

ORDINANCE

AN ORDINANCE to amend Municipal Code Section 5-1-8, entitled "Water Service Replacement" to repeal and recreate.

The Council of the City of Two Rivers ordains as follows:

SECTION 1. That Section 5-1-8 of the Municipal Code shall hereby hereby be replaced as follows:

- A. Intent and purpose. The city council finds that it is in the public interest to establish a comprehensive program for the removal and replacement of lead or lead-contaminated water services in use within both the city's water system and in private systems and, to that end, declares the purposes of this section to be as follows:
- (1) To ensure that the water quality at every tap of utility customers meets the water quality standards specified under the federal and state law;
 - (2) To reduce the lead in the city's drinking water to meet the Environmental Protection Agency (EPA) standards and ideally to a lead contaminant level of zero in city drinking water for the health of city ratepayers;
 - (3) To meet the Wisconsin Department of Natural Resources (WDNR) requirements for local compliance with the Lead and Copper Rule (see 56 CFR 6460, 40 CFR Parts 141.80 to 141.90 and §§ NR 809.541 to 809.55, Wis. Adm. Code); and
 - (4) To eliminate leaks due to pipe material or joint deterioration.
- B. Definitions. Definitions of terms used in this section are provided below:
- (1) City Water System – means the water supply system owned by and located within the City.
 - (2) Customer Service Line – means the portion of a water service line that extends from the outlet of the curb stop to the inlet of a customer's water meter.
 - (3) Utility – means the City's water utility.
 - (4) Utility Service Line – means the portion of a water service line from the water main to the outlet of the curb stop, including the curb stop, but not the outlet joint of the curb stop.
 - (5) Water Service Line – means the service line that extends from the water main to a customer's water meter.
- C. Identification of illegal services.
- (1) The Utility shall create and maintain a record of the location of all identified lead and galvanized iron service lines in the City.

- (2) The Utility Director or duly authorized agent shall have the right, upon the presentation of credentials, to request to enter a property connected to the City water system at any reasonable time and inspect the customer service line. Any person or entity who owns, manages, or otherwise exercise control over a property connected to the City water system shall allow the Utility to inspect the customer service line. If entry is refused, the Utility shall obtain a special inspection warrant under Wis. Stats. ss 66.0119 or will refer to Section E of this ordinance for water service discussion.
- (3) The Utility shall provide written notice to any person or entity who owns, manages, or otherwise exercises control over a property connected to the City water system if that property has been inspected and determined to have a lead service line.

D. Lead or Galvanized Iron service line replacement requirements.

- (1) Replacement required.
 - (a) Any existing private lead or galvanized iron water service shall be considered illegal. Illegal services shall be replaced with water service lines constructed of materials approved by the City.
 - (b) Prior to the actual reconstruction of the water main and lateral system, each property owner shall be given written notice of the project. Such notice shall be made not less than 30 days prior to commencement of the actual work.
 - (c) As the reconstruction progresses, the utility director or duly authorized agent shall inspect each private water service connection for the presence of lead. In the event inspection had been made previously, the utility director or duly authorized agent shall determine the condition of the private water connection from inspection records.
 - (d) In the event that the private water service does not contain lead, the city shall reconnect the same to the utility system at an appropriate point near the right-of-way line.
 - (e) In the event that the private water service is found to contain lead, the utility director or duly authorized agent shall immediately notify the owner, in writing, of that fact.
 - (f) Existing lead or galvanized iron service lines that develop a leak or otherwise need repair may not be repaired but must be replaced.
 - (g) Other lead or galvanized iron service lines not part of a reconstruction project shall be replaced in accordance with a schedule developed by the Utility. The schedule

shall be developed to eliminate lead services lines in the City.

- (h) Property owners shall replace their customer service lines that meet the definition of an illegal service line according to the schedule developed by the Utility. The City or Utility or both may issue citations and penalties prescribed by City ordinance on a property owner that fails to replace their customer service line that meet the definition of a lead or galvanized iron service line as required by the schedule or be referred to Section E of this ordinance for service disconnection.

- (2) *Owner to replace service.* The owner shall, at the owner's expense, replace the lead water services or water services contaminated with lead. In all cases, the city shall supply an appropriate connection point as part of its work. The owner may elect to:

- (a) Contract with a licensed contractor to complete the repair. Work needed to accomplish the repair shall be done at the expense of the owner. Within 30 days of the giving of notice of deficiency under subsection B.(1)(e) of this section, proof of arrangements for repair shall be provided to the utility director or duly authorized agent, and, within 90 days of the giving of notice, the repairs shall be completed.

- (b) Have the city's contractors, if available, complete the repair.

[1] The city may, as part of any project, request unit bid prices for the calculation of the cost of making appropriate repair to the private building water services.

[2] If available, and should the owner select this option, the owner will be charged the entire cost of making the repair, except to the extent a city policy provides an exception to a portion of the costs.

- (c) The City may establish a program to provide financial assistance to property owners replacing lead service lines.

- E. Authority to discontinue service. As an alternative to any other methods provided for obtaining compliance with the requirements of this Code regarding replacement of illegal customer service lines, the utility may, no sooner than 30 days after the giving of written notice, discontinue water service to such property served by illegal private water lateral after reasonable notice and an opportunity for hearing before the city utilities committee under Wis. Stats. Ch. 68.

And to renumber subsequent sections as appropriate.

SECTION 2. This ordinance shall take effect and be in force from and after its date of passage and publication of same.

Dated this 18th day of March, 2024

Adam Wachowski
President, City Council

Gregory E. Buckley
City Manager

Attest:

Amanda Baryenbruch
City Clerk

Approved as to form and legality:

John M. Bruce
City Attorney