

**Chapter 251**  
**WATER UTILITY**

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**[HISTORY: Adopted by the Village Board of the Village of Iola 2-12-1996 as Title 5, Ch. 1, of the 1996 Code. Amendments noted where applicable.]**

**GENERAL REFERENCES**

Building construction — See Ch. 97.  
Fire prevention — See Ch. 145.

Sewers — See Ch. 219.  
Subdivision of land — See Ch. 261.

**ARTICLE I  
Rates**

**§ 251-1. Public Fire Protection Service – F-1.**

- A. For public fire protection service to the Village of Iola, the annual charge shall be \$16,357 to cover the use of mains and hydrants up to and including the terminal hydrant and connection on each main.<sup>1</sup>
- B. For all extensions of fire protection service, a charge of \$0.30 per lineal foot of main shall be charged per annum on the basis of the length of main put into use between hydrants placed, plus a charge of \$40 net per hydrant added to the system after the base period.
- C. This service shall include the use of hydrants for fire protection service only and such quantities of water as may be demanded for the purposes of extinguishing fires within the municipal boundary only. For all other purposes, the metered or other rates set forth, or as may be filed with the Public Service Commission, shall apply.
- D. The above base annual charge of \$16,357 includes an estimated 42,667 feet of distribution main, four inches and larger, and 54 hydrants.

**§ 251-2. Standby Water Service – SWS-1.**

- A. Type of service. Applicable to property that is platted, not connected to the water mains but for which facilities have been made available. A standby charge shall apply to each lot or equivalent parcel of land for water system facilities available but not connected. Where more than one lot or equivalent is used as a unit and a customer is connected, the total charge for water service to such customer shall be not less than the standby charge applicable to the several lots.
- B. Rates. Each lot or equivalent parcel of land: \$5 quarterly or \$20 annually.
- C. Billing. The annual standby charge will be certified to the Village Clerk-Treasurer each year and the Clerk-Treasurer will insert the same as a lien on the tax roll against such lot or parcel of real estate. Where a customer requests quarterly billing, the period allowed for

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

payment without penalty and the charge for late payment shall be the same as for residential service (Schedule MG-1).

**§ 251-3. General Service – Metered – MG-1.**

A. Rates shall be as follows:

<b>Service Charge:</b>	<b>Quarterly</b>
5/8-inch meter	\$ 9.50
3/4-inch meter	\$ 9.50
1-inch meter	\$ 22.00
1-1/2-inch meter	\$ 35.00
2-inch meter	\$ 71.00
3-inch meter	\$ 131.00
4-inch meter	\$ 217.00

B. Volume charge:

**Quarterly**

First	30,000	gallons used each quarter – \$0.73 per 1,000 gallons.
Next	170,000	gallons used each quarter – \$0.58 per 1,000 gallons.
Over	200,000	gallons used each quarter – \$0.35 per 1,000 gallons.

C. Billing. Bills for water service are rendered quarterly and become due and payable on the first of the month following the period for which service is rendered. A late payment charge of 3% but not less than \$0.30 will be added to bills not paid within 20 days of issuance. This late payment charge will 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 and unless payment or satisfactory arrangement for payment is made within the next eight days, service may be disconnected pursuant to Chapter PSC 185, Wis. Adm. Code. A five-dollar charge will be made for processing checks that have been returned for insufficient funds.

D. Combined metering. When a consumer's premises has several buildings, each supplied with service and metered separately, the full service charge will be billed for each meter separately and the readings will not be cumulated, If these buildings are all used in the same business and are connected by the consumer, they can be metered on one place. If the Utility, for its own convenience, installs more than one meter, the readings will be cumulated for billing.

**§ 251-4. General Service – Suburban – MG-2.**

Water customers residing outside the corporate limits of the Village of Iola shall be billed at the regular rates for service (Schedule MG-1) plus a 25% surcharge.

**§ 251-5. General Water Service – Unmetered – UG-1.**

- A. Rate. Where the Utility cannot immediately install its water meter, service may be supplied temporarily on an unmetered basis. Such service shall be billed at the rate of \$20 each quarter. This rate shall be applied only to single-family residential and small commercial customers and approximates the cost of 14,000 gallons of water per quarter under MG-1. If it is determined by the Utility that usage is in excess of 14,000 gallons per quarter, an additional charge of \$0.73 per 1,000 gallons will be made for the estimated additional usage.
- B. Billing. Same as Schedule MG-1.

**§ 251-6. Public Service – MPA-1.**

- A. Water service supplied to municipal buildings, schools, etc., shall be metered and the regular metered service rates applied.
- B. Water used on an intermittent basis for flushing service, street sprinkling, flooding skating rinks, drinking fountains, etc., shall be metered where meters can be set to measure the service. Where it is impossible to measure the service, the Utility shall estimate the volume of water used based on the pressure, size of opening and period of time water is allowed to be drawn. The estimated quantity used shall be billed at the rate of \$0.58 per 1,000 gallons.

