TITLE VI

Chapter 24

WATER UTILITY

24.01	Management	24.08	Payment of Charges
24.02	Wisconsin Public Service Commission	24.09	Cross Connection Control
24.03	Conflicts	24.10	Wellhead Protection Ordinance
24.04	Commission		
24.05	Maintenance of Services	24.11	Water Conservation and Curtailments
24.06	Charges		
24.07	Repair		

24.01 MANAGEMENT

(1) The water utility of the City shall be managed by the Council and its appropriate standing committees.

(2) The Council may delegate various functions and assign duties and responsibilities to the City employees not inconsistent with the rules and regulations imposed by the Wisconsin Public Service Commission, hereinafter referred to as the PSC.

(3) Unless otherwise provided by resolution or other action the Clerk shall be primarily responsible for directing and assigning duties and responsibilities for the management of the utility.

24.02 WISCONSIN PUBLIC SERVICE COMMISSION

The water utility is subject to the rules and regulations of the Wisconsin Public Service Commission. Rates and any changes thereof are set by the Council but subject to Wisconsin Law and the review by the PSC.

24.03 CONFLICTS

It is intended that this ordinance and the operation of the water utility will not conflict or otherwise be inconsistent with the sewer use Ordinance, Chapter 23.

24.04 COMMISSION

The water utility shall not be operated as a commission form under Chapter 198, Wis. Stat.

24.05 PROVIDING AND MAINTAINING SERVICES

(1) The Water Utility shall maintain water service within the limits of the City of Blair from the main to the curb stop and including all controls between the same, without expense to the property owner, except when damaged as the result of the negligence or carelessness on the part of the property owner, tenant or agent of the owner. The property owner must not erect structures or other impediments so as to not interfere with the operation and accessibility of the water service.

(2) All water services from the point of maintenance by the water utility to and through the premises must be maintained free of defective conditions, by and at the expense of the owner or occupant of the property.

(3) DUPLEXES. Consistent with the City of Blair Municipal Water Utility and PSC rules and regulations, the City of Blair shall require that all duplexes either: a) be served by two (2) laterals, one for each ½ of the duplex, each with individual metered service, or b) be served by one lateral, provided that individual metered service and individual disconnection is provided for each ½ of the duplex.

24.06 CHARGES

(1) Persons attaching to the main line of the water utility shall pay a connection charge equal to the actual cost, but not less than two hundred dollars ($200.00).

(2) In the event of multiple openings / excavations to a single site, the charge set forth in subsection (1) shall apply to each separate opening / excavation.

(3) The customer shall be responsible for the actual cost of installing a water service lateral from the main through the curb stop if those costs are not contributed as part of a subdivision development or otherwise recovered under Wi. Stats. Chapter 66. The customer is also solely responsible for installing service, and the cost thereof, from the curb stop to the applicable structure(s) and inside thereof, including the cost of the meter(s).

24.07 REPAIR

(1) All repairs to the curb line shall be at the expense of the water utility.

(2) All repairs from the curb line to the property owner shall be at the expense of said owner.

(3) No excavation shall be permitted to facilitate such repair without the supervision of a licensed plumber. No excavation shall be permitted on Fridays, Saturdays, Sundays, the day before a holiday and holidays.

24.08 PAYMENT OF CHARGES

(1) The water service charge shall be for the corresponding period of the sewer bills and shall be payable to the City Treasurer.

(2) All water charges shall be a lien upon the property served pursuant to Section 66.069(1), Wis. Stat., and Chapter 15 of these Ordinances and shall be collected in the manner therein provided.

24.09 CROSS CONNECTION CONTROL

(1) The purpose of the Ordinance is to provide a program for protecting the Public Water System from contamination due to back flow of contaminates through the water service connection into the Public Water System. Chapters NR 810 and SPS 382, Wisconsin Administrated Code, require protection for the Public Water System

and the Wisconsin Department of Natural Resources requires the development and implementation of a comprehensive Cross Connection Control Program.

