

ORDINANCE OF THE COMMON COUNCIL

To create Section 74-17 of the City of Stoughton Code of Ordinances, relating to replacement of lead water service lines.

Committee Action: The Utilities Committee recommends approval by a vote of 7 - 0.

Fiscal Impact: N/A

File Number: O-9-2020

First Reading: May 26, 2020

Second Reading: June 9, 2020

RECITALS

WHEREAS, on May 18, 2020 the Utilities Committee recommended the creation of Section 74-17 of the City of Stoughton Ordinances with the primary purpose of creating an ordinance for the replacement of lead water service lines.

WHEREAS, the Stoughton Utilities Committee recommended creating Section 74-17 as provided in Exhibit A.

ORDINANCE

NOW THEREFORE, The City Council of the City of Stoughton, Dane County, Wisconsin, ordains as follows:

1. Chapter 74 of the City of Stoughton Code of Ordinances is amended as provided in Exhibit A to creation Section 74-17.
2. This ordinance shall take effect upon passage and publication pursuant to law.

The foregoing ordinance was adopted by the Common Council of the City of Stoughton at a meeting held on June 9, 2020.

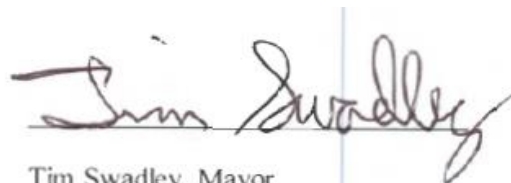
Dates

Council Adopted: 6-9-20

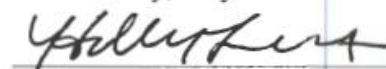
Mayor Approved: 6-9-20

Published: 6-18-20

Attest: 6-9-20



Tim Swadley, Mayor



Holly Licht, City Clerk

EXHIBIT A

Sec. 74.17 Lead Water Service Line Replacement.

- (a) *PURPOSE.* The Common Council of the City of Stoughton finds that it is in the public interest for the water utility to maintain a comprehensive program for the removal and replacement of lead pipe water service lines in use or may be used in the City of Stoughton and connected to the public water utility's distribution system. This ordinance sets forth the program requirements and declares the purposes of this ordinance to be as follows:
- (1) to ensure that the water quality at every tap meets the water quality standards specified under the Federal Safe Drinking Water Act; and
 - (2) to reduce the lead in drinking water to meet U.S. Environmental Protection Agency (EPA) standards and ideally to a lead contaminant level of zero, as possible; and
 - (3) to meet the Wisconsin Department of Natural Resources (WDNR) requirements for local compliance with the federal EPA Lead and Copper Rule; and
 - (4) to not unnecessarily add chemical treatment to the water supply to meet EPA standards and meet WDNR requirements; and
 - (5) to effect the replacement of lead and galvanized service lines.
- (b) *DEFINITIONS.*
- (1) "Private-side water service line" means the water conduit pipe running from the utilities' meter inside the customer's/property owner's property to the water utility's curb stop which is the shut-off valve.
 - (2) "Public-side water service line" means the water conduit pipe running from the water utility's water main to the water utility's curb stop which is the shut-off valve.
 - (3) "Lead and Copper Rule" means the rule created by the EPA and adopted by the WDNR in response to the passage of the Safe Drinking Water Act, which provides maximum contaminant level goals and national primary drinking water regulations (NPDWR) for controlling lead and copper in drinking water. NPDWR regarding approved treatment techniques include corrosion control treatment, source water treatment, lead service line replacement and public education. The rule may be found in 56 FR 26460, 40 CFR part 141.80-141.90, and Chapter NR 809.541-NR 809.55, Wis. Adm. Code.
 - (4) "Licensed plumber" means a person, firm, corporation or other entity licensed to perform plumbing work in the City by the State of Wisconsin.
 - (5) "Property" means any possessory interest, legal or equitable, in real property including an estate, trust, or lien, and any buildings, structures and improvements thereon.
 - (6) "Water utility" means the City of Stoughton public water utility system, also known as Stoughton Utilities.

