



Public Works Committee Meeting

Cravath Lakefront Room, 2nd floor
312 W. Whitewater St.
Whitewater, WI, 53190
*In Person and Virtual

Tuesday, July 09, 2024 - 5:00 PM

AGENDA

Citizens are welcome (and encouraged) to join our webinar via computer, smart phone, or telephone.
Citizen participation is welcome during topic discussion periods.

Please click the link below to join the webinar:

<https://us06web.zoom.us/j/83198282604?pwd=cDdLWjUvTTRqRUQ4UVcwQWcW1BUT09>

Telephone: +1 (312) 626-6799 US (Chicago)
Webinar ID: 831 9828 2604
Passcode: 137945

Please note that although every effort will be made to provide for virtual participation, unforeseen technical difficulties may prevent this, in which case the meeting may still proceed as long as there is a quorum. Should you wish to make a comment in this situation, you are welcome to call this number: (262) 473-0107.

CALL TO ORDER

ROLL CALL

APPROVAL OF AGENDA

A committee member can choose to remove an item from the agenda or rearrange its order; however, introducing new items to the agenda is not allowed. Any proposed changes require a motion, a second, and approval from the Committee to be implemented. The agenda shall be approved at each meeting even if no changes are being made at that meeting.

1. Approval of minutes from June 11, 2024

HEARING OF CITIZEN COMMENTS

No formal Committee action will be taken during this meeting although issues raised may become a part of a future agenda. Participants are allotted a three minute speaking period. Specific items listed on the agenda may not be discussed at this time; however, citizens are invited to speak to those specific issues at the time the Committee discusses that particular item.

To make a comment during this period, or during any agenda item: On a computer or handheld device, locate the controls on your computer to raise your hand. You may need to move your mouse to see these controls. On a traditional telephone, dial *6 to unmute your phone and dial *9 to raise your hand.

NEW BUSINESS

2. Discussion and Possible Action regarding Resolution authorizing Public Works Director to approve payments for Walworth Avenue real estate purchases.

- [3.](#) Discussion and Possible Action regarding parking/pedestrians on Elizabeth Street in front of the Whitewater Middle School.
- [4.](#) Discussion and Possible Action regarding updates to the sidewalk replacement ordinance.
- [5.](#) Discussion and Possible Action regarding a mandatory Lead Service Line (LSL) replacement ordinance.

FUTURE AGENDA ITEMS

6. Turning radius at Franklin St. and W. Main St.

ADJOURNMENT

A quorum of the Common Council may be present. This notice is given to inform the public that no formal action will be taken at this meeting.

Anyone requiring special arrangements is asked to call the Office of the City Manager / City Clerk (262-473-0102) at least 72 hours prior to the meeting.



Public Works Committee Meeting Item 1.

Cravath Lakefront Room, 2nd floor

312 W. Whitewater St.

Whitewater, WI, 53190

*In Person and Virtual

Tuesday, June 11, 2024 - 6:00 PM

MINUTES

CALL TO ORDER

The Public Works Committee Meeting was called to order by Marquardt at 6:00 p.m.

ROLL CALL

Present: Hicks, Marjkrzak, Smith

Others: Marquardt

ELECTION OF CHAIRPERSON/VICE CHAIRPERSON

Marjkrzak nominated Hicks for Chairperson and seconded by Smith. There were no other nominations.

AYES: All by via voice vote (3). NOES: None. ABSENT: None.

Marjkrzak nominated Smith for Vice Chairperson and seconded by Hicks. There were no other nominations.

AYES: All by via voice vote (3). NOES: None. ABSENT: None.

SET DAY AND TIME FOR REGULARLY SCHEDULED MONTHLY MEETINGS

Marquardt stated the Public Works meetings have typically been scheduled for the second Tuesday of each month at 6:00 p.m. It was suggested by the members to continue the second Tuesday of each month, but change the meeting time to 5:00 p.m. Going forward, the meeting time will be the second Tuesday of each month at 5:00 p.m.

APPROVAL OF MINUTES

1. Approval of minutes from April 9, 2024

It was moved by Marjkrzak and seconded by Smith to approve the Public Works Committee minutes from April 9, 2024.

AYES: All by via voice vote (3). NOES: None. ABSENT: None.

HEARING OF CITIZEN COMMENTS

None

NEW BUSINESS

2. Discussion and Possible Action regarding removing stop sign on Pearson Court at Pearson Lane.

Marquardt stated he received a request from three residents living on Pearson Court asking if the stop sign could be switched to a yield sign. Pearson Court empties onto Pearson Lane. Pearson Lane is a dead-end street that serves the Taco Bell and Whitewater Cinema properties to the north of where Pearson Court intersects. The only vehicles going further south past the entrance to Taco Bell/Whitewater Cinema are going to Pearson Court.

Staff recommended a motion to approve the removal of the stop sign on Pearson Court and replacing it with a yield sign and direct staff to prepare an ordinance change for Council action.

It was moved by Marjkrzak and seconded by Hicks to replace the stop sign on Pearson Court to a yield sign and direct staff to prepare an ordinance change for Council action.

AYES: All by via voice vote (3). NOES: None. ABSENT: None.

3. Discussion and Possible Action regarding Water Tower Space/Lease Agreement with Netwurx, LLC.

Marquardt stated Netwurx would like to place an antenna on the Southwest Water Tower located on Indian Mound Parkway. They have already obtained a Conditional Use Permit (CUP) from the Plan & Architectural Review Committee (PARC). The agreement mirrors an existing agreement the City has with Whitewater Wideband (Edge Broadband) on the Cravath Water Tower. Staff did ask for some changes which Netwurx did add, most notably, that Tenant will pay for costs not to exceed \$7,500 for review of plans, reports, or other documents.

PARC approved the CUP at their February 12, 2024 meeting.

The initial request from Netwurx was a rent payment of \$3,000 per year with a yearly increase of 4%. Staff informed Netwurx that Whitewater Wideband was currently paying \$8,103.66 in 2024 and is set to increase 3% next year. Netwurx revised their payment to \$7,000 per year with a yearly 4% increase. Documentation was included in the committee member's packets as to why Netwurx's was requesting a lower rent payment than Whitewater Wideband.

Dave, from Netwurx, was in attendance and spoke as to why he suggested the rental payment schedule. He stated when you are starting to gain business off a tower, you can justify the higher rent as you get customers to come onboard. Netwurx plans on being in Whitewater for a long time and therefore, the City will have plenty of opportunities to increase the rental payments. Dave stated right now there are not many customers available off the south west side of town as there are off the Cravath tower. This tower sees the business park and a lot of residential stuff. There is a lot more potential business to be gained. The tower on the west side of town seems to fit more of their purpose, which is rural broadband. Their goal is to pick up stuff that can't be picked up by a cable line. He stated Edge has done some fiber in the neighborhood out that way, but Netwurx would like to add it to their network in the end. There is also quite a big expense to build on the Indian Mound site. A road would have to be put in as well as power from the other side of the property all the way around to the east side of the property. He thinks WE-Energies will have Netwurx pay for an H-frame. However, it will be good for Netwurx if they can make it work in the end.

Marquardt stated Verizon is also looking at the west tower as well. They were at the PARC last night for their CUP. Marquardt stated they have been in discussions with them for at least a year and one-half. Dave, from Netwurx, asked if another tenant joined in the next year or so, could the cost of the road be split as part of their deal? Marquardt stated it is something he could look at if that were to happen.

Staff recommends a motion to approve the Water Tower Space/Lease Agreement with Netwurx in concept and forward to the full Council for discussion on the rent payment.

It was moved by Marjkrzak and seconded by Hicks to approve the water tower space lease agreement with Netwurx concept and forward to full Council for discussion.

Hicks asked if Netwurx was providing as built drawings, to the City, once everything is complete? And then as part of the drawings, will an engineer review the installation to make sure it meets our warranty for the tank. Marquardt stated included as part of the agreement for \$7,500/year is the review of plans and documents.

Marquardt asked the committee if they see any reason to go into closed session, at the next Council meeting, to discuss the rent payment? The members were comfortable and Marquardt will not put it on the agenda as a closed session item. However, it will be an agenda item at the June 18, 2024, meeting at 6:30 p.m.

AYES: Smith, Marjkrzak, Hicks. NOES: None. ABSENT: None.

4. Discussion and Possible Action regarding First Amendment to Lease Agreement with Sprint Spectrum L.P.

Marquardt stated In June 1999, the City entered into a Lease Agreement with Sprint Spectrum to allow them to install, maintain, and operate communication facilities on the Cravath Street Water Tower. That lease agreement ends in June of 2024. T Mobile, who acquired the rights to the Lease Agreement, would like to extend the Lease Agreement through the attached First Amendment. The Amendment would extend the Lease for another four terms of five years.

The Common Council approved the original Lease Agreement in 1999.

For the last five-year term, T Mobile was paying \$18,662.40 annually. The original Lease had an escalator clause of 20% per term. Using those parameters, the new term payment would be \$22,394.88. Staff indicated to T Mobile that Verizon's Lease Agreement on the Southwest Water Tower is for \$35,000 annually for five years with a 12.5% escalator per term. T Mobile has indicated they are willing to pay \$30,000 annually for the initial new term and keep the 20% escalator per term they currently have in the original Agreement.

Staff recommended a motion to send the First Amendment to Lease Agreement to the full Council for approval.

Marquardt did ask the committee if they wanted this agenda item put on the June 18, 2024, Council agenda for a closed session to discuss the terms or rent payment amount?

It was moved by Marjkrzak and seconded by Smith to send the First Amendment to Lease Agreement with Spring Spectrum L.P. to full Council in an open session.

AYES: Hick, Marjkrzak, Smith. NOES: None. ABSENT: None.

5. Discussion and Possible Action regarding compost site days and hours of operation.

Marquardt stated Councilperson Hicks asked for a review of days/hours of operation of the compost site. Currently, the site is open on Wednesdays from 3:00 pm to 7:00 pm (2:00 pm – 6:00 pm later in the fall) and Saturdays from 8:00 am to 2:00 pm. The number of weeks vary, depending on weather, but it is usually open for around 30 weeks. Hicks was thinking of a way to make it more accommodating to residents. A suggestion would be to open it three days a week, such as Monday, Wednesday and Saturday or Tuesday, Thursday, and Saturday. Or, could it be opened daily with the use of cameras and license plate readers?

The compost attendant is a seasonal position currently paying \$14.00 per hour.

Marquardt suggested he ask the attendant on site to ask residents their thoughts on expanding the time of the compost site. Hicks also asked if a survey could be put out on social media. Hicks said he would be interested in the feedback. Marjkrzak said he also feels the days and times are not very convenient, but then again, there is a cost associated with additional hours.

Marquardt stated he will see what kind of information he can gather.

6. Discussion and Possible Action regarding Wastewater's Compliance Maintenance Annual Report (CMAR).

Marquardt stated, in compliance with the WI Department of Natural Resources (WDNR), the 2023 Compliance Maintenance Annual Report (CMAR) was presented to the committee. The CMAR is designed as an assessment tool to communicate the Wastewater Utilities operational success and possible shortcomings or deficiencies to City administration and elected officials. Ratings should help direct time, effort, and dollars into the utility.

For 2023, the Utility recorded an "A" in each rating section.

Categories for the report are as follows:

- Influent Flow and Loading
- Effluent Quality and Plant Performance (BOD/CBOD)
- Effluent Quality and Plant Performance (Total Suspended Solids)
- Effluent Quality and Plant Performance (Ammonia - NH3)
- Effluent Quality and Plant Performance (Phosphorus)
- Biosolids Quality and Management
- Staffing and Preventative Maintenance (All Treatment Plants)
- Operator Certification and Education
- Financial Management
- Sanitary Sewer Collection Systems

Marquardt mentioned the "Phosphorus" section and referenced how well the treatment process has been running. This consistent treatment quality has allowed the utility the flexibility, with regulators, to utilize the MDV (Multi-Discharger Variance) option for phosphorus compliance. Had the effluent phosphorus concentrations been worse, this compliance alternative may not have been feasible. The result is a very economical compliance strategy for the City of Whitewater.

Another item noted, based on staff experience, is most biosolid land applicators are no longer interested in taking on new customers. It appears, based on their service capabilities and time restrictions, they are performing as much work as possible. It should be noted the Wastewater Utility has a contract in place through 2026. However, it may become challenging to obtain multiple bids for a future term.

Staff recommended a motion to approve the Resolution acknowledging the 2023 Wastewater Utility Compliance Maintenance Annual Report and forward to Council.

It was moved by Hicks and seconded by Smith to approve the Resolution acknowledging the 2023 Wastewater Utility Compliance Maintenance Annual Report.

AYES: Hick, Marjkrzak, Smith. NOES: None. ABSENT: None.

7. Review of Municipal Separate Storm Sewer System (MS4) Annual Report.

Marquardt stated each year the City is required, by the DNR, to submit an Annual Report for the City's Municipal Separate Storm Sewer System (MS4) Permit by March 31. This permit enables the City to discharge stormwater.

Information required for the permit consists of:

Public Education and Outreach/Public Involvement and Participation - The City is part of the Rock River Storm Group, which is made up of 11 communities along the Rock River. The City contracts with the UW-Whitewater Creative Marketing Unlimited (CMU) students on Public Education and Outreach and Public Involvement and Participation. This group puts together a number of educational materials for the public and outreach opportunities that promote the Rock River Storm Group while helping our municipality. This group does an excellent job!

Illicit Discharge Detection and Elimination – Outfalls are checked on during dry weather conditions to see if there is any flow in them. If there is flow, staff determine if it is ground water or if it's an illicit discharge coming from somewhere within the City. It could be a sanitary sewer that is hooked up to storm sewer that has continual flow. It could also be a business that is discharging oil/grease down the storm sewer system. There are 83 outfalls within the City of Whitewater. Marquardt checked on 43 of them over the past year. There was no illicit discharge observed and therefore, no follow-up was needed.

Construction Site Pollutant Control – This area deals with construction site pollutant control. The City is required to go out and do erosion control inspections whenever there are construction sites over one acre and if it rains over ½". There were four active sites in 2023, and 43 total inspections were done. Whenever Marquardt sees something that is not properly installed or needs repair, developers are notified by email.

Post-Construction Storm Water Management – This topic covers Best Management Practice (BMP). This covers detention ponds, constructed wetlands, infiltration basins, grassed swales, and permeable pavement. Two new BMPs were installed in 2023. Private owned storm water management facilities are also included in the section.

Pollution Prevention – This section refers to municipally owned or operated BMPs. We have 31 within the City and are mainly detention ponds. In 2023, nine BMPs were inspected. Of the nine inspected, eight of them required maintenance. Additional information in the category included street sweeping, which removed 539 tons of material and 293 batch basin sumps were cleaned with roughly 19 tons of material collected.

Storm Sewer Map - The storm sewer map was not updated in 2023. The City has a contract with Strand this year to update the Total Maximum Daily Limit (TMDL) and Stormwater Quality Plan. These plans will help the City strategize on how to achieve the required removals for suspended solids and phosphorus. Part of the project will include updating our storm sewer map.

Fiscal Analysis – This section covers Storm Water Quality Management. The City is at a 47.7% reduction in total suspended solids, and the requirement is 49%. For TSS, the City can reach 49% by doing additional storm water management facilities such as the underground detention pond at Starin Park. The City currently has a 40.2% reduction in phosphorus and required to be at 66%. For the phosphorus requirement the City will probably have to do water trading.

Staff reviewed the MS4 Annual Report with the Committee. No action is required.

8. Discussion and Possible Action regarding levying Special Assessment for the North Side Water Main Extension Project.

Marquardt stated Johns Disposal formally requested water to be extended from the west side of WE Energies Whitewater Generating Station to their facility in 2023. The project was designed and an Opinion of Probable Cause was determined for the construction. Based off of this, an estimated special assessment was determined for Johns Disposal and the Wastewater Treatment Facility. A Waiver of Special Assessment Notice and Hearing was signed by both entities, thus bypassing the need for a preliminary resolution and public hearing. With the construction completed, a Resolution was needed to levy the special assessments to both entities.

At the Public Works meeting on July 11, 2023, the committee approved the special assessment terms of paying equal installments over five years with no interest accrued. The estimated special assessment cost was \$83,285 for both Johns Disposal and the Wastewater Treatment Facility. The estimated cost was based on an 8" equivalent water main pipe being installed. The final cost, again based on an 8" equivalent water main, was \$74,624.88. A 12" water main was installed, but for special assessment purposes the oversizing of a water main was not assessed.

The Common Council awarded the project at their August 15, 2023, meeting.

Staff recommended a motion to approve levying the special assessment for the North Side Water Main Project and forward to Council for action on the Resolution.

It was moved by Marjkrzak and seconded by Smith to approve the levying Special Assessment for the North Side Water Main Extension Project.

AYES: Smith, Hicks, Marjkrzak. NOES: None. ABSENT: None.

9. Discussion and Possible Action regarding the use of GO Bonds for private Lead Service Line replacements.

Marquardt stated the EPA is mandating that all communities replace lead service lines for both public and private. Staff is working with Strand Associates to complete a Safe Drinking Water Loan (SDWL) application for the replacement of Lead Service Lines (LSL), also known as lead water laterals. The SDWL would provide financial assistance to the City and private property owners for the replacement of the LSL. On the private side, the City is eligible to receive up to 100% principal forgiveness. However, the exact percentage won't be known until all applications throughout the State are received. One question on the application asks how the City will pay for the private side expenses before being reimbursed. There are three options: General Obligation Pledge, Water Rate Revenue Pledge, or Alternative Revenue Pledge.

The financial impact will not be known until the City receives official notice from the DNR of our application status. The application is due by June 30, 2024. The estimated cost to replace the private side LSL is \$1,350,000.

Staff discussed these three options with the Finance Department. Since the likelihood is good that we will receive 100%, or close to principal forgiveness, we believe using the General Obligation Pledge is the preferred option. Even if we receive 90% principal forgiveness, the borrowing would only be \$135,000. The General Obligation Pledge does not require PSC approval, ordinance adoption, or a repayment loan program. There are approximately 170 locations throughout the City. One area Marquardt wanted to address is that all properties need to be treated the same. It doesn't matter if the property is owner

occupied, a rental property, or a business. All properties will be treated the same. The City does have about 74 owner occupied properties and about 90 rental properties.

Staff would like confirmation from the Committee that use of General Obligation debt, if needed, is acceptable.

Members of the committee did not see a problem with Marquardt proceeding with this process.

10. Discussion and Possible Action regarding Reimbursement Resolution for Safe Drinking Water Loan application.

Marquardt stated he found out early this week that SDWL projects that only deal with lead service lines do not need this reimbursement resolution. Therefore, there is no need to act on the item.

11. Discussion and Possible Action regarding Strand Task Order for Well #7 Modifications.

Marquardt stated with the construction of the new Southwest Water Tower, the Starin Park Water Tower and the ground level reservoir are no longer needed. The Starin Park Water Tower has already been taken offline. In order to take the ground level reservoir out of service, modifications need to be made to Well #7 and related systems inside the building located at the corner of Starin Road and Fremont Street. Additionally, modifications need to be made to the distribution piping system outside the building. This Task Order will prepare plans and bidding documents to make the modifications to Well #7, including the demolition of the ground level reservoir.

The estimate for Task Order 24-06 is \$90,000 based on an hourly rate plus expenses. The construction project is in the 2025 budget and estimated at \$1,200,000.

Staff recommended a motion to send Task Order 24-06, Well #7 Modifications, to the full Council for approval.

It was moved by Marjkrzak and seconded by Hicks for Strand Task Order for Well #7 Modifications.

AYES: Hicks, Marjkrzak, Smith. NOES: None. ABSENT: None.

12. Discussion and Possible Action regarding removing a terrace planter in the vicinity of 183 W. Main Street.

Marquardt stated the property at 183/185/187 W. Main Street, known as the Bower House, is currently under renovations. As part of the renovations, they are looking at how to best provide ADA access to the building. One option is to provide a ramp on the existing sidewalk parallel to the building. This could result in a "pinch point" between the ramp and the existing terrace planter for pedestrians. In order to provide adequate pedestrian access, the terrace planter would need be removed. The property owner and architect would like to know if removing the planter is a possibility.

Staff did check with Downtown Whitewater to see if any approval would be needed by that entity. They responded, while downtown businesses were involved in the design, the decision would be at the Council level only.

Staff does not have a cost to remove the planter and place concrete at this time. If possible, this could be handled by City staff.

Staff sees this as more of a discussion item, at this time, to give direction to the property owner and architect. If the decision is made to proceed with a ramp, there will need to be an easement provided to the property owner and a Hold Harmless Agreement (HHA) put in place.

Marquardt highly recommended the Bower House find a different alternative. Removing the planter should be the last option. They would also have to show a financial burden why it is the best option. Marjkrzak, Hicks, and Smith felt the same way. Marquardt will take this information back to the Bower House for more discussion.

FUTURE AGENDA ITEMS

Hicks asked if the water storage building is complete. Marquardt state it is not 100% complete. Hicks asked if in the next two or three years the City could take a look at fixing the Kachel right field corner. Marquardt stated he has brought this up for discussion with the previous Park and Recreation Director, Boettcher, and now Boehm. Marquardt stated this item was more of a discussion for the Park and Recreation Department.

ADJOURNMENT

It was moved by Marjkrzak and seconded by Smith to adjourn the Public Works Committee meeting at 6:59 p.m.

AYES: All by via voice vote (3). NOES: None. ABSENT: None.

Respectfully submitted,

Alison Stoll

Alison Stoll, Administrative Assistant
Department of Public Works



Public Works Agenda Item

Meeting Date:	July 9, 2024
Agenda Item:	Walworth Ave TLE Resolution
Staff Contact (name, email, phone):	Brad Marquardt, bmarguardt@whitewater-wi.gov , 262-473-0139

BACKGROUND

(Enter the who, what when, where, why)

There are ten easements from eight different property owners that need to be acquired for pedestrian ramp improvements. They range in size from 25 square feet to 675 square feet. CORRE, Inc, who is Strands subconsultant, will be preparing a sales study to determine a square foot price for easement interests. Once this price is determined, it will be used to determine the purchase offering price. Since these easements are all small in nature and to help expediate the easement purchases, it is being asked that the Public Works Director have authority to approve the purchases instead of bringing each one to the Common Council for approval.

PREVIOUS ACTIONS – COMMITTEE RECOMMENDATIONS

(Dates, committees, action taken)

The City Council entered into a State Municipal Agreement to proceed with the Walworth Avenue improvements on Jan 17, 2023. The City Council approved the Relocation Order for the purchase of the easements at their June 4, 2024 meeting.

FINANCIAL IMPACT

(If none, state N/A)

Most properties will be offered the Nominal Payment Offer which is \$500. The Whitewater School District has the two largest easements which more than likely will be over the \$500 offering. Staff is asking that the Public Works Director have authority to approve all easement offers up to \$2,000.