(2) DEFINITION OF CROSS CONNECTION. A Cross Connection is defined as any physical connection or arrangement between two otherwise separate systems, one of which contains potable water from the City of Blair's public water system, and the other of which contains 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, with the direction of flow depending on the pressure differential between the two systems.

(3) UNPROTECTED CROSS CONNECTIONS PROHIBITED. No person, firm or corporation may establish or maintain, or permit to be established or maintained, any unprotected cross connection. Cross connections shall be protected as required in Chapter SPS 382, Wisconsin Administrative Code.

(4) INSPECTION. The Water Utility may inspect, or arrange for an inspection of, property served by the public water system for cross connections. 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 promptly corrected. Failure to promptly correct an unprotected cross connection shall be sufficient cause for the water utility to discontinue water service to the property, as provided under paragraph 7 of the Ordinance.

(5) RIGHT OF ENTRY. Upon presentation of credentials, a representative of the Water Utility shall have the right to request entry, at any reasonable time, to property served by a connection to the public water system for the purpose of inspecting the property for cross connections. Refusing entry to such utility representative shall be sufficient cause for the water utility to discontinue water service to the property, as provided under paragraph 7 of this Ordinance. If entry is refused, a Special Inspection Warrant under Section 66.0119 of the Wisconsin Statutes may be obtained.

(6) PROVISION OF REQUESTED INFORMATION. The Water Utility may request an owner, lessee, or occupant of property served by a connection of the public water system to furnish the water utility with pertinent information regarding the piping system on the property. Refusing to provide requested information shall be sufficient cause for the water utility to discontinue water service to the property, as provided under paragraph 6 of this Ordinance.

(7) DISCONTINUATION OF WATER FOR VIOLATION. The Water Utility may discontinue water service to any property wherein any unprotected connection in violation of this ordinance exists, and take other precautionary measures deemed necessary to eliminate any danger of contamination of the public water system. Water service may be discontinued, however, only after reasonable notice and opportunity for hearing under Chapter 68, Wisconsin Statutes, except as provided in Paragraph 8 of this ordinance. Water service to such property shall not be restored until the unprotected cross connection has been eliminated.

(8) EMERGENCY DISCONTINUANCE. If it is determined by the Water Utility that an unprotected cross connection or emergency endangers public health safety, or welfare and requires immediate action, and if a written finding to that effect is filed

with the City Clerk and delivered to the customer's premises, water service may be immediately discontinued. The customer shall have an opportunity for a hearing under Chapter 68, Wisconsin Statutes, within 10 days of such emergency discontinuance. Water service to such property shall not be restored until the unprotected cross connection has been eliminated.

24.10 WELLHEAD PROTECTION ORDINANCE

(1) CONSTRUCTION OF ORDINANCE

(A) TITLE. This Chapter shall be known, cited and referred to as the "Wellhead Protection Ordinance", hereinafter WHP Ordinance.

(B) PURPOSE AND AUTHORITY

1.) The residents of the City of Blair hereinafter, City, depend exclusively on groundwater for a safe drinking water supply. Certain land use practices and activities can seriously threaten or degrade groundwater quality. The purpose of WHP Ordinance is to institute land use regulations and restrictions to protect the city municipal water supply and well fields and to promote the public health, safety and general welfare of the residence of the City.

2.) These regulations are established pursuant to the authority granted to cities by the Wisconsin Legislature in § 60.62.23, Wis. Stat., to adopt Ordinances to protect groundwater.

3.) APPLICABILITY. The regulations specified in the WHP Ordinance shall apply within the City boundary limits

(2) DEFINITIONS

(A) Existing Facilities "Existing Facilities" means current facilities, practices and activities, which may cause or threaten to cause environmental pollution within that portion of the City's wellhead protection area that lies within the corporate limits of the City. Existing facilities include, but are not limited to, the type listed in the Department of Natural Resources' form 3301-215, Public Water Supply Potential Contaminants Use Inventory Form, which is incorporated herein as if fully set.

