

## Chapter 390

### WATER

**[HISTORY: Adopted by the Village Board of the Village of Spring Green as §§ 7.06 to 7.12 and 12.03 of the Village Code. Amendments noted where applicable.]**

#### **§ 390-1. Service to golf course.** <sup>1</sup>

In order to protect the public health, safety, and best interests of the Village of Spring Green, it is hereby determined that the Municipal Water Utility shall only serve the Spring Green Golf Course clubhouse facility, not the irrigation system.

#### **§ 390-2. Water service pipes.** <sup>2</sup>

- A. All individual water service pipes hereafter laid and all connections with any water main hereafter made shall be made from the water mains to the lot lines with extra-strong copper or cast-iron pipe and the ground restored as near as practicable to its former condition.
- B. In addition to other requirements of this chapter or this Code or as otherwise may be provided by law, all water service pipes hereafter laid and all connections with any water mains hereafter made to any property shall meet the approval of the Director of Public Works for size and location.

#### **§ 390-3. Repairs.** <sup>3</sup>

All repairs to individual water service hereafter made shall be made with copper or cast-iron pipe. Whenever repairs are necessary to any individual water service pipes and it shall appear that the pipe then laid therein is not of one of the three materials herein specified, then and in that case the pipes shall be wholly renewed from the water mains to the lot lines with extra-strong copper or cast-iron pipe. After making repairs, the ground shall in all cases be restored as near as practicable to its former condition.

#### **§ 390-4. Type of pipe.** <sup>4</sup>

No plumber shall hereafter connect any water main to any service pipe or renew any service pipe unless there shall be used between such water main and the lot line extra-strong copper or cast-iron pipe, and any plumber or other person who violates any provision of this section shall be subject to a fine of not less than \$20 nor more than \$300, together with the costs of prosecution.

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1. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).
  2. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).
  3. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).
  4. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

**§ 390-5. Rate file.**

- A. The Village Board of the Village of Spring Green has heretofore adopted a rate file as prepared by the Public Service Commission of Wisconsin.
- B. Said rate file is further identified as "PSCW," authorization by Order No. 5640-WR-101, and the same is hereby adopted by reference and made part hereof as if it were set forth fully herein.

**§ 390-6. Private well abandonment.**

- A. The purpose of this section is to prevent private wells in the Village of Spring Green from serving as a passageway for contaminated surface or near-surface water or other materials or contaminants to reach potable groundwater.
- B. Except as otherwise provided herein, all private wells in the Village of Spring Green shall be abandoned and filled in accordance with Chapter NR 812 of the Wisconsin Administrative Code no later than September 30, 1991. The abandonment of such wells shall include the removal of the pump and piping and any obstructions and liner. All such wells shall be inspected by a representative of the Village of Spring Green before being filled. After abandonment of a drilled well, a report shall be submitted by the property owner to the Wisconsin Department of Natural Resources on forms provided by the Department and to the extent required by law.
- C. The operation of all private wells in the Village of Spring Green, whether or not required to be abandoned by September 30, 1991, shall be subject to and shall comply with the following:
  - (1) The well must have a history of producing safe water and must presently produce bacteriological safe water as evidenced by tested water samples made within 60 days of inspection of the well.
  - (2) The proposed use of the well must be justified as being necessary in addition to water provided by the Village water system.
  - (3) No physical connection shall exist between the piping of the Village water system and the private well.
- D. The provisions of this section requiring abandonment of private wells by September 30, 1991, shall not apply to those wells used exclusively for watering vegetation.
- E. Any person violating any provision of this section shall be subject to a forfeiture of not less than \$50 nor more than \$500.