**§ 251-7. Seasonal, Emergency or Temporary Service – MGT-1.**

Seasonal customers shall be served at the general service rate (MG-1) except that each customer served under this rate shall pay an annual seasonal service charge equal to four times the applicable quarterly service charge. Water use in any quarter shall be billed at the applicable volume schedule in MG-1 and the charge added to the annual seasonal service charge.

**§ 251-8. Bulk Water – B-1.**

- A. Purpose. All bulk water supplied to fill tank trucks or swimming pools from the water system through hydrants or other connections shall be metered. Utility personnel shall supervise the delivery of the water.
- B. Rates. Service charge: \$10 per tank load; plus volume charge: \$0.73 per 1,000 gallons.

**§ 251-9. Reconnection Charges – R-1.**

Reconnection charges shall be as follows:

	<b>During Normal Business Hours</b>	<b>After Normal Business Hours</b>
Reinstallation of meter, including valving at curb stop	\$12	\$15
Valve turned on at curb stop	\$8	\$11

**§ 251-10. Building and Construction Water Service – MZ-1.**

- A. For single-family and small commercial buildings, apply the minimum service charge (MG-1) for the size of meter to be installed.
- B. For large commercial, industrial or multiple apartment buildings, a temporary metered installation shall be made and general, metered rates (MG-1) applied.

**§ 251-11. Water Lateral Installation Charge – CZ-1.**

The initial water service lateral will be installed from the main through the curb stop and box by the Utility, for which there will be made a charge as follows:

¾-inch copper water service	\$ 500
Larger sized services	Actual cost

**§ 251-12. Hydrant Charges – H-1.**

- A. In cases where no other supply is available, hydrants may be used. The following charges shall apply:
 

Service charge for setting or moving sprinkler valve	\$10
Hydrant wrench deposit	\$10
Reducer (if necessary) deposit	\$10
- B. In addition, the projected water usage shall be paid for in advance at the schedule rates. The minimum charge for water usage shall be \$10.
- C. Refunds of deposits will be made upon return of the Utility equipment. Damaged or lost equipment will be repaired or replaced at customer expense.

**§ 251-13. Temporary Metered Supply; Meter and Deposits – D-1.**

- A. Temporary metered supply charges are as follows:
 

Service charge for setting the valve and furnishing and setting the meter	\$10
Deposit for valve and meter	\$10
Water usage shall be billed at present rates.	
- B. Refunds of deposits will be made upon return of the Utility equipment. Damaged or lost equipment will be repaired or replaced at customer expense.

ARTICLE II  
Rules and Regulations

**§ 251-14. Compliance with rules.**

All persons now receiving a water supply from the Village of Iola Water Utility, or who may hereafter make application therefor, shall be considered as having agreed to be bound by the rules and regulations as filed with the Public Service Commission of Wisconsin.

**§ 251-15. Establishment of service.**

- A. Application for water service shall be made in writing on a form furnished by the Water Utility. The application will contain the legal description of the property to be served, name of the owner, the exact use to be made of the service, and the size of the supply pipe and meter desired. (Note particularly any special refrigeration and/or air-conditioning water-consuming appliances.)
- B. Service will be furnished only if:
- (1) Premises have a frontage on a properly platted street or public strip in which a cast iron or other long-life water main has been laid, or where property owner has agreed to and complied with the provisions of the Utility's filed main extension rule;
  - (2) Property owner has installed or agrees to install a service pipe from the curb line to the point of use, and laid not less than six feet below the surface of an established or proposed grade, and according to Utility's specification; and
  - (3) Premises have adequate piping beyond metering point.
- C. The owner of a multi-unit dwelling has the option of being served by individual metered water service to each unit. The owner, by selecting this option, is required to provide interior plumbing and meter settings to enable individual metered service to each unit and individual disconnection without affecting service to the other units. Each meter and meter connection will be a separate Water Utility customer for the purpose of the filed rules and regulations.
- D. No division of the water service of any lot or parcel of land shall be made for the extension and independent meterage of the supply to an adjoining lot or parcel of land. No division of a water supply service shall be made at the curb for separate supplies therefrom for two or more separate premises having frontage on any street or public service strip whether owned by the same or different parties.
- E. The Utility is hereby empowered to withhold approval of any application wherein full information of the purpose of such supply is not clearly indicated and set forth by the applicant property owner.