STAFF RECOMMENDATION

Staff recommends a motion to approve the Resolution authorizing governmental responsibility for temporary limited easement purchases and forward to Council.

ATTACHMENT(S) INCLUDED

(If none, state N/A)

1. Resolution

**RESOLUTION AUTHORIZING GOVERNMENTAL RESPONSIBILITY
FOR TEMPORARY LIMITED EASEMENT PURCHASES**

Item 2.

WHEREAS, the City of Whitewater entered into a State Municipal Agreement on January 17, 2023 for the repaving of Walworth Avenue from Janesville Street west to the City Limits; and

WHEREAS, the City of Whitewater will be updating the existing pedestrian ramps to meet ADA standards; and

WHEREAS, the City of Whitewater is required to acquire Temporary Limited Easements for the purpose of reconstructing pedestrian ramps; and

WHEREAS, the majority of the Temporary Limited Easements require only a small area of interest to be acquired; and

WHEREAS, to expediate the purchase of said Temporary Limited Easements instead of bringing each one to the Common Council for approval;

NOW, THEREFORE, BE IT RESOLVED, by the Common Council of the City of Whitewater that the Common Council authorizes the Public Works Director for the City of Whitewater to act on behalf of the City of Whitewater to:

- Approve purchases of Temporary Limited Easements up to \$2,000.

Resolution introduced by Councilmember _____ who moved its adoption. Seconded by _____ . AYES: NOES: ABSENT: ADOPTED: _____

John Weidl, City Manager

Heather Boehm, City Clerk



Public Works Agenda Item

Meeting Date:	July 9, 2024
Agenda Item:	Elizabeth Street
Staff Contact (name, email, phone):	Brad Marquardt, bmarguardt@whitewater-wi.gov , 262-473-0139

BACKGROUND

(Enter the who, what when, where, why)

The school district inquired last year about trying to improve visibility of students who are crossing Elizabeth Street at Laurel Street and Court Street. Discussions were had about adding crosswalks or an ordinance change to the parking limitations to try and eliminate motorists from parking on Elizabeth Street to pick up kids. Through discussions it was determined to try a temporary solution which blocked off parking areas on the east side of Elizabeth Street at Laurel and Court Streets. Barricades were used to delineate these areas in the hopes that students would have better vision of vehicles on Elizabeth Street and motorists would have better vision of students trying to cross at these two locations. At the end of the school year, school officials determined they did not see any safety benefit from this temporary solution. Motorists were double parking on the east side of Elizabeth Street, it created a traffic hazard with vehicles trying to maneuver around the barricades, and some students were still darting across the street in between vehicles.

PREVIOUS ACTIONS – COMMITTEE RECOMMENDATIONS

(Dates, committees, action taken)

The Public Works Committee did recommend to council an ordinance for No Stopping, Standing or Parking from Walworth Avenue to the north property line of the school property. Council approved the first reading but asked staff to work with the school district before acting on the second reading.

FINANCIAL IMPACT

(If none, state N/A)

N/A

STAFF RECOMMENDATION

Staff met with the school district after the school year to discuss potential alternatives. The school district indicated they are looking at forming a transportation committee to look at traffic safety issues at all their schools, in particular the student pick up/drop off on Elizabeth Street. The school district was interested if a member of the Public Works Committee would be willing to be a member of their transportation committee as a City representative.

ATTACHMENT(S) INCLUDED

(If none, state N/A)

1. N/A



Public Works Agenda Item

Meeting Date:	July 9, 2024
Agenda Item:	Sidewalk Replacement
Staff Contact (name, email, phone):	Brad Marquardt, bmarguardt@whitewater-wi.gov , 262-473-0139

BACKGROUND

(Enter the who, what when, where, why)

In December 2023, Council approved the first reading of an ordinance update to the sidewalk ordinance, Chapter 12.12 which included assessing property owners 50% of the cost. At the March Council meeting, the Council did not approve the second reading but asked staff to look into forming a Sidewalk Utility. Staff reached out the League of Municipalities attorney for some guidance. The attorney informed staff that there is currently a legal battle with the formation of Transportation Utilities and recommended the City should tread lightly in the formation of a Sidewalk Utility.

PREVIOUS ACTIONS – COMMITTEE RECOMMENDATIONS

(Dates, committees, action taken)

At the October 10, 2023 Public Works Committee meeting, the Committee voted 2-1 to approve the updates to Chapter 12.22. This included special assessing the property owners 50% of the cost of repair/replacement, unless the repair/replacement is the result of a city terrace tree. Then the City would pay 100% of the repair/replacement. The dissenting vote was not in favor of special assessing the property owners. At the December 5, 2023 Council meeting the Council approved the first reading of the new ordinance which included assessing property owners 50% of the cost, unless if damage was caused by a terrace tree. At the March 12, 2024 Public Works Committee meeting it was recommended that the proposed ordinance not be approved at the second reading of the March 19, 2024 Council meeting and that staff be directed to work on establishing a Sidewalk Utility. At the March 19 meeting, Council did not approve the second reading and directed staff to investigate a Sidewalk Utility.

FINANCIAL IMPACT

(If none, state N/A)

Under a current adopted Resolution property owners are paying nothing toward sidewalks that are being replaced either by City crews or as part of a street reconstruction project.

STAFF RECOMMENDATION

Based on the current unknown status of Transportation Utilities, staff is recommending not to move forward with implementing a Sidewalk Utility. As mentioned in the March 19, 2024 memo, approximately half the properties in the City do not have sidewalk, yet those residents get to utilize sidewalk where it does exist without the cost to maintain it. Staff's recommendation is to update the sidewalk ordinance to bring it up to date, but eliminate the special assessment to the property owners.

ATTACHMENT(S) INCLUDED

(If none, state N/A)

1. Redlined Changes to Chapter 12.22
2. Sidewalk Map

Chapter 12.22 CONSTRUCTION STANDARDS ADOPTED

Sections:

12.22.010 Appointment of administrator—Duties.

- (a) The ~~building inspector~~Public Works Director or designee shall be designated as the sidewalk administrator.
- (b) It shall be the responsibility of the sidewalk administrator to administer the provisions of this chapter. ~~He~~The sidewalk administrator shall determine that new sidewalks are laid where required, that existing sidewalks are repaired or replaced when required, and that all sidewalk construction is completed according to the requirements of this chapter.

(Ord. 1015 §2(part), 1983).

12.22.020 Permit not required—Compliance with chapter.

No permit is required for the construction or repair or sidewalks. However, any sidewalk installed or repaired must comply with all sections of this chapter. The property owner is required to return to the sidewalk administrator a "Notice of Owner's Intent Form" indicating the method of repair or replacement desired, within twenty days of receiving said notice from the sidewalk administrator. The form shall advise the property owner of the options which the city has available under the established sidewalk policy.

(Ord. 1015 §2(part), 1983).

12.22.030 Specification for sidewalks.

(a) Placement of Sidewalks.

- (1) All sidewalks shall be laid within the street right-of-way and shall be laid one foot from the property line, and shall be four to five feet in width unless otherwise specified in this chapter.
- (2) The requirements of subsection (1) of this section shall not apply to:
 - (A) Main Street from the intersection of Fremont Street on the west and to the intersection of Wisconsin on the east;
 - (B) Center Street from the intersection of Whitewater Street on the east and the intersection of Fremont Street on the west;
 - (C) First Street from the intersection of Center Street on the south to North Street on the north;
 - (D) Second Street from the intersection of Whitewater Street on the south to North Street on the North;
 - (E) Fremont Street from the intersection of Whitewater Street on the south to Main Street on the north;
 - (F) Any other street specified by the common council. All sidewalks built or relaid on the described portions of these streets shall run from the line of the property to the curb.

(b) Materials.

- (1) All sidewalks shall be constructed and repaired with portland cement concrete.
- (2) The concrete used shall meet the following requirements:
 - (A) The minimum compressive strength of the concrete must not be less than three thousand pounds per square inch at twenty-eight days;
 - (B) The cement content of the concrete shall not be less than five and one-half bags per cubic yard;
 - (C) The concrete shall be air entrained;
 - (D) The water content shall not be more than five and one-half gallons per bag of cement;
 - (E) The sand and gravel aggregate shall be separate and shall be washed material;
 - (F) The concrete shall be consolidated and spaded sufficiently to bring the mortar to the surface and to prevent honeycombing;
 - (G) All concrete work done after November 1st and before March 1st shall be protected against freezing ~~with a four-inch layer of hay covered and anchored in place~~ for seventy-two hours;
 - (H) During cold weather a maximum of two pounds of calcium chloride per sack of cement may be added to accelerate the setting of the concrete;
 - (I) The concrete shall be cured for a minimum of three days using impervious plastic or paper, wet fabric, or a liquid impervious membrane; and
 - (J) All sidewalk shall be sealed per the sealer manufacturer's recommendation.
- (c) Preparation of Subgrade.
 - (1) All sidewalk shall be placed on a minimum of three-inch compacted, granular subgrade material. Obstructions such as rocks, stumps, or sod shall be removed. Voids caused by the removal of obstructions shall be filled with gravel and thoroughly compacted to prevent future settlement.
 - (2) After forms are in place, the subgrade shall be tamped in its entirety to assure a solid and even surface.
 - (3) The subgrade shall be wetted down immediately prior to the placement of the concrete.
 - (4) The subgrade shall be accurately graded to assure a uniform thickness of concrete.
 - (5) Lot stakes are not to be disturbed during sidewalk construction or repair. One who disturbs a lot stake during sidewalk construction or repair shall be responsible for having the disturbed lot stake replaced by a surveyor and shall be subject to a penalty under Section 236.32 of the Wisconsin Statutes.
- (d) Formwork and finishing.
 - (1) The elevation measured at the edge of the sidewalk nearest the property line shall not be less than two percent ~~nor more than five percent~~ above the top of the adjacent curb. For all practical purposes the sidewalk shall be located at a higher elevation than the curb as stipulated above, and shall follow the uniformity of the curb and not the fluctuating lot elevations.
 - (2) Forms shall be set to obtain a minimum of four-foot wide sidewalk at a minimum thickness of four inches. Sidewalks across driveways shall be a minimum of six inches in thickness.
 - (3) Forms shall be securely staked and braced to prevent movement during the placement of concrete. Form rails shall be rigid and straight, and if wood, must be a minimum size of two inches by four inches (nominal). Forms shall be oiled and cleaned before each use.
 - (4) The transverse slope of the sidewalk shall not ~~be less than~~ exceed one quarter inch per foot ~~or more than one inch per foot~~, sloping toward the public street.

- (5) Dummy joints shall be installed either by sawing or grooving at approximately ~~four-foot intervals~~the same width of the sidewalk constructed at right angles to the centerline. Expansion joints shall be installed at a maximum of ~~ninety-six~~one hundred foot intervals ~~and at property lines~~.
 - (6) The edges of the sidewalk shall be rounded with an edger having a radius of one quarter inch.
 - (7) Form removal should be carefully done without damage to green concrete and shall not be done within twenty-four hours after the placing of the concrete.
 - (8) After forms are removed, the sidewalk edges shall be properly backfilled and graded.
 - (9) The seeding of the backfilled and graded areas shall be the responsibility of the property owner.
 - (e) The requirements of Section 66.616 of the Wisconsin Statutes are adopted by reference. The curb ramping requirements of Section 66.616 of the Wisconsin Statutes shall apply to all new curb and sidewalk construction and to all replacement curbs and sidewalks construction at locations considered to be legal crosswalks.
 - (f) Unless otherwise herein specified, all sidewalk shall be constructed in accordance with applicable provisions of the most current State of Wisconsin Standard Specifications for ~~Road and Bridge~~Highway and Structure Construction, ~~1981 Edition~~.
- (Ord. 1015 §2(part), 1983).

12.22.040 Sidewalk repair and replacement—When required.

- (a) The sidewalk administrator shall order any sidewalk which is unsafe, defective, or insufficient to be repaired or replaced so that said sidewalk meets the specifications set forth in this chapter.
- ~~(b) During the calendar year 1983, the sidewalk administrator shall perform a comprehensive survey of the structural conditions of all sidewalks in the City of Whitewater and shall report to the council those sidewalks which are unsafe, defective or insufficient. Starting in the calendar year 1984, the sidewalk administrator shall annually review the sidewalks in one of the wards per year on a rotating basis.~~
- (be) Whenever the following sidewalk defects are found to exist by the sidewalk administrator, an appropriate order for the repair or replacement of the sidewalk shall be made:
 - (1) When a sidewalk has a three-quarter inch or greater height difference between blocks, it shall be required that the entire block which is out of alignment be replaced and realigned. Topping the lower slab with concrete or blacktop and/or using concrete or blacktop to ramp from the lower slab to the higher slab is not permitted.
 - (2) When a horizontal alignment variance of one inch per foot or greater exists the entire block which is out of alignment shall be required to be replaced or realigned.
 - (3) When one or more cracks exist in a block with openings which are of three-quarters of an inch or larger, it shall be required that the entire block be replaced.
 - (4) When the scaling or cracking of a block makes the block unsafe, the entire block shall be required to be replaced.
 - (5) When a block has a corner missing, and the size of the missing corner is less than six inches by six inches, the block may be repaired by patching unless the condition is repetitive on three or more blocks, in which case the blocks shall be replaced.
 - (6) When the height of a block causes isolated ponding of water, the entire block shall be required to be replaced or adjusted in elevation so that the ponding of water is eliminated.

- (7) When the sidewalk has not been set to the required grade or line or does not comply with other specifications of this chapter, it shall be required to be repaired or replaced.
- (~~cd~~) When a portion of an old sidewalk is repaired or replaced and the original width of said sidewalk was less than or greater than four feet, the original width of the sidewalk shall prevail, provided that the original width is uniform within the entire block and also that less than all of the sidewalk on the entire block will be replaced. ~~In all other circumstances the four foot width regulation shall be applicable.~~
- (~~de~~) Although minor streets are not required to install new sidewalk where none had previously existed, they are required to maintain existing walk and to install new sidewalk in blocks in which there is sidewalk along fifty percent of the street frontage within the block. There are no provisions which allow removal of sidewalk unless a variance would be granted by the council.
- (Ord. 1015 §2(part), 1983).

12.22.050 New sidewalk construction—When required.

- (a) Sidewalk shall be required on all major streets with the following exceptions:
- (1) Sidewalk will not be required when the nature of the terrain creates insurmountable engineering problems.
 - (2) Sidewalk will not be required where there is insufficient right-of-way.
 - (3) Sidewalk will not be required if the installation would generate a safety hazard by encouraging pedestrian traffic in dangerous areas.
 - (4) Sidewalks will not be required along vacant land which extends to the city limits which is not situated between areas generating pedestrian traffic, and streets on which curb and gutter has not been installed.
- (b) Streets classified as minor streets with curbs and gutter, but without sidewalks, will not be required to have new sidewalks constructed unless those constituting the ownership of more than fifty percent of the property fronting along a given street sign a petition requesting that new sidewalk be installed on their street.
- (1) In calculating the percentage of property owners who have signed the petition, only one signature shall be counted per tax parcel. Individuals or entities owning more than one tax parcel may sign separately for each tax parcel owned. The signature of all record owners of a tax parcel shall be required for the vote of that tax parcel to be counted.
 - (2) Sidewalks may not be installed on minor streets when one or more of the exceptions listed above are applicable.
- (c) Sidewalks may be required on minor streets or on streets which fall under one of the exceptions if it is determined that a severe pedestrian and/or traffic hazard exists.
- (d) The classification of streets is as follows:
- (1) Major Streets.
 - (A) East and West Main Street;
 - (B) East Milwaukee Street, South Wisconsin Street to East Elkhorn Road;
 - (C) East and West North Street;
 - (D) East Newcomb Street;

- (E) South Wisconsin Street, East Main Street to Beach Road;
 - (F) South Janesville Street;
 - (G) South Franklin Street, South Janesville Street to West Main Street;
 - (H) West Walworth Street, South Buckingham Boulevard to South Janesville Street;
 - (I) South Elizabeth Street;
 - (J) South Prince Street, West Walworth Avenue, to West Main Street;
 - (K) North Tratt Street;
 - (L) West Starin Road;
 - (M) North Fremont Street;
 - (N) North Prince Street, West Main Street to West Starin Road;
 - (O) North ~~Case~~ Prairie Street, West Main Street to Starin Road;
 - (P) South Whiton Street, West Walworth Avenue to West Main Street;
 - (Q) West Highland Street;
 - (R) West Center Street;
 - (S) West Whitewater Street;
 - (T) South Elkhorn Road;
 - (U) South Summit Street.
- (2) Minor Streets. All other streets within the city limits not listed above.
- (Ord. 1022 §1, 1983; Ord. 1015 §2(part), 1983).

12.22.060 Owner responsibility for the construction of new sidewalk and for the replacement and repair of existing sidewalk—Noncompliance.

- (a) Whenever the sidewalk administrator determines that the provisions in this chapter require the construction of new sidewalk or the repair or replacement of existing sidewalk, ~~he shall prepare~~ an order requiring that new sidewalk be constructed or that existing sidewalk be repaired or replaced shall be prepared. A copy of the order directing such construction, replacement or repairs shall be served upon the owner of each lot or parcel of land. The sidewalk administrator shall serve such notice. Service of the notice may be made by personal delivery, by certified or registered mail, or by publication in the Whitewater Register as a Class I notice under Chapter 985 of the Wisconsin Statutes, together with mailing by first class mail if the name and mailing address of the owner can be readily ascertained.
- (b) Whenever any such property owner who has been notified shall neglect for a period of twenty days after such notification to lay, remove or replace, or repair any such sidewalk, the sidewalk administrator may cause such work to be done at the expense of such owner. All work for the construction of new sidewalks and the replacement or ~~requiring repairing~~ of existing sidewalks shall ~~annually be let by competitive bidding to the lowest responsible bidder~~ be bid following the City's Procurement Policy, or done by public works personnel ~~currently~~ employed by the City of Whitewater.
- (c) The sidewalk administrator shall serve the order, which is discussed in subsection (a) of this section, along with a "Notice of Owner's Intent Form." Said form shall state the options for the property owner. The

property owner shall return the "Notice of Owner's Intent Form" to the sidewalk administrator within twenty days of receiving the notice and shall indicate on the notice the method of repair or replacement desired.

- (d) Whenever a property owner elects to have the City of Whitewater personnel or contractor install, repair or replace their sidewalk, the property owner shall be required to sign a release form. The form shall be similar to the following:

CITY OF WHITEWATER
SIDEWALK CONSTRUCTION RELEASE FORM

OWNER:

ADDRESS:

~~Other description if required~~ ESTIMATED COST: Length x Width x Estimated Cost = Preliminary Cost

If Applicable: 50% Cost

Final Estimated Cost to Property Owner: Total Cost

The undersigned in electing to utilize the City of Whitewater personnel and/or its contractor for required sidewalk repair or installation hereby releases the City of Whitewater from any obligation for repair of sidewalk due to minor cracking or other minor problems which frequently occur with concrete construction. Work done by the City of Whitewater personnel or its contractor will be done according to ordinance specifications. The phrase "minor problems" above is intended to mean problems which do not affect the sidewalk's performance.

Property Owner's Signature

- (e) The City of Whitewater shall be responsible for the costs incurred to reconstruct curbs and sidewalk to comply with Section 66.616 of the Wisconsin Statutes when possible (Reference Curb Ramping for Handicap Accessibility).
- (f) The cost of the sidewalk construction and/or repair may be paid by the abutting property owner as follows:

- (1) The abutting property owner may elect to reimburse the city by paying the cost of said repair or construction within thirty days of being billed. No interest will be charged if paid within thirty days of the billing. If the cost of construction or repair is not paid within thirty days, it shall be entered by the city clerk on the tax roll as a special tax against said lot or parcel of land, and the same shall be collected in all respects like taxes upon real estate. The amount so added to the tax roll shall include interest at the prevailing rate per month from the date that the individual was initially billed to December 31st of the year in which it is placed on the tax roll.

- (2) Whenever the amount to be levied is in excess of ~~one-five~~ hundred dollars, the property owner may elect to pay over a ~~five~~three-year period and to have the city clerk enter said costs, together with interest at the prevailing interest rate on the tax roll, as a special assessment against such lot or a parcel of land.

~~(3) The city shall be responsible for the costs incurred to reconstruct curbs and sidewalks to comply with Section 66.616 of the Wisconsin Statutes, except where the sidewalk involved was determined to be unsafe, defective, or insufficient. In that case, the property owner shall be assessed on a square foot basis for the sidewalk replaced which is in the normal construction limits of a standard sidewalk, that is, one foot from property line, four feet in width.~~

(34) Where there is a replacement of sidewalk and there has been a previous assessment for sidewalk, a credit shall be given for the remaining useful life of the sidewalk. The useful life of the sidewalk for his purpose shall be ~~ten~~ twenty-five years.

(4) Unless changed by Resolution, the property owner is responsible for 50% of the estimated cost. If it is determined by the sidewalk administrator that the sidewalk to be replaced or repaired is due to a city terrace tree, the City shall pay 100% of the cost to replace or repair.

(Ord. 1015 §2(part), 1983).