(B) Groundwater Divide "Groundwater Divide" means a ridge in the water table or the potentiometric surface from which groundwater flows away at right angles in both directions. The line of highest hydraulic head in the water table or potentiometric surface represents a groundwater divide.

(C) Groundwater Protection Overlay District "Groundwater Protection Overlay District" means that area described within the City's wellhead protection plan. A copy of the City's Wellhead Protection Plan can be obtained from the City Clerk.

(D) Recharge Area "Recharge Area" means the land area which contributes to a well by infiltration of water into the subsurface and movement with groundwater toward the well.

(E) Time of Travel "Time of Travel" means the determined or estimated time required for contaminant to move in the saturated zone from a specific point to a well.

(F) Well Field "Well Field" means a piece of land used primarily for the purpose of supplying a location for construction of wells to supply a municipal water system.

(3) GROUNDWATER PROTECTION OVERLAY DISTRICT, hereinafter DISTRICT

(A) INTENT The area to be protected as a District is that portion of the City well fields' recharge areas extending to the groundwater divide contained within the city boundary limits and shown on the attached map. These lands are subject to land use and development restrictions because of their close proximity to the well fields and the corresponding high threat of contamination.

(B) PERMITTED USES Subject to the exemptions listed in Section (3) (e), the following are the only permitted uses within the District. Uses not listed are to be considered non-permitted uses.

1.) Parks, provided there are no on-site waste disposal or fuel storage tank facilities associated with this use;

2.) Playgrounds;

3.) Wildlife area;

4.) Non-motorized trails, such as biking, skiing, nature and fitness trails;

5.) Municipal sewer residential development, free of flammable and combustible liquid underground storage tanks;

6.) Municipal sewer residential development zoned B-1, B-2 or B-3, except for the following uses:

a.) Above ground storage tanks;
b.) Asbestos product salcs;
c.) Automotive service and repair garages, body shops;
d.) Blueprint and photocopying services;
e.) Car washes;
f.) Equipment repair services;
g.) Dry-cleaning;
h.) Gas stations;
i.) Holding ponds or lagoons;
j.) Infiltration ponds;
k.) Nurseries, lawn and garden supply stores;
l.) Small engine repair services;
m.) Underground storage tanks;
n.) Wells, private, production, injection or other;

o.) Any other use determined by the City Zoning Administrator to be similar to the above listed items.

7.) Agricultural uses in accordance with the County Soil Conservation Department's best practices guidelines.

(C) SEPARATION DISTANCES. The following separation distances as specified in Section NR 811.164(4)(d), Wisconsin Administrative Code, shall be maintained and shall not be exempted as listed in Section (3)(e).

1.) A separation distance of five hundred feet (500′), as documented in the current wellhead protection plan shall be maintained around Wells #1, #2 and #3. The following distances shall apply for Well #4 only:

2.) Fifty feet (50′) between a well and storm sewer main;

3.) Two hundred feet (200′) 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 fifty feet (50′).

4.) Four hundred feet (400′) between a well and a septic system, tank or drain field, and receiving less than eight thousand (8,000) gallons per day, a cemetery or a storm water drainage pond.

5.) Six hundred feet (600′) between a well and any gasoline or fuel oil storage tank installation that has received written approval from the Wisconsin Department of Commerce, hereinafter, Commerce, or its designated agent under Section Comm. 10.10, Wisconsin Administrative Code.

6.) One thousand feet (1,000′) between a well and land application of municipal, commercial or municipal wastewater, lagoons or storage structures, manure stacks or storage structures, and septic tanks or soils absorption units receiving eight thousand (8,000) gallons per day or more.

7.) Twelve hundred feet (1,200′) 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, gasoline or fuel oil storage tanks that have not received written approval from Commerce or its designated agent under Section Comm. 10.10, Wisconsin Administrative Code, bulk fuel storage facilities and pesticide handling or storage facilities.

(D) REQUIREMENTS FOR EXISTING FACILITIES

1.) Existing facilities shall provide copies of all federal, state and local facility operation approvals or certificate and on-going environmental monitoring results to the City.

