

CHAPTER 22

WATER SYSTEMS REGULATIONS¹

22.01	Private Well Abandonment
22.02	Reports And Inspection
22.03	Operating Wells
22.04	Cross-Connection Prohibited
22.05	Cross-Connection Defined
22.06	Preventative Inspections
22.07	Termination Of Water Service
22.08	Health Hazard Cutoff
22.09	Well Abandonment
22.10	Water Supply System Extension Special Assessments
22.11	Penalties

22.01 Private Well Abandonment

All private wells located on any premises in the Village which have been abandoned shall be filled according to the procedures outlined in Chapter NR 812², Wisconsin Administrative Code. The pump and piping must be removed and the well checked for obstructions prior to plugging. Any obstruction or liner must be removed.

22.02 Reports And Inspection

A well abandonment report must be submitted by the well owner to the Department of Natural Resources on forms provided by that agency, available at the office of the Village Clerk. The report shall be submitted immediately upon completion of the filling of the well.

22.03 Operating Wells

Well owners who continue to operate a well in the Village shall annually inspect such wells to be certain that the well and pump installation meet the requirements of Chapter NR 442 812, Wisconsin Administrative Code, that the well is producing water which is safe for its intended purpose and is not presently acting as a channel for ground water contamination.

22.04 Cross-Connection Prohibited

No person, firm or corporation shall establish or permit to be established, or maintain or permit to be maintained, any cross-connection as herein defined. 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 Village water utility and

¹ Added by Ordinance 3-1987, Adopted August 10, 1987, Published October 27, 1987. See Minutes of the Village Board, Vol. 7, pg. 750, 750A-C.

² All reference changes by Ordinance 1-1999, Adopted February 8, 1999. See minutes of the Village Board, Vol. 12, pg. 1173.

by the Wisconsin Department of Natural Resources in accordance with Section NR 811.09(2), Wisconsin Administrative Code.

22.05 Cross-Connection Defined

A cross-connection is 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.

22.06 Preventative Inspections³

The water utility may inspect, or arrange for an inspection of, property served by the public water system for cross connections. As an alternative, the water utility may require a person, firm or corporation who owns, leases or occupies property to have their plumbing inspected, at their own expense by a State of Wisconsin Certified Cross Connection Inspector/Surveyor. The frequency of inspections shall be established by the water utility in accordance with Wisconsin Administrative Code. Any unprotected cross connections identified by the inspection shall be properly corrected. Failure to promptly correct an unprotected cross connection shall be sufficient cause for the water utility to discontinue water service to the property.

22.07 Termination Of Water Service

The Village water utility is authorized and directed to discontinue water service to any property wherein any connection in violation of this chapter 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, Wisconsin Statutes, except as provided in Section 22.08. Water service to such property shall not be restored until the cross-connection(s) has been eliminated in compliance with the provisions of this chapter.

22.08 Health Hazard Cutoff

If it is determined by the Village water utility that 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 Village and delivered to the customer's premises, service may be immediately discontinued. The customer shall have an opportunity for hearing in accordance with the procedures of Chapter 68, Wisconsin Statutes, within ten days of such emergency discontinuance.

22.09 Well Abandonment⁴

(a) Applicability. All private water supply wells or pump installations within the corporate limits of the Village of Oostburg which are not used currently, or are found to be in non-compliance with ch. NR 812 of the Wisconsin Administrative Code, or wells which test unsafe, or which may serve as conduits for groundwater contamination shall be abandoned in accordance with this Ordinance unless a well operation permit has been granted pursuant to Section 22.09(b) set forth below.

- (1) Premises where municipal water service is not available are exempt from this Ordinance.
- (2) Where feasible, non-complying wells and pump installations may be upgraded to comply with Chapter NR 812, Wisconsin Administrative Code. A private well may

³ Amended by Ordinance 1-2015(2015-16). Adopted May 11, 2015. See Minutes of the Village Board, Vol. 25, page 1817.

⁴ Added by Ordinance 3-1993, Adopted August 9, 1993, Published August 16, 1993. See Minutes of the Village Board, Vol. 9, pg. 1015.

be temporarily abandoned under the provisions of ch. NR 812. A well constructed for potable use may not be considered a non-potable well to avoid the applicability of this Ordinance.

- (3) If water from a private well is known to produce water which exceeds a Department of Natural Resources (DNR) health advisory, a primary standard in ch. NR 809 or an enforcement standard in ch. NR 140, of the Wisconsin Administrative Code, a well operation permit shall not be issued without the approval of the Department of Natural Resources.
 - (4) An illegal cross-connection exists where a private well is connected to a plumbing system which is also connected to the municipal system. Chapters COM 82 and NR 811, Wisconsin Administrative Code, prohibit such connections.
- (b) Well Operation Permits. A permit may be granted to a well owner to operate a private well for a period not to exceed five years. At the end of a permit period, the well owner may apply for a renewal of permit upon submittal of updated information necessary for a permit application. The Village may conduct inspections or have water quality tests conducted at the applicants expense to obtain or verify information necessary for consideration of a permit.

Permit applications shall be made on forms provided by the Village Clerk. The following requirements must be met before a well operation permit is issued.