**§ 251-16. Service contract.**

- A. The minimum service contract period shall be one year unless otherwise specified by special contract or in the applicable rate schedule. Where the Utility service has been

disconnected at the customer's request prior to expiration of his or her minimum contract period, a reconnection charge shall be made, payable in advance, when the customer requests reconnection of service. (See § 251-10 for applicable rate.) The minimum contract period is renewed with each reconnection.

- B. A reconnection charge shall also be required from consumers whose services are disconnected (shut off at curb stop) because of nonpayment of bills when due (not including disconnection for failure to comply with deposit or guarantee rules). (See § 251-10 for applicable rate.)
- C. A consumer shall be considered as the same consumer provided the reconnection is requested for the same location by any member of the same family, or if a place of business, by any partner or employee of the same business.

**§ 251-17. Temporary metered supply, meter and deposits.**

An applicant for temporary water supply on a metered basis shall make and maintain a monetary deposit for each meter installed, as security for payment for use of water and for such other charges which may arise from the use of the supply. A charge shall be made for setting the valve and furnishing and setting the meter. See § 251-13 for applicable rate.<sup>2</sup>

**§ 251-18. Use of hydrants for construction; temporary supply.**

- A. In cases where no other supply is available, permission may be granted by the Utility to use a hydrant. No hydrant shall be used until it is equipped with a sprinkling valve. In no case shall any valve be moved except by a member of the Utility.
- B. Before a valve is set, payment must be made for its setting and for the water to be used at the scheduled rates. See § 251-13 for applicable deposits and charges. Upon completing use of the hydrant, the customer must notify the Utility to that effect.
- C. In the use of a hydrant supply, the hydrant valve will be set at the proper opening by the Utility when the sprinkling valve is set, and the flow of water must be regulated by means of the sprinkling valve. If the water is to be used through iron pipe connections, all such pipe installations shall have the swing joint to facilitate quick disconnection from the fire hydrant.

**§ 251-19. Operation of valves and hydrants; unauthorized use of water; penalty.**

Any person who shall, without authority of the Utility, allow contractors, masons, or other unauthorized persons to take water from their premises, operate any valve connected with the street or supply mains, or open any fire hydrant connected with the distribution system, except for the purpose of extinguishing fire, or who shall wantonly damage or impair the same shall be subject to a fine as provided by municipal ordinances. Permits for the use of hydrants apply only to such hydrants as are designated for the specific use.

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<sup>2</sup> Editor's Note: Former Sec. 5-1-24, Water for construction, which immediately followed this section, was deleted at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

**§ 251-20. Refunds of monetary deposits.**

All moneys deposited as security for payment of charges arising from the use of temporary water supply on a metered basis, or for the return of a sprinkling valve wheel or reducer, if the water is used on an unmetered basis, will be refunded to the depositor on the termination of the use of water, the payment of all charges levied against the depositor, and the return of the wheel and reducer.

**§ 251-21. Service connections (or water laterals).**

- A. No water service shall be laid through any trench having cinders, rubbish, rock or gravel fill, or any other material which may cause injury to or disintegration of the service pipe, unless adequate means of protection are provided by sand filling or such other insulation as may be approved by the Utility. Service pipes passing through curb or retaining walls shall be adequately safeguarded by provision of a channel space or pipe casing, not less than twice the diameter of the service connection. The space between the service pipe and channel or pipe casing shall be filled and lightly caulked with an oakum, mastic cement, or other resilient material, and made impervious to moisture.
- B. In backfilling the pipe trench, the service pipe must be protected against injury by carefully hand tamping the ground filling, free from hard lumps, rocks, stones, or other injurious material, around and at least six inches over the pipe.
- C. All water supplies shall be of undiminished size from the street main in to the point of meter placement. Beyond the meter outlet valve the piping shall be sized and proportioned to provide, on all floors, at all times, an equitable distribution of water supply for the greatest probable number of fixtures or appliances operating simultaneously. All such service shall comply with the provisions of the State Plumbing Code and shall be inspected by the Village Building Inspector.

**§ 251-22. Service piping for meter settings.**

- A. In cases where a new customer whose service is to be metered installs the original service piping or where an existing metered customer changes his or her service piping for his or her own convenience, or where an existing flat rate customer requests to be metered, the customer shall, at his or her expense, provide a suitable location and the proper connections for the meter. The Water Utility should be consulted as to the type and size of meter setting. Where it is possible to set meters in the basement, or other suitable place within the building, a short nipple shall be inserted after the stop and waste cock, then a union, and then another nipple and coupling of the proper length. The nipple attached to the union and coupling shall be cut to a standard length provided by the plans of the Utility (it may require a horizontal run of 18 inches in such pipe line) which may later be removed for the insertion of the meter into the supply line.
- B. No permit will be given to change from metered to flat rate service.



**§ 251-23. Turning on water.**

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 or she must leave the water turned off. This does not prevent the plumber from testing the work.

