

**AN ORDINANCE
TO AMEND SECTION 512-87 “WATER LATERAL CONNECTION” OF CHAPTER 512,
“WATER AND SEWERS” “ARTICLE VI. WATER AND SEWER LATERAL CONTROL”
OF THE CITY OF WATERTOWN GENERAL ORDINANCES**

Sponsor: Alderperson Pasch
Committee: Public Works Commission

THE COMMON COUNCIL OF THE CITY OF WATERTOWN DOES ORDAIN AS FOLLOWS:

SECTION 1. Section 512-87, “Water Lateral Connection” is hereby amended to read and include as follows:

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A. Water Lateral Connection.

No person, firm or corporation shall establish or permit to be established, replace or permit to be replaced any water lateral, unless otherwise provided herein. No water lateral shall be established whereby potable water is transmitted from the public water supply of the City of Watertown to a private building, residence or other private property unless such water lateral has been connected, installed and supplied by the City of Watertown Water Department, unless otherwise provided herein.

B. Lead Service Lines.

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 City 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 Watertown Water Utility distribution system.

C. Authority.

This section is enacted pursuant to Sections 62.11(5) and 196.372, Wisconsin Statutes.

D. Definitions.

This section 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:

CUSTOMER-SIDE LEAD SERVICE LINE OR CUTOMER-SIDE LSL

A customer-side service line constructed of lead or galvanized material.

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.

DISTRIBUTION SYSTEM

The network of water pipes, including mains and service lines, owned and operated by Watertown Water Utility.

LEAD SERVICE LINE OR LSL

A water service line constructed of lead or galvanized pipe. The term covers both a customer-side lead or galvanized service line and/or a utility-side lead or galvanized service line.

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 Watertown Water Utility.

PLUMBING CONTRACTOR

A person firm, corporation or other entity licensed by the State of Wisconsin to perform plumbing work in the City of Watertown (“City”).

PREQUALIFIED PLUMBING CONTRACTOR

A plumbing contractor who has gone through the City of Watertown's approval process and been placed on Watertown Water Utility’s prequalified plumbing contractor list.

PROPERTY

Real property as defined in Section 70.03, Wisconsin Statutes.

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.

PSC

Public Service Commission of Wisconsin.

WWU

The abbreviation will identify Watertown Water Utility, the city utility responsible for operating the city's public water system.

UTILITY MANAGER

The Water Systems Manager of the WWU or his or her designee.

UTILITY-SIDE LEAD SERVICE LINE OR UTILITY-SIDE LSL

A Utility-side Service Line constructed of lead or galvanized pipe.

UTILITY-SIDE SERVICE LINE

The utility owned portion of the water service line, comprised of any material, from the water main to the outlet of the curb stop, including the curb stop.

E. Lead Service Line Replacement Requirement.

(1) As provided in this ordinance, all existing lead service lines connected to the WWU 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 will be completed at the same time following the process set out in section 512-87(G).
- (3) Where only the customer-side service line is constructed of lead, the replacement of the customer-side LSL shall be completed within thirty-six (36) months of notification by WWU following the process set out in section 512-87(H).

F. Identification of Customer-Side lead Service Lines.

- (1) WWU 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 WWU, a property owner or customer who exercises control over a property connected to the WWU distribution system will schedule an inspection of the customer-side service line by an authorized WWU water operator in order to allow WWU to confirm the service line's material of construction. WWU 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 may 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 WWU inspection, the property owner or customer, at their expense, may arrange to have a plumbing contractor perform the inspection and provide inspection results to WWU.
- (5) Upon confirmation that a customer-side service line is constructed of lead, WWU will notify the property owner of the requirement to replace the customer-side lead service line following the steps detailed in sections 512-87(G) and 512-87(H), depending on the circumstance.
- (6) WWU will 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.

G. Replacement of Customer-Side Lead Service Lines in conjunction with replacement of Utility-Side Lead Service Lines or planned City street reconstruction projects.

- (1) Utility-side service lines will be replaced as part of a city street reconstruction project if possible. Before undertaking a utility-side service line project, WWU will identify those properties that connect to the utility-side service lines planned for replacement.
- (2) Prior to scheduling the replacement of utility-side service, a certified WWU water operator or WWU 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, WWU will notify the property owner of that fact in writing. WWU will also notify the property owner that the property owner must replace the customer-side LSL in conjunction with WWU's scheduled replacement of the utility-side service lines, 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 service line, WWU will notify the property owner with a customer-side LSL in writing of the scheduled date of replacement of the utility-side LSL or other utility service lines or planned City street reconstruction project.
- (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 service line. The property owner shall promptly notify WWU 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.
- (6) Upon a property owner's request, WWU may assist the property owner with getting bids from plumbing contractors. WWU's contractor for utility-side service line 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 service line is replaced unless an extension is allowed. 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) A property owner who follows the procedures detailed herein, may be eligible to receive financial assistance for the customer-side LSL replacement.

