

211 Walnut Street  
Neenah, WI 54956



AN ORDINANCE: By Waterworks Commission  
Re: Repealing Neenah Municipal Code, Sec. 21-133  
and Amending Neenah Municipal Code, Sec. 17-27  
Cross-connection Control and Sec. 21-134 Well  
Abandonment.

ORDINANCE NO. 2022-02  
Introduced: Water Commission  
Committee/Commission Action:  
Recommend for Approval

## AN ORDINANCE

The Common Council of the City of Neenah, Wisconsin, do ordain as follows:

**Section 1.** Section 21-133 of the Code of Ordinances of the City of Neenah is repealed in its entirety.

~~Sec. 21-133. — Cross connections prohibited.~~

- ~~(a) — 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 City 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) — 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 the City 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 City Plumbing Inspector and by the State agency having jurisdiction.~~
- ~~(c) — It shall be the duty of the City Plumbing Inspector to cause inspections to be made of all properties served by the public water system where cross connections with the public water system is deemed possible. The frequency of inspections and reinspections based on potential health hazards involved shall be as established by the Plumbing Inspector and as approved by the Wisconsin Department of Natural Resources.~~
- ~~(d) — Upon presentation of credentials, the representative of the City Inspection Department 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 City for cross connections. If entry is refused, such representative shall obtain a special inspection warrant under Wis. Stats. § 66.0119. 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.~~
- ~~(e) — The City Water Department is hereby authorized and directed to discontinue water service to any property wherein any connection in violation of this article 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 Wis. Stats. ch. 68, except as provided by law or ordinance. Water service to such property shall not be restored until the cross-connection(s) has been eliminated in compliance with the provisions of this article.~~

- ~~(f) If it is determined by the Plumbing Inspector 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 City Clerk and delivered to the customer's premises, service may be immediately discontinued. The customer shall have an opportunity for hearing under Wis. Stats. ch. 68, within ten days of such emergency discontinuance.~~

**Section 2.** Section 17-27 of the Code of Ordinances of the City of Neenah is amended by deleting the stricken language and adding the highlighted language to read as follows:

**Sec. 17-27. - Cross-connection control.**

- (a) *Purpose.* In order to protect the water supply system, the water supplier for every municipal water system shall develop and implement a comprehensive cross connection control program for the elimination of all existing unprotected cross-connections and prevention of all future un-protected cross connections to the last flowing tap or end-use device pursuant to Wis. Admin. Code. § NR 810.15. ~~The purpose of this section is to protect the potable drinking water supply from the possibility of contamination by isolating such contaminants that could backflow into the potable water system; and to promote the elimination or control of existing or potential cross-connections between the potable water system and a non-potable system; and to provide for the maintenance of a continuing program of cross-connection control that will systematically and effectively prevent the contamination of the potable drinking water supply.~~

- (b) *Definitions.*

*Assembly.* A testable backflow preventer which is registered with the State of Wisconsin. Examples of common assemblies include a reduced pressure principle backflow preventer (RPZ), double-check valve assembly (DC), and a pressure vacuum breaker (PVB).

*Backflow.* The undesirable reversal of flow into a potable water distribution system as a result of a cross-connection.

*Back-siphonage.* The siphoning of contaminants from a non-potable source into a potable source which can occur due to a loss of pressure in the municipal water system such as during a fire emergency, a water main break, or a system repair.

*Backpressure.* The forcing of contaminants into a potable source when a source of pressure, such as a boiler, creates a water pressure greater than the pressure supplied from the municipal water system.

*Backflow preventer, prevention device.* ~~An assembly, device, or method or means designed to prevent backflow. Assemblies may include an air-gap, reduced pressure principle backflow preventer, double check valve, vacuum breaker, and other assemblies.~~

*Contamination.* An impairment of a potable water supply by the introduction or admission of any foreign substance that degrades the quality of the potable water system and/or creates a health hazard.

*Cross-connection.* A connection between any part of the potable water system and any other environment containing any substances (gases, liquids, or solids) that may contaminate the potable water system.