**§ 251-24. Failure to read meters.**

- A. Where the Utility is unable to read a meter after two successive attempts, the fact will be plainly indicated on the bill, and either an estimated bill will be computed, or the minimum charge applied. The difference shall be adjusted when the meter is again read, that is, the bill for the succeeding quarter will be computed with the gallons or cubic feet in each block of the rate schedule doubled and credit will be given on that bill for the amount of the minimum bill paid the preceding month. Only in unusual cases or where approval is obtained from the customer shall more than two consecutive estimated bills be rendered.
- B. If the meter is damaged (see Surreptitious Use of Water<sup>3</sup>) or fails to operate, the bill will be based on the average use during the past year unless there is some reason why the use is not normal. If the average use cannot be properly employed, the bill will be estimated by some equitable method.

**§ 251-25. Complaint meter tests.**

See Wis. Adm. Code, Chapter PSC 185.77.

**§ 251-26. Thawing frozen services.**

See Wis. Adm. Code, Chapter PSC 185.89.

**§ 251-27. Stop boxes.**

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.

**§ 251-28. Installation of meters.**

Meters will be furnished and placed by the Utility and are not to be disconnected or tampered with by the consumer. All meters shall be so located that they shall be protected from obstructions and permit ready access thereto for reading, inspection, and servicing, such location to be designated or approved by the Utility. All piping within the building must be supplied by the consumer. Where additional meters are desired by the consumer, he or she shall pay for all piping and an additional amount sufficient to cover the cost of maintenance and depreciation.

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<sup>3</sup> Editor's Note: See § 251-35, Surreptitious use of water, of this chapter.

**§ 251-29. Repairs to meters.**

- A. Meters will be repaired by the Water Department and the cost of such repairs caused by ordinary wear and tear will be borne by the Utility.
- B. Repair of any damage to a meter resulting from the carelessness of the owner of the premises, his or her agent, or tenant, or from the negligence of any one of them to properly secure and protect 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.

**§ 251-30. Replacement and repair of service pipe.**

- A. Where the property owner requests that a larger service lateral be installed to replace an existing smaller diameter pipe, an allowance of \$15 will be made as a deduction in the cost, providing the new service is to be installed in the same ditch as the existing service pipe.
- B. The service pipe from the main to and through the curb stop will be maintained and kept in repair and when worn out, replaced at the expense of the Utility. The property owner shall maintain the service pipe from the curb stop to the point of use.
- C. If a consumer fails to repair a leaking or broken service pipe from curb to point of metering or use within such time as may appear reasonable to the Utility after notification has been served on the consumer by the Utility, the water will be shut off and will not be turned on again until the repairs have been completed.

**§ 251-31. Charges for water wasted due to leaks.**

See Wis. Adm. Code, Chapter PSC 185.35(6).

**§ 251-32. Inspection of premises.**

During reasonable hours any officer or authorized employee of the Utility shall have the right of access to the premises supplied with service, for the purpose of inspection or for the enforcement of the Utility's rules and regulations. At least once every 12 months the Utility will make a systematic inspection of all unmetered water taps for the purpose of checking waste and unnecessary use of water.

**§ 251-33. Customer's deposits.**

- A. New residential service. The Utility may require a cash deposit or other guarantee as a condition of new residential service if, and only if, the customer has an outstanding account balance with the Utility which accrued within the last six years, and which at the time of the request for new service remains outstanding and not in dispute.

- B. Existing residential service. The Utility may require a cash deposit or other guarantee as a condition of continued service if, and only if, either or both of the following circumstances apply:
- (1) Service has been shut off or discontinued within the last 12 months for violation of these rules and regulations or for nonpayment of a delinquent bill for service which is not in dispute.
  - (2) Credit information obtained by the company subsequent to the initial application indicates that the initial application for service was falsified or incomplete to the extent that a deposit would be required under these rules and regulations.
- C. Commercial and industrial service. If the credit for an applicant for commercial or industrial service has not been established to the satisfaction of the Utility, he or she may be required to make a deposit or otherwise guarantee to the Utility payment of bills for service.
- D. Conditions of deposit. See Wis. Adm. Code, Chapter PSC 185.36(4).
- E. Refund of deposits. The Utility shall review the payment record of each residential customer with a deposit on file at not less than twelve-month intervals and shall not require or continue to require a deposit unless a deposit could be required under the conditions stated above. In the case of a commercial or industrial customer the Utility shall refund the deposit after 24 consecutive months of prompt payment if the customer's credit standing is satisfactory to the company. Payment shall be considered "prompt" if it is made prior to notice of disconnection for nonpayment of a bill not in dispute. An deposit or portion thereof refunded to a customer shall be refunded by check unless both the customer and the company agree to credit the regular bill or unless service is terminated, in which case the deposit with accrued interest shall be applied to the final bill and any balance returned to the customer promptly.
- F. Other conditions. A new or additional deposit may be required upon reasonable written notice of the need therefor if such new or additional deposit could have been required under the circumstances when the initial deposit was made. Service may be refused or disconnected for failure to pay a deposit request as provided in the rules. When service has been disconnected for failure to make a deposit, or for failure to pay a delinquent bill, or for failure to comply with the terms of a deferred payment agreement, and satisfactory arrangements have been made to have service restored, a reconnection charge as specified elsewhere in these rules, shall be paid by the customer as a condition to restoration of service.
- G. Guarantee contracts.
- (1) The Utility may accept, in lieu of a cash deposit, a contract signed by a guarantor satisfactory to the company, whereby payment of a specified sum not exceeding the cash deposit requirement is guaranteed. The term of a guarantee contract shall be two years, but shall automatically terminate after the customer has closed his or her account, or at the guarantor's request upon 30 days' written notice to the Utility.
  - (2) Upon termination of a guarantee contract or whenever the company deems same insufficient as to amount or surety, a cash deposit or a new or additional guarantee