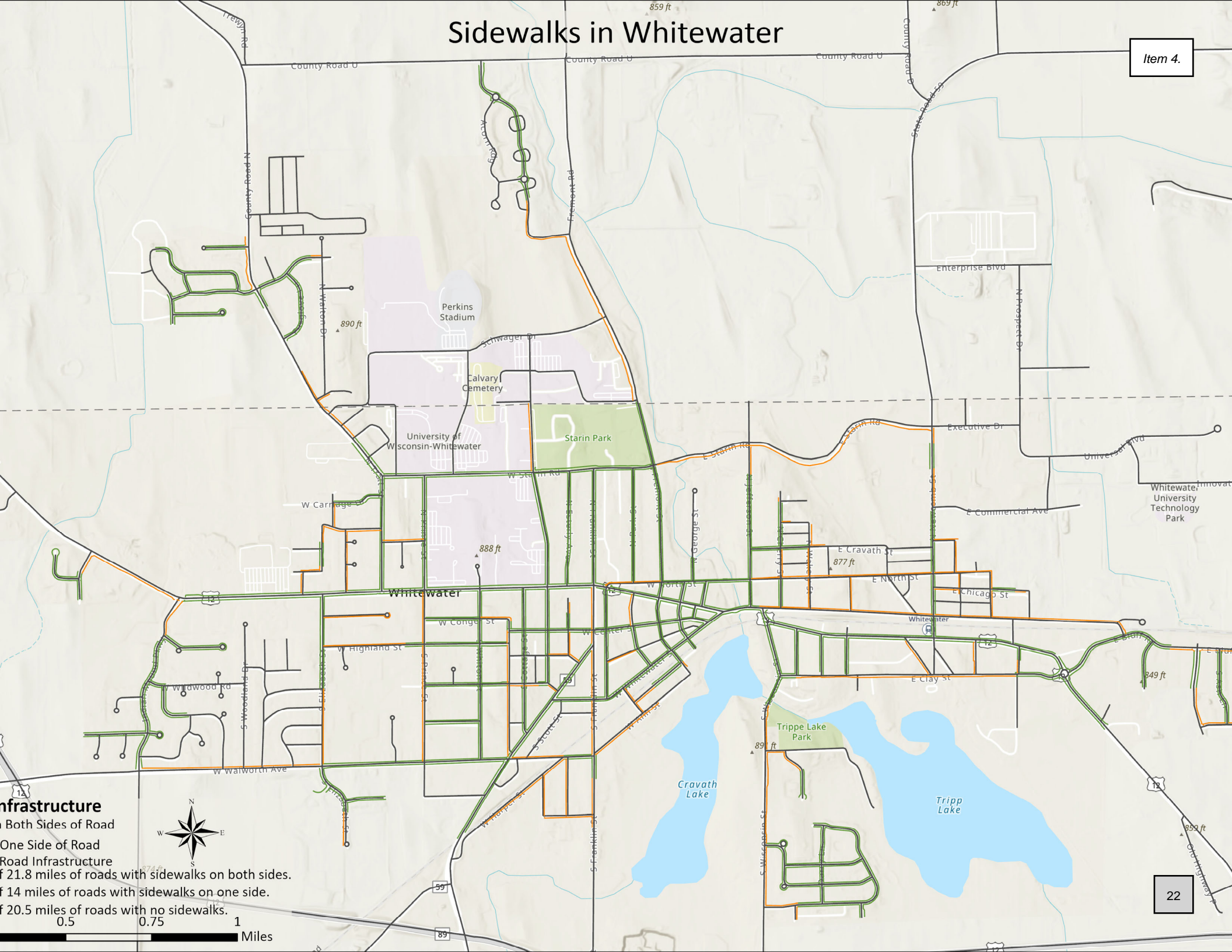
12.22.070 Variance procedure.

- (a) No sidewalk shall be installed in such a manner so as to include a tree, utility pole or any other structure within the area of actual sidewalk construction, unless a variance has been granted by the council to permit such an intrusion into the sidewalk area.
- (b) When the owners of more than fifty percent of the tax parcels along a given street sign a petition requesting a variance or an exception from the requirement of having sidewalk installed on their street, the sidewalk administrator shall submit said petition to the common council. Petitioners will be required to show just cause why sidewalks are not necessary above and beyond merely not wanting a sidewalk.
 - (1) In calculating the percentage of property owners who have signed the petition, only one signature shall be counted per tax parcel. Individuals or entities owning more than one tax parcel may sign separately for each tax parcel owned. The signature of all record owners of a tax parcel shall be required for the vote of that tax parcel to be counted.
 - (2) Those submitting said petition must do so within thirty days after receiving notification that sidewalk is required on their street.
- (c) Individual property owners, upon receipt of an order from the sidewalk administrator, shall have the right to petition the council for a variance or exception from this chapter. Variances may be not requested by individual property owners by reason of merely not wanting sidewalk.
- (d) All exceptions or variances from this chapter shall require a two-thirds vote of the council.

(Ord. 1015 §2(part), 1983).

Sidewalks in Whitewater

Item 4.



Infrastructure

- Both Sides of Road
- One Side of Road
- Road Infrastructure
- 21.8 miles of roads with sidewalks on both sides.
- 14 miles of roads with sidewalks on one side.
- 20.5 miles of roads with no sidewalks.

0.5 0.75 1 Miles



Public Works Agenda Item

Meeting Date:	July 9, 2024
Agenda Item:	LSL Replacement Ordinance
Staff Contact (name, email, phone):	Brad Marquardt, bmarguardt@whitewater-wi.gov , 262-473-0139

BACKGROUND

(Enter the who, what when, where, why)

The Environmental Protection Agency is mandating that all lead service lines (LSL) for water be replaced. To comply with this, Water Department staff inventoried the water lateral material both on the public and private side. Staff is looking at replacing these LSL in 2025 and has submitted a Safe Drinking Water Loan application to receive below market interest rate funds to help pay for the project. On the private side, staff is anticipating receiving up to 100% principal forgiveness, meaning the property owners will not have to pay for their private side LSL replacement. One of the categories in the application that is helping the City receive up to 100% principal forgiveness is the project is replacing all the LSL as part of one project. To help comply with this initiative, it is imperative that all property owners work with the City to replace their LSL. To help ensure this, the City should adopt, as many communities across the state are doing, or have done, a mandatory LSL replacement ordinance.

PREVIOUS ACTIONS – COMMITTEE RECOMMENDATIONS

(Dates, committees, action taken)

N/A

FINANCIAL IMPACT

(If none, state N/A)

The financial impact is tied to the principal forgiveness the City will be receiving with compliance of all LSL being replaced as part of the project. The estimated principal forgiveness is \$1,350,000.

STAFF RECOMMENDATION

In order to ensure all LSL are replaced as part of the project, staff believes that a mandatory replacement ordinance is needed. Property owners who are reluctant to allow city staff, contractors and/or inspectors into their building as part of the LSL replacement project would be responsible for 100% of the replacement costs and possible additional penalties. Staff's recommendation is for the committee to direct staff to formulate a mandatory LSL replacement ordinance and bring back to the committee for review.

ATTACHMENT(S) INCLUDED

(If none, state N/A)

1. Sample Ordinances

Sample Mandatory Lead Service Line Replacement Ordinances



September 10, 2020

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The following ordinances are being provided for reference only. The WI DNR is not recommending that municipalities model their ordinances off one provided here.

Sec. 21.11. - Lead water service line replacement.

Item 5.

- (1) *Intent and purpose.* Lead service lines pose a threat to the public health based on the potential for leeching of lead into drinking water. The common council of the city therefore finds that it is in the public interest to establish a comprehensive program for the removal and replacement of lead pipe water service lines in use within the city water utility system and to that end declares the purposes of this chapter to be as follows:
 - (a) To ensure that the water quality at every tap of city water utility customers meets the water quality standards specified under the federal Safe Drinking Water Act; and
 - (b) To reduce the lead in city drinking water to meet EPA standards in city drinking water for the health of city residents; and
 - (c) To meet the WDNR requirements for local compliance with the EPA's Lead and Copper Rule; and
 - (d) To effect the replacement of all high risk lead service lines within one year of their discovery and the replacement of all remaining lead pipe water service lines in use in the city within ten years.
- (2) *Authorization.* This chapter is enacted pursuant to § 62.11(5) and § 281.12(5), Wis. Stats., and as mandated by 42 U.S.C. Sec. 300g, of the Federal Safe Drinking Water Act, enforced by the EPA and the WDNR.
- (3) *Rules of construction and definitions.* This chapter and all rules and orders promulgated under this chapter shall be liberally construed so that the purposes enumerated in subsection (1) may be accomplished. Words and phrases shall be construed and understood according to their common and usual meaning unless the contrary is clearly indicated. Within this section:

Child care facility means any state licensed or county certified child care facility including, but not limited to, licensed family child care, licensed group centers, licensed day camps, certified school-age programs and Head Start programs.

City means the City of Green Bay.

Confirmed water sample test means a tap water analysis completed after a prior analysis that indicated lead levels at the EPA Action level and conducted in accordance with the Lead and Copper Rule, with Sec. NR 809.547, Wis. Adm. Code., and with instructions provided by the water utility.

Customer-side water service line means the water conduit pipe running from the customer's meter to the curb stop which is the water utility shut-off valve usually located behind the curb on public property.

EPA means the U.S. Environmental Protection Agency.

EPA action level means a concentration of 15 or more parts per billion (ppb) of lead as measured at a customer's tap.

Federal Safe Drinking Water Act means 42 U.S.C.A. Sec. 300f-300j-26.

General manager means the water utility general manager.

High risk lead service means a lead customer-side water service line identified in subsection (5) and any lead customer-side water service line where a confirmed water sample test of a customer's tap water reveals a lead concentration at or above the EPA action level.

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.

Licensed plumber means a person, firm, corporation or other entity licensed to perform plumbing work in the city by the state.

ppb means parts per billion.

Property means any possessory interest, legal or equitable, in real property including an estate, trust, or lien, and any buildings, structures and improvements thereon.

Service replacement schedule means the schedule adopted by the water utility commission for the replacement of lead customer-side water service lines based on community resources, on availability of licensed plumbers and water utility resources to complete service line replacements, and on physical location of properties with lead customer-side water service lines. Based on the above factors, customers will be assigned a time period within the schedule for replacing their lead customer-side water service line. In no case shall a customer on this schedule have less than 30 days from the date of notification pursuant to subsection (6) for the replacement of any lead customer-side water service line.

Water utility means the city public water utility system, also known as Green Bay Water Utility.

WDNR means the Wisconsin Department of Natural Resources.

- (4) *Survey and self inspections.* Upon notice from the water utility, any person who owns, manages or otherwise exercises control over a property within the city water utility system shall allow the water utility to inspect the customer-side water service line or have the customer-side water service line inspected by a licensed plumber to determine whether the service line is lead, copper, cast iron, galvanized steel, plastic or other material.

- (5) *Lead service line replacement.*

- (a) All of the following service line material combinations are subject to partial or full replacement with galvanized, copper, and/or plastic service lines under this chapter as identified:

Water Utility-Side	Customer-Side	Side Requiring Replacement
Lead	Lead	Both
Lead	Galvanized	Water Utility Only
Lead	Copper	Water Utility Only
Lead	Plastic	Water Utility Only
Copper	Lead	Customer Only
Plastic	Lead	Customer Only

No other service line material combinations have been identified which require replacement under this chapter.

- (b) All lead water service lines must be replaced regardless of whether on the water utility-side or customer-side lead water service line is connected to a water utility-side lead water service line, both li replaced at the time water utility is replacing its side of the lead water service line. As of the effective d chapter, no lead service line will be allowed to connect to a water utility line once replaced.
- (6) *Replacement priority.* Owners, managers or persons otherwise exercising control over properties within the city water utility system with customer-side lead water service lines shall be required to replace the customer-side water service lines according to the following order of priority and based on the replacement schedule established by the water utility commission:
- (a) Schools or child care facilities.
 - (b) Properties at which a confirmed water sample test at the tap shows lead concentration at 15 or more ppb.
 - (c) Properties where more than 20 people regularly have access to drinking water during any eight-hour period.
 - (d) Properties where the water utility is replacing its side of the lead water service line to the property.
 - (e) All other properties not covered in subsections (5)(a)—(d).
- Notwithstanding the schedules set forth herein and any limitations on funding sources which may be made available to either the water utility or the customer, all customer-side water service lines identified herein shall be replaced no later than December 31, 2025.
- (7) *Scheduling.* Replacement of customer-side lead pipes that are connected to a water utility-side lead service line must be completed at the time the water utility-side service line is replaced. Scheduling of all such replacements for customer-side lead pipes must be coordinated between the homeowner's contractor and the water utility within 30 days of receipt of notice that the water utility-side water service lines are scheduled to be replaced. Additional time to schedule the customer-side lead pipe replacement may be granted by the general manager of the water utility for good cause.
- (8) *Financing of replacement.* In the event funding is made available for this purpose through any means, an eligible property owner may apply to the city for financing of any portion of the cost of replacing a lead customer-side water service line under the terms of such financing program. Disputes regarding eligibility for financing may be appealed to the water utility commission, unless otherwise noted in the funding program. As a condition of receiving any available financing from the city, the property owner must provide adequate documentation demonstrating that the contractor and/or plumber completing the work anticipated hereunder is properly certified and/or licensed by the state and/or the city, as appropriate.
- (9) *Exceptions.*
- (a) The water utility may modify the inspection requirement set forth under subsection (4) if the customer so requests and demonstrates compelling need.
 - (b) Upon the demonstration of compelling need, the owner of a single-family dwelling or a business to which the public has no access to tap water and with no more than five employees, may request a change of schedule or an extension of time for compliance with subsections (5) through (7).
 - (c) Guidelines for the consideration of requests under subsections (9)(a) and (9)(b) will be established by the water utility commission.

(d) Compliance deadlines will be calculated on a calendar year basis but may be deferred during through March on the basis of weather constraints. Item 5.

- (10) *Prohibitions.* It shall be unlawful for any person to fail to comply with the applicable lead customer-side water service line replacement requirements as set forth herein or to violate any other provision of this chapter.
- (11) *Penalties.* Any person who violates any provision of this chapter may be subject to a forfeiture of no less than \$50.00 and no more than \$1,000.00. Each day a violation continues may be considered a separate offense.
- (12) *Severability.* If any subsection or portion of this chapter is for any reason held to be invalid or unconstitutional by a decision of a court of competent jurisdiction, that subsection or portion shall be deemed severable and shall not affect the validity of the remaining portions of this chapter.

(Ord. No. 16-16)

Sec. 13.066. - Lead water service line replacement.

Item 5.

- (1) *Intent and purpose.* The common council of the city finds that it is in the public interest to establish a comprehensive program for the removal and replacement of lead pipe water service lines in use within both the city utilities water system and in private systems and, to that end, declares the purposes of this section to be as follows:
 - (a) To ensure that the water quality at every tap of utility customers meets the water quality standards specified under the federal law;
 - (b) To reduce the lead in city 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 residents;
 - (c) To eliminate the constriction of water flow caused by mineral rich groundwater flowing through lead water service pipes and the consequent buildup of mineral deposits inside lead pipes; and
 - (d) To meet the Wisconsin Department of Natural Resource (WDNR) requirements for local compliance with the Lead and Copper Rule (see 56 CFR 6460, 40 CFR parts 141.80—141.90 and Wis. Admin. Code §§ NR 809.541—809.55).
- (2) *Identification of lead service lines.*
 - (a) Upon notice from Kaukauna Utilities, any person or entity who owns, manages or otherwise exercises control over a property connected to the Kaukauna Utilities water distribution system shall allow Kaukauna Utilities to inspect the customer side service line to determine the material of construction as authorized pursuant to Wis. Stats. § 196.171 et seq.
 - (b) *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 inspection of service line. If entry is refused, such representatives shall obtain a special inspection warrant under Wis. Stats. § 66.0119. Upon request, the owner, lessee or occupant of any property so served shall furnish to the inspection agency any pertinent information regarding the piping system on such property.
 - (c) Kaukauna Utilities shall create and maintain a record of the location of all identified lead service lines in the City of Kaukauna.
 - (d) Kaukauna Utilities shall provide written notice to any person or entity who owns, manages or otherwise exercises control over a property connected to the Kaukauna Utilities water distribution system that has been inspected and determined to be constructed of lead.
- (3) *Replacement of lead service lines.*
 - (a) *Owner to replace lead service.* The owner shall, at the owner's expense, replace the lead service. In all cases, the city shall supply an appropriate connection point as part of its work. The owner may elect to:
 1. Contract with licensed contractor to complete the repair. All 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 (2)(a) of this section, proof of arrangements for repair shall be provided to the utility water superintendent or his designee and within 30 days of the giving of notice the repairs shall be completed.
 2. Have the city contractors, if available, complete the repair.
 - i. 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 laterals.
 - ii. If available, and should the owner select this option, the owner will be charged the entire cost of making the repair. The owner may elect to pay the entire amount upon completion of the work, or the owner may request to be billed in ten annual installments or less plus interest, as provided in section 8.03(2)i. of this Code.
 - (b) *Water system reconstruction.*
 1. *Inspection required.* The utility water superintendent or his designee shall inspect all private connections to the public water mains at the time that the utility system is to be reconstructed:
 - i. Any existing private lead water lateral shall be considered illegal.

- ii. Prior to the actual reconstruction of the water main and lateral system, each property owner shall project. Such notice shall be made not less than 30 days prior to commencement of the actual work.
 - iii. As the reconstruction progresses, the utility water superintendent or his designee shall inspect each private water lateral connection for the presence of lead or, in the event inspection had been made previously, determine the condition of the private water connection from inspection records.
 - iv. In the event that the private water lateral does not contain lead, the city shall reconnect the same to the utility system at an appropriate point near the right-of-way line.
 - v. In the event that the private water lateral is found to contain lead, the utility water superintendent or his designee shall immediately notify the owner in writing of that fact.
2. Pursuant to section 13.066(3), the owner shall, at the owner's expense, replace the lead service. In all cases, the city shall supply an appropriate connection point as part of its work. The owner may elect to:
- i. Contract with licensed contractor to complete the repair. All 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 (2)(a) of this section, proof of arrangements for repair shall be provided to the utility water superintendent or his designee and within 30 days of the giving of notice the repairs shall be completed.
 - ii. Have the city contractors, if available, complete the repair.
 - a. 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 laterals.
 - b. If available, and should the owner select this option, the owner will be charged the entire cost of making the repair. The owner may elect to pay the entire amount upon completion of the work, or the owner may request to be billed in ten annual installments or less plus interest, as provided in section 8.03(2)i. of this Code.
- (4) *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 private water laterals, the utility may, no sooner than 30 days after the giving of notice as provided in subsection (2)(a) of this section, discontinue water service to such property served by illegal private water lateral after reasonable notice and an opportunity for hearing before the city utility commission under Wis. Stats. ch. 68.

(Ord. No. 1783, 3-5-2019)

Editor's note— Ord. No. 1783, adopted Mar. 5, 2019, repealed the former section and enacted a new section as set out herein. The former section pertained to similar subject matter and derived from Code 2011, § 13.066.

CHAPTER 2

Water Utility Regulations

SEC. 9-2-1 CONTROL OF MAINS.

The water mains, supply pipes, curb-stops, stop-boxes, meters and service pipes shall be under the exclusive control of the Commission and its authorized agents and employees, and all other persons are forbidden to disturb, tamper with, injure, tap, change, obstruct access to or interfere with said water mains, supply pipes, curb-stops, stop-boxes, meters and/or service pipes in any way.

SEC. 9-2-2 USE OF HYDRANTS LIMITED.

Fire hydrants are to be opened and used only by the Water and Fire Departments of the City, or by such persons as may be specially authorized by the Commission.

SEC. 9-2-3 OBSTRUCTION OF FIRE HYDRANTS.

No person shall in any manner obstruct or prevent free access to, or tamper with, or injure, or damage, by causing or permitting a vehicle to come in contact with any fire hydrant, or place or store temporarily or otherwise any object, vehicle, material, snow, debris or structure of any kind within five (5) feet of any hydrant. Any such obstruction, when discovered, may be removed at once by the Commission at the expense of the person responsible for the obstruction, and he shall be liable to a fine as herein provided.

SEC. 9-2-4 CURB STOP OPERATED ONLY BY DEPARTMENT; EXCEPTIONS.

Under no circumstances shall curb-stops be opened or closed by any person not an authorized employee of the Commission, except that a licensed plumber may open or close a curb-stop to test his work, or to make necessary repairs. In all cases where a licensed plumber tests his work, or makes repairs in unoccupied premises, he shall, on completion of his work, leave the curb-stop closed and, upon failure to do or neglect to do so, shall be liable for all damages occasioned thereby, and be liable to a fine as herein provided.

SEC. 9-2-5 SUPPLY AND SERVICE PIPES.

- (a) (1) Application for water service must be made at the Commission's office on contracts provided for that purpose. The applicant must state the name, location of property and pay a fee for a three-fourths inch (3/4") supply pipe and fittings, which shall be a privilege charge for connection.
- (2) All supply pipes larger than three-fourths inch (3/4") internal diameter will be furnished by the Commission, and a deposit will be required before work is connected, or commenced, to cover the actual cost of materials and labor, plus twelve percent (12%) to cover incidental charges.

- (b) The Commission shall tap the water main, furnish all pipes, fittings, labor, etc., and install the service up to and including the curb-stop. Such service and connection shall remain the property of the City of Menasha at all times, and the said applicant shall acquire no interest, right and title to same by virtue of the fact that he has paid a fee giving him the privilege to receive water through such supply pipe, but he agrees to accept water through such supply pipe, subject to all the conditions set forth in this Chapter.
- (c) Water supply and service pipes of all sizes shall not be laid less than six (6) feet below the surface on the street and not less than five (5) feet on the premises. Every service pipe where it enters the cellar shall be furnished with a stop-washer so situated below the action of frost that the water can be completely shut off and drained from the pipes, when necessary, to prevent freezing. Service pipes between cellar walls and meter likely to be exposed to freezing temperature must be effectively protected to avoid freezing.
- (d) The supply pipes from the main to the curb-stop shall be maintained and kept at repair at the expense of the Commission and by the Commission. It is the duty of the owner of premises to maintain the service pipes from the curb-stop to the meter. Notice shall be given the owner or agent to make necessary repairs, and if same are not completed within ten (10) days after such notice, water will be shut off until such repairs are made, or the Commission will repair same at the expense of the property owner.
- (e)
 - (1) The owner or agent wishing to have service discontinued shall make an application at the office of the Commission before water will be shut off and when service is again resumed, a charge of Two Dollars (\$2.00) will be made and collected before service will be again turned on.
 - (2) The owner or agent of the premises shall protect the stop-box in the street and shall keep same free from dirt and other obstructions. The Commission shall not be liable for failure to locate the stop-box and shut off water in case of a leak on the premises.
- (f) The Commission will thaw out frozen service pipes and piping between meter and main without charge once during each year. If such service pipe freezes again during the winter season, the same may be thawed out at the expense of the owner under the direction of the Commission at cost, based upon the unique characteristics of the street.
- (g) All service pipes, which are connected to private supply pipes which have pumps attached thereto, whereby water may be pumped into City mains, shall have double checks provided on such private supply lines; such double check valves shall be of approved design and installed according to and as provided in applicable Codes.
- (h) All supply and service lines installed for private fire protection and sprinkler service shall have a weighted check valve of approved design and of the full size of the supply or service pipe, to be furnished and installed by the Commission at the expense of the owner of the premises, and shall be installed in such location that a bypass and meter connection of suitable size approved by the Commission can be placed so as to detect any loss of water in the fire protection system, and to be installed at the expense of the owner of the premises.

SEC. 9-2-6

PROVISIONS, CARE AND PROTECTION OF METERS.

- (a)
 - (1) All premises using City water shall be provided with proper type and size of water meters as shall be determined by the Commission, properly attached as to measure correctly all water used. The Commission shall furnish such meters to all applicants using City water at actual cost together with the cost of installation. No water shall be turned on any service pipe until a meter has been properly installed on the premises. All meters shall be so located that they shall be preserved from all obstructions and so

as to allow easy access thereto for reading and inspection; the location shall be designated by proper employee of the Commission.