**§ 390-7. Wellhead protection.**

- A. General provisions.
  - (1) Title. This section shall be known, cited and referred to as the "Wellhead Protection Ordinance."
  - (2) Purpose and authority. The residents of the Village of Spring Green (hereafter

"Village") depend exclusively on groundwater for safe drinking water supply. Certain land use practices and activities can seriously threaten or degrade groundwater quality. The purpose of this section is to institute land use regulations and restrictions to protect the Village's municipal water supply and well fields and to promote the public health, safety and general welfare of the residents of the Village. Statutory authority of the Village to enact these regulations was established by the Wisconsin Legislature in 1983, Wisconsin Act 410 (effective May 11, 1984), which specifically added groundwater protection to the statutory authorization for municipal planning and zoning to protect the public health, safety and welfare.

- (3) Applicability. The regulations specified in this section shall apply only within the Village's corporate limits.

B. Definitions. As used in this section, the following terms shall have the meaning indicated:

**EXISTING FACILITIES WHICH MAY CAUSE OR THREATEN TO CAUSE ENVIRONMENTAL POLLUTION (EXISTING FACILITIES)** — Existing facilities which may caused or threaten to cause environmental pollution within the corporate limits of the Village's well fields' recharge areas, which include but are not limited to the Wisconsin Department of Natural Resources draft "Inventory of Sites or Facilities Which May Cause or Threaten to Cause Environmental Pollution" and Department of Commerce list of underground storage tanks and list of facilities with hazardous solid waste permits, all of which are incorporated herein as if fully set forth.

**GROUNDWATER PROTECTION DISTRICT** — The area within the corporate limits of the Village of Spring Green that lies north of the railroad right-of-way of the Western Wisconsin Railroad, east of the west line of Westmor Street, extended north and south, and west of the east line of Baltimore Street as shown on the map attached as Figure 3 and incorporated herein as if fully set forth.<sup>5</sup>

**RECHARGE AREA** — Area in which water reaches the zone of saturation by surface infiltration and encompasses all areas or features that supply groundwater recharge to a well.

**WELL FIELD** — A piece of land used primary for the purpose of supplying a location for construction of wells to supply a municipal water system.

C. Groundwater protection district (hereafter "district").

- (1) Intent. The area to be protected is bounded as described in the definition of "groundwater protection district" in Subsection B of this section. These lands are subject to the most stringent land use and development restrictions because of their close proximity to the well fields and the corresponding high threat of contamination.
- (2) Permitted uses. Subject to the exemptions listed in Subsection D, the following are the only permitted uses within the district. Uses not listed are to be considered prohibited uses.
  - (a) Parks, provided that there are no on-site waste disposal or fuel storage tank

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5. Editor's Note: Figure 3 is on file at the office of the Village Clerk-Treasurer.

facilities associated with this use.

- (b) Playgrounds.
  - (c) Wildlife areas.
  - (d) Nonmotorized trails, such as biking, skiing and nature trails.
  - (e) Residential property that is municipally sewered and free of flammable and combustible liquid underground storage tanks.
  - (f) Modified agricultural activities, including any crop free of pesticides and/or synthetic fertilizers.
  - (g) Aboveground petroleum product storage tanks less than 660 gallons.
  - (h) Sewered commercial and/or industrial uses, except those listed as prohibited uses in Subsection C(3), Prohibited uses.
- (3) Prohibited uses. The following uses are prohibited and are not eligible for permits under Subsection D:
- (a) Underground storage tanks of any size.
  - (b) Gasoline stations.
  - (c) Vehicle and small engine repair establishments, including auto body repair.
  - (d) Printing and duplicating business.
  - (e) Bus or truck terminals.
  - (f) Landfills.
  - (g) Wastewater treatment facilities.
  - (h) Spray wastewater facilities.
  - (i) Junkyards or auto salvage yards.
  - (j) Commercial bulk fertilizer and pesticide facilities.
  - (k) Asphalt products manufacturing.
  - (l) Dry-cleaning facilities.
  - (m) Salt storage.
  - (n) Electroplating facilities.
  - (o) Exterminating shops.
  - (p) Painting and coating manufacturing.
  - (q) Hazardous and toxic materials storage and use.
  - (r) Hazardous and toxic waste facilities.