may be required upon reasonable written notice to the customer. Service to any customer who fails to comply with these requirements may be refused or, upon eight days' written notice, disconnected.

- (3) The Utility shall mail the guarantor copies of all disconnect notices sent to the customer whose account he or she has guaranteed unless the guarantor waives such notice in writing.
- (4) In lieu of a cash deposit or guarantee, an applicant for new service who has an outstanding account accrued within the last six years with the Utility shall have the right to receive service from the company under a deferred payment agreement as provided in these rules and regulations for the outstanding account balance.

**§ 251-34. Disconnection and refusal of service.**

A. Reasons for disconnection. Service may be disconnected or refused for any of the following reasons:

- (1) Failure to pay a delinquent account or failure to comply with the terms of a deferred payment agreement.
- (2) Violation of the Utility's rules and regulations pertaining to the use of service in a manner which interferes with the service of others or to the operation of nonstandard equipment, if the customer has first been notified and provided with reasonable opportunity to remedy the situation.
- (3) Failure to comply with deposit or guarantee arrangements as provided for in these rules and regulations.
- (4) Diversion of service around the meter.

B. Disconnection for delinquent accounts.

- (1) A bill for service is delinquent if unpaid after the due date shown on the bill. The Utility may disconnect service for a delinquent bill by giving the customer at least eight calendar days prior to disconnection, a written disconnect notice which may be included with the bill for service. For purposes of this rule, the due date shall not be less than 20 days after issuance.
- (2) The Utility may disconnect without notice where a dangerous condition exists for as long as the condition exists. Service may be denied to any customer for failure to comply with the applicable requirements of the rules and regulations of the Public Service Commission or of these rules and regulations, or if a dangerous or unsafe condition exists on the customer's premises.
- (3) The Utility shall notify the County Department of Health and Human Services at least five calendar days prior to any scheduled disconnection of residential service if the customer or responsible person has made a written request for this procedure. The Utility shall apprise customers of this right upon application for service. If service to a residential customer which has been disconnected has not been restored within 24 hours after disconnection, the Utility shall notify the appropriate county Sheriff's

Department of the billing name and service address and that a threat to health and life might exist to persons occupying the premises.<sup>4</sup>

C. Deferred payment agreement.

- (1) The Utility shall offer deferred payment agreements to residential customers. The deferred payment agreement shall provide that service will not be discontinued for the outstanding bill if the customer pays a stated reasonable amount of the outstanding bill and agrees to pay a stated reasonable portion of the remaining outstanding balance in installments until the bill is paid. In determining what amounts are "reasonable," the parties shall consider the:
  - (a) Size of the delinquent account.
  - (b) Customer's ability to pay.
  - (c) Customer's payment history.
  - (d) Time that the debt has been outstanding.
  - (e) Reasons why the debt has been outstanding.
  - (f) Any other relevant factors concerning the circumstances of the customer.
- (2) In the deferred payment agreement it shall state immediately preceding the space provided for the customer's signature and in boldface print at least two sizes larger than any other used thereon, the following:

"If you are not satisfied with this agreement, do not sign. If you do sign this agreement you give up your right to dispute the amount due under the agreement except for the Utility's failure or refusal to follow the terms of this agreement."
- (3) A deferred payment agreement shall not include a finance charge.
- (4) If an applicant for service has not fulfilled the terms of a deferred payment agreement, the Utility shall have the right to disconnect service or refuse service in accordance with these rules and under such circumstances, it shall not be required to offer subsequent negotiation of a deferred payment agreement prior to disconnection.
- (5) Any payments made by the customer in compliance with a deferred payment agreement, or otherwise, shall be first considered made in payment of the previous account balance with any remainder credited to the current bill.