- (2) If more than one (1) family occupies a dwelling, other than a hotel, each single or family unit shall have separate meters, or the account shall be carried in the name of the landlord. Combined residential and commercial buildings where a building contains both commercial and residential uses each shall be separately metered. Whenever an owner of a building that has combined residential and commercial uses finds that it is prohibitive for him to install separate meters, he may apply to the Water and Light Commission for an exemption. However, then the entire building will be billed at the commercial rate.
- (b) No by-pass or other connection between the meter and main shall be made or maintained, except in special cases under the lock and seal in charge of the Commission.
- (c) Where a building is in process of construction and where the Commission finds it impossible to install a meter due to cold weather or other causes, a nipple the length of the meter shall be inserted between the meter connections until such time as a meter can be set. The water used in this case shall be billed on the average basis. Additional meters shall be installed on request of any property owner who so arranges the water pipe on his premises, so as to allow a meter being set with a separate stop-waste valve, making such consumer independent of the others.
- (d) In case a service pipe is to be metered and there is no basement or cellar, or where it is impossible to properly set a water meter in the premises, the Commission will provide, at the expense of the owner of the premises, the proper frost-proof box of approved design (to be used and located outside of owner's buildings) at a cost of labor and materials expense, plus fifteen percent (15%) to cover overhead expenses.
- (e) All water which has gone through the meter must be paid for; if, however, there is a sound of running water, the consumer shall notify the Commission office, and an expert will be sent to examine the pipes and fixtures, and will give advice free of charge.
- (f) Repairs caused by ordinary wear and tear will be borne by the Commission. Any damage which a meter may sustain, resulting from the carelessness of the owner or agent of the premises, or from the neglect of either of them to properly secure and protect same, including any damage that may result from allowing said meter to become frozen, or to be injured from hot water or from steam backing up from behind the boiler, or otherwise, shall be charged to the owner of the premises, and may be charged and collected as a special tax against the property.
- (g) Where meters have been installed prior to the passage of these rules, in places interfering with the reading inspection and reading of same, such meters shall be located as may be directed by the Commission.
- (h) All water meters will be tested as prescribed by the rules and orders of the Public Service Commission.
- (i) Water meters in service shall be put under seal fixed by an authorized employee of the Commission and shall only be broken by such employee with authority of the Commission. Violation of this rule shall subject the guilty party or parties to the penalty provided in a succeeding paragraph of this Chapter, and the party or parties responsible for the water bills for water supplied through a meter whose seal has been tampered with or broken shall be deemed guilty of the offense.
- (j) No water meter shall be removed, impaired or otherwise disturbed, except by the Commission employees.
- (k) It shall be the duty of all persons using City water supplied by the Commission to ascertain and to satisfy themselves that it is being supplied through a meter furnished by the

Commission. Any neglect so to do will not relieve any person and/or premises from any liability therefor, and the Commission shall determine the amounts of water so used and the rates and charges therefor. Any person who shall turn on a supply of water to the service pipe from which the supply has been turned off by the City on account of non-payment of water rents or for any other reason, without first having obtained a permit to do so from the proper City officers, shall be subject to a forfeiture as specified in Section 1-1-7.

SEC. 9-2-7 FAILURE OF SUPPLY.

Consumers using water for supplying boilers or generating steam or other domestic or commercial uses, and depending on the water main pressure for supply, will do so at their own expense and the Commission shall not be liable for any damages because of lack of pressure or failure of supply.

SEC. 9-2-8 REPAIRS TO MAINS.

The Commission reserves the right to shut off the supply in the main temporarily to make repairs, alterations or additions to the works or pipes. When circumstances will permit of sufficient delay, the Commission will give notice by the official newspaper, or by other means, of the discontinuance of the service and the approximate length of time the service will be off. No rebate or damage will be allowed to consumers for such temporary suspension of supply.

SEC. 9-2-9 RECORDS.

A record of the location of all parts of the water works which are underground shall be made on computer records, tracings or cards by the Director of Public Works, and all such records will be the property of the City of Menasha.

SEC. 9-2-10 UNAUTHORIZED USE OF BADGE OR CREDENTIALS.

No person not an authorized officer or employee of the Commission shall have, wear or exhibit any badge or credentials of the Commission. It shall be the duty of each and every officer and employee of the Commission, upon resignation or dismissal, forthwith to surrender and deliver at the office all badges and credentials.

SEC. 9-2-11 FREE ACCESS TO PREMISES FOR INSPECTION.

No person shall hinder or refuse to admit any officer, inspector, foreman or other authorized employee of the Commission, upon the presentation of the badge or other credentials provided by the Commission at all reasonable hours to any premises supplied with City water, for the purpose of making inspection thereof, including the examination of the entire water supply and plumbing system upon said premises. No person shall harbor a vicious dog or other animal on his premises that is inclined to attack any meter-reader or other employee who is authorized by the Commission to enter said premises. Such premises shall be subject to disconnection of water supply pending notice being

given to the Commission that the premises are safe for employees to enter.

SEC. 9-2-12 MISREPRESENTATION IN APPLICATION FOR SERVICE.

Applicants for City water or any service in connection therewith shall not make any misstatement or misrepresentation of facts with respect to such application and shall be governed and bound by all the rules of this Chapter.

SEC. 9-2-13 PROCLAMATION BY MAYOR; PENALTY FOR VIOLATION.

The Mayor or, in his absence, the President of the Council, may issue a proclamation prohibiting the use of water during emergency periods. Violations of such orders shall be subject to the penalties in this Code provided in Sec. 1-1-7.

SEC. 9-2-14 WATER SERVICES OUTSIDE CITY LIMITS.

Based upon a survey of the outside area now served, the City of Menasha herewith acts pursuant to Section 66.069(6) of the Wisconsin Statutes to restrict its holding out to provide water service in unincorporated areas to the territory specifically set forth as follows: All properties located within the corporate city limits of Menasha and the properties outside the corporate limits being served on January 1, 1988.

- (a) The Southerly 180 feet of the following described property, the West on-half of the SE 1/4 of the SE 1/4 Sec. 10 Town 20 N range 17 East-lying Southeasterly of the Railroad right-of-way excepting the East 320 feet, and excepting the South 153 feet of West 66 feet.
- (b) Part East 1/2 of the South East 1/4 of the South East 1/4 Section 10 Town North range 17 East-commencing at the southwest corner of said East 1/2 of the SE 1/4 x SE 1/4 x SE 1/4 - North 373 feet; thence East to the centerline of County Trunk Highway P as presently laid out - thence southerly along the centerline of said County Trunk Highway P to the South line of said Section 10; thence Westerly to point of beginning.
- (c) Part of the SE 1/4 of the SE 1/4 Section 10 Town 20 North range 17 East - commencing at a point 323 feet west of the Southeast corner of said Section 10; thence Northerly 153 feet; thence easterly 110 feet; thence Northeasterly to point 218 feet North and 193 feet west of the Southeast corner of Section 10; thence West 200 feet to the centerline of County Trunk Hwy. P; thence southerly along said Highway centerline to the South line of said Section 10; thence east 110.7 feet to the point of beginning.
- (d) Part SE 1/4 SW 1/4 Section 11 Town 20 North range 17 East - commencing at the west line of the northerly extension of Manitowoc Street in the City of Menasha and the South line of said Section 11; thence North 153 feet West 120 feet, South 153 feet; East 120 feet to the point of beginning.
- (e) The east 762.5 feet of the South 1/4 of the Southwest 1/4 Section 11 Town 20 North range 17 East except the South 183 feet lying east of the east line of Manitowoc Street in the City of Menasha extended Northerly and except that part of said SE 1/4 of SW 1/4 Section 11 - Commencing at the southwest corner Lot 10 Block 1 Suburban Heights Addition, thence West 50 feet; thence North 120 feet; thence east 50 feet to Northwest corner Lot 11 Block 1 Suburban Heights Addition; thence South 120 feet to the point of beginning.
- (f) That part of the South east 1/4 of the Southwest 1/4 of Section 11 Town 20 North range 17

east - commencing at a point on the South line of said Section 11, 260 feet east of the easterly line of Manitowoc Street in the City of Menasha extended northerly; thence North 183 feet; thence East 140 feet; thence South 183 feet; thence West to point of beginning.

- (g) That part of Southwest 1/4 of the SE 1/4 Section 11 Town 20 North range 17 East - commencing at the Southwest corner of said Southwest 1/4 Southeast 1/4 Section 11; thence North 155.5 feet; thence East 191.3 feet; thence Southeasterly at right angles to Appleton Road as presently laid out 143 feet to the centerline of said Appleton Road; thence Southwesterly along said centerline of Appleton Road to the South line of said Southwest 1/4 Southeast 1/4 Section 11; thence West to point of beginning.

SEC. 9-2-15 CROSS CONNECTION CONTROL.

- (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 Menasha Water Utility, and the other, containing 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 flowing depending on the pressure differential between the two systems.
- (b) No person 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 of Menasha may enter the supply or distribution system of the City unless such private, auxiliary or emergency water supply and the method of connection and use of such supply shall have been approved by the Menasha Water Utility and by the Wisconsin Department of Natural Resources in accordance with Section NR 810.15, Wisconsin Administrative Code.
- (c) The Menasha Water Utility shall cause inspections to be made of all properties served by the public water system where cross connections with the public water system are deemed possible. If the Menasha Water Utility is not able to perform the inspection, the property owner must, at the property owner's expense, have the plumbing inspected for cross connections by a State of Wisconsin Certified Cross-Connection Inspector/Surveyor or by a State of Wisconsin licensed plumber. The frequency of inspections and reinspection based on potential health hazards involved shall be as established by the Menasha Water Utility Cross Connection Program and as approved by the Wisconsin Department of Natural Resources. Upon inspection, if a potential cross connection involving a health hazard exists, the Menasha Water Utility's inspector or authorized representative may order that an approved cross connection control device be installed, tested, maintained and repaired for containment from the public water system.
- (d) Upon presentation of credentials, the representative of the Menasha Water 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 City of Menasha for cross connections. If entry is refused, such representative shall obtain a special inspection warrant under Sec. 66.0119, Wis. Stats. On request, the owner, lessee or occupant of any property so served shall furnish to the Menasha Water Utility any pertinent information regarding the piping system or systems on such property.
- (e) The Menasha Water Utility is hereby authorized and directed to discontinue water service to any property wherein any connection in violation of this Section 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 Chapter 68, Wis. Stats., except as provided in Subsection (f). Water service to such property shall not be restored until the cross connection(s) has been eliminated in compliance with the provisions of this Section.

- (f) If it is determined by the Menasha Water Utility 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 Clerk of the City of Menasha and delivered to the customer's premises, service may be immediately discontinued. The customer shall have an opportunity for hearing under Chapter 68, Wis. Stats., within ten (10) days of such emergency discontinuance.
- (g) The provisions of State Plumbing Code of Wisconsin, Comm 81-87, Wisconsin Administrative Code and any amendments thereto are adopted by reference. This Section does not supersede the State Plumbing Code and the Menasha Plumbing Code, but is supplementary to them.
- (h) Fees and charges for effectuating this Section may be established by the Administration Committee or the Water and Light Commission.

SEC. 9-2-16 WATER TAPS.

It is hereby the policy of the City of Menasha that all water mains tapped shall be charged as an ongoing service to the customer. Such charge shall be payable at the time of the request for the water main tap. Water tap fees shall be as established by the Commission. The Commission shall also establish fees for fire service laterals. "Fire service lateral" shall be defined as that line which serves one (1) particular business or industry and whose principal purpose is fire protection.

SEC. 9-2-17 WATER SERVICE LATERALS.

Every water service lateral connected to the Utility shall be made of suitable material as determined by the Water and Light Commission. No lead or galvanized service line will be allowed to connect to a Utility line once replaced.

SEC. 9-2-18 LEAD & GALVANIZED WATER SERVICE REPLACEMENT PROGRAM.

- (a) Intent and Purpose. The Common Council of the City of Menasha finds that it is in the public interest to establish a comprehensive program for the removal and replacement of lead and galvanized water service laterals in use within both the Menasha Utilities Water system (Utility) and in private systems and to that end declares the purposes of this ordinance to be as follows:
 - (1) To ensure the water quality at every tap of Utility customers meets the water quality standards specified under the Federal Safe Drinking Water Act; and
 - (2) To reduce the lead in City drinking water to meet Environmental Protection Agency (EPA) standards and ideally to reduce lead contaminant level to zero in City drinking water for the health of City residents; and
 - (3) To eliminate the constriction of water flow caused by mineral rich surface water flowing through lead and galvanized water service pipes and the consequent buildup of mineral deposits inside lead and galvanized pipes; and
 - (4) To meet the Wisconsin Department of Natural Resource (WDNR) requirements for local compliance with the Lead and Copper Rule (*see* 56CFR6460; Title 40 CFR part 141.80-141.91 and Chapter NR 809.54-809.55 Wisconsin Administrative Code).

- (b) Owner to Replace Lead and Galvanized Service. Existing lead and galvanized water service laterals connected to the Utility shall be replaced with water service laterals made of suitable material and at the owner's expense. Replacement shall be completed either before or in conjunction with the next Utility project in the area of the affected property. Except, any property tested by the Utility in accordance with Wisconsin Department of Natural Resources lead and copper monitoring that exceeds the lead level established by the Environmental Protection Agency's lead and copper rule, will be required to replace the lateral in one hundred twenty (120) days .
- (1) Affected property owners may contract with a licensed contractor to complete the replacement. If the property owner selects this option, the lead or galvanized water service lateral shall be replaced before the start of or during construction of the Utility project; or,
 - (2) If available, affected property owners may have the Utility contractors complete the replacement.
 - A. The Utility may, as part of any water project, add an alternative to the Utility's contract requesting unit bid prices for the calculation of the cost for private lead or galvanized water service lateral replacement. This will include removing the entire lateral from the main to the inside of the house and replacing all lead or galvanized piping with suitable material.
 - B. If available, and should the property owner select this option, the property owner will be charged the entire cost of the removal and replacement. In addition, all restoration will be the responsibility of the property owner (for example, top soil, concrete, steps, asphalt, bushes, and porches).
- (c) Utility Water System Construction Requirements.
- (1) Notification to Property Owners. Property owners in the project area will be notified, in writing, of capital improvement projects involving public water mains or replacement of lead services on the Utility side. The notification shall be at least 30 days prior to commencement of the construction.
 - (2) Inspection Required. The Water Utility Manager or their designee shall inspect all private connections to the public water mains for the presence of lead or galvanized pipe prior to, if possible, or at the time that the Utility system is to be reconstructed and if unable to gain access for inspection, may pursue an inspection warrant.
 - A. In the event that a private water service lateral is found to contain lead or galvanized pipe the Water Utility Manager or designee shall immediately notify the owner, in writing, of that fact along with information about the Utility's Lead or Galvanized Water Service Lateral Replacement Program.
 - B. The affected property owner shall provide proof of arrangements for replacement of the lead or galvanized water service lateral to the Water Utility Manager or their designee within 30 days of the date of the notification letter.
- (d) Utility Financial Assistance.
- (1) The Utility may provide financial assistance to the owner of the property to which water utility service is provided for the purpose of assisting the owner in replacing customer-side water service lines containing lead. The financial assistance must satisfy all the following conditions:
 - A. Any loan provided may not be forgiven by the Utility or the City;
 - B. Grants that are provided by the Utility are limited to no more than one-half of the total cost to the owner of replacing the lead service;
 - C. The amount of financial assistance must be the same for each owner in a

customer class, be it a fixed amount or a percentage of the replacement cost;
and

- D. The financial assistance program must be approved by the Public Service Commission of Wisconsin.

CHAPTER 225 PLUMBING AND DRAINAGE

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SUBCHAPTER 1 STATE RULES AND LOCAL ENFORCEMENT

225-01. Adoption of State Law. Except as otherwise provided in this chapter, the city of Milwaukee adopts ss. 145.01, 145.06, 145.11, 145.15(4) and 145.175, Wis. Stats., as amended, and chs. SPS 81-87, Wis. Adm. Code, as amended, as part of this code.

225-02. Retroactivity of Various Wisconsin Administrative Code Plumbing Provisions. Sections SPS 382.21, 382.30, 382.31 and 382.41, Wis. Adm. Code, as amended, shall apply retroactively if upon inspection of any part of an existing plumbing system a condition is identified that tends to create a potential health hazard. If such a condition is identified by the department, then the plumbing system or any part thereof shall be repaired, renovated, replaced, or removed in conformity and compliance with ss. SPS 382.21, 382.30, 382.31 and 382.41, Wis. Adm. Code, as amended.

225-1. Administration. 1. ENFORCEMENT. The commissioners of neighborhood services, health and public works, where specified, or their duly authorized representatives, shall enforce this chapter.

2. DUTIES. a. The commissioner of neighborhood services shall:

a-1. Register upon application every master plumber carrying on his or her trade or business in the city.

a-2. Inspect all plumbing and drainage installations, including connections to main sewer.

a-3. Conduct and witness tests as regulated in this chapter.

225-2 Plumbing and Drainage

a-4. Sign and issue all notices or orders and certificates of inspection and approval.

a-5. Keep a daily record of all inspections and tests made, complaints received and investigated, notices and orders served, and all other services performed.

a-6. Make an annual report.

a-7. Enforce this code.

b. The commissioner shall:

b-1. Examine, approve or reject plans for plumbing.

b-2. Approve applications for permits for all such installations when in compliance with this code.

b-3. Keep a daily record of all permits issued.

225-2. Registration of Plumbing Businesses.

1. REQUIRED. No person may carry on the business of plumbing in the city without having registered his or her name, place of business and license number in the office of the commissioner.

2. BONDS. a. No person may engage in or work at plumbing without first having executed and deposited with the department a performance bond in the penal sum of \$10,000 and an indemnity bond in the penal sum of \$50,000 for each person injured or the property of any person damaged. No person may engage in or work at drainlaying without first having executed and deposited with the department an indemnity bond in the penal sum of \$50,000 for each person injured or the property of any person damaged, or in lieu of the indemnity bond a certificate of insurance in the sum of \$50,000 for each person injured or the property of any person damaged. The bonds of the performance bond and certificate of insurance shall be in the form designated by the commissioner in accordance with the specifications set forth in pars. b and c, and be approved by the commissioner as to the sufficiency of sureties. Any person intending to engage in or work at both plumbing and drainlaying need file only one indemnity bond or certificate of insurance covering both operations and one performance bond.

b. The performance bond shall be conditioned that the applicant will perform and sufficiently complete all work for which permits are issued in accordance with the plumbing codes of the state of Wisconsin, city of Milwaukee and all other ordinances of the city of Milwaukee, within a

reasonable time so as to fully protect the public health, safety and welfare. In addition, the bond shall provide: that the applicant will backfill and maintain any street, alley or public grounds in any openings or excavations that are made as directed by and to the satisfaction of the commissioner of public works for a period of 6 months after initially backfilling the same and shall pay the cost of restoring the permanent surfaces of the street, alley or public grounds by the city; that in the event that at any time the backfilling of any ditches or excavations between the curb and lot line is found defective in that future settling occurs within a period of 3 years after the date of completion of the work, shall make or cause to be made necessary resultant repairs to curbs, sidewalks, driveways, etc., subject to the provisions of ch. 115 and the rules and regulations established by the commissioner of public works; and that the applicant shall reimburse the city for all damages done by himself, his agents, employees, or subcontractors. The cost of restoring the surface shall be charged to the plumber or drainlayer against the deposit made for the restoration of said surface.

c. The indemnity bond or certificate of insurance shall be conditioned: that the applicant will indemnify and save harmless the city of Milwaukee, its officers and agents against any and all injuries or property damage resulting or arising from any negligence on the part of the applicant, agents, employees and subcontractors; that the applicant or his insurer shall notify the city in writing at least 10 days prior to the cancellation of any certificate of insurance afforded hereunder.

225-3. Plumbing Permits Required.

1. ISSUANCE. No permit for plumbing shall be issued by the commissioner to any person not duly licensed, registered and bonded. Permits issued shall be subject to the rules and regulations of the commissioner, and it shall be unlawful to do any plumbing without a permit with the exception of work as regulated in sub. 3 and work exempted under s. 200-24-1.5.

2. ONE-FAMILY DWELLING. Nothing contained in this chapter shall be construed to prohibit a property owner from doing plumbing work within a one-family dwelling occupied by the owner as his or her home, provided a permit is obtained and the installation is made in accordance with the regulations of this chapter.

3. FAUCETS, ETC. Nothing contained in this chapter will prohibit the elimination of leaks, removing obstructions in soil, waste, and supply pipes, restoring defective valves, faucets, and similar appliances to an efficient operating condition, by others than licensed plumbers, but does not include the installation or changing the location of vertical or horizontal lines of soil, waste, vent supply or interior leader (conductor) pipes in buildings other than one family owner-occupied home.

4. PLUMBING WITHOUT PERMIT. No person may install, alter, extend, move or remove any plumbing, plumbing system, lay any drain pipe, make any attachment to any drain, sewer or manhole, or do any work whatsoever in connection with any sewer service lateral, or public or private sewer leading into any city sewers, or to any river, lake or stream, without first obtaining a permit from the commissioner of city development. Any person violating this regulation shall be subject to penalty pursuant to s. 200-19-2.

5. STOP WORK ORDER. a. When it is found that any plumbing installation is being made, or that any plumbing device, equipment or fixtures required by this code are being installed contrary to the provisions of this code, or that such plumbing installations, devices, equipment or fixtures installed are dangerous or unsafe, the commissioner may issue or cause to be issued a stop work order. Any person violating this regulation shall be subject to penalty pursuant to s. 200-19-2.

b. Such stop work order shall be in writing and shall be served upon the owner of such property, a duly authorized agent or the person responsible for such work. The stop work order shall set forth the reasons why such work is being stopped, and the provisions of the code being violated.

c. A stop work order shall be posted in a conspicuous place upon the premises and it shall be unlawful for any person to remove such order or to perform any work on the plumbing installation, device, equipment or fixtures, so long as the stop work order shall remain.

225-4. Drainage of Yard Areas and Roofs.

1. UNDERGROUND DRAINS. All underground drains from roof rainwater leaders, paved areas, yards, courts and subsurface drains shall be mechanically connected to a storm sewer or combined sewer when they are available and abutting the property, except that such drains may discharge in an approved manner into an adjacent

lake, river or stream, provided they are not in conflict with the rules of the Milwaukee metropolitan sewerage district.

