

ORDINANCE #24-02

**CREATING SECTION 26-16 OF CHAPTER 26 WATER AND SEWER SERVICE
OF THE CITY OF DE PERE MUNICIPAL CODE RELATING TO
PRIVATE WATER SYSTEM INSPECTION, MAINTENANCE AND OPERATION**

WHEREAS, the City of De Pere (“City”) and its Board of Public Works hereby determine that providing and maintaining a safe water supply is a vital priority and delivers the highest quality drinking water to its customers; and

WHEREAS, the City also provides for the safety and general welfare of residents via the provision of a strong and robust firefighting water supply; and

WHEREAS, the City and its Board of Public Works ensures that its Public Water System is properly inspected, maintained and is fully operational, and intends to ensure that customers indirectly served by Private Water Systems are also properly inspected, maintained and are fully operational. Further, Private Water Systems substantially affect the water supply safety of residents as well as the efficient operation of the Public Water Utility, are highly important components of the firefighting water supply system, and must meet the same operational standards as the Public Water System; and

WHEREAS, the City and its Board of Public Works determine that private water systems shall be inspected, maintained and operated according to established regulations, prudent management and best practices according to without limitation the American Water Works Association (“AWWA”) and the National Fire Protection Association (“NFPA”) as follows:

NOW, THEREFORE, THE COMMON COUNCIL OF THE CITY OF DE PERE, WISCONSIN DOES

ORDAIN AS FOLLOWS:

Section 1. Section 26-16 of Chapter 26 Water and Sewer Service shall be created as follows:

Sec. 26-16. – Private Water Utility Inspection & Maintenance.

(a) General.

- (1) Privately owned water distribution systems, as defined in Wisconsin Administrative Code (NR) Chapter 812, as may be amended from time to time, shall be responsible for ensuring that their system is inspected, maintained and operated to provide an adequate quantity of safe drinking water to those consumers served and for firefighting purposes. This responsibility includes, without limitation, maintaining or contracting for an adequate number of trained staff to perform all duties necessary

and performing maintenance and replacement of watermain and appurtenances when necessary to keep the facilities in good operating condition. This responsibility shall also include ensuring that sufficient fiscal resources are available for needed repairs and eventual system replacement.

(b) Applicability.

- (1) The following water systems, located on private property, shall comply with the private water system maintenance requirements of this Section if they have any of the following:
 - A. Systems that have a valve or a “private hydrant” as defined in Wisconsin Administrative Code (PSC) 185.12(15), as may be amended from time to time.
 - B. Systems that have water service to a building or a curb stop from a watermain.
 - C. Systems that serve more than one building.
 - D. Systems that exceed a combined 150 feet of watermain and or service piping measured from the right of way.

(c) Certified Operator Requirements.

- (1) Every private water system shall have a designated operator-in-charge. No person may be an operator-in-charge of a water system subclass unless that person holds a valid certificate for that subclass issued pursuant to Wisconsin Administrative Code (NR) 114.30, as may be amended from time to time.
- (2) The owner of a private water system shall designate to the De Pere Water Utility the operator-in-charge of the water system and provide 24 hour per day contact information. The designated operator-in-charge shall meet the requirements stated in Wisconsin Administrative Code (NR) 114.32, as may be amended from time to time.
- (3) Only the operator-in-charge, or persons supervised by the operator-in-charge shall operate the private water system. The operator-in-charge shall coordinate all private water system operations with the De Pere Water Utility providing 2 working days’ notice before operating any private hydrant or valve.
- (4) No person may use or take water from a private water system, except for the purpose of extinguishing a fire; or operate valves or hydrants; or damage or impair a private water system. Such persons shall be subject to any fine or penalty pursuant to De Pere Municipal Ordinance.

(d) Operational Requirements.

- (1) Private water systems shall be operated so as to not restrict water pressure or flow at all locations within their water distribution system under normal operating conditions.
- (2) Private water systems shall maintain current fire flow studies and documentation showing the fire flow capability of the system. The private water system owner shall notify the fire chief in writing of the location of all fire hydrants that are temporarily out of service or cannot maintain 500 gpm at 20 psi at ground level.

(e) Private Water System Maintenance Activities.

- (1) Unless an alternate schedule is approved by the De Pere Water Utility, each private water system shall perform all the following:
 - A. *Valve exercising*: All distribution system valves shall be exercised, consistent with De Pere Water Utility policy, at least once every 5 years.
 - B. *Hydrant exercising*: All hydrants shall be exercised, consistent with De Pere Water Utility policy, at least once every 2 years.
 - C. *Hydrant/Valve maintenance, inspection and fire flow testing*: Hydrants and Valves shall be inspected annually and maintained in proper working condition, consistent with the manufacturer's recommendations, American Water Works Association (AWWA) and National Fire Protection Association (NFPA) standards. Private Hydrants shall be flow tested occasionally to sufficiently demonstrate current flow rates.
 - D. *Flushing dead-end mains*: Mains shall be flushed to remove sediment or water of poor quality, consistent with De Pere Water Utility policy, at least once every year.
 - E. *Leakage Detection*: Mains, valves, hydrants and services shall be inspected for leaks according to AWWA M36 water audit and loss control program, consistent with that of the De Pere Water Utility policy, at least once every 2 years. Water systems that are master metered at the right of way are exempt from annual leak detection maintenance requirement.
 - F. *Hydrant Sandblasting and Painting*: Hydrants shall be sandblasted, primed and painted Red to signify a private water system, caps shall be color coded to the fire flow rate per NFPA Standard 291, consistent with De Pere Water Utility policy, as needed, but not to exceed once every 8-10 years.
 - G. *Repair leaks*. Repair any of the following leaks in the timely manner set forth below that have been identified:
 - significant surfacing leaks within 8 hours.
 - Surfacing leaks within 8 hours to 1 day.

- minor (barely visible) surfacing leaks within 1 day to 3 days.
- non-surfacing detectable leaks within 1 to 2 weeks.

H. *Additional maintenance:* Perform all additional prudent watermain and appurtenance maintenance, repairs or replacements per AWWA and NFPA as necessary to keep the facilities in good operating condition, typically within 4-6 weeks of detection.

I. *Cost for services performed by the City of De Pere shall be placed on the tax roll:* Should the City, its employees or contractors perform any work at the request of a private system, or perform any work for an immediate safety issue on a private water system, the City shall place a special charge for its time and expense on the tax roll of the property pursuant to Wis. Stats. Section 66.0627, as may be amended from time to time, or by any other manner allowed by law.

(f) Record Keeping.

Private water systems shall provide records and documentation of private water system inspections, maintenance and operations to the De Pere Water Utility for all of the following:

- A. Provide documentation of a valid service contract that authorizes the performance of needed maintenance and emergency repair work should the need arise.
- B. Provide and maintain detailed water system as constructed plans and a list of materials, parts and equipment that such system is constructed of.
- C. Provide copies of all maintenance contracts, test records, reports and verification of payment documenting required system maintenance activities have taken place.

Section 2. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 3. This ordinance shall take effect on July 1, 2024, following its passage and publication according to law.

Adopted by the Common Council of the City of De Pere, Wisconsin, this 16th day of
January, 2024.

APPROVED:

James G. Boyd, Mayor

ATTEST:

Carey E. Danen, City Clerk

Ayes: 8

Nays: 0

Board/Committee/Commission Approval: 01/08/2024

Effective Date: 07/01/2024