

VILLAGE OF LITTLE CHUTE

ORDINANCE NO. 2, SERIES OF 2018

AN ORDINANCE AMENDING CHAPTER 34 PUBLIC UTILITIES BY CREATING SECTION 34-60 OF THE VILLAGE OF LITTLE CHUTE MUNICIPAL CODE REGARDING LEAD WATER LATERALS.

WHEREAS, the Utility Commission of the Village of Little Chute has recommended the following ordinance amendment; and,

WHEREAS, the Village Board of Trustees, Village of Little Chute, finds the following ordinance amendment to be in the public interest;

NOW, THEREFORE, the Village Board of Trustees, Village of Little Chute, do ordain as follows:

Section 1. That the Utility Code, Section 34 Article II, Division 2, of the Municipal Code of the Village of Little Chute is hereby amended by adding Section 34-60 as follows:

Section 34-60 Lead Water Service Line Replacement.

(a) *Intent and purpose.* The Village Board of the Village 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 Village utilities water system and in private systems and, to that end, declares the purposes of this section to be as follows:

- (1) To ensure that the water quality at every tap of utility customers meets the water quality standards specified under the federal law;
- (2) To reduce the lead in Village drinking water to meet the Environmental Protection Agency (EPA) standards and ideally to a lead contaminant level of zero in Village drinking water for the health of Village residents;
- (3) To eliminate the constriction of water flow caused by mineral rich water flowing through lead water service pipes and the consequent buildup of mineral deposits inside lead pipes; and
- (4) 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).

(b) *Replacement requirement.* The privately owned portion of a lead water service line shall be replaced with an approved material whenever any of the following occurs:

- (1) A leak or failure has been discovered on either the privately owned or utility-owned portion of the service line.
- (2) The utility owned portion of the line is replaced on either a planned or emergency basis.

(c) *Water system reconstruction.*

- (1) *Inspection required.* The utility water superintendent or his designee shall inspect all private connections to the public water mains at the time that the water main is to be reconstructed:
 - a. Lead piping is declared to be no longer an approved material for water supply laterals pursuant to this Ordinance.
 - b. 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.
 - c. As the reconstruction progresses, the utility water superintendent or his 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.
 - d. In the event that the private water lateral does not contain lead, the Village shall reconnect the same to the utility system at an appropriate point near the right-of-way line.
 - e. 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) *Owner to replace lead service.* The owner shall, at the owner's expense, replace the lead service. In all cases, the Village shall supply an appropriate connection point as part of its work. The owner may elect to:
 - a. 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 (c)(1)e of this section, proof of arrangements for repair shall be provided to the utility water superintendent or his designee and within 30 days of the giving of notice the repairs shall be completed.
 - b. Have the Village contractors, if available, complete the repair.
 1. The Village may, as part of any project, request unit bid prices for the calculation of the cost of making appropriate repair or replacement to the private building water laterals.
 2. If available, and should the owner select this option, the owner will be charged the entire cost of making the repair or replacement incurred by the Village.
- (e) *Lead Water lateral fees.* The following fees are hereby created and imposed, each fee separately at the rate of \$50.00 per month, payable in monthly installments and billed with the regular monthly billing for village utility services:
 - (1) *Inspection refusal fee.* A \$50.00 monthly fee is hereby imposed for connection of laterals against every property connected to the water system, which owner refuses to consent to inspection of the water lateral by the village. This fee will be imposed beginning 30 days after request has been made by the village for permission to inspect the owner's water lateral. This fee will continue until the property owner consents to inspection by the village.
 - (2) *Failure to correct fee.* A \$50.00 monthly fee is hereby imposed for continued connection of water laterals against every property connected to the water system, which owner fails to take corrective action upon request by the village to replace lead water laterals. This fee will be

imposed beginning 30 days following notice by the village to the owner that corrective action is required and has not been completed on schedule and will continue until corrective action by the owner has been taken.

Section 2. Effective Date. This Ordinance shall take effect upon the adoption and publication and enactment of the Ordinance by the Village Board of Trustees, Village of Little Chute.

Introduced: March 7, 2018

Adopted: March 7, 2018

VILLAGE OF LITTLE CHUTE

BY: Michael R. Vander Berg
Michael Vander Berg, Village President

BY: Laurie Decker
Laurie Decker, Village Clerk