

ORDINANCE NO. 1812

REPEALING AND RECREATING SECTION 13.066 OF THE CITY OF KAUKAUNA MUNICIPAL CODE

WHEREAS, the Common Council of the City of Kaukauna recognizes that water services lines containing lead pose the potential to leach lead into potable water supplies, ; and

WHEREAS, the Common Council of the City of Kaukauna recognizes that lead in potable water supplies constitutes a public health risk; and

WHEREAS, the Utility Commission of Kaukauna Utilities has recommended repeal and recreation of Section 13.066 of the City of Kaukauna Municipal Code to include provisions requiring replacement of water service lines containing lead, and

WHEREAS, the Common Council of the City of Kaukauna 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 Kaukauna Utility water distribution system;

NOW, THEREFORE, BE IT ORDAINED by the Common Council of the City of Kaukauna, Wisconsin, that said council does hereby repeal Section 13.066 of the City of Kaukauna Municipal Code, and does recreate Section 13.066 of the City of Kaukauna Municipal Code, as follows:

Sec. 13.066. - Lead water service line replacement.

(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 **State of Wisconsin** licensed plumbing 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 Kaukauna Utility Water Department or its designee and within 30 days of the giving of notice the repairs shall be completed.

2. Have the **City's retained State of Wisconsin** licensed plumbing 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 at 4% interest, as provided and administered by Kaukauna Utilities.**

(b) *Water system reconstruction.*

1. *Inspection required.* The Kaukauna Utility Water Department or its 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 be given written notice of the project. Such notice shall be made not less than 30 days prior to commencement of the actual work.
- iii. As the reconstruction progresses, the Kaukauna Utility Water Department or its 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 Kaukauna Utility Water Department or its 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 at 4% interest, as provided and administered by Kaukauna Utilities.

(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.

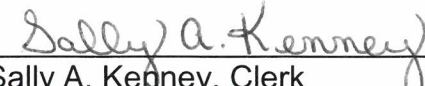
Introduced and adopted this 6th day of October, 2020

APPROVED:



Anthony J. Penterman, Mayor

ATTEST:



Sally A. Kenney, Clerk