*Device.* A non-testable backflow preventer. Examples of common devices include an atmospheric vacuum breaker (AVB), dual check valve with intermediate vent, and a handheld shower backflow preventer.

*Method.* A means of protecting a cross-connection without using an assembly or device. The most common *method* is an air-gap.



Neenah Water Utility (the "Utility"). A division of the City of Neenah ~~Department of Public Works and Utilities.~~

*Non-potable water.* Water that is not safe for human consumption.

*Potable water.* Water that is safe for human consumption as determined by the public health authority having jurisdiction.

- (c) *Unprotected* ~~Cross-connections prohibited.~~ No person, firm, or corporation shall establish, ~~or~~ permit to be established, or maintain ~~or permit to be maintained~~ any *unprotected* cross-connection. No interconnection shall be established whereby non-potable water, or potable water from a private, auxiliary, or emergency water supply may enter the City *potable* municipal water supply or distribution system., ~~unless such private, auxiliary, or emergency supply and the method of connection and the use of such supply shall have been approved by the Director of Public Works and Utilities and by the Wisconsin Department of Natural Resources in accordance with NR 810.15(2).~~ No interconnection shall be established or maintained between a private well supply and the City municipal water supply.
- (d) *Inspections.* It shall be the duty of the Utility to cause inspections to be made of all properties served by the public water system. Suitable notifications shall be provided to the owner or management company on record for all affected properties. Residential properties will receive a notification of the requirements of this section in conjunction with the notification of the meter exchange requirements. Commercial, Industrial, and Public Authority properties will receive notifications beginning on or before the year that inspections are due. Residential single-family and duplex ~~Properties with one-inch water meters or smaller, serviced by the Utility,~~ properties shall be inspected on a ten-year interval in conjunction with the water meter exchange. In lieu of a full cross-connection control inspection, the Utility may elect to perform a partial inspection and provide educational materials regarding the hazards of cross connections during the survey and a minimum of once every three years. Commercial properties may follow the same schedule as residential properties if, in the opinion of the Utility Director or Utility Distribution Manager, the property presents a similar or lesser risk as compared to a residential property. All other properties shall be inspected a minimum of once every two years, beginning on January 1 of every odd numbered year. ~~on a two-year interval.~~ The Utility may, but is not required to, perform the cross-connection inspections of ~~the~~ any properties within the City. If, in the opinion of the Utility, the Utility is not able to perform the inspection, the property owner must, at their own expense, have their *property plumbing* inspected for cross-connections. All inspections shall include examining and documenting every device, assembly, and method present which is used to control cross-connections, any corrections which have been made in order to bring the building into compliance, and a compliance statement which certifies that the plumbing meets all cross-connection control requirements of the State of Wisconsin Plumbing Code. All inspection documentation shall be submitted to the Neenah Water Utility on either forms provided by the Utility or suitable forms which provide at a minimum the information required on the Utility-provided forms and a statement of compliance. ~~The Utility shall charge fees equal to the reconnection fees in the Utility Rate File as approved by the Public Service Commission of Wisconsin for on-premises follow-up visits by Utility personnel for re-inspection due to customer noncompliance and for after-hours inspections and re-inspections.~~
- (e) *Right of entry.* Upon presentation of credentials, representatives of the Utility 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 Utility, for cross-connections. If entry is refused, such representatives shall obtain a special inspection warrant under Wis. Stats. ch. 66.0119. ~~The Utility shall charge the property owner a fee for refusal to allow entry to examine the property. The fee shall be equal to the reconnection fees in the Utility Rate File as approved by the Public Service Commission of Wisconsin.~~ Upon request, the owner, ~~lessee, or occupant~~ of any property so served shall furnish to the inspection agent any pertinent information regarding the piping system on the property.
- (f) *Authority to discontinue service.* The Utility may discontinue water service to any property wherein any connection in violation of this section exists, and take other precautionary measures deemed necessary to eliminate any danger of contamination of the public water supply. Water service may be discontinued after reasonable notice. ~~and opportunity for hearing under Wis. Stats. ch. 68. Except as provided in subsection (g) of this section. The owner, lessee, or occupant shall have an opportunity for a hearing under Wis. Stats. ch. 68 within ten days of disputing such discontinuance.~~ Such hearing

shall be before the City of Neenah Waterworks Commission and shall conform to all existing due process requirements. Water service to such properties shall not be restored until ~~the~~ all unprotected cross-connections ~~(s)~~ have ~~has~~ been eliminated or ~~a~~ appropriate backflow preventers have ~~prevention device approved by the Utility has~~ been installed in compliance with the provisions of this section. The Utility shall charge a reconnection fee as included in the rate file approved by the Public Service Commission of Wisconsin for the reconnection of the water service.