2. ROOF RAINWATER LEADERS (CONDUCTORS). a. Discharge to Finished Grade; When Permitted. All buildings, including accessory buildings, may discharge roof rainwater leaders, conductors or downspouts to finished grade provided the discharge to finished grade meets all of the following provisions:

a-1. The point of discharge shall be a minimum of 2 feet from a basement or a foundation wall or alley property line and 5 feet from all other property lines.

a-2. The discharge shall flow parallel to or away from the nearest property line.

a-3. The discharge water shall not discharge to a street, alley or other public way.

a-4. The discharge water shall not create an icy condition on any pedestrian walkways within or adjacent to the subject premises lot lines.

a-5. The downspout hub shall be sealed with a 1" concrete cap or in a manner approved by the commissioner.

b. Connection to Combined Sewer Prohibited. For all residential structures containing 4 or fewer dwelling units and newly-constructed, or renovated to 50% or more of assessed value, on or after January 1, 2016, that do not have the option of discharging to a storm sewer, and for which discharge to finished grade from roof rainwater leaders, conductors or downspouts of any building, including any accessory building, can meet the provisions of par. a, all roof rainwater leaders, conductors or downspouts shall discharge to the finished grade.

c. Connection to Sewer Required. Whenever discharge to finished grade from the roof rainwater leaders, conductors or downspouts of any building, including any accessory building, cannot meet the provisions of par. a, all roof rainwater leaders, conductors or downspouts, except for those excepted by par. b, shall be mechanically connected to the storm sewer or combined sewer, or to an approved storm sewer facility when it is available and abutting the property. This shall include parcels that have access by easement or private roads when the storm sewer is available at the point of access.

d. Waiver. Any provision of par. a may be waived by the commissioner if the property owner submits, and the commissioner accepts, plans for a discharge system designed by a registered civil engineer for purposes of complying with the intent of par. a.

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e. Use as Support Prohibited. No conductor, roof rainwater leader or downspout shall be used as a support for any part of a building, structure or appendage to same.

f. Installation and Maintenance. All outside roof leaders (conductors) installed under or in the ground shall be installed as regulated in s. SPS 382.36, Wis. Adm. Code. Conductors shall terminate with an approved pipe above grade. The sheet metal conductors shall be connected and sealed to the pipe in an approved manner. Roof leaders (conductors) connecting to the storm building drain in the basement shall be of an approved pipe material to a point at least 2 feet inside the basement foundation wall. Roof leaders (conductors) shall be maintained in good repair and free of stoppages.

g. Discharge into Catch Basin or Sand Interceptor Prohibited. Rainwater leaders in the combined sewer area shall not discharge into a catch basin or sand interceptor. The sewer from the rainwater leader shall bypass the catch basin or sand interceptor and shall have a direct connection to the sewer system.

2.5 RAIN BARRELS. a. Definition. In this subsection, a rain barrel means an above-ground prefabricated storage receptacle with an automatic overflow diversion system that collects and stores storm water runoff from the roof of a structure that would have been otherwise routed into a storm drain.

b. Rain Barrels Permitted. Rain barrels shall be permitted provided that the overflow discharge conforms to the provisions of s. 225-4-2-a, or is designed to overflow to a treatment drain or storm water conveyance system.

c. Requirements. A rain barrel shall be securely covered, include an inlet screen, have an overflow discharge device sized to adequately convey overflow to the point of discharge and have a convenient and functional means of water withdrawal.

3. NEWLY PAVED AREAS OR PARKING LOTS. a. Storm Sewer Required. As regulated in s. 252-74, storm sewers shall be required for all paved areas except that paved areas for gasoline pumping islands shall be drained to the streets.

b. Permeable Paving. The commissioner may allow the use of permeable paving as regulated in s. 252-74. For newly paved areas or parking lots, the storm sewer requirement under this section may be waived by the commissioner if adequate drainage is provided. Perforated underdrain piping shall be required for

the full length of all permeable pavement applications greater than 1,000 square feet where permeable pavement is being used in lieu of a catch basin or storm inlet.

c. Subsurface Drainage. Subsurface drainage for dewatering parking lots and other areas shall be connected to an approved catch basin before entering a city of Milwaukee sewer.

d. Catch Basins and Storm Inlets. A catch basin or storm inlet shall be located so that no point of an impervious paved area is further than 300 feet from a catch basin, storm inlet, trench drain or permeable pavement surface with subsurface drainage. Every catch basin shall be connected to a combined sewer and every storm inlet shall be connected to a storm sewer.

e. Trench Drains. Trench drains shall be provided where all or part of the paved area is sloped toward the public right of way.

f. Sizing. All sewer lines and drains shall be sized in accordance with the provisions in this code and s. SPS 382.36, Wis. Adm. Code.

g. Slope. All paved areas shall be sloped in such a way that there is drainage toward a drain. Flat areas which allow ponding shall not be allowed. All paved areas shall be sloped away from the street or a trench drain shall be provided to prevent drainage onto the street or sidewalk.

h. Drainage Systems. Plans for a parking lot requiring a drainage system pursuant to s. 252-71 shall be submitted in triplicate to the commissioner of city development. Upon approval of the plans and payment of the fees set forth in s. 200-33, a plumbing permit shall be issued for the drainage system.

4. CATCH BASINS. a. Catch basins shall be constructed in a water-tight and substantial manner of concrete masonry, brick masonry, concrete block masonry, precast reinforced concrete, cast iron, bitumastic enamel coated 12 gauge steel, vitrified clay or other materials approved by the state department safety and professional services.

b. Catch basins in the combined sewer area shall be a minimum of 36 inches inside diameter and shall have a minimum depth of 48 inches to the flow or water line. The outlet shall be provided with a cast iron elbow or an inverted wye connection not less than 4 inches inside diameter and shall be submerged not less than 12 inches below the flow or water line and shall terminate not less than 18 inches above the bottom of the catch basin. A cleanout shall be provided in the horizontal pipe.

c. The catch basins and storm inlets shall have a fitted removable cover of a thickness and strength to sustain weight or traffic to which it will be subjected.

d. Catch basins, retention basins or ponds, underground vaults and filters designed for the management and regulations of storm water pursuant to ch. 120 shall meet the requirements of that chapter and of ss. SPS 382.20, 382.34, and 382.36, Wis. Adm. Code.

5. STORM INLETS. Storm inlets shall be installed as regulated in s. SPS 382.36, Wis. Adm. Code.

6. SEWER FACILITIES. A building shall be deemed to have sewer facilities available if it complies with s. 225-22-2-b.

7. OTHER DRAINAGES. Absorption, permeable paving, natural drainage alley and street drainages are covered in s. 252-71.

225-5. Drain Tile. 1. Subsoil drains placed under the basement floors, around the exterior foundation walls and footings and subsurface drains shall be intercepted by an approved drain tile receiver.

2. Where such drains are connected to a combined sewer, they shall discharge to an approved trapped catch basin, a trapped receiver with a backwater valve or to a clear water sump crock with the rim of the crock one inch above the floor.

3. Where such drains are connected to a storm sewer, they shall discharge into an approved trapped drain tile receiver with a backwater valve or to a clear water sump crock with the rim of the crock one inch above the floor. Where such drains are located outside the building for dewatering, they shall discharge into a trapped storm catch basin.

4. Under no circumstances may any subsoil, foundation, footing, window and door well or yard drains, unroofed basement excavations, cistern overflows, roof conductors or drains from areas exposed to rainfall connect directly to the sanitary sewer, nor shall they be permitted to discharge indirectly into the sanitary sewer.

5. For the installation of drain tiles, see s. 240-01 or s. 252-70.

225-6. Trench Drains. 1. Trench drains for paved lots or parking areas shall be installed entirely across points of ingress and egress of the premises and shall be connected to a storm or combined sewer. The trench shall have a minimum width of 6 inches and a minimum depth of 8 inches and may be constructed of concrete, cast iron, steel or an approved prefab unit. When constructed of concrete it shall have a minimum thickness of 6 inches. When a prefab unit, cast iron or steel unit is used, it shall be installed according to manufacturer's specifications. Where a trench drain is not practical, a catch basin or storm inlet may be used when the grade can be sloped away from the public right-of-way.

2. The trench shall be covered with an approved metal grate and frame having a minimum width of 6 inches and of sufficient strength to sustain the weight of traffic to which it will be subjected. Grates and frames in excess of 6 inches in width shall be proportionately stronger. Manufacturer's ratings will be accepted.

3. Steel load bearing grate bars shall have a minimum width of one and 3/16 inches and a minimum thickness of 3/16 inches set on edge spaced one and 3/16 inches on center.

4. All steel grating shall have the load bearing bars running the short distance and shall be continuously banded with bars on both sides across the face of the load bearing bars with the same material and size as the load bearing bars. Such banding bars shall be welded to the load bearing bars with a 3/16 inch fillet weld at least one inch long; one-quarter inch square twisted cross bars or equal on 4 inch centers shall be welded to the load bearing bars the length of and parallel to the banding bars.

5. All steel grates shall be set into a steel curb angle frame a minimum of one and 1/4 by one and 1/4 by 3/16 inches and set flush with the top of the grade or trench. Bent anchors a minimum of one by 3/16 by 5 inches long or equal shall be welded to the outer face of the angle frame at 3 foot intervals or less.

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6. Cast iron grates shall be rated "heavy duty" and shall have a minimum thickness of one and 3/4 inches and a minimum weight of 25 pounds per lineal foot. The drainage opening areas shall be a minimum 30% of the area of the grate. All cast iron grates shall be set into a cast iron or steel curb angle frame flush with the top of the grate or trench. Steel frames for cast iron grates shall be constructed the same as required for steel grates. Cast iron frames shall be a minimum 14 pounds per lineal foot and shall have integral cast anchors and tie lugs at 3 foot intervals or less.

7. Where interior trench drains are installed, the trench shall have a minimum width of 6 inches and a minimum depth of 8 inches and shall be constructed the same as outside trench drains. The frame and grate shall be as specified in this subsection.

225-7. Flooding in Critical Backwater Area. All plans for new buildings, alterations to existing buildings exceeding a total cost of \$50,000 for commercial buildings and \$10,000 for residential buildings, and building drain replacements shall be referred to the city engineer before any plumbing permit is issued for a determination whether the proposed project is within a critical backwater area. If it is determined to be in such an area, a plan to prevent backwater and basement flooding showing a detail of construction of the building sewer, building drain and soil, waste and vent piping shall be submitted to and approved by the commissioner of city development.

225-8. Sump Pump Regulations. 1. Except for dwellings and buildings described in s. 225-4-2-a-1, all sump pumps shall be connected to a storm sewer or combined sewer when available and abutting on the property unless otherwise approved by the commissioner. Dwellings and buildings described in s. 225-4-2-a-1 may disconnect sump pumps from a storm sewer or combined sewer and discharge sump pumps to finished grade. All discharges of sump pumps to finished grade for reasons of non-connection or disconnection of a previously connected system must meet all of the following provisions:

- a. The discharge pipe shall exit the building at one foot above finished grade.
- b. The point of discharge must be a minimum of 2 feet from a basement foundation wall and 5 feet from the property line.
- c. The discharge must flow parallel to or away from the nearest property line.
- d. The discharge water shall not discharge to a street, alley or other public way.
- e. The discharge water shall not create an icy condition on any pedestrian walkways within or adjacent to the subject premises lot lines.

f. Owners of dwellings and buildings which may disconnect sump pumps as provided in this subsection may request the commissioner to waive the provisions of this subsection upon submission to and acceptance by the commissioner of a discharge system designed by a registered professional engineer or architect for purposes of complying with the intent of this subsection.

2. When a storm sewer or combined sewer is not available, the sump pump shall discharge to grade and must meet all of the following provisions, unless otherwise approved by the commissioner:

a. The discharge pipe shall exit the building at one foot above finished grade.

b. The point of discharge must be a minimum of 2 feet from a basement foundation wall and 5 feet from the property line.

c. The discharge must flow parallel to or away from the nearest property line.

d. The discharge water shall not discharge to a street, alley or other public way.

e. The discharge water shall not create an icy condition on any pedestrian walkways within or adjacent to the subject premises lot lines.

225-9. Abandonment of Sewer and Water Connections. **1.** Any person, firm or corporation demolishing or moving a building or structure that is served by a sewer or water or both shall engage a licensed master plumber under a permit to properly abandon the building sewer or water service or both immediately inside the front lot line on private property. The plumbing permit shall be obtained from the department of city development before the commissioner of city development may issue a permit to demolish or move a building or structure.

2. The building sewer shall be disconnected at the front lot line and a pie or bulkhead installed. On a vitrified clay or concrete sewer, a pie shall be cemented into the bell or hub. If the pipe, bell or hub is broken, then a swab and 6 inches of concrete shall be inserted in the sewer as a permanent bulkhead. On a cast iron sewer, a cast iron plug with a lead caulked joint shall be installed.

3. Any septic tank or distribution box on the premises shall be pumped dry of its contents and filled with earth.

4. The water supply to the premises shall be turned off at the street main or at the curb or lot line by an authorized employee of the water works.

5. The water shall be disconnected at the front lot line and a plug or cap installed. On copper pipe, a plugged flared adapter shall be installed. On cast iron pipe, a cast iron plug or cap with a lead caulked joint shall be installed. On lead pipe, a solder joint shall be made.

225-10. Main House Trap. Main house traps may be removed in existing buildings where the roof terminals of conductors and rainwater leaders are favorably located. When main house traps are installed or replaced, they shall be provided with a fresh air inlet connected on the house side at least 2 feet from the water seal of the trap, and shall extend to the outer air, where it shall terminate with a 90 degree elbow turned down one foot above the permanent grade and 5 feet from any window, door or other air intake.

225-11. Trapping Prohibited. The trapping of sewers or drains is prohibited.

225-12. Building Sewers and Drains in Combined Sewer Areas. **1. INTERIOR PLUMBING.** All building sanitary drains shall be connected to a public sanitary or combined sewer, approved private main sanitary sewer or private sewage system, except that a combined building sewer may be used, starting at a point 5 feet outside the building where the building is served by a combined municipal sewer.

2. SANITARY AND STORM WATER CONNECTIONS. The building sanitary sewer and building storm sewer shall be installed as 2 separate piping systems and shall connect to the appropriate street or public sewer except that a combined building sewer may be used, starting at a point 5 feet outside the building where the building is served by a combined municipal sewer.

3. SEGREGATION OF WASTES. Clear water from a refrigerated drinking fountain, water heater relief valve or water softener may discharge to a sanitary drain system, and a combined building sewer may be used, starting at a point 5 feet outside the building where the building is served by a combined municipal sewer.

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225-13. Permits. 1. PLAN AND PERMIT FEES. No person shall install, alter, extend, move or remove any plumbing or plumbing system without first obtaining a permit therefor as regulated in s. 225-3 and this subsection.

2. APPLICATION. a. Any person desiring a permit as required by this chapter shall file with the commissioner of city development an application in writing on a form furnished for such purpose. Such application shall be signed by the registered master plumber or by the owner of the premises if the owner is doing the work.

b. The application shall state: that the owner will be bound by and be subject to all the rules and regulations prescribed by the commissioners of neighborhood services and public works; the premises number, aldermanic district, block and lot; size, kind and purpose for which the drain pipe is to be used; the number and kind of fixtures to be installed; nature of installation, construction, alteration or repair; and all other required information.

c. Any person who willfully makes false statements on any application for a permit shall be subject to the same penalty as provided for in s. 200-19.

3. PLANS. a. Complete plans in triplicate shall be submitted to the commissioner of city development for the installation of all plumbing systems in all buildings except dwellings, double dwellings and duplex dwellings, and for all additions and alterations to such systems.

b. Such plumbing plans shall be submitted and approved by the commissioner of city development before any work is started.

c. Such plumbing plans shall illustrate and describe the plumbing system and shall show the location, kind and size of all drain pipes, soil pipes, vent pipes, fixtures, traps, receptacles and appliances to be installed. All essential information for such equipment shall be shown on the plans.

d. No subsequent alterations in approved plans shall be made without the approval of the commissioner of city development and all work shall be done in accordance with the approved plans.

e. One set of the approved plans shall be kept on the site of the work at all times.

4. NO PERMIT TO VIOLATORS.

a. Whenever the installation of any plumbing occurs contrary to the regulations of this chapter, the commissioner shall issue an order to the violator at his or her last known address to remedy the defective work. Failure to comply with the order shall be deemed sufficient reason for withholding further permits, in addition to other penalties provided in this code.

b. If, after the issuance of a permit, there is an unreasonable delay in the performance of plumbing work, or if there is a failure to promptly respond to official communications, then such acts shall also be deemed sufficient reason for withholding future permits.

5. EXPIRATION OF PERMITS. If any plumbing work for which a permit has been issued is not started within 6 months from the date of the issuance of the permit, or if the plumbing work ceases for more than 6 months, then such permit shall lapse and be void and all permit fees shall remain the property of the city. No plumbing work shall begin or be resumed until a new plumbing permit is obtained and the fees prescribed in s. 200-33 paid therefor.

SUBCHAPTER 2
SEWAGE DISPOSAL AND WATER SYSTEMS

225-14. Definitions. In this subchapter:

1. **ALTER** means to change in one or more respects the characteristics of construction, installation or operation of an existing facility, but does not include replacement, repair or cleaning of parts of an existing facility.

2. **APPROVED** means accepted or acceptable under an applicable specification stated or cited in this subchapter, or accepted as suitable for the proposed use by the state department of safety and professional services.

3. **COMMISSIONER OF HEALTH** means the commissioner of health, his or her designated representative within the health department, or any other city official to whom the commissioner's functions or duties under this subchapter have been delegated pursuant to a memorandum of understanding.

4. **HOLDING TANK** means a tank conforming to the requirements of subch. IV, SPS 383, Wis. Adm. Code, which is intended for retaining sanitary sewage and intended to be emptied by licensed scavengers and disposed of in a public sewage disposal system.

5. **INDIVIDUAL SEWAGE DISPOSAL SYSTEM** means a sewage disposal system serving one premises, which system is not operated by the Milwaukee metropolitan sewerage district.

6. **SEEPAGE PIT** means a covered pit with an open-jointed lining through which septic tank effluent may seep or leach into the surrounding porous soil.

7. **SEPTIC TANK** means a watertight receptacle which receives the discharge of a draining system or part thereof and which is designed and constructed so as to separate solids from the liquid, digest organic matter through a period of detention, and allow the liquid to discharge into the soil outside of the tank through a system of perforated piping or through a seepage pit.

8. **SEWAGE DISPOSAL SYSTEM** means a sewer system and any or all connected sewage treatment facilities.

9. **SUBSURFACE DISPOSAL FIELD** means a system of perforated drains through which septic tank effluent is distributed beneath the surface of the ground and absorbed into the soil.

225-15. Permit Required for Individual Sewage Disposal System. 1. **COMMISSIONER OF HEALTH.** No person shall construct, install, build or alter any individual sewage disposal system without having first obtained from the commissioner of health a valid permit authorizing the person to perform the work for the specific system for which the permit was issued. Application for permits shall be made in the office of the commissioner of health on forms furnished by the commissioner and prepared in duplicate by the person applying for the permit. Such applications shall be accompanied by an appropriate form as required by ch. SPS 383, Wis. Adm. Code, giving the results of the soil percolation tests performed by a certified soil tester.

2. **EXAMINATION.** a. The commissioner of health shall be notified in writing at least 5 days prior to the soil percolation tests of the intent and the date and time the certified soil tester will be conducting such tests to allow the commissioner to observe the testing in progress. Failure to provide such notification will be cause of the commissioner of health to reject the results of such tests.

b. The commissioner of health may provide on-site examination of the soil percolation test performed by a certified soil tester to determine whether the test was performed in accordance with s. SPS 385.60, Wis. Adm. Code, to insure that the installation of an individual sewage disposal system is not likely to produce a public health nuisance.

3. **COMMISSIONER OF CITY DEVELOPMENT.** The commissioner of city development shall not issue a permit for the construction, erection or alteration of any building or structure containing or intended to contain any plumbing fixture or equipment which is now or is intended to be connected to any individual sewage disposal system unless the applicant for the permit has first obtained from the commissioner of health a valid permit for construction or alteration of an individual sewage disposal system as provided in sub. 1.

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225-16. Examination. 1. EXAMINATION FEES.

a. Each applicant for any permit required in accordance with s. 225-15 shall pay to the city treasurer the examination fee specified in s. 200-33 prior to filing the application for permit in the office of the commissioner of health. The examination fee shall be for a permit to construct or alter an individual sewage disposal system or to provide a holding tank in conformation with the appropriate provisions of ch. SPS 383, Wis. Adm. Code.

b. The examination fee specified in s. 200-33 is intended to defray in whole or in part, the costs to the city in performing examinations to determine if the proposed sewage disposal system, as described in the required application, is designed to be in conformity with this subchapter.

2. ISSUANCE OF PERMIT. The commissioner of health shall issue a permit as specified in s. 22515 only after he has determined that all of the provisions of this subchapter have been complied with. Such permits shall remain valid for a period of 2 years and may be extended for an additional 2 year period if such extension is deemed appropriate by the commissioner of health.

225-17. Independent Plumbing and Drainage System. 1. NEW INSTALLATIONS.

The plumbing and drainage system of each new building or structure or a new plumbing and drainage system installed in an existing building or structure shall be entirely separate and independent from that of any other building or structure. Every building or structure shall have an independent connection with a public or private main sewer when available. Private main sewers shall conform to specifications of public main sewers and shall be approved by the department of city development and the infrastructure services division, department of public works.

2. USE OF EXISTING DRAINS AND SEWERS. Old building drains and sewers may be used in connection with new buildings or structures or new plumbing systems only when such drains and sewers are found on examination and tests to conform in all respects to the regulations relating to drains or sewers. If such installations are found to be defective, the department shall notify the owner of the premises or his agent in writing of the changes necessary to make such installations conform with regulations of this chapter.

225-18. Maintenance of Individual Sewage Disposal System. 1.

The owner of any premises served by an individual sewage disposal system shall be responsible for the operation and maintenance of the system, and the operation shall at all times be carried out in a manner which will preclude the development of any public health nuisance or the pollution of any public watercourse. Whenever the commissioner of health determines that an individual sewage disposal system is being operated in such a manner as to cause a public health nuisance or the pollution of any public watercourse, the commissioner of health shall serve notice of such violation on the owner of the premises served by such sewage disposal system; or in cases where a building used for human habitation is located adjacent to a sanitary or combined sewer, the commissioner of health shall notify the commissioner of neighborhood services, who shall issue an order to the owner to connect to the sanitary or combined sewer within 10 days after service of the order.

2. The order shall:

a. Be put in writing.

b. Include a description of the real estate sufficient for identification.

c. Include a statement of the reason or reasons why it is being issued.

d. Allow a reasonable time for the completion of any act it requires.

e. Be served upon the owner. The order shall be deemed to be properly served upon the owner if a copy is delivered to the owner personally, or if not found, by leaving a copy at the owner's usual place of abode in the presence of someone of the family of suitable age and discretion who shall be informed of the contents, or by sending a copy by registered mail with return receipt requested to the owner's last known address, or, if the registered letter with the copy is returned with a receipt showing it has not been delivered, by posting a copy in a conspicuous place in or about the premises affected by the order.

3. The order may contain an outline of remedial action which, if taken, will result in compliance with this subchapter and with rules and regulations adopted pursuant to this subchapter, and ch. SPS 383, Wis. Adm. Code. If the owner of any premises served by an individual sewage disposal system fails to comply with the requirements of the order and continues to operate the system in such a manner as to cause the development of any public health nuisance or the

pollution of any public watercourse, the commissioner of health shall operate the system and make whatever changes he deems necessary in the system, including reconstruction, repair or alteration to attain its proper operation; or the commissioner of neighborhood services shall cause connection to be made to the sanitary or combined sewer, and the cost of reconstruction, repair or alteration and the cost of operation of the system shall be made at the expense of the city; the cost of the connection to the sanitary or combined sewer and the sums so expended in the abatement or removal of any nuisance or nuisances in such cases shall be a lien in the same manner as any tax upon real estate upon the premises served by the individual sewage disposal system; the sums to be collected in the manner specified in s. 17-12, city charter.