D. Dispute procedures.

- (1) Whenever the customer advises the Utility's designated office prior to the disconnection of service that all or part of any billing as rendered is in dispute, or that any matter related to the disconnection is in dispute, the company shall investigate the dispute promptly and completely, advise the customer of the results of the investigation, attempt to resolve the dispute, and provide the opportunity for the customer to enter in to a deferred payment agreement when applicable in order to settle the dispute.

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

- (2) After the customer has pursued the available remedies with the Utility, he or she may request that the Public Service Commission's staff informally review the disputed issue and recommend terms of settlement.
- (3) Any party to the dispute after informal review may make a written request for a formal review by the Commission. If the Commission decides to conduct a formal hearing on the dispute, the customer must pay 50% of the bill in dispute or post a bond for that amount on or before the hearing date. Failure to pay the amount or post the bond will constitute a waiver of the right to a hearing. Service shall not be disconnected because of any disputed matter while the disputed matter is being pursued under the disputes procedure. In no way does this relieve the customer from the obligation of paying charges which are not disputed.
- (4) The form of disconnection notice to be used is as follows:

#### DISCONNECTION NOTICE

Dear Customer:

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

You have 8 days to pay the 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 8 days allowed to make reasonable time payment arrangements, we will proceed with disconnection action.

To avoid the inconvenience of service interruption and an additional charge of (amount) 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 time payment you agreed to, your service will be subject to disconnection unless you pay the amount due within 8 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 have a question about your utility service arrears.
2. You are unable to pay the full amount of the bill and are willing to enter into a time payment agreement with us.
3. There are any circumstances you think should be taken into consideration before service is discontinued.
4. 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, for some reason, you are unable to pay the full amount of the 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 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 Utility, you may make an appeal to the Wisconsin Public Service Commission, Madison, Wisconsin.

(UTILITY NAME)

- (5) In the event the Utility is not able to collect any bill for water service even though Deposit and Guarantee Rules are on file, the bill may be put upon the tax roll as provided in Section 66.069, Wisconsin Statutes.

**§ 251-35. Surreptitious use of water.**

- A. When the Utility has reasonable evidence that a consumer is obtaining his or her supply of water, in whole or in part, by means of devices or methods used to stop or interfere with the proper metering of the utility service being delivered to his or her equipment, the Utility reserves the right to estimate and present immediately a bill for service unmetered as a result of such interference and such bill shall be payable subject to a 24 hours disconnection of service. When the Utility shall have disconnected the consumer for any such reason, the Utility will reconnect the consumer upon the following conditions:
  - (1) The consumer will be required to deposit with the Utility an amount sufficient to guarantee the payment of the consumer's bills for utility service to the Utility.
  - (2) The consumer will be required to pay the Utility for any and all damages to its equipment on the consumer's premises due to such stoppage or interference with its metering.
  - (3) The consumer must further agree to comply with reasonable requirements to protect the Utility against further losses.
- B. Sections 98.26 and 943.20, Wisconsin Statutes, as relating to water service, are hereby adopted and made a part of these rules.

**§ 251-36. Vacation of premises.**

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 Department by reason of failure to notify the Utility of vacancy.

**§ 251-37. Repairs to mains.**

The Utility reserves the right to shut off the water in the mains temporarily, to make repairs, alterations or additions to the plant or system. When the circumstances will permit sufficient delay, the company will give notification, by newspaper publication or otherwise, of the discontinuance of the supply. No rebate will be allowed to consumers for such temporary suspension of supply.

**§ 251-38. Duty of Utility with respect to safety of public.**

It shall be the duty of the Utility to see that all open ditches for water mains, hydrants, and service pipes are properly guarded to prevent accident to any person or vehicle, and at night there shall be displayed amber signal light in such manner as will, so far as possible, ensure the safety of the public.

**§ 251-39. Handling water mains and service pipes in sewer or other trenches.**

- A. Where excavating machines are used in digging sewers, all water mains shall be maintained at the expense of the contractor.
- B. Contractors must ascertain for themselves the existence and location of all service pipes. Where they are removed, cut or damaged in the construction of a sewer, the contractor must at his or her own expense cause them to be replaced or repaired at once. He or she must not shut off the water service pipes from any consumer for a period exceeding six hours.

**§ 251-40. Settling main or service trenches.**

Trenches in unpaved streets shall be refilled with moist, damp earth, or by means of water tamping. When water tamping is used, the water shall be turned into the trench after the first 12 inches of backfill have been placed and then the trench shall be kept flooded until the remainder of the backfill has been put in.

