



211 Walnut Street
Neenah, WI 54956

AN ORDINANCE: By Neenah Waterworks Commission
Re: Lead and galvanized water service line
replacement.

ORDINANCE NO. 2020-24

Introduced: 10/19/2020

Committee/Commission Action:

RECOMMENDED FOR ADOPTION

AN ORDINANCE

The Common Council of the City of Neenah, Wisconsin, do ordain as follows:

Section 1. Section 17-28 of the Code of Ordinances of the City of Neenah is created by adding the following language to read as follows:

Sec. 17-28. - Lead and galvanized water service line replacement.

- (a) *Intent and purpose.* The Common Council and the Waterworks Commission of the City of Neenah finds that it is in the public interest to establish a comprehensive program for the removal and replacement of water service lines constructed of lead and galvanized materials which are in use within both the Neenah Water Utility water system and in private systems and, to that end, declares the purposes of this section to be as follows:
- (1) To help ensure that the water quality at every tap of every Neenah Water Utility customer meets the water quality standards specified under the state and federal law;
 - (2) To reduce the number of lead and galvanized water service lines in the City in order to meet the objectives of Neenah Water Utility, the Environmental Protection Agency (EPA), and the Wisconsin Department of Natural Resources;
 - (3) To further the goal of eliminating all lead contamination in City water service lines for the health of City residents;
 - (4) To meet the Wisconsin Department of Natural Resources requirements for local compliance with the EPA Lead and Copper Rule (40 CFR Part 141) and Wis. Admin. Code § NR 809.541–809.55.
- (b) *Water system reconstruction.*
- (1) *Inspection required.* At least sixty (60) days before the commencement of any utility water main or service line reconstruction project, the Director of Neenah Water Utility or a designee shall inspect all private connections to the public water main of abutting properties in order to determine service line content. Upon presentation of credentials, representatives from the utility shall have the right to request entry at any reasonable time to inspect any property served by the public water supply. If entry is refused, such representatives shall obtain a special inspection warrant under Wis. Stat. § 66.0119. In the event an inspection had been made previously, the utility shall

determine the materials used in the construction of the private water service line from inspection records.

- (2) *Notification required.* Prior to the reconstruction of the water main and service line system, the owner of each abutting property in which the private water service line is constructed of lead or galvanized pipe shall be given written notice of the project and requirement to replace the existing service. Such notice shall be made not less than sixty (60) days prior to commencement of the actual work.
- (3) *Owner to replace private water service lines containing lead or galvanized pipe during water main or service line reconstruction.* The owner shall, at the owner's expense, replace any private service constructed of lead or galvanized pipe with a suitable alternative water service line material as allowable by current Wisconsin Plumbing Code. The Water Utility shall supply an appropriate connection point as part of the reconstruction.
 - (i) The City may, as part of any construction project, request unit bid prices for the calculation of the cost of making appropriate replacement to the private water service line. If available, and should the owner select this option, the owner will be charged the entire cost of replacing the private water service including costs to reconnect the service line inside the structure, any related plumbing work necessary to complete the internal connection, and any electrical re-grounding which may be required by current Wisconsin Electrical Code. The owner may elect to pay the entire amount upon completion of the work, or the owner may request to be billed in five annual installments or less plus interest pursuant to Sec. 13-2. Within thirty (30) days after the giving of notice of reconstruction under subsection (b)(1), proof of arrangements for replacement shall be provided by the owner to the Director of Neenah Water Utility or a designee.
 - (ii) The owner may elect to contract privately with a licensed contractor to complete the private service line replacement. All work needed to accomplish the replacement including the entire cost of replacing the private water service including costs to reconnect the service line inside the structure, any related plumbing work necessary to complete the internal connection, and any electrical re-grounding which may be required by code shall be done at the expense of the owner. Within thirty (30) days after the giving of notice of reconstruction under subsection (b)(1), proof of arrangements for replacement shall be provided from the owner to the Director of Neenah Water Utility or a designee.
- (c) *Financing or assistance program.* The Water Utility may elect to offer a program pursuant to Wis. Stat. § 196.372 to provide financing or assistance for the replacement of lead or galvanized private water service lines. Any financial assistance offered must satisfy all of the following conditions:
 - (1) Any loan provided may not be forgiven by the Utility or the City;
 - (2) Grants that are provided by the Water Utility are limited to no more than one-half of the total cost to the owner of replacing the lead service;
 - (3) 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
 - (4) The financial assistance program must be approved by the Public Service Commission of Wisconsin.
- (d) *Authority to discontinue service.* As an alternative to any other methods provided for obtaining compliance with the requirements of this Code regarding replacement of lead or galvanized private water service lines, the Water Utility may discontinue water service to such property, but no sooner than 30 days after the giving of a written disconnection notice

and an opportunity for hearing before the Neenah Waterworks Commission under Wis. Stat. ch. 68.

Section 2. Severability. In the event any section, subsection, clause, phrase or portion of this ordinance is for any reason held illegal, invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remainder of this ordinance. It is the legislative intent of the Common Council that this ordinance would have been adopted if such illegal provision had not been included or any illegal application had not been made.

Section 3. Repeal and Effective Date. All ordinances or parts of ordinances and resolutions in conflict herewith are hereby repealed. This ordinance shall take effect from and after its passage and publication.

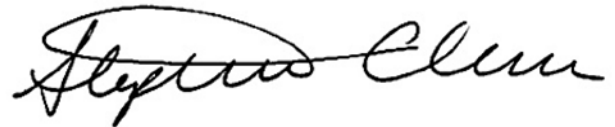
Moved by: Lang/Borchardt
Adopted: 12/16/2020
Approved: 12/16/2020
Published: 12/23/2020

Approved:



Dean R. Kaufert, Mayor

Attest:



Stephanie A. Cheslock, City Clerk

THIS INSTRUMENT WAS DRAFTED BY:
Deputy City Attorney Adam James Westbrook
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Neenah, WI 54956
State Bar No. 1098561