- (s) Radioactive waste facilities.
  - (t) Battery retail and service.
  - (u) Garbage and vehicular towing.
  - (v) Public and municipal maintenance garages.
  - (w) Recycling facilities.
- (4) Requirements for existing facilities.
- (a) Existing facilities shall provide copies of all federal, state and local facility operation approvals or certificates and ongoing environmental monitoring results to the Village.
  - (b) Existing facilities shall provide additional environmental or safety monitoring as deemed necessary by the Village.
  - (c) Existing facilities shall replace equipment or expand in a manner that improves the existing environmental and safety technologies already in existence.
  - (d) Existing facilities shall have the responsibility of devising and filing with the Village a contingency plan satisfactory to the Village for the immediate notification of Village officials in the event of an emergency.

D. Permitted uses.

- (1) A person, firm, or other entity may request the Village to permit additional land uses in the district.
- (2) All requests shall be in writing either on or in substantial compliance with forms to be provided by the Village and may require an environmental assessment report prepared by a licensed environmental engineer as deemed necessary by the Village Board. Said report shall be forwarded to the Village Engineer and other designee(s) of the Village, if any, for recommendation and final decision by the Village Board.
- (3) The person, firm or other entity shall reimburse the Village for all consultant fees associated with this review at the invoiced amount plus administrative costs.
- (4) Any exemptions granted shall be conditional and may include required environmental and safety monitoring and/or sureties satisfactory to the Village.

E. Separation distances. The following separation distances as specified in the Wisconsin Administrative Code, Chapter NR 812 shall be maintained and not be exempted:

- (1) Fifty feet between a well and a storm sewer main.
- (2) Two hundred feet between a well and any sanitary sewer main, lift station or a single-family residential fuel oil tank. A lesser separation distance may be allowed for sanitary sewer mains where the sanitary sewer main is constructed of water main materials and joints and pressure-tested in place to meet current AWWA 600 specifications. In no case may the separation distance between a well and a sanitary sewer main be less than 50 feet.

- (3) Four hundred feet between a well and a septic tank receiving less than 8,000 gallons per day, a cemetery or a stormwater drainage pond.
- (4) Six hundred feet between a well and a gasoline or fuel oil storage tank installation that has received written approval from the Department of Commerce or its designated agent under § Comm 10.10 of the Wisconsin Administrative Code.
- (5) One thousand feet between a well and land application of municipal, commercial or industrial waste; industrial, commercial or municipal wastewater lagoons or storage structures; manure stacks or storage structures; and septic tanks or soil absorption units receiving 8,000 gallons per day or more.
- (6) One thousand two hundred feet between a well and any solid waste storage, transportation, transfer, incineration, air curtain destructor, processing, one-time disposal or small demolition facility; sanitary landfill; coal storage area; salt or deicing material storage area; gasoline or fuel oil storage tanks that have not received written approval from the Department of Commerce or its designated agent under § Comm 10.10 of the Wisconsin Administrative Code; bulk fuel storage facilities; and pesticide handling or storage facilities.

F. Enforcement.

- (1) If any person, firm or other entity causes the release of any contaminants which endanger the district, the activity causing said release shall immediately cease and a cleanup satisfactory to the Village shall occur.
- (2) The person, firm or other entity causing such release shall be responsible for all costs of cleanup, Village consultant, engineering and attorney fees, administrative fees, and the cost of:
  - (a) Village employees' time associated in any way with the cleanup based on hourly rate paid to the employee multiplied by a factor determined by the Village representing the Village's cost for expenses, benefits, insurance, sick leave, holidays, overtime, vacation, and similar benefits.
  - (b) Village equipment employed.
  - (c) Mileage reimbursed to Village employees attributed to cleanup.
- (3) Following any such discharge the Village may require additional test monitoring and/or bond/securities as outlined in Subsection D(4).
- (4) Any person, firm or other entity that fails to comply with the provisions of this section shall be subject to a forfeiture of not less than \$100 nor more than \$500, plus the costs of prosecution for each violation. Each day a violation exists or continues shall constitute a separate offense.