**§ 251-41. Protective devices.**

- A. Protective devices in general. The owner or occupant of every premises receiving water supply shall apply and maintain suitable means of protection of the premises supply, and all appliances thereof, against damage arising in any manner from the use of the water supply, variation of water pressure, or any interruption of water supply. Particularly, such



owner or occupant must protect water-cooled compressors for refrigeration systems by means of high pressure safety cutout devices. There shall likewise be provided means for the prevention of the transmission of water ram or noise of operation of any valve or appliance through the piping of their own or adjacent premises.

- B. Relief Valves. On all "closed systems" (i.e., systems having a check valve, pressure regulator, or reducing valve, water filter or softener) an effective pressure relief valve shall be installed either in the top tapping or the upper side tapping of the hot water tank, or on the hot water distributing pipe connection at the tank. A ½ inch drain pipe shall be connected to the relief valve for discharge on the floor or into a sink or open drain through an air gap. No stop valve shall be placed between the hot water tank and the relief valve or on the drain pipe. (See applicable village plumbing codes).
- C. Air Chambers. An air chamber or approved shock absorber shall be installed at the terminus of each riser, fixture branch, or hydraulic elevator main for the prevention of undue water hammer. The air chamber shall be provided in the manner required by the State Plumbing Code. Where possible, the air chamber should be provided at its base with a valve and rain cock for water drainage and replenishment of air.<sup>5</sup>

#### § 251-42. Cross Connection Control.

- A. Definition. A 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 of Iola 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. Restrictions. 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 Village of Iola 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 Iola Water Utility and by the Wisconsin Department of Natural Resources in accordance with Section NR 811.09(2), Wisconsin Administrative Code.

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

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C. Inspection and Discontinuance. It shall be the duty of the Village Board 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 Village Board and as approved by the Wisconsin Department of Natural Resources.

- (1) Right of Entry. Upon presentation of credentials, the representative of the Iola Water Utility or Village of Iola 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 of Iola for cross connections. If entry is refused, such representative shall obtain a special inspection warrant under s.66.122, Wisconsin Statutes. 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.
- (2) Discontinuance by Notice. The Iola Water Utility is hereby authorized and directed to discontinue water service to any property wherein any connection in violation of this ordinance 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 6. Water service to such property shall not be restored until the cross connection(s) has been eliminated in compliance with the provisions of this ordinance.
- (3) Emergency Discontinuance. If it is determined by the Village Board or Iola 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 of the Village of Iola and delivered to the customer's premises, service may be immediately discontinued. The customer shall have an opportunity for hearing under Chapter 68, Wisconsin Statutes, within 10 days of such emergency discontinuance.

D. Other Regulations. The Village of Iola adopts by reference the State Plumbing Code of Wisconsin being Chapter Comm 82, Wisconsin Administrative Code.

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- E. Penalties. Anyone violating any provisions of this ordinance shall upon conviction be punished by forfeiture of not less than \$50.00 nor more than \$100.00 and the cost of prosecution. Each day of violation is a separate offense. If any person fails to comply with this ordinance for more than 30 days after receiving written notice of the violation, the municipality may impose a penalty and cause the cross connection to be removed and the expense to be assessed as a special tax against the property.
- F. Precedence. This ordinance does not supercede the State Plumbing Code and Village of Iola plumbing ordinance, but is supplementary to them.

**§ 251-43. Water and Sewer Main Extension Rule.**

Sewer and 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 Section 66.60 of the Wisconsin Statutes 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 Subsection A.
  - (2) Part of the contribution required under Subsection B(1) will be refundable. When additional customers are connected to the extended main within 20 years of the date of completion, contributions in aid of construction will be collected equal to the amount which would have been assessed under Subsection 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 Subsection A nor will it exceed the total assessable cost of the original extension.

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- C. When a new customer(s) is connected to an existing main, not financed by customer contributions, it shall not be considered as a main extension and no contribution may be collected from the customer(s). This provision applies to mains installed after the effective date of this rule.

**§251-44. Water or sewer main installations in platted subdivisions.**

- A. Application for installation of sewer and water mains in regularly platted real estate development subdivisions shall be filed with the Village Clerk-Treasurer and shall set forth the following information:

- (1) Name of subdivision.
- (2) Legal description.
- (3) Map showing streets, lots and sizes of proposed mains and hydrants, and street laterals.
- (4) Date of approval of subdivision plan by the State Department of Development.
- (5) Date of approval of proposed mains by the State Department of Natural Resources.
- (6) Number of houses presently under construction.

