changes in previously developed property that is connected to the Sanitary District water system. Property annexed prior to April 11, 2005 will be given credit for existing development that is connected to the water system. Credit will be issued based on the gallons used as shown in the billing history. In no case shall any money be refunded under this credit system. The connection charge shall be in addition to the cost of installing the service lateral and main connection. The charge is based on Equivalent Dwelling Units (EDU). The fee per EDU will be \$1,000 and will be adjusted yearly for inflation effective January 1 of each year. A chart showing EDU's or various types of development will be maintained by the district and updated on a yearly basis.

(5) **Severability.** If any section, subsection, sentence, clause, or phrase of the ordinance is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of the ordinance. The Sanitary District hereby declares that it would have passed this ordinance and section, subsection, clause, and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, and phrases be declared unconstitutional.

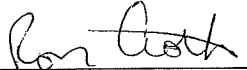
Adopted, with changes, at a regular Board of Commissioner's meeting of the Lakeland Sanitary District No. 1 of the Town of Minocqua, Oneida County, Wisconsin, this 13<sup>th</sup> day of March, 2006.

  
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Jim V. Braun, President

  
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Richard Handrick, Secretary

  
Thomas J. Wipperfurth, Treasurer

Attest:

  
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Ron Groth, Superintendent

Passed unanimously, adopted 03/13/06.  
Published notice on 03/17/06 & 03/21/06.