**§ 390-8. Treatment of drinking water.** [Added 2-12-2003]

The drinking water of the Village shall be treated with the chemical fluoride. Such treatment shall be in strict accordance with the rules and regulations of the State of Wisconsin Department

of Natural Resources and any other applicable rules and regulations of the State of Wisconsin or any agency thereof.

**§ 390-9. Water for construction.** <sup>6</sup>

- A. When water is requested for construction purposes or for filling tanks or other such uses, an application therefor shall be made to the Superintendent of the Water Utility, in writing, upon the application provided for that purpose in the Water Utility office, giving a statement of the amount of construction work to be done, the size of the tank to be filled, etc. Payment for the water for construction shall be made in advance at the scheduled rates. The service pipe must be installed inside the building from where the water must be drawn. No connection with the service pipe at the curb shall be made without special permission from the Superintendent.
- B. In no case will any employee of the Utility turn on water for construction work unless the contractor first presents a permit. Upon completion of the construction work, the contractor must return the original permit to the Water Utility, together with a statement of the actual amount of construction work performed.
- C. Consumers shall not allow contractors, masons or other persons to take water from their premises without first showing a permit from the Utility. Any consumer failing to comply with this provision will have water service discontinued.

**§ 390-10. Turning on water.** <sup>7</sup>

The water cannot be turned on for a consumer except by a duly authorized employee of the Utility. When a plumber has completed a job, he must leave the water turned off. This does not prevent him from testing his work.

**§ 390-11. Stop boxes.** <sup>8</sup>

The consumer shall protect the stop box in the terrace and shall keep the same free from dirt and other obstructions. The Utility shall not be liable for failure to locate the stop box and shut off the water in case of a leak on the consumer's premises.

**§ 390-12. Repairs to meters.** <sup>9</sup>

Repair of any damage to a meter resulting from the carelessness of the owner of the premises, his agent, or tenant or from the negligence of any one of them to properly secure and protect the same, including any damage that may result from allowing a water meter to become frozen or to be injured from the presence of hot water or steam in the meter, shall be paid for by the consumer or the owner of the premises.

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6. Editor's Note: Added at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

7. Editor's Note: Added at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

8. Editor's Note: Added at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

9. Editor's Note: Added at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

**§ 390-13. Vacation of premises.** <sup>10</sup>

When premises are to be vacated, the Utility shall be notified in writing at once so that it may remove the meter and shut off the supply at the curb cock. The owner of the premises shall be liable to prosecution for any damage to the property of the Water Utility by reason of failure to notify the Utility of vacancy.

**§ 390-14. Cross-connection control.** <sup>11</sup>

- A. Definition. "Cross-connection" shall be defined as any physical connection or arrangement between two otherwise separate systems, one of which contains potable water from the Village water system and the other water from a private source, water of unknown or questionable safety, or steam, gases, or chemicals, whereby there may be a flow from one system to the other, the direction of flow depending on the pressure differential between the two systems.
- B. Cross-connections prohibited. No person, firm or corporation 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 Village may enter the supply or distribution system of said municipality, unless such private, auxiliary or emergency water supply and the method of connection and use of such supply shall have been approved by the Water Utility and by the Wisconsin Department of Natural Resources in accordance with § NR 811.25(3), Wis. Adm. Code.
- C. Inspections. 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.
- D. Right to inspect. 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 Village for cross-connections. 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.
- E. Discontinuation of service. The 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 Ch. 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

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10. Editor's Note: Added at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

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provisions of this section.

- F. Immediate discontinuation. If it is determined by the 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-Treasurer of the Village 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.
- G. State code adopted. The Village adopts by reference the State Plumbing Code of Wisconsin, Chs. COMM 81 to 87, Wis. Adm. Code.
- H. Section not to supersede other ordinances. This section does not supersede the State Plumbing Code and any Village plumbing ordinances but is supplementary to them.