- (g) *Emergency discontinuance of service.* If it is determined by the Utility that a ~~hazardous~~ cross-connection or an emergency endangers public health, safety, or welfare and requires immediate action, water service ~~may~~ shall be immediately discontinued. The owner, ~~lessee, or occupant~~ shall have an opportunity for a hearing under Wis. Stats. ch. 68 within ten days of ~~disputing~~ such emergency discontinuance. Such hearing shall be before the City of Neenah Water Commission and shall conform to all existing due process requirements. Water service to such properties shall not be restored until all unprotected cross-connections have been eliminated or appropriate backflow preventers have been installed in compliance with the provisions of this section. The Utility shall charge a reconnection fee as included in the rate file approved by the Public Service Commission of Wisconsin for the reconnection of the water service.
- (h) *Owner responsibility.* The property owner shall be responsible for the elimination of or the protection ~~from~~ of all cross-connections on their ~~premises~~ property. The owner shall, at their expense, have installed, maintained, and tested any and all backflow preventers on their ~~premises~~ property in compliance with Wis. Admin. Code § NR 810.15, and § SPS 382. The property owner shall have corrected any malfunction revealed by periodic testing of any backflow prevention ~~device~~ assembly on their ~~premises~~ property. The property owner shall inform the ~~U~~utility of any proposed or modified cross-connections and also any existing cross-connections that are not protected by an approved backflow prevention device. The property owner shall not install a by-pass around any backflow prevention ~~device~~ assembly unless there is ~~a~~ backflow prevention ~~device~~ assembly of the same type on the by-pass. Property owners who cannot shut down operation for testing of the ~~any~~ backflow prevention ~~device~~ assemblies must supply ~~any~~ additional ~~devices~~ assemblies necessary to allow the testing to occur. ~~In the event the property owner installs plumbing upstream of the backflow prevention device, such plumbing must have its own backflow prevention device.~~ The property owner shall follow the protection practices described in the latest edition of ~~the American Water Works Association publication AWWA M14 entitled "Recommended Practices For Backflow Prevention and Cross-connection Control",~~ Wis. Admin. Code SPS 382 unless the ~~u~~utility requires or authorizes other means of protecting the public water system.
- ~~(i) *Additional protection.* In the case of a premises having (a) internal cross-connections that cannot be permanently corrected or controlled, (b) intricate plumbing and piping arrangements, or (c) where entry to all portions of the premises is not accessible for inspection purposes, making it impracticable or impossible to ascertain whether or not dangerous cross-connections exist, the public water system shall be protected against backflow from the premises by installing an approved backflow prevention device in the water service line. In the case of any premises where there is any material dangerous to health, or any toxic substance, that is handled in such a manner that, in the opinion of the Utility, could create an actual or potential hazard to the public water system, the public water system shall be protected by an approved backflow prevention device.~~
- (i) *Containment.* Per Wis. Admin. Code SPS 382.14(3)(c), sewerage treatment facilities, marinas, wharfs, and docks are required to have a reduced pressure principle backflow preventer (RPZ) installed at the water service point of entry. The installation of a *containment assembly* in the water service point shall not alleviate the requirement to provide cross connection control for the connection of each plumbing fixture, piece of equipment, appliance or other piping system.
- (j) *Other regulatory codes.* Wis. Admin. Code SPS 382.41 is hereby adopted, except any penalty provisions. Wis. Admin. Code NR 810.15 is hereby adopted.

