

CHAPTER 13

PUBLIC WATER SUPPLY SYSTEM

(Title Am. by Ord. 6665, Adopted 6-26-79; Am. by Ord. 12,357, Adopted 3-16-99)

Section

- 13.01 Water Utility Board. (Am. by ORD-07-00099, 8-23-07)
- 13.02 Appointment of General Manager; Duties.
- 13.03 Duties of General Manager.
- 13.04 Outdoor Water Usage Restrictions. (Cr. by Ord. 5569, 8-13-76)
- 13.05 Contracts for Water Service.
- 13.06 Access to Premises and Maintenance of Water Meter Pits. (Am. by ORD-06-00135, 10-6-06)
- 13.07 Service Connections.
- 13.08 Laying of Mains and Service Pipes When Streets are Paved.
- 13.09 Expense of Laying Service Pipes.
- 13.10 No Claims to be Allowed Against City for Interruption of Water Supply or Consequential Damage.
- 13.11 Opening or Establishing Cross-Connections to Fire Hydrants.
- 13.12 Collection of Water Utility Charges.
- 13.13 General Tax for Benefit of Water Utility.
- 13.14 Surplus Revenues.
- 13.15 Cross Connection Control. (Am. by Ord. 12,344, 3-2-99)
- 13.16 Fixing The Area in Which Water Service is to be Extended Beyond the Municipal Limits.
- 13.17 Adoption by Reference. (Cr. by Ord. 12,357, Adopted 3-16-99)
- 13.18 Lead Water Service Line Replacement. (Cr. by Ord. 12,544, 2-18-00)
- 13.19 Water Main Assessment Procedure. (R. & Recr. by Ord. 4902, 2-25-75)
- 13.20 Tampering with Water Meters Prohibited. (Cr. by Ord. 7848, 11-5-82)
- 13.205 Tampering With Water Utility Mains and Property. (Cr. by ORD-08-00117, 10-24-08)
- 13.21 Well Abandonment. (Cr. by Ord. 10,136, 11-14-90; Am. by Ord. 12,345, 3-2-99)
- 13.22 Wellhead Protection. (Cr. by Ord. 13,106, 7-23-02)
- 13.23 Penalty.

13.01 WATER UTILITY BOARD.

- (1) Election. The City of Madison hereby elects, pursuant to Wis. Stat. § 66.0805(6), to provide for the operation of the Madison Water Utility by a board of officers other than the commission provided for in Wis. Stat. § 66.0805(1)-(3). In establishing this Board, the City also relies on its authority under Wis. Stat. § 62.11(5). (Am. by ORD-07-00099, 8-23-07)
- (2) Water Utility Board. There is hereby created a Water Utility Board of eight (8) members, whose duty shall be the management and operation of the Water Utility. There shall be seven (7) voting members and one (1) non-voting ex-officio member. At least one (1) and not more than two (2) of the voting members shall be members of the Common Council, who shall serve during their two-year terms. The members shall be appointed by the Mayor and confirmed by the Common Council, and members who are not members of the Common Council shall serve staggered terms of five (5) years, respectively provided that the Mayor may appoint one of the members whose term ends in 2010 to a three (3) year term in order to achieve staggered terms. In case of vacancy, the Common Council may at any regular or special meeting confirm a member for the unexpired term. The Director of Public Health under Sec. 7.02, MGO, or his or her designee shall serve as an ex-officio, non-voting member of the Board in order to provide advice and information to the Board on health issues related to the Water Utility. The Director of Public Health shall not vote, may not make motions, and shall not be counted as a member in

determining quorum or majorities. Upon passage of this ordinance, the existing commissioners of the Board of Water Commissioners shall immediately succeed to positions as members of the Water Utility Board and fill out their terms as if appointed to the remaining length of their terms. (Am. by Ord. 10,239, 4-12-91; ORD-06-00098, 8-2-06; ORD-07-00099, 8-23-07; ORD-10-00064; 6-23-10)

- (3) Meeting, Organization and Duties of the Board. The Board on an annual basis shall choose from among their number a president, vice president and secretary. The Board may make rules for its own proceedings and for the government of the Utility. The Board shall keep books of account in the manner and form prescribed by the Public Service Commission which shall be open to the public. The Board shall have the management and supervision of the Water Utility and all matters connected therewith, subject to the general control and supervision of the Water Utility Board by the Mayor and Common Council. The Council shall exercise such supervision by enacting ordinances governing the Board's operation, and approving contracts for the Water Utility as it does for other departments. The Board shall have the general power and authority to make rules and regulations for the management of said Utility as it shall from time to time find necessary for the safe, economical and efficient management and protection of the Water Utility. The Board shall issue an annual report which shall be made available to the Common Council. (Sec. 13.01 Am. by Ord. 6665, Adopted 6-26-79; Am. by ORD-07-00099, 8-23-07)
- (4) Employees. Employees of the Water Utility shall be governed by the ordinances, rules and procedures established for other employees of the City of Madison, together with any rules established by the Water Utility Board. (Cr. by ORD-07-00099, 8-23-07)