2.) Existing facilities shall provide additional environmental or safety structures/monitoring as deemed necessary by the City, which may include, but is not limited to, storm water runoff management and monitoring.

3.) Existing facilities shall replace equipment or expand in a manner that improves the existing environmental and safety technologies already in existence.

4.) Existing facilities shall have the responsibility of devising and filing with the City a contingency plan satisfactory to the City for the immediate notification of City officials in the event of an emergency.

(E) EXEMPTIONS AND WAIVERS

1.) Individual and/or facilities may request the City in writing, to permit additional land uses in the District.

2.) All requests shall be in writing, whether on or in substantial compliance with forms to be provided by the City, and may require an environmental assessment report prepared by a licensed environmental engineer. Said report shall be forwarded to the City and/or designee(s) for recommendation and final decision by the City Council.

3.) The individual/facility shall reimburse the City for all consultant fees associated with this review per invoice amount plus administrative costs.

4.) Any exemptions granted shall be conditional and may include required environmental and safety monitoring consistent with local, state and federal requirements, and/or securities satisfactory to the City.

(4) ENFORCEMENT

(A) In the event that an individual and/or facility causes the release of any contaminants which endanger the DISTRICT, the individual and/or facility causing said release, shall immediately stop the release and clean up the release to the satisfaction of the City.

(B) The individual / facility shall be responsible for all costs of cleanup, including all of the following:

1.) City consultant fees at the invoice amount plus administrative costs for oversight, review and documentation;

2.) The cost of City employees' time associated in any way with cleanup based on the hourly rate paid to the employee multiplied by a factor determined by the City representing the city cost for expenses, benefits, insurance, sick leave, holidays, overtime, vacation and similar benefits;

3.) The cost of City equipment employed;

4.) The cost of mileage reimbursed to City employees attributed to the cleanup.

(C) Following any such discharge, the City may require additional test monitoring and/or bonds / securities.

(D) Enforcement shall be provided pursuant to Section 11.05 of the Code.

(5) CONFLICT AND SEVERABILITY

(A) CONFLICT – The terms and provisions of this section 24.10 are not intended to be in conflict with other Sections of Chapter 24 or other Chapters of the City Code of Ordinances. Any such conflict shall be resolved in favor of this Section 24.10.

(B) SEVERABILITY – If any part or subsection of this Section 24.10 is deemed to be unconstitutional or unenforceable, the remainder of this Section shall be in force and enforceable.

24.11 WATER CONSERVATION AND CURTAILMENT

(1) PURPOSE. The purpose of this chapter is to allow the City of Blair to fairly and equitably supply water to all of its customers, this ordinance establishes a process to be put in place during periods when the municipal water supply is reduced to a level that has or could lead to a dangerous condition. This ordinance further establishes the procedures for limiting or curtailing the amount of water delivered by the utility to certain customers during various stages of Water Shortage Emergency in a manner that is designed to maintain consistent and adequate service to the greatest number of municipal customers.

(2) APPLICATION. The provisions of this Ordinance apply to all customers and users of the water utility.

(3) DEFINITIONS. For the purpose of this chapter, the following terms shall have the meanings indicated.

CITY: The City of Blair, Trempealeau County, Wisconsin.

COMMUNICATION GUIDELINES: A separate agreement or agreements between the City and High-Volume Customers that is on file with the Wisconsin Public Service commission and that sets forth the duties and obligations between the City and affected High-Volume Customers during any designated Water Shortage Emergency.

HIGH-VOLUME CUSTOMER: Any City of Blair water utility customer that uses an average of more than 50,000 gallons of municipal water per day shall be considered a High-Volume Customer. In determining a customer's daily use, the utility may combine the volumetric readings from all meters serving a single property or business.

WATER SHORTAGE EMERGENCY: A declared Water Shortage Emergency, as defined by the Water Utility Rules State Criteria.

WATER UTILITY RULES: Unless specifically stated otherwise, refers to the City of Blair Water Utility, and the specific local rules they have in place.