- (1) The well has a functional pumping system and its continued current use can be justified by the property owner.
 - (2) The well has a history of producing bacteriologically safe water and presently produces bacteriologically safe water as demonstrated by providing a copy of the results of two water samples, collected two weeks apart, and analyzed at a State certified laboratory within three months preceding the request for the well operation permit or a permit renewal.
 - (3) The well and pump installation meets the requirements of ch. NR 442 812, Wisconsin Administrative Code, as certified by a Department of Natural Resources licensed well driller or pump installer or by Department of Natural Resources staff evaluation.
 - (4) No physical connection exists between the piping of the public water system and the private well.
 - (5) A fee of Ten Dollars (\$10.00) is paid to the Village of Oostburg for processing the permit.
- (c) Abandonment Methods. Wells shall be abandoned according to the procedures outlined in NR 812, Wisconsin Administrative Code. The pump and piping must be removed and the well checked for obstructions prior to abandonment. Any obstruction or liner must be removed, if possible. Filling with unapproved materials or use of unacceptable procedures is prohibited.
- (d) Report and Inspection. An Abandonment Report Form, Department of Natural Resources No. 3300-5, is available at the Village Clerk's office and must be submitted to the Village Clerk within ten days of abandonment completion. Forty-eight hour advance notice of well abandonment work must be provided to the Village Clerk so the filling may be observed by a representative of the municipality. The Village Clerk shall send a copy of Form 3300-5 to the appropriate Department of Natural Resources district office within ten days of receipt of the completed form.

22.10⁵ Water Supply System Extension Special Assessments

- (1) Unless otherwise directed by the Village Board, all special assessments for the construction of water supply system extensions shall be made on a linear foot basis through the exercise of the village's police power. As an alternative, the Village Board may utilize other assessment methods at its discretion based upon the circumstances of each special assessment project, including, but not limited to, the following:
 - (a) Per Parcel basis;
 - (b) Area wide basis;
 - (c) Square foot basis; or
- (2) Special assessments equal to the total project cost for the construction of water supply system extensions shall be made as follows:
 - (a) All lots or fractions of lots abutting on only one street shall be assessed on a full frontage basis.
 - (b) Whenever a lot or an unplatted parcel of land abuts two or more streets, it shall be entitled to a 132 foot corner lot special assessment credit, but, in any event, said corner lot credit may not be greater than the length of the shortest side street frontage. The second street side shall be assessed per linear foot greater than 132 feet.
- (3) For purposes of this section, total project costs shall include all engineering and legal fees applicable to the project, all costs of mailing and publication for the project, all pre-construction and construction costs applicable to the project, and shall include all project common construction costs otherwise not assessable to and abutting property owner, for example intersections. Such things as intersections shall be included within the definition of total project costs and the abutting property owners shall share the cost on non-assessable portions of the project. Total project costs include charges for a standard eight inch (8") water main. Costs associated with oversizing for pipes larger than an eight inch (8") water main shall be the responsibility of the Village and shall not be included in total project costs for special assessment purposes.
- (4) The provisions of Wisconsin Statute § 66.0703 (previously Wisconsin Statute § 66.60) as same may be amended, providing for the collection of the costs of installing and constructing water supply system extensions by levying special assessments against the property benefited thereby are adopted by the Village and incorporated herein as if fully set forth in this section.

22.11 Water Billing Practices⁶

- (1) **CALCULATION OF WATER SERVICE CHARGES.** Water service charges that shall be assessed to Oostburg water users shall be at the rates established and approved by the Wisconsin Public Service Commission.
- (2) **WATER SERVICE CHARGE BILLING PERIOD.** Water service charges shall be billed by the Village to the water users on or about the 15th day of each month.
- (3) **PAYMENT OF WATER SERVICE CHARGES.** Those persons billed by the Village for water service charges shall pay such charges within fifteen (15) days after the billing date.

⁵ Added through Ordinance 2-2001 Adopted 02/12/2001 and published 02/27/2001 See Minutes of the Village Board Vol. 13, page 1216.

⁶Adopted Ordinance 1-2024 on March 11, 2024. See Village Board meeting minutes.

- (4) **PENALTIES.** In the event payment is not received by the Village by the 8th day of the following month there shall be assessed a three percent (3%) late fee on the unpaid invoice.

Such unpaid water service charges levied by the Village against the water users in accordance with this Ordinance shall be a debt due to the Village and shall be a lien upon the property. Service will be discontinued if bill is not paid within twenty (20) days after penalty date. If this debt is not paid before October 1 of each year, notice shall be given to the property owner pursuant to Wis. Stat. § 66.0809(3)(a). Any charges that remain unpaid after November 15 of each year shall be deemed delinquent and may be placed on the next year's tax roll as a special charge, as defined by Wis. Stat. § 74.01(4) and be collected as other taxes are collected.

Change of ownership or occupancy of premises found delinquent shall not be cause for reducing or eliminating these penalties.

22.12 Penalties

Any person, firm or other well owner violating any provision of this Chapter shall upon conviction be punished by a fine of not less than ten dollars nor more than one hundred dollars, together with the cost of prosecution. Each twenty-four hour period during which a violation exists shall be deemed and constitutes a separate offense.