13.02 APPOINTMENT OF GENERAL MANAGER; DUTIES.

- (1) The Water Utility General Manager shall be appointed by the Mayor, in consultation with and subject to the approval of the Water Utility Board, and further subject to the approval of the Common Council. The position shall be filled according to Sec. 3.54(6)(f) of these ordinances. The General Manager shall hold her/his position pursuant to the terms of the employment contract provided for in such section. The Water Utility General Manager shall be the chief executive of the Water Utility and shall perform those duties generally described in this chapter and such other duties as may be delegated by the Board. (Sec. 13.02 Am. by Ord. 12,357, Adopted 3-16-99; Am. by ORD-07-00099, 8-23-07)

13.03 DUTIES OF GENERAL MANAGER.

- (1) General Duties. The General Manager shall have supervision of the Water Utility under the direction of the Water Utility Board and shall have supervision and control over the buildings, grounds, and all matters connected therewith, and shall enforce all ordinances, rules and regulations of the Common Council and of the Board; and see that the conditions of all contracts relating to said Utility are faithfully complied with, and that all charges for the use of water are duly made, collected, and paid into the City Treasury. The General Manager shall be the appointing authority under the provisions of the civil service ordinance for the purpose of making appointments of employees in the Water Utility. The General Manager shall be subject to the supervision of the Mayor and the Water Utility Board, as set forth in his/her employment contract.
- (2) In Charge of New Construction and Installations. The General Manager shall supervise the installation of all new equipment, the construction of all new wells, reservoirs, treatment facilities, and pumping stations and have charge of all improvements to the Water Utility plant, including the installation, repair and reconstruction of all mains and service connections. The General Manager shall have supervision of work of this nature and, shall purchase services, materials and supplies for such work pursuant to City ordinances, including Sec. 4.26, MGO. (Am. by ORD-09-00147, 11-6-09)
- (3) Maps and Records to be Kept. The General Manager shall direct the maintenance of maps and records of the water system.

- (4) Other Records to be Kept. The General Manager shall keep a record of all accounts and claims for or against the Water Utility and all meters and the location thereof and shall perform such other duties as the Board or the Common Council may prescribe.
(Sec. 13.03 Am. by Ord. 12,357, Adopted 3-16-99; Am. by ORD-07-00099, 8-23-07)

13.04 OUTDOOR WATER USAGE RESTRICTIONS.

- (1) The Water Utility General Manager may impose voluntary or mandatory outdoor water usage restrictions on all water users in the Utility's service area under the criteria set forth below in order to avoid undue stress upon the resources and reserve capacity of the Water Utility. The restrictions may apply to all properties or to alternate sides of the street as the Water Utility General Manager deems necessary. Alternate side restrictions would apply to odd numbered sides of the street on even numbered calendar days and even numbered sides of the street on odd numbered calendar days, respectively. Restrictions may be for all day or for specified times each day. Voluntary restrictions shall not apply to new lawns - either sodded or seeded. Notice of said restrictions shall be provided through major news media outlets in the City. (Am. by Ord. 9656, 12-30-88)
- (2) (a) Criteria For Voluntary Restrictions.
1. To maintain pumpage below a preset daily total amount, or
 2. To comply with any electrical utility request for voluntary cutback in peak load electrical usage.
- (b) Criteria For Mandatory Restrictions.
1. To avoid sustained low pressure (less than 20 pounds per square inch (PSI) to any customer), or
 2. To maintain reservoir levels above preset fire reserve limits, or
 3. To compensate for loss of one or more major wells due to mechanical failure.
- (3) Penalty. Any person who violates any mandatory restriction on water usage issued pursuant to this section or fails to comply with any of its requirements shall upon conviction thereof, be subject to a forfeiture of not less than twenty dollars (\$20) nor more than one thousand dollars (\$1,000). Each day such violation continues shall be considered a separate offense.

(Sec. 13.04 Cr. by Ord. 5569, 8-13-76; Am. by Ord. 12,357, Adopted 3-16-99; Ord. 13,500, 1-23-04)

13.05 CONTRACTS FOR WATER SERVICE. The ordinances, rules, and regulations passed by the Common Council shall be considered a part of the contract with every person, company or corporation supplied with water through the water system of the City; and every such person, company, or corporation by taking water shall be considered to express her/his or its assent to be bound thereby. (Am. by Ord. 12,357, Adopted 3-16-99)

13.06 ACCESS TO PREMISES AND MAINTENANCE OF WATER METER PITS.

- (1) Access to Premises. The General Manager of the Water Utility and persons under the General Manager's direction shall have free access at all reasonable hours to any premises supplied with City water for the purpose of inspecting and examining the water service appliances. No person, firm, corporation or other entity shall prevent, delay or interfere with a City employee while he or she is engaged in the performance of duty pursuant to this section. (Am. by Ord. 12,357, Adopted 3-16-99)
- (2) Maintenance of Water Meter Pits.
- (a) Water meter pits are the responsibility of the owner or operator of the property and the owner or operator bears the responsibility for all required pit maintenance and repairs. Water meter pits shall be maintained in a clean, dry and safe condition and shall be free from leaks or standing water. Water meter pits shall be maintained in a manner that