4. Nothing in this subchapter shall be construed so as to take away any of the powers of the city to abate a nuisance by an action under applicable provisions of state law, charter or simple ordinance, in cases where there is the development of any public health nuisance or the pollution of any watercourse.

225-19. Hearings. 1. BY WRITTEN REQUEST. If the commissioner of health refuses to issue a permit for construction or alteration of an individual sewage disposal system, the applicant for the permit may file in the office of the commissioner of health a written request for a public hearing by the commissioner. The commissioner shall hold a public hearing at a time and place designated by him within 20 days of the date on which the written request was filed. The petitioner for the hearing shall be notified of the time and place of the hearing not less than 5 days prior to the date on which the hearing is to be held. The proceedings of such hearings, together with the findings and decision of the commissioner of health, shall be reduced to writing and placed on file in the office of the commissioner, and a copy shall be served on the petitioner by the commissioner of health or by delivery to the petitioner by registered mail, return receipt requested.

2. **REVIEW.** Any persons, jointly or severally, aggrieved by the decision of the commissioner of health, or any taxpayer, or any officer, department, board or bureau of the city, may seek relief by having the decision reviewed by the circuit court by certiorari, if the petition for the writ is presented to the court within 20 days after the date on which a copy of the hearing proceedings with the commissioner's decision

was served on the person who filed the petition for hearing, and if the person aggrieved notifies the commissioner within 10 days after a copy of the hearing proceedings with the commissioner's decision was served on him of his intention to present such petition to the court. Such petition, duly verified, shall set forth that such decision is illegal in whole or in part, specifying the grounds.

225-20. Rules and Regulations. The commissioner of health is authorized to make and adopt written rules and regulations necessary to carry out the provisions of this subchapter. Such rules and regulations shall have the same force and effect as the provisions of this code, and the penalty for violation thereof shall be the same as the penalty for violation of the provisions of this subchapter. A copy of such rules and regulations shall be kept on file in the city clerk's office, in the legislative reference bureau, and in the office of the commissioner of health.

225-21. Inspection and Enforcement. Within 3 days after the commissioner of health issues a permit for the construction or alteration of an individual sewage disposal system, he shall transmit to the commissioner of neighborhood services a copy of the permit. The commissioner of neighborhood services, or an authorized representative, shall make such inspections as necessary to assure that every individual sewage system is constructed, installed or altered in accordance with the requirements set forth in the permit, and the commissioner of neighborhood services may prosecute any person who violates the terms of a valid permit issued by the commissioner of health.

225-22. Municipal Service. To preserve public health, comfort and safety, every building intended for human habitation or occupancy and located adjacent to a sanitary sewer, storm sewer or water main shall be connected to each or all in a manner prescribed in this section.

1.a. Every building shall be provided with a supply of potable water in compliance with this section.

b. All property shall be connected to the water main prior to sale, except as provided in par. c.

c. If a property is not connected to the water main because of an existing well, the owner is not required to connect if a statement concerning the property is recorded by the property owner with the register of deeds stating that there is no connection to the public water

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main at this time and connection is required by ordinance to be made within 30 days after the sale of such property.

d. All property shall be connected to the public water main within 30 days of sale.

e. All property shall be connected to the public water main immediately if upon inspection the private well proves not to be working properly or if the well proves to be tested unsafe in accordance with s. 225-37-4.

f. All property shall be connected to the public water main in a manner consistent with the provisions of s. 225-22.5, to the extent that the provisions of that section apply to the property's water connection.

2. When sanitary sewers approved by the Wisconsin department of natural resources and the department of public works become available, the use of a private sewerage system shall be discontinued within the time stipulated by order of the commissioner but not to exceed a period of one year.

a. When public sewers become available to any premises served by a private sewage disposal system, the private sewage system shall be discontinued and the building sewer shall be connected to the public sanitary sewer within the time allotted under sub. 2 except where a hardship can be justified by letter, but not to exceed 30 days after the sale of such properties. Such properties shall be connected to the public sewer immediately if upon inspection the private disposal system proves not to be working properly.

b. A building shall be deemed to have the facility available if the premises on which the building is located has been determined by the commissioner of public works to be served by the respective facility.

225-22.5. Lead Service Line Replacement. 1.

FINDINGS. a. The common council finds that:

a-1. Disturbance of lead water service lines, particularly partial lead service line replacement, has been shown to increase lead levels in drinking water.

a-2. Reconnection of existing lead water service lines to new copper water service lines has been shown to increase lead levels in drinking water.

a-3. Full replacement of lead service lines, as opposed to partial replacement, can reduce exposure to lead in drinking water.

a-4. Because of the significant risks to public health and safety posed by disturbance of lead water service lines and reconnection of lead to copper service lines, the city has a strong

public interest in remediating privately-owned lead water service lines under certain circumstances.

a-5. Residential properties containing 5 or more dwelling units are typically investment properties operated for a profit and better able to bear the costs of water service line replacement than residential properties containing one to 4 dwelling units.

a-6. Infants and young children are among those at greatest risk of adverse health impacts from exposure to lead, with childhood lead exposure being known to cause damage to the brain and nervous system, slowed growth and development, learning and behavior problems, and hearing and speech problems.

a-7. Because of the significant risks to public health and safety posed by the continued use of lead service lines at child care facilities, the city has a strong public interest in remediating privately-owned lead water service lines at child care facilities.

b. For the reasons stated in par. a, and under the authority granted to the city to regulate connections to public water mains by ss. 66.0911 and 281.45, Wis. Stats., to act for the health, safety and welfare of the public by s. 62.11(5), Wis. Stats., and consistent with the purpose of this code set forth in s. 200-002, the common council finds that it is necessary and appropriate to establish and enforce requirements for the full replacement of lead water service lines under certain conditions and to provide a funding mechanism to assist affected property owners in complying with those requirements.

2. DEFINITIONS. In this section:

a. "Child care facility" means any of the following:

a-1. A group child care center licensed under s. 48.65, Wis. Stats., and ch. DCF 251, Wis. Adm. Code.

a-2. A family day care center licensed under s. 48.65, Wis. Stats., and ch. DCF 250, Wis. Adm. Code.

a-3. A certified child care home as defined in ch. DCF 202, Wis. Adm. Code.

b. "Lead water service line" means a service made of lead which connects the water main to the building inlet and any lead pigtail, gooseneck or other fitting which is connected to such lead line.

c. "Privately-owned portion of a lead water service line" means the section of water service piping from the outlet joint of the curb stop to the outlet of the water meter outlet valve with the exception of the water meter itself, regardless

of the ownership of the property upon which the piping is located.

d. "Utility-owned portion of a lead water service line" means the section of water service piping from the main to, but not including, the outlet joint of the curb stop.

3. REPLACEMENT REQUIREMENT.

The privately-owned portion of a lead water service line shall be replaced whenever any of the following occurs:

a. A leak or failure has been discovered on either the privately-owned or utility-owned portion of the service line.

b. The utility-owned portion of the line is replaced on either a planned or emergency basis.

c. The property is a child care facility.

4. REPAIR OR RECONNECTION PROHIBITED. No repair of a privately-owned lead water service line, or reconnection of a privately-owned lead water service line to a utility-owned water service line, shall be permitted under any of the circumstances specified in sub. 3.

5. EXCEPTION. The commissioner of public works or commissioner's designee may, at his or her discretion, grant a temporary exception to the requirement of sub. 3 and the prohibition of sub. 4 if the commissioner or commissioner's designee determines that doing so will not create an imminent threat to the health, safety or welfare of the public.

6. NOTICE. a. Leak or Emergency Replacement. In the event of a service line leak or failure under sub. 3-a or emergency replacement of the utility-owned portion of the service line under sub. 3-b, the commissioner of public works or commissioner's designee shall provide written notice of the replacement requirement to the owner upon the commissioner's or designee's determination that replacement of the utility-owned portion of the line is required.

b. Planned Replacement or Child Care Facility. In the event of a planned replacement under sub. 3-b, or if replacement is required under sub. 3-c, the commissioner of public works or commissioner's designee shall provide written notice of the replacement requirement to the owner at least 45 days prior to the commencement of the planned replacement of the utility-owned portion of the service line.

7. OWNER ELECTION. a. Upon receipt of a notice under sub. 6-a, the owner shall, within 10 business days, do one of the following:

a-1. Replace the privately-owned portion of the lead service line at the owner's expense by contracting with a licensed contractor. The work shall be performed in accordance with all applicable state, local and utility regulations.

a-2. Elect to have a city contractor replace the privately-owned portion of the lead service line.

b. Upon receipt of a notice under sub. 6-b, the owner shall, within 30 days, do one of the following:

b-1. Replace the privately-owned portion of the lead service line at the owner's expense by contracting with a licensed contractor. The work shall be performed in accordance with all applicable state, local and utility regulations.

b-2. Elect to have a city contractor replace the privately-owned portion of the lead service line.

8. FINANCING OF REPLACEMENT BY CITY CONTRACTOR. If the owner elects to have a city contractor complete the replacement under sub. 7-b, the cost of replacing the privately-owned portion of the lead service line shall be paid in the following manner:

a. Except as provided in sub. 9-a-3, the owner shall be responsible for the average current cost of replacing the privately-owned portion of the lead water service line. The average current cost shall be established each year by the commissioner of public works, subject to adoption by common council resolution. The owner may be eligible for a city subsidy under sub. 9.

b. The owner's share of the cost shall be assessed to the property as a special assessment. Upon receipt of an invoice for this special assessment from the commissioner of public works or the commissioner's designee, the owner may pay the invoice, without interest, by remitting payment to the city treasurer within 45 days of the date of the invoice. If such invoices are not paid in full within the specified time, they shall be placed upon the tax roll under the following terms and conditions and in the following manner:

b-1. If the total amount of the principal of the invoice remaining unpaid equals or exceeds \$125, it shall be spread equally over the first available and next succeeding 9 tax rolls.

b-2. If the total amount of the principal of the invoice remaining unpaid is less than \$125, the amount shall be placed on the first available tax roll.

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b-3. In addition to the principal remaining, interest shall be added commencing after the billing date of the invoice. A 45-day grace period for payment shall be granted from the date of billing, and if not paid within the period, interest shall be charged on a restorative basis to the date of the billing. The interest rate charged shall be set annually as of the last business day in June as an approximation of the prime rate plus 1%. For the purpose of this subdivision, the prime rate shall be defined as the Wall Street Journal prime rate published in the Wall Street Journal. The monthly rate of interest shall be computed by dividing the average prime rate plus 1% by 12 rounded to the nearest 100th of one percent. The comptroller shall review the interest rate annually and shall notify the commissioner of public works of the interest rate. The interest rate shall become effective as of the public hearing date in September at which annual assessment rate changes are submitted to the appropriate committee of the common council as provided in s. 115-43. The interest rate in effect at the time the special assessment is levied shall be fixed for the 10-year duration of the installment payments.

b-4. After being placed on the tax roll in annual installments or otherwise, the amounts of special assessments shall be paid within the time allowed for the payment of general property taxes. If the property owner fails to pay a special assessment within the time allowed for payment, it shall become delinquent and shall be treated in the same manner and subject to the same laws as a delinquent general property tax.

9. CITY SUBSIDY. a. Payment Method. Subject to availability of public funds, a property owner who meets the criteria in par. b shall be eligible to receive a subsidy of the cost of replacing the privately-owned portion of the lead water service line required by sub. 3 in the following manner:

a-1 The property owner's share of the cost shall be the lesser of one-third of the average current cost to replace the privately-owned portion of the lead service line or \$1,600. Each March 1, the city clerk shall adjust the fixed-dollar amount based on the most recent monthly constant-quality (Laspeyres) price index for new single-family home construction published by the U.S. census bureau, compared to the same index for January, 2017.

a-2. The city shall pay the balance of the cost to replace the privately-owned portion of the lead service line.

a-3. The city shall pay the full cost of replacing the privately-owned portion of the lead service line if the property is a child care facility.

b. Eligibility Criteria. A property owner shall be eligible for the city subsidy provided in par. a if the property owner submits to the commissioner of public works or commissioner's designee documentation, on a form furnished by the commissioner or designee, attesting that all of the following conditions are met:

b-1. The property is a one-, 2-, 3- or 4-family dwelling or a child care facility.

b-2. The owner agrees to have the work performed by a city contractor.

b-3. The owner signs a hold-harmless agreement holding the city harmless and free from any claim or liability for damage done in performance of the water service line replacement work.

b-4. The owner executes a temporary right of entry and construction easement authorizing the city and its contractor access into the dwelling or child care facility as needed in order to complete the connection.

10. REQUIREMENTS FOR OWNERS INELIGIBLE FOR SUBSIDY. Any owner who elects to have a city contractor perform water service line replacement required by sub. 3 and is not eligible for city subsidy under sub. 9 shall, prior to the commencement of this work:

a. Execute a hold-harmless agreement holding the city harmless and free from any claim or liability for damage done in performance of the water service line replacement work.

b. Execute a temporary right of entry and construction easement authorizing the city and its contractor access into the dwelling as needed in order to complete the connection.

11. REPORTS. a. Semi-Annual Reports: Financial Impacts on Property Owners.

a-1. Prior to January 31, 2018 and every 6 months thereafter, the commissioner of public works or the commissioner's designee shall submit to the common council a report on the financial impacts of implementation of this section on property owners who have had their water service lines replaced under this section.

a-2. Report Contents. Prior to November 30, 2017, the commissioner of public works or the commissioner's designee shall submit, to the appropriate common council standing committee, a description of the types of financial impacts and other information that will be provided to the common council in the reports required by subd.1.

b. Semi-Annual Reports: Status of Water-Service Line Replacement. Prior to January 1, 2018 and every 6 months thereafter, the superintendent of Milwaukee water works or the superintendent's designee and the commissioner of public works or the commissioner's designee shall submit to the common council a report on the status of water-service line replacement or lining efforts, testing results of lead in water, emerging technologies for remediating lead in water, and ongoing plans for addressing the lead-in-water issue. Milwaukee water works and the department of public works shall continuously evaluate lead water-service line lining and coating technologies or other emerging technologies that may present themselves as cost-effective and safe alternatives to lead water-service line removal.

12. ENFORCEMENT. a. Performance of Work by City. If the owner fails to comply with sub. 3 within the time specified in sub. 7, the commissioner of public works or the commissioner's designee may apply for and obtain an appropriate court-issued warrant pursuant to ss. 66.0119 and 196.171, Wis. Stats., to gain access to the property and have the required work performed pursuant to s. 281.45, Wis. Stats. The cost of this work shall be assessed and collected as a special assessment on the property.

b. Penalty. Upon determination that a violation of this section exists, the commissioner of neighborhood services is authorized to issue a citation in the amount of \$100 to the property owner. Each day of violation shall constitute a separate offense.

c. Discontinuation of Service. As an alternative to any other methods provided for obtaining compliance with this section, if the commissioner of public works or the commissioner's designee, in consultation with the commissioner of health, determines that the owner's failure to comply with sub. 3 will create an imminent threat to the health, safety or welfare of the public, the commissioner of public works or the commissioner's designee may discontinue water service to the property upon notice to the owner and reasonable opportunity to comply with the requirements of this section, and in a manner consistent with the rules and regulations of the Milwaukee water works and the public service commission of Wisconsin governing discontinuation of water service.

225-23. Private Sewage Systems.

1. ADOPTION. This section is adopted pursuant to s. 59.70(5), Wis. Stats.

a. This section shall be subject to the provisions of ch. 145, Wis. Stats., and all subsequent rules and regulations promulgated thereunder regarding private sewage systems.

b. This section shall not be more lenient or more stringent than the rules and regulations promulgated pursuant to ch. 145, Wis. Stats.

2. ISSUING AGENT. The commissioner shall act as the issuing agent and is assigned the duties of administering the private sewage system program.

3. SANITARY PERMIT. a Validity.

a-1. No person may install a private sewage system unless the owner of the property on which the private sewage system is to be installed holds a valid sanitary permit.

a-2. No person may sell at retail a septic tank for installation unless the purchaser holds a valid sanitary permit.

a-3. A sanitary permit is valid for 2 years from the date of issue and renewable for similar periods thereafter.

a-4. A sanitary permit may be transferred from the holder to a subsequent owner of the land, except that the subsequent owner must obtain a new copy of the sanitary permit from the issuing agent.

b. Application Forms. The issuing agent shall use the sanitary permit forms provided by the Wisconsin department of safety and professional services.

c. Application Process. c-1. The applicant shall submit the completed sanitary permit application to the issuing agent.

c-2. The issuing agent shall review the certified soil tester reports for the proposed private sewage systems and verify the report at the proposed site if necessary.

c-3. The issuing agent shall approve or disapprove application for sanitary permits and assist applicants in preparing an approvable application.

c-4. The issuing agent shall issue written notice to each applicant whose sanitary permit application is disapproved. Each notice shall:

c-4-a. State the specific reasons for disapproval and amendments to the application, if any, which would render the application approvable.

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c-4-b. Inform the applicant of the right to appeal and the procedures for conducting an appeal to the commission under s. 200-17.

4. FEES. a. The fee for a sanitary permit shall be as specified for a septic system or holding tank under s. 200-33.

a-1. The city may not charge more than one fee for a sanitary permit or the renewal of a sanitary permit in any 12 month period.

a-2. The issuing agent shall forward a copy of each valid sanitary permit and \$14 of the fee to the Wisconsin department of safety and professional services within 90 days after the permit is issued.

b. **Other Fees.** b-1. The fee for the transfer of a sanitary permit shall be the same as the original permit fee.

b-2. The fee for the installation of an alternative design system shall be the same as the original permit fee.

5. INSPECTION. a. The issuing agent shall inspect or cause the inspection of all private sewage systems after construction, but before backfilling, no later than the end of the next workday, excluding Saturdays, Sundays and holidays, after receiving notice from the plumber in charge.

b. The issuing agent shall file reports and conduct surveys and inspections as required by city ordinance or the Wisconsin department of commerce.

6. VIOLATIONS. The issuing agent shall investigate violations of this section, issue orders to abate the violations, and submit orders to the city attorney for enforcement.

7. CITATIONS. Violations of this section are subject to the provisions of s. 66.0113, Wis. Stats.

8. OTHER DUTIES. The issuing agent shall perform other duties regarding private sewage systems as considered appropriate by the commissioner or as required by the rules of the Wisconsin department of commerce.

SUBCHAPTER 3
GAS PIPING SYSTEMS

225-31. Gas Piping Systems; Scope.

1. **INSTALLATIONS.** The installation and approval of gas piping shall be in accordance with NFPA 54 ANSI Z223.1 NATIONAL FUEL GAS CODE 2009.

2. **PERMIT REQUIRED.** Except as exempted under s. 200-24-1.5, no gas piping shall be installed, altered, renewed, replaced or connected without first obtaining a permit.

3. **APPROVAL.** a. In addition to the regulations of this chapter and when not specifically regulated by this chapter, all work done in the installation of gas piping systems shall be done in accordance with approved practice, and such work and all materials used shall conform with accepted standard safe practice.

b. Practice which is in compliance with applicable and latest revisions of standards of either the United States of America Standards Institute, the American Gas Association, the National Fire Protection Association, the National Board of Fire Underwriters, or the Underwriters Laboratories, Inc., shall be deemed approved and to constitute accepted standard safe practice for the purpose of this chapter; provided, however, that any industrial and commercial installation, which shall be subject to the rules and regulations of the Wisconsin department of commerce, and which shall comply therewith, shall be deemed to meet the requirements of this section.

4. **PERMIT REQUIRED.** Except as exempted under s. 200-24-1.5, no gas piping shall be installed, altered, renewed, replaced or connected without first obtaining a permit.

225-32. Gas Piping and Fittings. 1. **SUPPLY PIPES AND METERS.** a. Every building or structure hereafter erected, and existing buildings or structures where gas piping is installed hereafter shall have the service or supply pipe equipped with an approved accessible shutoff located outside of the building or structure.

b. The gas utility or other gas supplier shall approve the location of its own meters and shall determine the manner and location of the supply gas pipe entry to a building or structure. The gas meter shall be accessible for inspection and maintenance at all times.

c. The gas piping system in buildings or structures shall extend to the outlet of the meter. Only the gas utility or other gas supplier shall connect its own gas meters to such system.

d. Only the agent or employees of the gas utility or other gas supplier shall disconnect either the inlet or outlet of its own gas meters for any purpose, or make any alterations, additions or changes to its gas service piping, meter connections or other gas supply facilities.

e. No gas meters and no gas piping shall be installed within any stair enclosure or exit passageway or within any other required means of enclosure.

4. **AIR SUPPLY.** The installation of gas-fired units of any type shall be permitted only in a room where an ample quantity of air for safe combustion and venting is supplied in an approved manner to such room or units. Gas-fired water heaters shall not be installed in bathrooms, bedrooms or any occupied rooms normally kept closed.

5. **VENTILATION TO OUTER AIR.** Gas-fired equipment and appliances shall be connected to a masonry chimney, metal smokestack or vent pipe to the outer air as regulated in ch. 264.

225-33. Abandoned Gas Piping. All existing buildings provided with gas piping intended for purposes of illumination shall have such piping disconnected and capped as near the gas meter as practicable. All other existing individual gas jets or fixtures shall also be removed or capped.

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SUBCHAPTER 4
WELL ABANDONMENT AND WELL
OPERATION PERMIT

225-35. Scope. This subchapter is intended to protect the public health, safety and welfare by complying with s. NR 811.10, Wis. Adm. Code, which directs suppliers of water for municipal water systems to require the abandonment of all unused, unsafe or non-complying wells located on the premises served by their systems and to provide a permit system to allow retention of safe, code-complying wells, for the purposes of eliminating sources of unsafe water, preventing such wells from becoming channels for vertical movement of contaminated water, eliminating all existing cross-connections and preventing all future cross-connections. The requirements of this subchapter apply to all wells located on premises served by the city water system.

225-37. Definitions. In this subchapter:

1. MUNICIPAL WATER SYSTEM means the community water system owned by the city of Milwaukee.

2. NON-COMPLYING means a well or pump installation which does not comply with s. NR 812.42, Wis. Adm. Code, standards for existing installations and which has not been granted a variance pursuant to s. NR 812.43, Wis. Adm. Code.

3. PUMP INSTALLATION means the pump and related equipment used for withdrawing water from a well, including discharge piping, underground connections, pitless adapters, pressure tanks, pits, sampling faucets and well seals or caps.

