



## Legislation Text

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**File #:** 231032, **Version:** 2

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### 231032 SUBSTITUTE 2

#### ALD. DIMITRIJEVIC, PEREZ AND BROSTOFF

A substitute ordinance relating to lead service line replacements.

225-22.5-2-b	am
225-22.5-2-c	am
225-22.5-3-b	am
225-22.5-3.5	cr
225-22.5-6-b	am
225-22.5-6-c	cr
225-22.5-7-b-0	am
225-22.5-7-c	cr
225-22.5-8-a	am
225-22.5-8-b-1	am
225-22.5.9-a	rc
225-22.5-10-0	am

This ordinance makes various revisions to the code provisions relating to lead service line replacements, including:

1. Eliminating the property owner cost share for residential properties with 1-4 dwelling units that are subject to a replacement requirement.
2. Providing property owners the opportunity to request a lead service line replacement within the city replacement program. An owner-initiated replacement would not be eligible for the city cost subsidy.
3. Increasing the length of time for a property owner who elects to have a city contractor complete a replacement to pay special the special assessment for that work from 10 years to 15 years (this is the situation where the owner does not pay the entire invoice within 45 days and the special assessment is placed on the tax roll).
4. Reducing the timeframe to provide written notice of a planned replacement to the property owner from “at least 45 days” to “at least 10 business days”.
5. Reducing the timeframe for the owner to replace or elect city replacement for planned projects from “30 days” to “10 business days”.
6. Clarifying the definitions of “lead water service line” and “privately-owned portion of a lead water service line”.

7. Specifying prioritized locations as planned replacements.
8. Establishing the cost for owners who do not qualify for the city subsidy as the lesser of actual or average current cost.

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

Part 1. Section 225-22.5-2-b and c of the code is amended to read:

## **225-22.5. Lead Service Line Replacement.**

### **2. DEFINITIONS.**

b. "Lead water service line" means a service made of lead which connects the water main to the ~~[[building inlet]]~~ >>water meter<< and any lead ~~[[pigtail,]]~~ gooseneck or other fitting which is connected to such lead line.

c. "Privately-owned portion of a lead 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.

Part 2. Section 225-22.5-3-b of the code is amended to read:

### **3. REPLACEMENT REQUIREMENT.**

b. The utility-owned portion of the line is replaced on either a planned or emergency basis. >>Planned replacements shall include locations prioritized using criteria established by the commissioner of public works or commissioner's designee. The established prioritization factors are the area deprivation index score, the incidences of elevated blood lead levels in children under the age of 6, and the density of lead service lines. Factors shall be evaluated at a census block group level.<<

Part 3. Section 225-22.5-3.5 of the code is created to read:

**3.5. REPLACEMENT OPTION.** The privately-owned portion of a lead water service line may be replaced at the option of the property owner. Upon a request from the owner of a one-, 2-, 3- or 4-family dwelling, and subject to capacity, the commissioner of public works or the commissioner's designee shall determine if the lead service line will be replaced by a city contractor. The owner shall not be eligible for the city subsidy under sub. 9.

Part 4. 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]]~~ >>10

business<< days prior to the commencement of the planned replacement of the utility-owned portion of the service line.

Part 5. Section 225-22.5-6-c of the code is created to read:

c. Replacement Option. In the event of an approved request under sub. 3.5, the commissioner of public works or commissioner's designee shall provide written notice of the determination to the owner.

Part 6. Section 225-22.5-7-b-0 of the code is amended to read:

## 7. OWNER ELECTION.

b. Upon receipt of a notice under sub. 6-b, the owner shall, within ~~[[30]]~~ >>10 business<< days, do one of the following:

Part 7. Section 225-22.5-7-c of the code is created to read:

c. Upon receipt of a notice under sub. 6-c, the owner may, within 10 business days, elect to have a city contractor replace the privately-owned portion of the lead service line.

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

## 8. FINANCING OF REPLACEMENT BY CITY CONTRACTOR.

a. Except as provided in ~~[[sub. 9-a-3]]~~ >>sub. 9-a<< , the owner shall be responsible for the >>lesser of the actual cost or 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 9. Section 225-22.5-8-b-1 of the code is amended to read:

b-1. If the total amount of the principal of the invoice remaining unpaid equals or exceeds \$125, it shall be spread equally over the first available and next succeeding ~~[[9]]~~ >>14<< tax rolls. >>For each of the first 100 properties where the lead service line is replaced by a city contractor under sub. 3.5, the property owner shall pay no interest for the last 8 years of payments.<<

Part 10. Section 225-22.5.9-a of the code is repealed and recreated to read:

## 9. CITY SUBSIDY.

a. Payment Method. Subject to availability of public funds and the eligibility criteria in par. b, the city shall pay the full cost of replacing the privately-owned portion of the lead service line if a leak or failure has been discovered on either the privately-owned or utility-owned portion of the service line, the utility-owned portion of the line is replaced on a planned or emergency basis, or the property is a child care facility.

Part 11. Section 225-22.5-10-0 of the code is amended to read:

**10. REQUIREMENTS FOR OWNERS INELIGIBLE FOR SUBSIDY.** Any owner who elects to have a city contractor perform water service line replacement required by sub. 3 and is not eligible for city subsidy under sub. 9 >> or is approved for replacement under sub. 3.5, << shall, prior to the commencement of this work:

APPROVED AS TO FORM

*K. Broadnax*

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Legislative Reference Bureau

Date: 12.11.2023

IT IS OUR OPINION THAT THE ORDINANCE  
IS LEGAL AND ENFORCEABLE

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Office of the City Attorney

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

Water Works

LRB179507-4

Jeff Osterman

12/11/2023