H. Replacement of Customer-side Lead Service Line where only the Customer-Side portion of the Service Line is Lead.

- (1) If WWU 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 512-87(F) the property owner must, unless subsection 512-87(G) applies, arrange for the replacement of the customer-side LSL to be completed within thirty-six (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) A property owner who follows the procedures detailed in both this section and

section 512-87(J), may be eligible to receive financial assistance for the customer-side LSL replacement.

I. Timing of replacement.

- (1) Leak or failure emergency replacement. Property owners who are required to replace a customer side portion of a lead service line due to a leak or failure emergency replacement will replace their lead service line as soon as reasonably practical but no later than 30 days of receiving written notice.
- (2) The Water Systems Manager or his designee may extend the time for replacement up to 36 months of the customer side portion of a customer-side LSL that has been identified and noticed to be replaced under this Chapter if the property owner so requests and demonstrates a compelling need, unless the extension would create an imminent threat to the health, safety or welfare of the public.

J. Financial Assistance for Customer-Side LSL Replacements.

- (1) WWU is authorized to establish a program to provide eligible property owners with financial assistance to replace customer-side LSLs. WWU must seek PSC approval of any WWU financial assistance program to replace customer-side LSLs. If WWU's financial assistance program has received PSC approval and has available funding, WWU may provide eligible property owners with financial assistance to replace customer-side LSLs as provided in this section.
- (2) WWU may provide an eligible property owner with financial assistance to pay the property owner's customer-side LSL replacement costs. WWU may provide a grant to pay for a percent of the property owner's customer-side LSL replacement costs. The grant may not exceed a maximum amount of five thousand dollars (\$5,000.00). 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) WWU 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 section 512-87(J)(2). WWU may provide an eligible property owner a ten-year, 2.5% interest loan. A property owner shall repay the loan in yearly installments, consisting of principal and interest. Loan repayments will be invoiced yearly by WWU. Loan repayments that are past due may be placed on the property tax roll as provided in Section 66.0809, Wisconsin Statutes.
- (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:
 - (a) The property owner alone, or collectively with others, owns the entire fee simple title to the 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 WWU of such scheduled replacement.
 - (c)** The property owner agrees to have the replacement work done by a pre-qualified 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 WWU signed by the eligible property owner. The completed application shall include a certification by the property owner that attests that all eligibility criteria listed in this section are met.
 - (b)** Copies of a written quote from a pre-qualified plumbing contractor for the replacement of the property owner's customer-side LSL.
- (6)** A property owner will be eligible for financial assistance based on the amount included in the written quote received from the pre-qualified plumbing contractor.
- (7)** After a complete application is received, and prior to the commencement of any replacement work, WWU will 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 will be provided in writing to the applying property owner.
- (8)** Customer-side LSL replacement work must be accomplished in accordance with the Wisconsin State Plumbing Code and all applicable federal, state, and municipal laws and regulations. Work must also be done in a workmanlike manner and be coordinated with any WWU utility-side service line replacement work as required by section 512-87(G).
- (9)** Upon completion of the customer-side LSL replacement and passing the necessary building/plumbing inspections, the pre-qualified plumber shall provide WWU with a copy of the invoice. Upon proof of completion satisfactory to the property owner and WWU, WWU will directly pay the plumbing contractor the amount of money approved by WWU for financial assistance for replacement of the customer-side LSL.
- (10)** The total amount of money provided by WWU 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 as laid out in Chapter 10 of the Watertown Municipal Code, Administrative Review.

K. 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.

L. Authority to Discontinue Service.

If a property owner fails to replace a customer-side LSL as required by this ordinance, WWU may in accordance with PSC Chapter 185.37 and discontinue water service to such property until the customer-side LSL is replaced.

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SECTION 2. All ordinances or parts of ordinances inconsistent with the provisions of this ordinance are hereby repealed.

SECTION 3. This ordinance shall take effect and be in force the day after its passage and publication.

Adopted November 2, 2020

Signed – Elissa Friedl – Clerk Treasurer

Approved November 2, 2020

Signed – Emily McFarland – Mayor

Ord #20-27