(4) STAGES/RESTRICTIONS. There shall be restrictions during various states of any Water Shortage Emergency as follows:

(I.) Stage 1 Water Shortage Emergency

Stage 1 Restrictions

As a result of a Stage 1 Water Shortage Emergency a city wide outdoor watering ban shall go into effect. During this ban no person or customer shall use municipal water.

(a) To sprinkle, water, or irrigate any shrubbery, trees, grass, plants or other vegetation.
(b) To wash any motor vehicles, motorbike, boat, trailer, or airplane, except at a commercial washing facility designed for this purpose.
(c) To wash driveways, sidewalks, walkways, parking lots, tennis courts, basketball courts, or other hard surfaced areas, or any building or structures.
(d) To fill, refill, or add to any indoor or outdoor swimming pools or Jacuzzis unless required by a medical doctor.
(e) For gardens, or growing food, except, and upon specific approval by the City, such watering could occur only on Sunday evenings after 6:00 p.m.

(II.) Stage 2 – Water Shortage Emergency

Stage 2 Restrictions

The city wide watering ban shall remain in effect. In addition the following are prohibited.

(a) Use of municipal water for dust control
(b) Use of municipal water for landscaping or a recreational use
(c) Use of municipal water for construction projects, except usage of water for city construction projects could be approved, but only by City Council action.
(d) Use of municipal water from hydrants except to fight fires, or for such other municipal public safety issue that may arise
(e) Use of municipal water on golf courses

In addition, High-Volume Customers will be contacted on an individual basis pursuant to the Communication Guidelines to allow them to take voluntarily steps to reduce their individual water consumption through the highest level of mutual communication, cooperation, and collaboration.

(III.) Stage 3 – Water Shortage Emergency

Stage 3 Restrictions//Curtailment

All Phase 1 and Phase 2 restrictions remain in effect. In addition the City may issue an order reasonably restricting the amount of water that any High-Volume Customer may take from the system so as to stabilize the integrity of the water supply to all customers. The under must identify each High-Volume Customer subject to the curtailment, the maximum allowable daily volume and flow rate, and the time period during which the curtailment is in effect. Notwithstanding the above restrictions and curtailment, no single High-Volume Customer shall have their entire water service discontinued because of a Stage 3 Water Shortage Emergency and the Utility shall attempt to meet the basic needs for all customers. Further, except for an imminent threat to the public health, welfare, or safety of the municipal water system, such curtailment shall not reduce any High-Volume Customer to a level of less than fifty thousand (50,000) gallons per day.

The utility may also curtail service to other than High-Volume Customers if the above measures are insufficient to provide relief from the Stage 3 Water Shortage Emergency conditions and the Utility reasonably believes that otherwise there remains an imminent threat to public health, welfare, or safety.

(5) ORDINANCE CONTROLLING. This Ordinance shall prevail and control in the event of any inconsistency or contradictions between this and other City ordinances.

(6) ENFORCEMENT; VIOLATIONS AND PENALTIES.

(1) Authorized officers, employees, agents, and representatives of the City may issue a citation to and collect forfeitures from any person who violates a provision of this chapter. The issuance of a citation shall not preclude the City from proceeding under any other ordinance or law relating to the same or any other offense. Proceeding under any other ordinance or law relating to the same or any other office shall not preclude the City from issuing a citation under this subsection.
(2) In addition to all other remedies available to the City under the law, any person who violates this chapter may be required to forfeit not less than $100.00 nor more than $5,000.00 for each violation, and each day of violation is a separate offense.

September 12, 2011 – repeal and recreate Section 24.05 (1)
April 8, 2013 – repeal and recreate Section 24.09
July 6, 2015 – repeal and recreate subsection (1) of Section 24.05 (1)
October 3, 2022 – amended Section 24.05
October 3, 2022 – created Section 24.05(3)
May 15, 2024 – amended Section 24.06(3)
October 23, 2024 – created 24.11 Relating to Water Curtailment