- B. Upon receipt of the application, the Water and Sewer Utility will prepare detailed estimates of the cost of extending sewer mains of the size deemed necessary in the subdivision and submit same to the municipal governing body for approval of the extension. The applicant for sewer or water service to be supplied to a subdivision 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, with the balance to be paid within 30 days. If final costs are less than estimated, a refund of overpayment will be made by the Utility. If the developer, or a contractor employed by the developer is to install the sewer mains (with the approval of the Utility), the developer shall be responsible for the total cost of construction.

**§251.45. Private well abandonment.**

- A. Purpose. To protect public health, safety and welfare and to prevent contamination of groundwater by assuring that unused, unsafe or noncomplying wells or wells which may act as conduits for contamination of groundwater or wells which may be illegally cross-connected to the municipal water system, are properly maintained or abandoned.
- B. Applicability. This ordinance applies to all wells located on premises served by the municipal water system in the Village of Iola. Utility customers outside the jurisdiction of the municipal system may be required under contract agreement or utility rules to adopt and enforce equivalent ordinances within their jurisdictions for purposes stated in Section 1 above.

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C. Definitions.

- (1) "Municipal water system" means a community water system owned by a city, village, county, town, town sanitary district, utility district or a federal, state, county or municipal owned institution for congregate care or correction, or a privately owned water utility serving the foregoing.
- (2) "Noncomplying" means a well or pump installation which does not comply with s.NR812.42 Wisconsin Administrative Code, Standards for Existing Installations, and which has not been granted a variance pursuant to s.NR812.43 Wisconsin Administrative Code.
- (3) "Pump Installation" means a 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.
- (4) "Unsafe" means a well or pump installation which produces water which is bacteriologically contaminated or exceeds the drinking water standards of s.NR812.06, Wisconsin Administrative Code, or for which a Health Advisory has been issued by the Department of Natural Resources.
- (5) "Unused" means a well or pump installation which is not used or does not have a functional pumping system.
- (6) "Well" means 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.
- (7) "Well Abandonment" means the proper filling and sealing of a well according to the provisions of s.NR812.26 Wisconsin Administrative Code.

D. Abandonment Required. All wells on premises served by the municipal water system shall be properly abandoned in accordance with Section 6 of this ordinance no later than one (1) year from the date of connection to the municipal water system, unless a valid well operation permit has been issued to the well owner by Village of Iola under terms of Section 5 of this ordinance.

E. Well Operation Permit. Owners of wells on premises served by the municipal water system wishing to retain their wells for any use shall make application for a well operation permit for each well no later than one (1) year after connection to the municipal water system. The Village Board shall grant a permit to the well owner to operate a well for a period not to exceed 2 years providing all conditions of this section are met. A well operation permit may be renewed by submitting an application verifying that the conditions of this section are met. The Village Board, or its agent, may conduct inspections and water quality tests or require inspections and water quality tests to be conducted at the applicant's expense using independent certified contractors to obtain or verify information necessary for consideration of a permit application or renewal. Permit applications and renewals shall be made on forms provided by the Clerk. The following conditions must be met for issuance or renewal of a well operation permit:

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- (1) The well and pump installation shall meet or may be upgraded to meet the Standards for Existing Installations described in s.NR812.42, Wisconsin Administrative Code.
- (2) The well and pump shall have a history of producing safe water evidenced by at least 2 coliform bacteria samples taken a minimum of 2 weeks apart. 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 evidence safety of the water. Laboratory analysis by a certified laboratory shall be completed every 2 years and submitted with the permit application.
- (3) There shall be no cross-connections between the private well's pump installation or distribution piping and the municipal water system.
- (4) That well water shall not discharge into a drain leading directly to a public sewer utility unless properly metered and authorized by the sewer utility.
- (5) The well shall have a functional pumping system and the proposed use of the well water can be justified as reasonable in addition to water provided by the municipal water system.
- (6) Payment of a \$10.00 permit fee (2 years).

F. Abandonment Procedures.

- (1) All wells abandoned under the jurisdiction of this ordinance shall be done according to the procedures and methods of s.NR812.26, Wisconsin Administrative Code. All debris, pumps, piping, unsealed liners and any other obstructions which may interfere with sealing operations shall be removed prior to abandonment.
- (2) The owner of the well, or the owner's agent, may be required to obtain a well abandonment permit prior to any well abandonment and notify the Clerk in advance of any well abandonment activities. The abandonment of the well may be observed or verified by inspection by the municipal system.
- (3) An abandonment report form, supplied by the Department of Natural Resources, shall be submitted by the well owner to the Clerk and the Department of Natural Resources within 30 days of the completion of the well abandonment.

- G. Penalties. Anyone violating any provisions of this ordinance shall upon conviction be punished by forfeiture of not less than \$5.00 nor more than \$10.00 and the cost of prosecution. Each day of violation is a separate offense. If any person fails to comply with this ordinance for more than 30 days after receiving written notice of the violation, the municipality 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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