

## ORDINANCE NO. 2018-5

The Common Council of the City of Richland Center, Wisconsin, does ordain as follows:

**SECTION 1:** Chapter 436 of the Code of Ordinances is adopted to provide as follows:

### CHAPTER 436

#### LEAD AND GALVANIZED WATER SERVICE LINE REPLACEMENT

**436.01 FINDING OF NECESSITY.** The Common Council finds that because of the risk to public health and safety posed by the disturbance of lead or galvanized water service lines, the City has a strong public interest in requiring the removal and replacement of privately-owned lead and galvanized water service lines connected to public water mains under the circumstances set forth herein.

**436.02 AUTHORITY.** The City is authorized to adopt this ordinance pursuant to the authority granted to the City to regulate connections to public water mains by ss. 66.0911 and 281.45, Wis. Stats., and to act for the health, safety and welfare of the public by s. 62.11(5), Wis. Stats.

**436.03 DEFINITIONS.** In this chapter:

(1) "Water service line" means a service which connects a City water main to a building inlet and any pigtail, gooseneck or other fitting which is connected to such line.

(2) "Privately-owned portion of a water service line" means the section of water service piping from the outlet joint of the curb stop to the outlet of the water meter outlet valve with the exception of the water meter itself, regardless of the ownership of the property upon which the piping is located.

(3) "Utility-owned portion of a water service line" means the section of water service piping from the main to, but not including, the outlet joint of the curb stop.

#### **436.04 REPLACEMENT REQUIREMENT.**

(1) The privately-owned portion of a water service line made partially or entirely of lead or galvanized metal shall be replaced whenever any of the following occurs:

(a) A leak or failure has been discovered on either the privately-owned portion of a water service line or on the utility-owned portion of a water service line.

(b) The utility-owned portion of a water service line is replaced.

(2) No repair of a privately-owned portion of a water service line made partially or entirely of lead or galvanized metal and no re-connection of a privately-owned portion of a water service line made partially or entirely of lead or galvanized metal to a utility-owned portion of a water service line or water main shall be permitted under any of the circumstances specified in (1).

(3) The Richland Center City Utilities may, in its discretion, grant a temporary extension of time to conform with the requirements of this Section for a stated time if it determines that doing so will not create an imminent threat to the health, safety or welfare of the public and that good cause has been shown for such extension.

#### **436.05 NOTICE TO OWNER OF REPLACEMENT REQUIREMENT.**

(1) The Richland Center City Utilities shall notify the owner of the subject property in writing of the replacement requirement upon the City Utilities' determination that the replacement of a privately-owned portion of water service line is required by this Chapter or by any provision of Wisconsin law. If Richland Center City Utilities intends to replace the utility-owned portion of a water service line as part of a planned utility construction project, the Richland Center City Utilities shall provide written notice of the replacement requirement to the owner at least 45 days prior to the commencement of the planned replacement of the utility-owned portion of the water service line.

(2) Notice to the owner under this Chapter shall be complete upon personal delivery of the notice to any owner of record of the property or upon mailing to the owner at the address as currently shown in the records of the Richland County Treasurer for mailing of real estate tax bills on the property.

**436.06 PROPERTY OWNER'S OBLIGATION.** Upon receipt of a 436.05 notice, the owner of the subject property shall contract with a licensed plumber to complete the work needed to accomplish the replacement. The replacement shall be done at the expense of the property owner. Within 30 days of receiving the 436.05 notice, the owner shall provide the Richland Center City Utilities with proof of arrangements for replacement and the name of the licensed plumber contracted to do the work. The replacement shall be completed within 90 days of receiving the 436.05 notice. Failure to timely complete the replacement shall constitute a violation of this Chapter.

#### **436.08 ENFORCEMENT OF THIS CHAPTER.**

(1) **Performance of Work by the City.** If the owner fails to comply with the replacement requirement of 436.03 within the time specified in 435.06, the Richland Center City Utilities may apply for and obtain an appropriate court-issued warrant pursuant to ss. 66.0119 and 196.171, Wis. Stats., to gain access to the property and have the required work performed pursuant to s 281.45, Wis. Stats. The cost of this work shall be assessed and collected as a

special assessment on the property.

**(2) Forfeiture Penalty.** Any property owner who fails to timely conform with the requirements of this chapter shall forfeit to the City the sum of \$100.00 together with all applicable costs and assessments. Each day of that a violation exists shall constitute a separate offense.

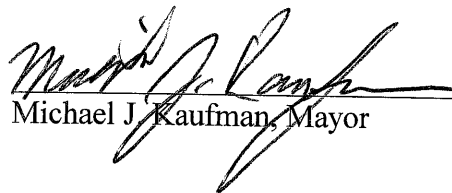
**(3) Discontinuation of Service.** In addition to any other methods provided for obtaining compliance with this Chapter, if the Richland Center City Utilities determines that the owner's failure to comply with 436.04 will create an imminent threat to the health, safety or welfare of the public, the Richland Center City Utilities may discontinue water service to the property upon notice to the owner and reasonable opportunity to comply with the requirements of this Chapter, and in a manner consistent with the rules and regulations of the Richland Center City Utilities and the Public Service Commission of Wisconsin governing discontinuation of water service.

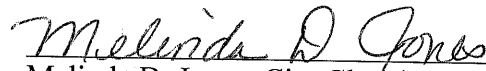
**SECTION 2:**

This ordinance shall be in full force and effect from and after its passage and publication.

Enacted the 21st day of August, 2018

ATTEST:

  
Michael J. Kaufman, Mayor

  
Melinda D. Jones, City Clerk/Treasurer