- (c) *AUTHORIZATION.* This ordinance is enacted pursuant to Sec. 62.11(5) and Sec. 281.12(5), Wis. Stats.
- (d) *PUBLIC NUISANCE.* Lead and galvanized private-side water service lines are a public nuisance and are subject to abatement in accordance with Chapter 58 of this Code.
- (e) *INSPECTION.* The utilities director, or such person as may be directed by the director, may inspect, or arrange for an inspection of, property served by the public water system to identify the type of material of the private-side water service line. The inspection is to determine whether the service line is lead, copper, cast iron, galvanized steel, plastic or other material.
 - (1) Property owners may opt, at their own expense, to have the inspection completed by a State of Wisconsin Licensed Plumber. If this option is exercised by the property owner, the water utility shall be notified and shall receive an inspection report completed by the property owner's selected State of Wisconsin Licensed Plumber within 15 days of the notice of required inspection.
- (f) *RIGHT OF ENTRY.* Upon presentation of credentials, the utility director, or such person as may be directed by the director, may request entry, at any reasonable time, to a property served by a connection to the public water system for the purpose of inspecting the private-side water service line. If entry is refused, a special inspection warrant under Section 66.0119 of the Wisconsin Statutes shall be obtained.
- (g) *PROVISION OF REQUESTED INFORMATION.* The utilities director may request an owner, lessee, or occupant of property served by a connection to the public water system to furnish the water utility with information regarding the piping systems on the property upon request, including age, condition, material, location, and functional status. If this information is not provided, a special inspection warrant under Section 66.0119 of the Wisconsin Statutes shall be obtained.
- (h) *LEAD OR GALVANIZED SERVICE LINE REPLACEMENT.*
 - (1) Annually, the Utilities Director shall create a list of all lead or galvanized private-side water service lines to be replaced during that calendar year, and a replacement project timeline. These service lines shall be selected based on factors to include water main replacement projects, available funding for public-side water service lines, regulatory requirements, and the removal of public nuisances as specified in 74.17(d).
 - (2) Owners, managers or persons otherwise exercising control over properties connected to the public water system with lead or galvanized private-side water service lines in use shall replace the lead or galvanized private-side water service lines as follows
 - a. Where the water utility is replacing the lead public-side water service line and the private-side water service line is lead or galvanized, the water utility will personally serve abatement orders requiring replacement of the lead or galvanized water services lines, pursuant to Section 58-6(c) of this Code, on affected property owners at least thirty (30) days prior to the date their lead or galvanized private-side water service line must be replaced. Where the public

side of the water service line is copper and the private-side water service line is lead or galvanized, the water utility will personally serve abatement orders requiring replacement of the lead or galvanized water services lines, pursuant to Section 58-6(c) of this Code, on affected property owners at least ninety (90) days prior to the date their lead or galvanized private-side water service line must be replaced.

- b. If an owner fails or refuses to replace a lead or galvanized water service line within the time specified in an abatement order, the water utility will enter the premises and replace the water service line.
 - c. Any person affected by an abatement order shall, before the abatement deadline in an order, apply to the circuit court for an order restraining the water utility from replacing the water service line, or be forever barred from challenging the validity of the order, the replacement of the water service line, or the obligation to pay the cost of replacement.
- (3) All private-side water service line replacements shall be plumbed to ensure proper access to the water meter. Plumbing shall meet requirements set forth in 74-15 (c).
- (i) *REPLACEMENT COSTS.* All costs resulting from the private-side water service line replacement shall be borne by the property owner.
- (1) *Assessment.* Any work done by the water utility or under their direction to complete the private-side water service line replacement shall be charged against the property as a special assessment authorized by Wis. Stat. § 66.0627 and in keeping with Sec. 2-646- 2-654.
 - a. *Terms.* Property owners may select the terms of the special assessment. If terms are not selected by the property owner, the term will default to the 5-year term.
 - i. 5-year special assessment terms shall be at zero (0) percent interest.
 - ii. 10-year special assessment terms shall be at the prime interest
 - iii. 20-year special assessment terms shall be prime interest rate plus one (1) percent.
 - (2) *Grants.* In the event that the water utility receives third-party funding designated to be used for the replacement of private-side water service line replacement, the utility shall use such funding to equitably cover costs associated with private-side water service line replacements completed during that calendar year, unless otherwise specified by the provisions of the funding.
 - a. All rules and provisions of any such funding shall be followed by the water utility.
 - b. If a property owner has elected to use a State of Wisconsin licensed plumber to replace their privately-owned lead service line outside of any program administered by the water utility, the property owner forfeits any claim to grant funding should their chosen plumber not follow all rules and provisions set forth by the third-party funding source.