

ORDINANCE

An Ordinance to amend Sections 12.110, 12.190, 16.070, 17.090, and 17.107 of the Manitowoc Municipal Code regulating lead service lateral replacement, fluorinated water and private wells.

The Mayor and Common Council of the City of Manitowoc do ordain as follows:

Section 1. Section 12.110 is amended to read as follows:

"12.110 Water Laterals.

(1) Responsibility for Lateral Repairs and Replacements. The service pipe, fittings and appurtenances from the main to the building control valve in the premise served is owned by the property owner. The owner of any property to which a water lateral is connected shall make all required repairs or replacements to the water lateral. Should the City of Manitowoc and/or the Manitowoc Public Utilities determine that a water lateral requires repair or replacement, the owner shall be notified by ~~certified~~ First Class US Mail of the need for the repair or replacements. If the owner cannot be located, a notice posted on one of the doors to the property shall be sufficient notice. ~~If repairs are not commenced within three days of receipt of the notice by mail or within three days of the posting, the Manitowoc Public Utilities may make the necessary repairs to the water lateral. If an owner fails to repair or replace a leaking or broken service lateral from the water main to the point of metering or use within such time as may appear reasonable to the water utility after notification has been served on the owner by the water utility, the water will be shut off and will not be turned on again until the repairs or replacement have been completed or the water utility may make the necessary repair or replacement to the water lateral and such costs shall be billed to the property owner.~~

(2) In the case of street excavations required because of repair or replacement to water laterals, the Manitowoc Public Utilities shall be responsible for the permanent street restoration costs.

(3) Assessment. Any work done by the Manitowoc Public Utilities hereunder shall be charged against the property as a special assessment authorized by Wis. Stat. § ~~66.0627~~ Chapter 66.

(4) Loan and Grant Program. Manitowoc Public Utilities is authorized to operate a lead service lateral replacement loan program, as approved by the Manitowoc Public Utilities Commission."

Section 2. Section 12.190(1) is amended to read as follows:

"12.190 City Water System.

(1) Fluoride. The Manitowoc Public Utilities Commission is hereby authorized and directed to provide the means and equipment necessary to proceed with the introduction of only enough fluoride so that the daily average will not exceed ~~1.5 parts per million~~ the standards set by the EPA of water distributed in the water supply system of the City of Manitowoc."

Section 3. Section 16.070(7) is amended to read as follows:

"16.070 Razing of Buildings.

(7) Sewer and Water Connections. During demolition, sewer pipes shall be protected to prevent entrance of sand, earth or other foreign materials. Upon completion of demolition,

the ends of all underground sewer or drain pipes shall be securely stopped with watertight and durable material. The water supply and sewer systems shall be abandoned inside the lot line by a licensed master plumber.

If the water service from the property line to the connection at the watermain in the public right-of-way is constructed of lead or galvanized iron, the entire water service shall be abandoned at the watermain by the property owner and is not permitted for reuse. All water services abandoned at the watermain shall be witnessed by MPU personnel, who shall furnish a report to the City Plumbing Inspector. Failure to do so shall require excavation and street restoration at the owner's expense to verify abandonment. Abandonment of services shall take place at the same time as building demolition."

Section 4. Section 17.090(3) is amended to read as follows:

" (3) Water Services and Private Water Mains Construction Materials. Water service laterals and private water mains from the public water main in the street to the curb stop and up to the building control valve shall be of ductile iron, PVC, PE or of Type K copper materials, as set forth in Wis. Adm. Code SPS Chapter 384.

Existing lead and galvanized iron water service laterals shall be replaced with water service laterals made of suitable material and at the property owner's expense. Replacement shall be completed either before or in conjunction with the next watermain project in the area of the affected property.

When it appears that any portion of a lead or galvanized iron water service has failed, it shall be fully replaced with ductile iron, PVC, PE or of Type K copper.

Partial replacements of lead or galvanized iron water services are not permitted. Should any part of a lead or galvanized water service be replaced, all lead or galvanized iron shall be replaced between the watermain and building control valve at the property owner's expense.

On a watermain replacement project, the utility will replace the water service from the watermain to the curb stop (street portion), at the property owner's expense. Homeowners are required to replace a lead or galvanized iron water service from curb stop to the home's building control valve when the utility is replacing the street portion on a water main replacement project. MPU personnel shall oversee this replacement and furnish a report to the City plumbing inspector."

Section 5. Section 17.107(6) is created to read as follows:

" (6) Mandatory Connections to Water Mains. (a) Except as set forth in subsection (b) below, within 60 days after notification by Manitowoc Public Utilities or the City of Manitowoc to an owner of any building or improvement intended in whole or in part for human habitation or occupancy of the availability of public water service, the owner shall cause to be made a connection to the applicable water main at the owner's expense, pursuant to Section 281.45 Wis. Stats. Except for owners utilizing a permitted private well as authorized in MMC 17.107, such owner shall abandon any existing source of water currently being used or intended to be used for the building for human habitation or occupancy after such connection is made, in accordance with MMC 17.107. Any owner utilizing a private well properly permitted under MMC 17.107 may continue to do so only for the purpose of irrigation/lawn watering so long as such owner holds a valid private well permit. Should a private well permit not be renewed, or be terminated, the applicable owner shall abandon such private well in accordance with MMC 17.107(2) and (3).

____ (b) Notwithstanding the above, any property owner that owns a validly permitted private well as of January 1, 2014, shall not be obligated to connect such property to the water main until 30 days after the failure of the private well or the revocation, termination or expiration of the private well permit.

____ (c) Should an owner fail to make such connection in compliance with subsection (a)

or (b) above or should in the reasonable determination of Manitowoc Public Utilities or the City of Manitowoc, a health hazard otherwise exist, Manitowoc Public Utilities or the City of Manitowoc may undertake all efforts to have such water main connection made and shall assess the cost thereof against the benefited property and such assessment shall bear interest at and be collected in the same manner as other special assessments.

(d) Any person who violates any provision of this title shall be subject to a daily fee imposed by Manitowoc Public Utilities and may be prosecuted for failure to connect.”

Section 6. This ordinance shall take effect the day after publication.

INTRODUCED _____ ADOPTED _____ APPROVED _____

Justin M. Nickels, Mayor

Fiscal Impact:	\$0 to City budget, impact to MPU
Funding Source:	MPU Budget
Finance Director Approval:	/sc
Approved as to form:	/kmm

This resolution was drafted by Kathleen M. McDaniel, City Attorney

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