



Legislation Details (With Text)

**File #:** 171665      **Version:** 2

**Type:** Ordinance      **Status:** Passed

**File created:** 2/6/2018      **In control:** COMMON COUNCIL

**On agenda:**      **Final action:** 5/8/2018

**Effective date:**

**Title:** A substitute ordinance relating to the replacement of lead water service lines at child care facilities.

**Sponsors:** ALD. COGGS, ALD. STAMPER, ALD. PEREZ, ALD. MURPHY, ALD. DONOVAN, ALD. HAMILTON, ALD. LEWIS, ALD. BAUMAN, ALD. RAINEY, ALD. BOHL, ALD. BORKOWSKI

**Indexes:** LEAD POISONING, WATER WORKS

**Attachments:** 1. City Attorney Opinion, 2. Media Release, 3. Notice Published on 05-24-18

Date	Ver.	Action By	Action	Result	Tally
2/6/2018	0	COMMON COUNCIL	ASSIGNED TO		
3/8/2018	1	CITY CLERK	DRAFT SUBMITTED		
4/26/2018	2	PUBLIC SAFETY AND HEALTH COMMITTEE	SUBSTITUTED	Pass	5:0
4/26/2018	1	PUBLIC SAFETY AND HEALTH COMMITTEE	RECOMMENDED FOR PASSAGE	Pass	5:0
5/8/2018	2	COMMON COUNCIL	PASSED	Pass	14:0
5/17/2018	2	MAYOR	SIGNED		
5/24/2018	2	CITY CLERK	PUBLISHED		

171665  
SUBSTITUTE 2  
160742

ALD. COGGS, STAMPER, PEREZ, MURPHY, DONOVAN, HAMILTON, LEWIS, BAUMAN, RAINEY, BOHL AND BORKOWSKI

A substitute ordinance relating to the replacement of lead water service lines at child care facilities.

- 225-22.5-1-a-6 cr
- 225-22.5-1-a-7 cr
- 225-22.5-2-a rn
- 225-22.5-2-a cr
- 225-22.5-2-b rn
- 225-22.5-2-c rn
- 225-22.5-3-c cr
- 225-22.5-6-b am
- 225-22.5-7 rc
- 225-22.5-8-a am
- 225-22.5-9-a-3 cr
- 225-22.5-9-b-1 am
- 225-22.5-9-b-4 am

This ordinance requires the replacement of lead water service lines serving child care facilities. This mandate

applies to both publicly-owned and privately-owned portions of lead service lines. The ordinance further provides that the city shall pay the full cost of replacing the privately-owned portions of lead water service lines serving child care facilities.

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

Part 1. Section 225-22.5-1-a-6 and 7 of the code is created to read:

225-22.5. Lead Service Line Replacement.

1. FINDINGS.

a-6. Infants and young children are among those at greatest risk of adverse health impacts from exposure to lead, with childhood lead exposure being known to cause damage to the brain and nervous system, slowed growth and development, learning and behavior problems, and hearing and speech problems

a-7. Because of the significant risks to public health and safety posed by the continued use of lead service lines at child care facilities, the city has a strong public interest in remediating privately-owned lead water service lines at child care facilities.

Part 2. Section 225-22.5-2-a to c of the code is renumbered 225-22.5-2-b to d.

Part 3. Section 225-22.5-2-a of the code is created to read:

2. DEFINITIONS.

a. "Child care facility" means any of the following:

a-1. A group child care center licensed under s. 48.65, Wis. Stats., and ch. DCF 251, Wis. Adm. Code.

a-2. A family day care center licensed under s. 48.65, Wis. Stats., and ch. DCF 250, Wis. Adm. Code.

a-3. A certified child care home as defined in ch. DCF 202, Wis. Adm. Code.

Part 4. Section 225-22.5-3-c of the code is created to read:

3. REPLACEMENT REQUIREMENT.

c. The property is a child care facility.

Part 5. Section 225-22.5-6-b of the code is amended to read:

6. NOTICE.

b. Planned Replacement >>or Child Care Facility<<. In the event of a planned replacement under sub. 3-b, >>or if replacement is required under sub. 3-c,<< the commissioner of public works or commissioner's designee 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 service line.

Part 6. Section 225-22.5-7 of the code is repealed and recreated to read:

7. OWNER ELECTION. a. Upon receipt of a notice under sub. 6-a, the owner shall, within 10 business days, do one of the following:

a-1. Replace the privately-owned portion of the lead service line at the owner's expense by contracting with a licensed contractor. The work shall be performed in accordance with all applicable state, local and utility regulations.

a-2. Elect to have a city contractor replace the privately-owned portion of the lead service line.

b. Upon receipt of a notice under sub. 6-b, the owner shall, within 30 days, do one of the following:

b-1. Replace the privately-owned portion of the lead service line at the owner's expense by contracting with a licensed contractor. The work shall be performed in accordance with all applicable state, local and utility regulations.

b-2. Elect to have a city contractor replace the privately-owned portion of the lead service line.

Part 7. Section 225-22.5-8-a of the code is amended to read:

8. FINANCING OF REPLACEMENT BY CITY CONTRACTOR.

a. ~~[[The]]~~ >>Except as provided in sub. 9-a-3,<< the owner shall be responsible for the average current cost of replacing the privately-owned portion of the lead water service line. The average current cost shall be established each year by the commissioner of public works, subject to adoption by common council resolution. The owner may be eligible for a city subsidy under sub. 9.

Part 8. Section 225-22.5-9-a-3 of the code is created to read:

9. CITY SUBSIDY.

a. Payment Method.

a-3. The city shall pay the full cost of replacing the privately-owned portion of the lead service line if the property is a child care facility.

Part 9. Section 225-22.5-9-b-1 and 4 of the code is amended to read:

b. Eligibility Criteria.

b-1. The property is a one-, 2-, 3- or 4-family dwelling >>or a child care facility<< .

b-4. The owner executes a temporary right of entry and construction easement authorizing the city and its contractor access into the dwelling >>or child care facility<< as needed in order to complete the connection.

APPROVED AS TO FORM

Legislative Reference Bureau

Date: \_\_\_\_\_

IT IS OUR OPINION THAT THE ORDINANCE  
IS LEGAL AND ENFORCEABLE

Office of the City Attorney

Date: \_\_\_\_\_

LRB170907-2

Jeff Osterman

04/18/2018