4. UNSAFE means a well or pump installation which produces water that is bacteriologically contaminated or exceeds the drinking water standards of s. NR 812.06, Wis. Adm. Code, or for which a health advisory has been issued by the Wisconsin department of natural resources.

5. UNUSED means a well pump installation which is not used or does not have a functional piping system.

6. WELL means an excavation or opening into the ground made by digging, boring, drilling, driving or other methods for the purpose of obtaining groundwater for consumption or other use.

7. WELL ABANDONMENT means the proper filling and sealing of a well according to the provisions of s. NR 812.26, Wis. Adm. Code.

225-39. Abandonment Required. All wells on premises served by the municipal water system shall be properly abandoned in accordance with s. 225-43 no later than 30 days from November 30, 1993 or 30 days from the date of connection to the municipal water system, whichever is later, unless a valid well operation permit has been issued to the well owner by the commissioner of city development under the terms of s. 225-41.

225-41. Well Operation Permit. Owners of wells on premises with connections to the municipal water system wishing to retain their wells for any use shall make application for a well operation permit for each well no later than 30 days after November 30, 1993. Owners of wells on premises served by the municipal water system, but without connections to that system as of November 30, 1993, wishing to retain their wells for any use shall make application for a well operation permit for each well no later than 30 days after connection to the municipal water system. The commissioner of city development shall grant a permit to a well owner to operate a well for a period not to exceed 5 years, providing all conditions of this section are met. Prior to the issuance or renewal of a well operation permit, the commissioner of city development shall require inspections and water quality tests to be conducted by independent certified contractors, at the applicant's expense, to obtain or verify information necessary for consideration of a permit application or renewal. Permit applications and renewal requests shall be made on forms provided by the department of city development. The following conditions shall be met in order for a well operation permit to be issued or renewed:

1. The well and pump installation shall meet or may be upgraded to meet the "Standards for Existing Installations" described in s. NR 812.42, Wis. Adm. Code.

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2. The well and pump shall have a history of producing safe water, as evidenced by at least 2 coliform bacteria samples taken a minimum of 2 weeks apart. In areas where the Wisconsin department of natural resources has determined that groundwater aquifers are contaminated with substances other than bacteria, additional chemical tests may be required to prove safety of the water.

3. There shall be no cross-connections between the well's pump installation or distribution piping and the municipal water system.

4. The well water shall not discharge into a drain leading directly to a public sewer utility unless properly metered and authorized by the sewer utility.

5. The well shall have a functional pumping system.

6. The owner shall be able to demonstrate a need to use the well water in addition to the municipal water system.

7. All applicable fees specified in s. 200-33-43 shall be paid.

225-43. Abandonment Procedure. 1. All wells abandoned under this subchapter shall be done in accordance with the procedures and methods of s. NR 812.26, Wis. Adm. Code. All debris, pumps, piping, unsealed liners and other obstructions which may interfere with sealing operations shall be removed prior to abandonment.

2. A licensed contractor is required to obtain a well abandonment permit from the department prior to any well abandonment and to notify the department in advance of any well abandonment activities. The department may require the verification of proper abandonment.

3. An abandonment report form, supplied by the Wisconsin department of natural resources and properly filled out, shall be submitted by the contractor to the department of neighborhood services and to the department of natural resources upon completion of the well abandonment.

4. All applicable fees specified in s. 200-33-43 shall be paid before issuance of a well abandonment permit.

225-45. Penalties. The applicable penalties listed in s. 200-19 shall apply.

LEGISLATIVE HISTORY CHAPTER 225

Abbreviations:

am = amended
cr = created

ra = renumbered and amended
rc = repealed and recreated

rn = renumbered
rp = repealed

<u>Section</u>	<u>Action</u>	<u>File</u>	<u>Passed</u>	<u>Effective</u>
225	cr	85-1396	12/20/85	1/1/86
225-01	am	961523	2/11/97	2/28/97
225-01	am	970131	5/13/97	5/31/97
225-01	am	080195	7/30/2008	8/16/2008
225-01	am	111233	1/18/2012	2/4/2012
225-02	cr	971171	12/16/97	1/8/98
225-02	am	111233	1/18/2012	2/4/2012
225-1-1	am	921114	11/20/92	12/11/92
225-1-1	am	980963	12/18/98	1/1/99
225-1-2	am	980963	12/18/98	1/1/99
225-1-2-b-0	am	120914	11/8/2012	1/1/2013
225-1-2-f	am	921114	11/20/92	12/11/92
225-1-2-g	am	921114	11/20/92	12/11/92
225-2-1	am	871091	11/17/87	12/10/87
225-2-2-a	am	871091	11/17/87	12/10/87
225-2-2-a	am	921058	10/30/92	11/18/92
225-2-2-a	am	980848	1/17/2007	2/3/2007
225-2-2-b	am	901415	12/21/90	1/12/91
225-3-1	am	871091	11/17/87	12/10/87
225-3-1	am	980963	12/18/98	1/1/99
225-3-1	am	121706	4/9/2013	4/26/2013
225-3-1	am	121804	12/17/2013	1/9/2014
225-3-4	am	910262	11/5/91	11/22/91
225-3-4	am	920519	7/28/92	8/14/92
225-3-4	am	980963	12/18/98	1/1/99
225-3-5-a	am	910262	11/5/91	11/22/91
225-3-5-a	am	920519	7/28/92	8/14/92
225-3-7	am	001458	2/27/2001	3/16/2001
225-4	rc	912059	11/20/92	12/11/92
225-4-2	rc	080195	7/30/2008	8/16/2008
225-4-2-a	am	980100	5/27/98	6/13/98
225-4-2-a	rc	000580	11/27/2001	12/14/2001
225-4-2-a-1-0	am	040421	11/3/2004	11/20/2004
225-4-2-a-2	cr	040421	11/3/2004	11/20/2004
225-4-2-a-2	am	070576	2/5/2008	2/22/2008
225-4-2-b	am	980100	5/27/98	6/13/98
225-4-2-b	rc	000580	11/27/2001	12/14/2001
225-4-2-b	rn to	151123	12/15/2015	12/31/2015
	225-4-2-c			
225-4-2-b	cr	151123	12/15/2015	12/31/2015
225-4-2-c	rn to	151123	12/15/2015	12/31/2015
	225-4-2-d			
225-4-2-c	am	151123	12/15/2015	12/31/2015
225-4-2-d	am	970131	5/13/97	5/31/97
225-4-2-d	am	991066	11/9/99	11/24/99
225-4-2-d	rn to	151123	12/15/2015	12/31/2015
	225-4-2-e			
225-4-2-e	am	111233	1/18/2012	2/4/2012

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225-4-2-e	rn to	151123	12/15/2015	12/31/2015
	225-4-2-f			
225-4-2-f	rc	930796	9/28/93	10/15/93
225-4-2-f	rc	000580	11/27/2001	12/14/2001
225-4-2-f	rn to	151123	12/15/2015	12/31/2015
	225-4-2-g			
225-4-2-h	cr	991066	11/9/99	11/24/99
225-4-2-h	rc	000580	11/27/2001	12/14/2001
225-4-2.5	cr	101212	3/1/2011	3/18/2011
225-4-3-b	rn to	070576	2/5/2008	2/22/2008
	225-4-3-c			
225-4-3-b	cr	070576	2/5/2008	2/22/2008
225-4-3-b	am	170818	11/7/2017	11/28/2017
225-4-3-c	rn to	070576	2/5/2008	2/22/2008
	225-4-3-d			
225-4-3-d	rn to	070576	2/5/2008	2/22/2008
	225-4-3-e			
225-4-3-d	rc	170818	11/7/2017	11/28/2017
225-4-3-e	am	970131	5/13/97	5/31/97
225-4-3-e	rn to	070576	2/5/2008	2/22/2008
	225-4-3-f			
225-4-3-f	am	931043	11/9/93	11/30/93
225-4-3-f	rn to	070576	2/5/2008	2/22/2008
	225-4-3-g			
225-4-3-f	am	111233	1/18/2012	2/4/2012
225-4-3-g	rn to	070576	2/5/2008	2/22/2008
	225-4-3-h			
225-4-3-g	am	980963	12/18/98	1/1/99
225-4-4-a	am	961523	2/11/97	2/28/97
225-4-4-a	am	111223	1/18/2012	2/4/2012
225-4-4-d	cr	931043	11/9/93	11/30/93
225-4-4-d	am	970131	5/13/97	5/31/97
225-4-4-d	am	111233	1/18/2012	2/4/2012
225-4-5	am	970131	5/13/97	5/31/97
225-4-5	am	121706	4/9/2013	4/26/2013
225-4-6	am	871091	11/17/87	12/10/87
225-4-7	am	070576	2/5/2008	2/22/2008
225-5	rc	912059	11/20/92	12/11/92
225-6	rc	912059	11/20/92	12/11/92
225-7	rc	86-1015	11/21/86	12/12/86
225-7	am	980963	12/18/98	1/1/99
225-8	am	87-177	5/27/87	6/12/87
225-8-1	rc	000580	11/27/2001	12/14/2001
225-8-1-0	am	040421	11/3/2004	11/20/2004
225-8-1-f	cr	040421	11/3/2004	11/20/2004
225-8-2	rc	000580	11/27/2001	12/14/2001
225-9-1	am	980963	12/18/98	1/1/99
225-9-1	am	991065	11/9/99	11/24/99
225-9-2	am	991065	11/9/99	11/24/99
225-9-5	am	991065	11/9/99	11/24/99
225-9-6	rp	931042	11/9/93	11/30/93
225-12	rc	86-1015	11/21/86	12/12/86
225-13-1	am	871091	11/17/87	12/10/87
225-13-2-a	am	980963	12/18/98	1/1/99
225-13-2-b	am	980963	12/18/98	1/1/99
225-13-3-a	am	980963	12/18/98	1/1/99
225-13-3-b	am	980963	12/18/98	1/1/99

225-13-3-d	am	980963	12/18/98	1/1/99
225-13-4-a	am	921114	11/20/92	12/11/92
225-14-2	am	111233	1/18/2012	2/4/2012
225-14-3	am	980963	12/18/98	1/1/99
225-14-4	am	970131	5/13/97	5/31/97
225-14-4	am	001458	2/27/2001	3/16/2001
225-14-4	am	111233	1/18/2012	2/4/2012
225-15-1	am	980939	10/30/98	11/18/98
225-15-1	am	111233	1/18/2012	2/4/2012
225-15-2-b	am	970131	5/13/97	5/31/97
225-15-2-b	am	001458	2/27/2001	3/16/2001
225-15-2-b	am	111233	1/18/2012	2/4/2012
225-15-3	am	980963	12/18/98	1/1/99
225-16-1-a	am	970131	5/13/97	5/31/97
225-16-1-a	am	111233	1/18/2012	2/4/2012
225-17-1	am	980963	12/18/98	1/1/99
225-18-1	am	921114	11/20/92	12/11/92
225-18-1	am	980963	12/18/98	1/1/99
225-18-2-0	am	921114	11/20/92	12/11/92
225-18-2-e	am	921114	11/20/92	12/11/92
225-18-3	am	921114	11/20/92	12/11/92
225-18-3	am	970131	5/13/97	5/31/97
225-18-3	am	980963	12/18/98	1/1/99
225-18-3	am	111233	1/18/2012	2/4/2012
225-21	am	980963	12/18/98	1/1/99
225-22-1	am	980963	12/18/98	1/1/99
225-22-1	rc	991650	4/11/2000	4/29/2000
225-22-1-f	cr	160742	12/13/2016	1/1/2017
225-22-2-0	am	980963	12/18/98	1/1/99
225-22-2-b	am	980100	5/27/98	6/13/98
225-22-3	rn	86-979	10/14/86	10/31/86
225-22-4	rn	86-979	10/14/86	10/31/86
225-22.5	cr	160742	12/13/2016	1/1/2017
225-22.5-1-a-6	cr	171665	5/8/2018	5/25/2018
225-22.5-1-a-7	cr	171665	5/8/2018	5/25/2018
225-22.5-2-a	rn to	171665	5/8/2018	5/25/2018
	225-22.5-2-b			
225-22.5-2-a	cr	171665	5/8/2018	5/25/2018
225-22.5-2-b	rn to	171665	5/8/2018	5/25/2018
	225-22.5-2-c			
225-22.5-2-c	rn to	171665	5/8/2018	5/25/2018
	225-22.5-2-d			
225-22.5-3-c	cr	171665	5/8/2018	5/25/2018
225-22.5-6-b	am	171665	5/8/2018	5/25/2018
225-22.5-7	rc	171665	5/8/2018	5/25/2018
225-22.5-8-a	am	171665	5/8/2018	5/25/2018
225-22.5-9-a-3	cr	171665	5/8/2018	5/25/2018
225-22.5-9-b-1	am	171665	5/8/2018	5/25/2018
225-22.5-9-b-4	am	171665	5/8/2018	5/25/2018
225-22.5-11	rc	170527	7/31/2017	8/17/2017
225-23-3-b	am	961523	2/11/97	2/28/97
225-23-3-b	am	111233	1/18/2012	2/4/2012
225-23-4-a-2	am	961523	2/11/97	2/28/97
225-23-4-a-2	am	111233	1/18/2011	2/4/2012
225-23-5-b	am	961523	2/11/97	2/28/97
225-23-7	am	001458	2/27/2001	3/16/2001

225 – (HISTORY) Plumbing and Drainage

225-23-8	am	961523	2/11/97	2/28/97
225-31-1	rc	160626	11/4/2016	1/1/2017
225-31-2	am	921114	11/20/92	12/11/92
225-31-2	rc	160626	11/4/2016	1/1/2017
225-31-3-b	am	961523	2/11/97	2/28/97
225-31-4	cr	121804	12/17/2013	1/9/2014
225-32-2	rp	160626	11/4/2016	1/1/2017
225-32-3	rp	160626	11/4/2016	1/1/2017
225-35	cr	931042	11/9/93	11/30/93
225-37	cr	931042	11/9/93	11/30/93
225-39	cr	931042	11/9/93	11/30/93
225-39	am	980963	12/18/98	1/1/99
225-41	cr	931042	11/9/93	11/30/93
225-41-0	am	980963	12/18/98	1/1/99
225-43	cr	931042	11/9/93	11/30/93
225-43-2	am	980963	12/18/98	1/1/99
225-43-2	am	120914	11/8/2012	1/1/2013
225-43-3	am	980963	12/18/98	1/1/99
225-45	cr	931042	11/9/93	11/30/93

[Pages 213-230 are blank]



Ordinance No. 2019-01

AN ORDINANCE AMENDING CHAPTER 82, ARTICLE II OF THE CODE OF ORDINANCES FOR THE CITY OF MOSINEE PERTAINING TO REPLACEMENT OF LEAD AND GALVANIZED WATER SERVICE LATERALS

Whereas, the risk of lead exposure from corroding lead or galvanized drinking water service laterals is well documented; and

Whereas, the City of Mosinee has many privately-owned existing lead or galvanized water service laterals which require replacement; and

Whereas, the City of Mosinee must meet the Wisconsin Department of Natural Resource requirements for local compliance with the federal Lead and Copper Rule; and

Whereas, Chapter 82 of the Code of Ordinances regarding water utility regulations currently does not require property owners to replace their lead or galvanized water service laterals; and

Whereas, the City is responsible to providing safe drinking water to our residents and daycare centers; and

Whereas, the Common Council of the City of Mosinee has determined that for the health and safety of the residents of the City, particularly the children of the City, that it is necessary to require the replacement of lead and galvanized water service laterals.

NOW, THEREFORE, the Common Council of the City of Mosinee, Wisconsin does hereby ordain as follows:

1. That Division 1 – Generally, Article II – Water Utility, Chapter 82 – Utilities, of the Code of Ordinances for the City of Mosinee shall be amended by creating and incorporating a new Section 82-55 to be entitled “*Lead and Galvanized Water Service Lateral Replacement*” to read as follows:

(a) *Identification of Lead or Galvanized Water Service Laterals.*

- (1) Upon notice from the Utility, any persons or entity who owns, manages or otherwise exercises control over a property connected to the water distribution system shall allow the Utility to inspect the private water service lateral to determine the material of construction as authorized by Wisconsin State Statute 196.171.
- (2) The Utility shall create and maintain a record of the location of all identified lead or galvanized water service laterals in the City.

- (b) *Lead and Galvanized Water Service Lateral Replacement Requirement.* Owners, managers or persons exercising control over property within the City of Mosinee Water Utility system with a lead or galvanized water service lateral shall replace the line in accordance with the following requirements:
- (1) All existing lead or galvanized water service laterals connected to the distribution system shall be replaced with water service lines constructed of materials approved by the Director of Public Works.
 - (2) The property owner shall, at the owner's expense, replace the lead or galvanized water service lateral under a schedule established by the Utility.
- (c) *Application and Scheduling.*
- (1) Owners, managers or persons otherwise exercising control over properties shall obtain from and submit to the Water Utility, in accordance with its service rules, an Application for Water Service which states an intention to replace the private lead or galvanized water service lateral.
 - (2) The Application for Water Service shall be filed no later than one week prior to replacement to allow for the coordination of replacement and inspection as necessary.
 - (3) The Water Utility will notify customers at least one (1) year prior to the date that their private lead or galvanized water service lateral must be replaced to comply with this section.
- (d) *Penalties.*
- (1) Any person who violates any provision of this ordinance may be subject to a forfeiture of no less than fifty dollars (\$50) and no more than one thousand dollars (\$1,000).
 - (2) Each day a violation continues may be considered a separate offense.
- (e) *Severability.* If any subsection or portion of this ordinance is for any reason held to be invalid or unconstitutional by a decision of a court of competent jurisdiction, that subsection or portion shall be deemed severable and shall not affect the validity of the remaining portions of the ordinance.
- (f) *Authority to Discontinue Service.* As an alternative to any other methods provided for obtaining compliance with this section regarding replacement of the illegal private lead or galvanized water service lateral, the Utility may, after at least thirty (30) days of giving notice, discontinue water service to such property served by illegal private lead or galvanized water service laterals after reasonable opportunity has been given to make the appropriate replacement.

2. That this Ordinance shall become effective upon adoption and publication in accordance with applicable State Statutes.

Adopted by the City of Mosinee Common Council on this _____ day of _____, 2019.

Brent Jacobson, Mayor

Bruce R. Jamroz, City Clerk/Treasurer

OFFICE OF THE CITY CLERK
Sheboygan, Wisconsin
City Hall

I hereby certify that this is a true copy
of a document from the Common Council
proceedings of the City of Sheboygan.

Item 5.


City Clerk

Subs. of Gen. Ord. No. 5 - 20 - 21. By Alderpersons Wolf and Sorenson.
July 6, 2020.

AN ORDINANCE repealing and recreating Section 26-907 and Article VIII, Division 4 of Chapter 26 of the Municipal Code entitled "Sewer and Water Services."

WHEREAS, the consumption of lead in drinking water and from other environmental sources has been determined to cause health problems; and

WHEREAS, the City of Sheboygan and the Sheboygan Board of Water Commissioners find it in the public interest to establish an ongoing program for replacing lead and galvanized service lines connected to the municipal water distribution system; and

WHEREAS, galvanized steel service lines are also a health concern due to lead in coatings and the accretion of lead particles if the galvanized line was ever connected to a lead service line; and

WHEREAS, given the widespread and large number of lead and galvanized service lines installed throughout the City's history, replacement is expected to take place over many years; and

WHEREAS, the Sheboygan Water Utility maintains WDNR-approved water treatment practices intended to minimize lead leaching into drinking water from lead and galvanized service lines that were installed during the first half of the twentieth century and earlier; and

WHEREAS, property owners can also take steps to further reduce risks, such as using point-of-use devices designed to further reduce lead levels, if present; and

WHEREAS, pursuant to § 62.11(5), Wis. Stats., the Common Council has the management and control of the city property, finances, highways, navigable waters, and the public service, and shall have power to act for the government and good order of the city, for its commercial benefit, and for the health, safety, and welfare of the public, and may carry out its powers by license, regulation, suppression, borrowing of money, tax levy, appropriation, fine, imprisonment, confiscation, and other necessary or convenient means; and

WHEREAS, pursuant to § 196.372(2), Wis. Stats., a public water utility may provide financial assistance to the owner of a property to which water utility service is provided for the purpose of assisting the owner in replacing customer-side water service lines containing lead if each of the following three conditions are met:

1. The city in which the public water utility provides utility service to the property has enacted an ordinance that:
 - permits the water public utility to provide the financial assistance, and
 - requires each owner of a premises that is serviced by a customer-side water service line containing lead to replace that water service line.
2. The customer-side water service line and the water main pipe that are connected to the water service line either:
 - do not contain lead, or
 - the lead-containing portion of the customer-side water service line or water main pipe is replaced at the same time.
3. The Public Service Commission has granted its approval pursuant to § 196.372(3), Wis. Stats.; and

WHEREAS, Sheboygan Water Utility staff and the City Attorney have been working with counsel for the Public Service Commission to ensure a proposed program of financial assistance complies with both state law with regard to assessments and imposition of costs, as well as utility regulations in the Wisconsin Administrative Code, and the proposed ordinance changes should deal with both the statutory and regulatory concerns.

THEREFORE, THE COMMON COUNCIL OF THE CITY OF SHEBOYGAN DO ORDAIN AS FOLLOWS:

Section 1. Section 26-907 of the Municipal Code, entitled "Definitions" is hereby repealed and recreated to read as follows:

"Sec. 26-907. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Curb stop means a buried shut-off valve on a service line usually located near the right-of-way line.

Customer-side service line means the portion of the water service line from (but not including) the corporation at the public water main to the inlet at the property's water meter.

Distribution system means the network of water mains or pipes, hydrants, valves and appurtenances owned and operated by the Water Utility. The Utility does not own any of the water service beyond the corporation at the public water main to the inlet at the property's water meter.

Galvanized steel service line (GSL) means a water service line constructed of galvanized steel.

Lead service line (LSL) means a water service line constructed of lead, a material commonly used prior to the 1950s. For purposes herein, GSL and LSL are considered the same in terms of requirements and qualifying for the financial assistance program described in Division 4 of this Article.

Plumbing means and includes:

- (1) All piping, fixtures, appliances, equipment, devices and appurtenances in connection with the water supply, water distribution and drainage systems, including hot water storage tanks, water softeners and water heaters connected with such water and drainage systems and also includes the installation thereof.
- (2) The construction, connection or installation of any drain or waste piping system from the outside or proposed outside foundation walls of any building to the mains or other sewage system terminal within bounds of, or beneath an area subject to easement for highway purposes, including private sewage systems, and the alteration of any such systems, drains or waste piping.
- (3) The water service piping from the outside or proposed outside foundation walls of any building to the main or other water utility service terminal within bounds of or beneath an area subject to easement for highway purposes and its connections.
- (4) The water pressure system other than municipal systems as provided in W.S.A., ch. 144.
- (5) A plumbing and drainage system so designed and vent piping so installed as to keep the air within the system in free circulation and movement; to prevent with a margin of safety unequal air pressures of such force as might blow, siphon or affect trap seals, or retard the discharge from plumbing fixtures, or permit sewer air to escape into the building; to prohibit cross connection, contamination or pollution of the

potable water supply and distribution systems; and to provide an adequate supply of water to properly serve, cleanse and operate all fixtures, equipment, appurtenances and appliances served by the plumbing system.