**Section 3.** Section 21-134 of the Code of Ordinances of the City of Neenah is amended by deleting the stricken language and adding the highlighted language to read as follows:

**Sec. 21-134.** ~~Well abandonment.~~ Private well regulation.



- (a) *Purpose.* ~~To prevent contamination of ground water and to protect public health, safety and welfare, all unused, unsafe or noncomplying wells or wells, which may serve as conduits for contamination of wells which may be illegally cross connected to the municipal water system shall be properly abandoned.~~ Pursuant to Wis. Admin. Code § NR 810.16, water suppliers shall implement a program for the regulation of wells which are not part of the municipal water system and are located on premises served by the municipal water system. Regulation is required to prevent unused, unsafe, and noncomplying wells from acting as vertical conduits for aquifer contamination or as sources of unsafe water that could enter the public water system through cross connections.
- (b) *Applicability.* This article applies to all wells located within the corporate limits of the City.
- (c) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

*Neenah Water Utility (the "Utility").* A division of the City of Neenah.

*Noncomplying* means a well or pump installation, which does not comply with the current and most recent provisions of Wis. Admin. Code NR ch. 812 and other applicable State standards.

*Well permit cycle* means the five calendar year cycle beginning on October 31 of the calendar year 2022 and ending October 31 of the calendar year 2027. Subsequent cycles shall begin and end five years after these dates, respectively. All new permits obtained within any well permit cycle expire at the end of the cycle. Permit renewals obtained at any time between January 1 and October 31 of the end of the cycle year shall be valid until the end of the following cycle.

*Well permit fee* is the fee for a private well permit established by the Neenah Waterworks Commission.

*Pump installation* means 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.

*Unsafe* means a well or pump installation which produces water which is bacteriologically contaminated or contaminated with substances which exceed the standards of Wis. Admin. Code NR chs. 140 and 809 or for which a health advisory has been issued by the Department of Natural Resources.

*Unused* means a well or pump installation that is abandoned, not in use on a regular basis, or one which does not have a functional pumping system.

*Well abandonment* means the filling and sealing of a well according to Wis. Admin. Code NR ch. 812.

- (d) *Abandonment required.* All wells located on premises capable of being serviced by the municipal water system shall be abandoned in accordance with the terms of this article and Wis. Admin. Code NR ch. 812 by September 1, 1992, ~~or~~ no later than one year from the date of connection to the municipal water system, or no later than one year from the date of discovery or construction of a well, whichever occurs last, unless a well operation license permit has been obtained by the well owner from the City Utility.
- (e) *Well operation license permit and renewals.* The City Utility may grant a license permit to a private well owner to operate a well for a period not to exceed five years, providing all the conditions of this section are met. ~~An owner may request a well operation license by submitting information verifying that the conditions of this section are met.~~ Inspection, testing, and certification that the well and pump installation meets all the conditions of this section shall be ~~done~~ completed by a State of Wisconsin licensed well driller or pump installer at the applicant's expense. License Permit applications and renewals shall be made on forms provided by the City Utility. Each well located on a property is required to have a separate permit. The well operation permit is transferrable in the event the property is sold. Upon sale or transference of a property, the new owner is required to contact the Utility and update owner information for the permit within 90 days.

The following conditions shall be met for issuance or renewal of a well operation ~~license~~ permit:

- (1) The well and pump installation meets or ~~are~~ is upgraded to meet the current requirements of Wis. Admin. Code NR ch. 812. A completed NR 812 Compliance Report (Form 3300-305) must be submitted to the Utility.
- (2) The well construction and pump installation have a history of producing bacteriologically safe water as evidenced by at least two samplings taken a minimum of two weeks apart and tested for any presence of total coliform bacteria and E.coli at a certified laboratory. Reasonable accommodations can be requested in order to allow time for remediation of a well that fails bacteriological testing. ~~No exception to this condition may be made for unsafe wells, unless the Department of Natural Resources approves, in writing, the continued use of the well.~~
- (3) There are no cross connections between the well and pump installation and the municipal water system.
- (4) The well and pump installation is operable and in present use for non-potable purposes only.
- (5) No water or any other substances from any private well are allowed to discharge into any conveyance or drain leading directly or indirectly into a public sewer unless properly metered and authorized in writing by the sewer utility.
- (6) The well permit fee accompanies the fully completed well operation permit application or renewal.
- (7) All required documentation and the well permit fee must be received and processed by the Utility.

