

ORDINANCE

An Ordinance to amend Section 17.090 of the Manitowoc Municipal Code regulating Lead Service Lateral Replacements.

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

Section 1. Section 17.090 is amended to read as follows:

“17.090 Additional Requirements.

...

(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.~~

(4) Lead & Galvanized Iron Water Service Line Replacement.

(a). Findings and Intent. Lead and galvanized iron water service lines pose a threat to the public health based on the potential for lead to leech into drinking water. The City of Manitowoc finds it in the public interest to revise its lead and galvanized iron water service line replacement program to further encourage elimination of lead and galvanized iron water service lines from within the City in order to:

1. Ensure that the water quality for Manitowoc Public Utilities customers meets the water quality standards of the federal Safe Drinking Water Act; and,
2. Reduce the lead in City drinking water to meet federal and state standards; and,
3. Encourage lead and galvanized iron water service lines be replaced concurrent with other construction projects in order to minimize excavations into rights of way.

(b). Identification and Recordkeeping. Pursuant to Wis. Stat. § 196.171 and upon notice from the water utility, any person or entity who owns, manages, or otherwise exercises control over a property connected to the distribution system shall allow the water utility to inspect the service line to determine the service line material. The water

utility shall create and maintain a record of the location of all identified lead and galvanized iron service lines in the City.

(c). Line Replacement- When Required. Lead and galvanized iron water service lines shall be replaced in their entirety from water main to building control valve, when it appears that any portion of a lead or galvanized iron water service has failed or whenever a public works project may impact the water lines. Such projects include but are not limited to, water main replacement, sewer lateral repair or replacement, nearby utility excavation, street reconstruction, street surface reconstruction that includes base material replacement, and terrace tree removal.

Lead and galvanized iron water service lines, from curb stop to building control valve, shall be replaced whenever any lead or galvanized iron water service line within the street or municipal right-of-way is replaced under order from the Wisconsin Department of Natural Resources or the United States Environmental Protection Agency in order to comply with Wis. Admin. Code § SPS 382.22(2)(b), or other applicable statutes, ordinances, rules or regulations of the City of Manitowoc or the State of Wisconsin.

Lead and galvanized iron water service lines tested by the water 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, shall be replaced within 120 days' notice.

(d) Scheduling. Replacement of water service lines pursuant to this section shall be completed prior to or concurrent with the public works project triggering such replacement. Scheduling of all replacements shall be coordinated between the property owner's contractor and the water utility within thirty days' notice that the project has been scheduled. Additional time to schedule the replacement may be granted by the general manager of the water utility for good cause.

Affected property owners may contract with a licensed contractor to replace the entire lateral from the watermain to the building meter before the start of construction of the public works project.

Street portion: On public works projects, the water utility will replace the water service from the watermain to the curb stop (street portion), at the property owner's expense.

Home portion: The water utility may, as part of any public works project, add an alternative to the public works contract requesting unit bid prices for the calculation of the cost for private lead or galvanized water service lateral replacement (curb stop to the building meter).

1. If available, and should the property owner select this option, the property owner will be charged the 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).
2. If the water utility is not offering the option to replace the home portion as part of the public works project, the property owner shall cause the home portion to be replaced by a contractor of their choice within 10 days of the street portion being replaced.

(e) Requirements. All existing lead and galvanized iron water service lines connected to the water distribution system, when replaced, shall be replaced with water service lines constructed of materials as authorized in this section. Repairs, partial replacements, and reconnections of lead or galvanized iron water service lines are prohibited.

(f) Authority to Discontinue Service. As an alternative to any other method provided for obtaining compliance with the requirements of this section, the water utility may, no sooner than thirty days after giving notice of the need to replace, discontinue water service to such property served by the lead or galvanized iron water service line, after reasonable notice by the water utility."

Section 2. This ordinance shall take effect the day after publication.

INTRODUCED _____ ADOPTED _____

APPROVED _____

Justin M. Nickels, Mayor

Fiscal Impact:	Minimal, required publication costs of ordinance update. Costs of lateral replacement passed through to property owner
Funding Source:	2022 budgeted line item for publication costs
Finance Director Approval:	SMA
Approved as to form:	EMM

This ordinance was drafted by Elizabeth Majerus, Assistant City Attorney.
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