Pre-qualified plumbing contractor means a person, firm, or corporation or other entity licensed by the State of Wisconsin to perform plumbing work and established on the Water Utility's pre-qualified list of plumbing contractors.

Property means real property as defined in § 70.03, Wis. Stats.

Property owner means a person or legal entity having a possessory interest, legal or equitable, in property, which defined term includes an estate, trust, or lien.

Service line means a smaller pipe connected as a lateral to a larger public water main and intended to convey water into buildings or grounds. Service lines are the responsibility of the property owner served, or intended to be served, by the line.

Spot lead service line means a water service line constructed of lead (or galvanized) in only a portion of its length.

Storm and clear drains means a drain, sewer or pipe for conveying water, stormwater, groundwater, subsurface water or clear water wastes from any source and shall include sump pumps as defined by Chapter SPS 382, Wis. Admin. Code."

Section 2. Section 26-996 of the Municipal Code, entitled "Extension through lot line" is hereby repealed and recreated in subsection (b) thereof to read as follows:

"Sec. 26-996. - Extension through lot line.

. . .

(b) The installation and maintenance of all sewer (sanitary, storm and mini-storm) and water laterals and service lines from the city mains shall be the responsibility of the owner of the property which they serve."

Section 3. Section 26-1003 of the Municipal Code, entitled "Water services and private water mains" is hereby repealed and recreated to read as follows:

"Sec. 26-1003. - Water services and private water mains.

Water service lines and private water mains from the public water main in the street to the inlet of the water meter shall be ductile iron, soft copper, or plastic, as permitted under SPS 384.30(4), Wis. Admin. Code, with no sweat joints underground. If plastic, then the lines and mains must be installed with tracing wire."

Section 4. Section 26-1004 of the Municipal Code, entitled "Identification of lead and galvanized service lines" is hereby repealed and recreated in subsection (b) thereof to read as follows:

"Sec. 26-1004. - Identification of lead and galvanized service lines.

. . .

- (b) Upon notice from the Utility, any person or entity who owns, manages, or otherwise exercises control over a property connected to the distribution system shall allow the Utility to inspect the service line to determine the service line material as authorized by § 196.171, Wis. Stats."

Section 5. Section 26-1005 of the Municipal Code, entitled "Lead and galvanized service line replacement requirement" is hereby repealed and recreated to read as follows:

"Sec. 26-1005. - Lead and galvanized service line replacement requirement.

- (a) All existing lead and galvanized service lines connected to the water distribution system, when replaced, shall be replaced with water service lines constructed of materials as authorized in this ordinance. Repairs or reconnections shall not be allowed, except in case of emergency and only by Water Utility staff and for a duration of 10 days.
- (b) Prior to replacement of lead service lines, such as on water main replacement projects, the Utility shall inspect all affected service lines for the presence of lead or galvanized steel.
- (c) On all water main replacement projects or other projects that would directly affect lead or galvanized water service lines, all lead and galvanized service lines shall be replaced, and not reconnected, in their entirety. This generally excludes street restoration that does not involve excavation of, or near, the water service lines.
- (d) When any lead service lines within the street or municipal right-of-way is repaired or replaced under orders from the Wisconsin Department of Natural Resources or the United States Environmental

Protection Agency, the abutting property owner receiving water service shall replace any private water service material in order to become compliant with Wis. Admin. Code § SPS 382.22(2)(b), or other applicable statutes, ordinances, rules, or regulations of the city or of the State of Wisconsin.

- (e) A property owner shall have 18 months from the date of notification from the city to conform to the State Plumbing Code or other applicable statutes, ordinances, rules, or regulations of the city or of the State of Wisconsin. If a property owner fails to replace a customer-side service line as required by this ordinance, the Water Utility may, in accordance with its water utility tariffs, discontinue water service to such property until the customer-side service line is replaced."

Section 6. Section 26-1006 of the Municipal Code, entitled "Financial assistance for lead and galvanized service line replacements" is hereby repealed and recreated to read as follows:

"Sec. 26-1006. - Financial assistance for lead and galvanized service line replacements.

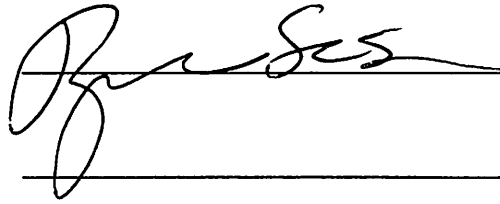
- (a) The City authorizes its Board of Water Commissioners, acting through the Water Utility, to implement and maintain a financial assistance program for the replacement of lead and galvanized service lines in accord with the requirements of the Wisconsin Public Service Commission.
- (b) If the Board of Water Commissioners implements an approved financial assistance program, the Utility may provide eligible property owners with a grant for up to fifty percent (50%) of the cost of the service line replacement, but not to exceed a maximum grant amount established by the Board of Water Commissioners, which shall periodically review and adjust the maximum grant amount. All work must be done by a Utility-approved plumbing contractor.
- (c) The remainder of the lead service line replacement cost after the grant provided in subsection (b) shall either be paid for directly by the property owner or by a zero interest (0%) loan of up to six years provided by the Water Utility. A property owner shall repay the loan in equal monthly or quarterly installments. Loan repayments shall be included on the Water Utility's monthly or quarterly utility bills, or bill prepared separately by Water Utility. Loan repayments that are past due may be placed on the property tax roll as provided in § 66.0809, Wis. Stats. Neither the Water Utility nor the City may forgive any LSL loan amount. Upon the sale of the property, the loan amount shall be paid in full prior to or on the sale date.

- (d) A property owner is eligible for financial assistance for the purpose of replacing the customer-side service line if the property owner satisfies all of the following criteria:
- (1) The property owner alone, or collectively with others, owns the entire fee simple title to the property served by the customer-side service line.
 - (2) The property owner replaces the entire LSL, leaving no remnant of lead or galvanized material.
 - (3) The property owner agrees to have the replacement work done by a pre-qualified plumbing contractor in compliance with this ordinance.
- (e) Written applications for financial assistance shall include the following:
- (1) A completed application on a form furnished by the water utility signed by the eligible property owner. The completed application form shall include a certification by the property owner that attests that all eligibility criteria listed in subsection (d) are met.
 - (2) Copies of written quotes from at least two pre-qualified plumbing contractors for the replacement of the property owner's customer-side service line. A pre-qualified plumbing contractor is one that has completed and submitted proper forms and been placed on the water utility's pre-qualified plumbing contractor list.
- (f) A property owner will be eligible for financial assistance based only on the lowest bid amount included in the written quotes received from pre-qualified plumbing contractors under subparagraph (e)(2) unless except in extraordinary circumstances and with the approval of the Utility Superintendent in his/her sole discretion. Except as provided herein, financial assistance amounts will strictly be determined pursuant to base bid pricing and will not include change orders. In extraordinary circumstances the Utility Superintendent may in his or her sole discretion, with approval of the property owner, approve a contractor-requested change order for inclusion in the financial assistance portion of the work.
- (g) After a complete application is received, and prior to the commencement of any replacement work, the water utility shall determine if the property owner is eligible for financial assistance, and shall determine the amount of financial assistance available as a

grant and the amount of financial assistance available as a loan. Such determination shall be provided in writing to the applying property owner.

- (h) Customer-side service line replacement work must be accomplished in a workmanlike manner and be coordinated with any other utility work.
- (i) Upon completion of the customer-side service line replacement, the property owner shall provide the water utility with a copy of the invoice from the plumbing contractor. Upon proof of completion satisfactory to the property owner and the water utility, the water utility shall directly pay the plumbing contractor the amount of money approved by the water utility for financial assistance for replacement of the customer-side service line. The water utility shall provide the property owner with documentation of such payment.
- (j) The total amount of money provided by the water utility as financial assistance in the form of a grant and loan may not exceed the actual cost of replacement of the customer-side service line.
- (k) Disputes regarding eligibility for financial assistance may be appealed to the Sheboygan Board of Water Commissioners.
- (l) If a property owner fails to replace a customer-side service line as required by this ordinance, the water utility may, in accordance with its water utility tariffs, discontinue water service to such property until the customer-side service line is replaced.
- (m) The property owner shall, as a condition of participating in the program described in this section, execute a temporary right of entry and construction easement authorizing the Utility and/or its contractors' access to the dwelling as needed.
- (n) Financial assistance granted to eligible property owners shall be in accordance with the following:
 - (1) Properties with licensed/certified child-care facilities or schools.
 - (2) Properties where the Utility is replacing a public water main on a planned or emergency basis, or where other street construction will significantly impact lead service lines, resulting in health concerns.
 - (3) Properties with a leaking or failed lead service line

- (4) Properties where the Utility determines that replacing a lead service line is in the best interest of health or safety.
- (5) All remaining properties with lead service lines."



I HEREBY CERTIFY that the foregoing ^{substitute} Ordinance was duly passed by the Common Council of the City of Sheboygan, Wisconsin, on the 6th day of July, 2020.

Dated July 9, 2020. Maudita Dyer, City Clerk

Approved July 9, 2020. Michael Schneider, Mayor

Published July 11, 2020.

Certified July 9, 2020 to - DPW; Atty.

**ORDINANCE CREATING CHAPTER 13.08.350 -
REPLACEMENT OF LEAD SERVICE PIPE**

Presented: August 21, 2018

Adopted: August 21, 2018

Published: August 28, 2018

Ordinance No.: #741

ORDINANCE

The Common Council of the City of Sun Prairie, Dane County, Wisconsin, hereby ordains as follows:

SECTION 1. That Chapter 13.08.350 is hereby created as follows:

13.08.350 – Replacement of lead service pipe.

- A. Purpose. Lead service lines have the potential to leach lead into drinking water. Disturbing or reconnecting to an existing lead service line may increase lead levels in drinking water. Elevated lead levels in drinking water have been determined to cause health problems in young children, pregnant women and their unborn children, and are also potentially harmful to adults. The Common Council therefore finds it in the public interest to establish a comprehensive program for removing and replacing all lead service lines within and connected to the Sun Prairie Utilities water distribution system.
- B. Authority. This ordinance is enacted pursuant to §§ 62.11(5) and 196.372, Wisconsin Statutes.
- C. Definitions. This ordinance shall be interpreted so that the intent and purpose described may be accomplished. Words and phrases shall be understood according to common meanings unless the contrary is clearly indicated. Definitions of terms used in this Section are listed below:
 - 1. Customer-side Lead Service Line or Customer-side LSL. A Customer-side Service Line constructed of lead.
 - 2. Customer-side Service Line. The Property Owner's water service line from the outlet of the curb stop to the inlet of the customer's water meter. The outlet joint of the curb stop is considered customer-owned.
 - 3. Distribution System. The network of water pipes, including mains and service lines, owned and operated by SPU.
 - 4. Lead Service Line or LSL. A water service line constructed of lead. The term covers both a Customer-side Lead Service Line and/or a Utility-side Lead Service Line.
 - 5. Non-Compliance Penalties. These may include, but not necessarily be limited to, violation citations, elimination of financial assistance, service disconnection, or other actions deemed permissible by the PSC and/or City.
 - 6. Plumbing Contractor. A person, firm, corporation or other entity licensed by the State of Wisconsin to perform plumbing work in the City.
 - 7. Property. Real property as defined in § 70.03, Wisconsin Statutes.
 - 8. Property Owner. A person or legal entity, or his, her or its representative, having an ownership interest, legal or equitable, in the Property. The term Property Owner includes an estate or trust.
 - 9. PSC. Public Service Commission of Wisconsin.
 - 10. SPU. The abbreviation will identify Sun Prairie Utilities, the City utility responsible for operating the City's public water system.

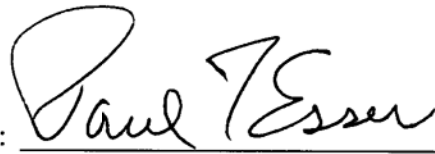
11. Utility Manager. The general manager of the SPU or his or her designee.
 12. Utility-side Lead Service Line or Utility-side LSL. A Utility-side Service Line constructed of lead.
 13. Utility-side Service Line. The Utility owned portion of the water service line from the water main to the outlet of the curb stop, including the curb stop.
- D. Lead Service Line Replacement Requirement.
1. As provided in this ordinance, all existing Lead Service Lines connected to the SPU Distribution System shall be replaced with water service lines constructed of materials approved by the City.
 2. Where both the Customer-side and Utility-side Service Lines are constructed of lead, the replacement of both sides of the service line shall be completed at the same time following the process set out in Subsection F.
 3. Where only the Customer-side Service Line is constructed of lead, the replacement of the Customer-side LSL shall be completed within 36 months of notification by SPU following the process set out in Subsection G.
- E. Identification of Customer-Side Lead Service Lines.
1. SPU will create a contact list of homes that potentially have Lead Service Lines based on the building's date of construction.
 2. Upon notice from SPU, a Property Owner or Customer who exercises control over a Property connected to the SPU Distribution System shall schedule an inspection of the Customer-side Service Line by an authorized SPU Water Operator in order to allow SPU to confirm the service line's material of construction. SPU may use various methods to contact the Property Owner or Customer, including but not limited to phone calls, bill stuffers, emails, mailers, and door-to-door contact.
 3. In the event that a Property Owner or Customer refuses or fails to provide access to the interior of any improvement in order to accomplish such inspection, the Utility Manager shall take the steps necessary to complete the inspection and confirm the service line's material of construction, including and up to the issuance of Non-Compliance Penalties.
 4. As an alternative to SPU inspection, the Property Owner or Customer may arrange to have a Plumbing Contractor perform the inspection and provide inspection results to SPU. This option is not available if a Utility-Side LSL replacement is being conducted.
 5. Upon confirmation that a Customer-side Service Line is constructed of lead, SPU will notify the Property Owner of the requirement to replace the Customer-side Lead Service Line following the steps detailed in Subsections F or G, depending on the circumstance.
 6. SPU shall create and maintain records of all inspected, identified and replaced Lead Service Lines in the City, until such time that no Lead Service Lines exist.
- F. Replacement of Customer-Side Lead Service Lines in conjunction with replacement of Utility-Side Lead Service Lines.
1. Although not prevalent, the SPU Distribution System contains a very small percentage of Utility-side Lead Service Lines. Utility-side LSLs will be replaced as part of a City street reconstruction project if possible. Before undertaking a project which will replace Utility-side LSLs, SPU shall identify those properties that connect to the Utility-side LSLs planned for replacement.
 2. Prior to scheduling the replacement of Utility-side LSLs, a certified SPU water operator or SPU employee proficient at determining lead service line materials, shall inspect all connected and affected Customer-side Service Lines for the presence of lead.
 3. If a Customer-side Service Line is found to be constructed of lead, SPU will notify the Property Owner of that fact in writing. SPU will also notify the Property Owner that the Property Owner must replace the Customer-side LSL in conjunction with SPU's scheduled replacement of the Utility-side LSL, and that failure to do so may subject the Property Owner to Non-Compliance Penalties.
 4. At least forty-five (45) days prior to the date of the scheduled replacement of the Utility-side LSL, SPU shall notify the Property Owner with a Customer-side LSL in writing of the scheduled date of replacement of the Utility-side LSL.

5. Within thirty (30) days of receipt of the replacement notice, the Property Owner must schedule the replacement of the Customer-side LSL to coincide with the scheduled replacement of the Utility-side LSL. The Property Owner shall promptly notify SPU that the replacement of the Customer-side LSL has been scheduled and provide the name of the Plumbing Contractor who will complete the replacement work. Item 5.
6. Upon a Property Owner's request, SPU may assist the Property Owner with getting bids from Plumbing Contractors. SPU's contractor for Utility-side LSL replacement work may be available to perform Customer-side LSL replacement work.
7. Customer-side LSL replacement work must be completed at the same time as the Utility-side LSL is replaced unless an extension is allowed under par. 8. Failure to commence Customer-side LSL replacement work as required by this ordinance or to complete such work within a reasonable time after commencement of the work, may result in the issuance of Non-Compliance Penalties.
8. Upon the Property Owner's written request, and with the Property Owner's demonstration of a compelling need, the Utility Manager may, at his or her discretion, extend the time for replacing the Customer-side LSL, unless the Utility Manager determines that granting such an extension will create an imminent threat to the health, safety or welfare of the public.
9. A Property Owner who follows the procedures detailed in both this Subsection and Subsection H may be eligible to receive financial assistance for the Customer-side LSL replacement.
- G. Replacement of Customer-side Lead Service Line where only the Customer-Side portion of the Service Line is Lead.
1. If SPU confirms that a Customer-side Service Line is constructed of lead and notifies the Property Owner of that fact in writing as provided by Subsection E, the Property Owner must, unless Subsection F applies, arrange for the replacement of the Customer-side LSL to be completed within 36 months of notification. Failure to complete the replacement of the Customer-side LSL within that time period may result in Non-Compliance Penalties.
 2. Upon the Property Owner's written request, and with the Property Owner's demonstration of a compelling need, the Utility Manager may, at his or her discretion, extend the time for replacing the Customer-side LSL, unless the Utility Manager determines that granting such an extension will create an imminent threat to the health, safety or welfare of the public.
 3. A Property Owner who follows the procedures detailed in both this Subsection and Subsection H may be eligible to receive financial assistance for the Customer-side LSL replacement.
- H. Financial Assistance for Customer-Side LSL Replacements.
1. SPU is authorized to establish a program to provide eligible Property Owners with financial assistance to replace Customer-side LSLs. SPU must seek PSC approval of any SPU financial assistance program to replace Customer-side LSLs. If SPU's financial assistance program has received PSC approval and has available funding, SPU may provide eligible Property Owners with financial assistance to replace Customer-side LSLs as provided in this Subsection H.
 2. SPU may provide an eligible Property Owner with financial assistance to pay the Property Owner's Customer-side LSL replacement costs. SPU may provide a grant to pay for up to fifty percent (50%) of the Property Owner's Customer-side LSL replacement costs. The grant may not exceed a maximum amount of \$2,000. Financial assistance for the remainder of the Property Owner's Customer-side LSL replacement costs may be provided in the form of a loan.
 3. SPU may loan an eligible Property Owner funds to pay the Property Owner's remaining Customer-side LSL replacement cost after the receipt of any grant monies under par. 2. SPU may provide an eligible Property Owner a 60-month, zero percent interest, loan. The amount of the loan shall be no greater than the lowest bid amount under par. 6, less any grant monies awarded under par. 2. A Property Owner shall repay the loan in equal monthly installments. Loan repayments shall be included on SPU's monthly utility bill. Loan repayments that are past due may be placed on the property tax roll as provided in Wis. Stat. § 66.0809.
 4. A Property Owner is eligible for financial assistance for the purpose of replacing the Customer-side LSL if the Property Owner satisfies all of the following criteria:

- Item 5.
- a. The Property Owner alone, or collectively with others, owns the entire fee simple title Property served by the Customer-side LSL.
 - b. The Property Owner's Customer-side LSL is either attached to a Utility-side Service Line that is not a LSL, or a Utility-side LSL scheduled for replacement and for which the Property Owner has been notified by SPU of such scheduled replacement.
 - c. The Property Owner agrees to have the replacement work done by a Utility-approved Plumbing Contractor in compliance with this ordinance.
5. Written applications for financial assistance shall include the following:
 - a. A completed application on a form furnished by SPU signed by the eligible Property Owner. The completed application form shall include a certification by the Property Owner that attests that all eligibility criteria listed in par. 4 are met.
 - b. Copies of written quotes from at least two pre-qualified Plumbing Contractors for the replacement of the Property Owner's Customer-side LSL. A pre-qualified Plumbing Contractor is one that has went through the approval process and been placed on SPU's prequalified Plumbing Contractor list. To be placed on the prequalified Plumbing Contractors list, a licensed Wisconsin Plumbing Contractor must fill out a Prequalification Form at the SPU office located at 125 West Main Street in Sun Prairie and be officially approved by SPU.
 6. A Property Owner will be eligible for financial assistance based only on the lowest bid amount included in the written quotes received from the pre-qualified Plumbing Contractors under par. 5.b., unless an extraneous circumstance exists that will require the approval of the Utility Manager. In general, financial assistance amounts will strictly be on base bid pricing and will not include change orders. In certain circumstances and where deemed appropriate, the Utility Manager, in conjunction with the Property Owner, may approve a contractor requested change order for inclusion in the financial assistance portion of the work.
 7. After a complete application is received, and prior to the commencement of any replacement work, SPU shall determine if the Property Owner is eligible for financial assistance, and the amount of financial assistance available as a grant and the amount of financial assistance available as a loan. Such determination shall be provided in writing to the applying Property Owner.
 8. Customer-side LSL replacement work must be accomplished in a workmanlike manner and be coordinated with any SPU Utility-side LSL replacement work as required by Subsection F.
 9. Upon completion of the Customer-side LSL replacement, the Property Owner shall provide SPU with a copy of the invoice from the Plumbing Contractor. Upon proof of completion satisfactory to the Property Owner and SPU, SPU shall directly pay the Plumbing Contractor the amount of money approved by SPU for financial assistance for replacement of the Customer-side LSL. SPU shall provide the Property Owner with documentation of such payment.
 10. The total amount of money provided by SPU as financial assistance in the form of a grant and loan may not exceed the actual cost of replacement of the Customer-side LSL.
 11. Disputes regarding eligibility for financial assistance may be appealed to the Sun Prairie Utilities Commission.
- I. Severability. If any subsection or portion of this ordinance is for any reason determined to be invalid or unconstitutional by the decision of a court of competent jurisdiction, that subsection or portion shall be deemed severable and shall not affect the validity of the remaining subsections or portions of this ordinance.
 - J. Authority to Discontinue Service. If a Property Owner fails to replace a Customer-side LSL as required by this ordinance, SPU may in accordance with its water utility tariffs discontinue water service to such Property until the Customer-side LSL is replaced.

SECTION 2. Effective Date. This Ordinance shall become effective upon passage and publication as provided by law.

APPROVED:

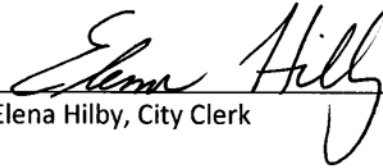


Paul T. Esser, Mayor

Date Approved: August 21, 2018

Date Signed: August 23, 2018

This is to certify that the foregoing Ordinance was adopted by the Common Council of the City of Sun Prairie at a meeting held on the 21st day of August 2018, and was submitted for signatures on the 23rd day of August, 2018.



Elena Hilby, City Clerk