The process of renewing a valid well operation permit must be completed between January 1 and October 31 of the end of the well permit cycle. Failure to request a renewal of a valid well operation permit within this period will result in expiration of the permit at the end of the cycle, and the issuance of a notice of violation by the Utility.

Any well operation permit issued in accordance with the provisions of this section shall be revoked immediately by the Utility upon notice to the Utility that any of the following have occurred:

- (1) The owner of the well has refused access to a property for testing or inspection; or has failed to follow an order of the Utility in regard to testing or inspection.
- (2) Any cross connection between the well and pump installation and the municipal water system is created or discovered.
- (3) Any discharge to the public sewer without metering and prior authorization of the sewer utility is discovered.

(f) *Abandonment.*

- (1) All wells abandoned under the jurisdiction of this article or rule shall be abandoned by a licensed well driller or pump installer according to the procedures and methods in Wis. Admin. Code NR ch. 812. All debris, pump, 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 shall obtain a well abandonment permit before abandonment is started. The Plumbing Inspector shall be notified at least 48 hours prior to commencement of any well abandonment activities. The abandonment of the well shall be observed by the Plumbing Inspector.~~
- ~~(3)~~(2) An abandonment report form, The Utility shall be notified within 30 days after submission of the completed well filling and sealing report to ~~supplied by~~ the Department of Natural Resources, shall be submitted by the well owner to the Plumbing Inspector and the Department of Natural Resources within ten days of the completion of the well abandonment.

- (g) *Enforcement and penalties.* In addition to any forfeitures imposed under Section 1-720 of this Municipal Code, if any person fails to comply with a well abandonment order for more than ten 20 days after receiving written notice of a violation, the City Utility reserves the right to discontinue municipal water service for noncompliance. Reconnection of municipal water service will only be completed after any required inspections are complete and the penalties and reconnection charges are paid. In addition, the Utility may cause the well abandonment to be performed and the expense charged as a special tax against the property. Forced well abandonment may occur no sooner than 30 days after the giving of notice and an opportunity for hearing before the Waterworks Commission under Wis. Stats ch. 68.

**Severability.** In the event any section, subsection, clause, phrase or portion of this ordinance is for any reason held illegal, invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remainder of this ordinance. It is the legislative intent of the Common Council that this ordinance would have been adopted if such illegal provision had not been included or any illegal application had not been made.

**Section 4. Repeal and Effective Date.** All ordinances or parts of ordinances and resolutions in conflict herewith are hereby repealed. This ordinance shall take effect from and after its passage and publication.

Moved by: Boyette/Steiner  
Adopted: July 20, 2022  
Approved: July 20, 222  
Published: July 25, 2022

Approved:

  
Jane B. Lang Mayor

Attest:

  
Charlotte K. Nagel, City Clerk

THIS INSTRUMENT WAS DRAFTED BY:  
City Attorney Adam J. Westbrook  
211 Walnut Street  
Neenah, WI 54956  
State Bar No. 1098561

# OFFICIAL OATH



STATE OF WISCONSIN )  
COUNTY OF WINNEBAGO ) ss  
CITY OF NEEAH )

I, **Lisa Vohen** having been appointed to the **Neeah Arts Council** of the City of Neeah, Winnebago County, do solemnly swear that I will support the Constitution of the United States, and the Constitution of the State of Wisconsin, and will faithfully discharge the duties of a member of the **Neeah Arts Council** to the best of my ability.

So help me God.

*Lisa M. Vohen*  
(Signature of Appointee)



I hereby certify that the foregoing oath was taken and subscribed to before me by Lisa Vohen this 20<sup>th</sup> day of July 2022.

*Charlotte K. Mayer*  
(Signature of person authorized to administer oaths)  
Notary Public  or Clerk  
(Official title, if not notary)

Commission Expires: