CITY OF STOUGHTON, 207 S Forrest Street, Stoughton, WI 53589

ORDINANCE OF THE COMMON COUNCIL			
To amend Sections 74-2(a) and 74-2(b) and create Sections 74-2 (g) through (h) of the City of Stoughton Code of Ordinances, relating to the replacement of indirect service lateral connections. Committee Action: The Utilities Committee recommends approval by a vote of 7 - 0. Fiscal Impact: N/A			
File Number:	O-23-2020	**First Reading:** **Second Reading:**	October 27, 2020 November 10, 2020

RECITALS

WHEREAS, numerous privately-owned water and sanitary sewer service lines that would not comply with current installation requirements due to the fact that they are not directly connected to the public utility system, instead connecting to the service line owned by a neighboring property owner; and

WHEREAS, currently there is no enforcement mechanism to require property owners to correct these indirect connections; and

WHEREAS, there is a need to correct these issues and require the direct connection of any water and sanitary sewer service lines; and

WHEREAS, on October 19, 2020 the Utilities Committee recommended the amendment of Sections 74-2(a) and 74-2(b) and the creation of Sections 74-2 (g) through (h) of the City of Stoughton Code of Ordinances, relating to the replacement of indirect service lateral connections, as provided in Exhibit A;

ORDINANCE

NOW THEREFORE, The City Council of the City of Stoughton, Dane County, Wisconsin, ordains as follows:

1. Chapter 74 of the City of Stoughton Code of Ordinances is amended as provided in Exhibit A.

2. This ordinance will take effect upon adoption and publication or posting pursuant to law.

The foregoing ordinance was adopted by the Common Council of the City of Stoughton at a meeting held on November 10, 2020.

APPROVED:

_____
Timothy Swadley, Mayor

ATTEST:

_____
Holly Licht, City Clerk

Posted: _____

Published: _____

Attest: _____

Business:

1. Wastewater 2019 Compliance Maintenance Annual Report (CMAR)
2. Naming the Stoughton Utilities Director and/or the Stoughton Director of Finance/Comptroller as Authorized Representatives to File Applications for Financial Assistance from the State of Wisconsin Environmental Improvement Fund

Discussion followed.

Stoughton Utilities Proposed 2021 Budget and Five Year (2021 – 2025) Capital Improvement Projects (CIP) Plan: Stoughton Utilities and City staff presented and discussed the proposed 2021 Stoughton Utilities budget. Discussion followed. Stoughton Utilities and City staff presented and discussed the proposed 2021 five-year (2021-2025) Capital Improvement Projects (CIP) Plan. Discussion followed.

Motion by Hirsch, the motion seconded by Jenson, to approve the Stoughton Utilities 2021 budget and the Stoughton Utilities 2021 five-year (2021-2025) Capital Improvement Projects (CIP) Plan and recommend approval to the Stoughton Common Council. The motion carried unanimously 7 to 0.

Ordinance to Amend Sections 74-15(a) and 74-15(b) and Create Sections 74-15 (c) through (e) of the City of Stoughton Code of Ordinances, Relating to the Placement of Water Metering Facilities and the Replacement of Inaccessible Metering Facilities: Stoughton Utilities staff presented and discussed a draft ordinance that would require the standardization of existing water metering plumbing arrangements that would not meet current plumbing codes. This ordinance is being proposed in preparation for our upcoming lead service line replacement program. Inaccessible metering locations not only pose accessibility concerns when servicing the meter, but can also pose potential dangers to servicing technicians. Discussion followed.

Motion by Heili, the motion seconded by Jenson, to approve amending Sections 74-15(a) and 74-15(b) and creating Sections 74-15 (c) through (e) of the City of Stoughton Code of Ordinances, relating to the placement of water metering facilities and the replacement of inaccessible metering facilities, and recommend approval of the adopting ordinance to the Stoughton Common Council. The motion carried unanimously 7 to 0.

Ordinance to Amend Sections 74-2(a) and 74-2(b) and Create Sections 74-2 (g) through (h) of the City of Stoughton Code of Ordinances, Relating to the Replacement of Indirect Service Lateral Connections: Stoughton Utilities staff presented and discussed a draft ordinance that would require privately-owned service connection lines be connected directly to the public system, and where any indirect service connections are discovered, provides a method to require such indirect connections be relocated to directly connect to the public system. This ordinance is intended to address scenarios where a home or building on one parcel has a water or sanitary sewer service line that connects to service line that provides service to a home or building on a neighboring parcel. Utilities staff is aware of several locations where such connections exist, and examples of the issues that can arise from such indirect connections were given. Discussion followed.

Motion by Heili, the motion seconded by Jenson, to approve amending Sections 74-2(a) and 74-2(b) and Create Sections 74-2 (g) through (h) of the City of Stoughton Code of Ordinances, relating to the replacement of indirect service lateral connections, and recommend approval of the adopting ordinance to the Stoughton Common Council. The motion carried unanimously 7 to 0.

Stoughton Utilities

600 South Fourth Street
P.O. Box 383
Stoughton, WI 53589-0383

Serving Electric, Water & Wastewater Since 1886

Date: October 13, 2020

To: Stoughton Utilities Committee

From: Jill M. Weiss, P.E.
Stoughton Utilities Director

Subject: Ordinance to Amend Sections 74-2(a) and 74-2(b) and Create Sections 74-2 (g) through (h) of the City of Stoughton Code of Ordinances, Relating to the Replacement of Indirect Service Lateral Connections

Stoughton Utilities is aware of numerous privately-owned water and sanitary sewer service lines that would not comply with current installation requirements due to the fact that they are not directly connected to the public utility system. These indirectly service connections instead connect to the service line owned by a neighboring property owner.

These indirect connections are typically found in older neighborhoods, and are not always legally recorded through an easement or agreement with the neighboring property owner. In some cases, one or both property owners may be unaware of the improper connection. This can result in unexpected service interruptions or disconnections to customers when work is being done on one property. In the past it has also created basement sewer backups, loss of water, and neighbor disputes.

Currently, we have no enforcement mechanism to require property owners to correct these indirect connections. As part of any lead service line replacement program, we be required to work with customers to correct these issues and require the direct connection of any new water service lines. We also anticipate future needs to work with customers to correct indirect sanitary sewer service lines to provide a direct connections to the public system.

The City Attorney has reviewed this draft ordinance and the suggested redlines and additions reflect the attorney recommendations.

An updated ordinance relating to the replacement of indirect service lateral connections has been drafted and is being presented to the committee for your review and approval. We are requesting that the Stoughton Utilities Committee approve the ordinance to amend Sections 74-2(a) and 74-2(b) and create Sections 74-2 (g) through (h) of the City of Stoughton Code of Ordinances, relating to the replacement of indirect service lateral connections, and recommend approval of the adopting ordinance to the Stoughton Common Council.

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APPROVED:

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Timothy Swadley, Mayor

ATTEST:

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Holly Licht, City Clerk

Posted: _____

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EXHIBIT A

Sec. 74-2. - Compulsory connection to wastewater or sanitary sewer and water.

(a) *Notice to connect to wastewater or sanitary sewer.* Whenever wastewater or sanitary sewer becomes available to any building used for human habitation, the ~~building inspector~~utilities director shall notify in writing the owner, agent or occupant thereof to connect facilities thereto ~~as required by the building inspector~~ within 12 months. If such person to whom the notice has been given shall fail to comply in a timely manner, the building inspector shall cause the necessary connections to be made and the expense thereof shall be assessed as a special tax against the property pursuant to Wis. Stats. § 281.45.

(b) *Notice to connect water.* Whenever water becomes available to any building used for human habitation, the ~~building inspector~~utilities director shall notify in writing the owner, agent or occupant thereof to extend a water lateral to the building within 12 months. If such person to whom the notice has been given shall fail to timely comply, the building inspector shall cause the necessary installations to be made and the expense thereof shall be assessed as a special tax against the property pursuant to Wis. Stats. § 281.45.

(c) *Abatement of private sewer systems.* After connection to a water main and public sanitary sewer, no private sewer system shall be constructed or maintained upon such lot or parcel and shall be abated upon 60 days' written notice for such abatement by the building inspector. If not so abated, the building inspector shall cause the work to be done and the cost thereof assessed as a special tax against the property.

(d) *Where wastewater or sanitary sewer mains not available.* Where wastewater or sanitary sewer mains are not available, private sewer systems shall be constructed with a permit granted by the county environmental health department.

(e) *Where water mains not available.* Where water mains are not available, existing private wells shall be permitted if in compliance with Wis. Adm. Code. NR ch. 812.

(f) *Notice to relocate sewer connection.* If the City constructs a new sewer main to replace an existing sewer main (the "old main"), in a manner that would require the installation of a new building sewer lateral connection to be served by the new sewer main, the ~~Utilities Director~~utilities director shall determine whether and when to discontinue use of the old main. In deciding the use of the old main will be discontinued, the ~~Utilities Director~~utilities director shall consider whether continued use of the old main poses a risk of harm to public health or the environment, the cost to the City of continuing to provide service using the old main, the cost to property owners of relocating their sewer laterals, and such other factors as the ~~Utilities Director~~utilities director finds relevant to such determination. Before discontinuing service using the old main, the ~~Utilities Director~~utilities director shall give written notice to the owner, agent or occupant of any building connected to the old sewer main to connect a building sewer lateral to the new sewer main and to abandon the building sewer lateral connected to the old sewer main. The notice shall specify the date by which the work must be completed, which shall be not

less than 90 days after the date of the notice, unless environmental or other circumstances require an earlier discontinuance of the existing sewer main, as determined by the ~~Utilities Director~~utilities director. If the person to whom the notice has been given fails to comply in a timely manner, the ~~Utilities Director~~utilities director shall cause the necessary connection and abandonment to be made and the expense thereof shall be assessed as a special tax against the property pursuant to Wis. Stat. § 281.45.

(g) *Indirect water connections prohibited.* No building shall connect to the public water system through the private water lateral servicing another parcel (an "indirect connection"). If an indirect connection is discovered, the utilities director shall determine whether and when to require that the water lateral be relocated to directly connect to the public water system. In deciding if an indirectly connected water lateral must be relocated to directly connect to the public water system, the utilities director shall consider whether continued use of the existing indirect connection poses a risk of harm to public health or the environment, the ability of the City to isolate service to any building on the parcel using the existing indirect connection without impacting neighboring parcels, the cost to property owners of relocating their lateral and such other factors as the utilities director finds relevant to such determination. When the utilities director determines that an indirectly connected water lateral must be relocated to directly connect to the public water system, the utilities director shall give written notice to the owner, agent or occupant of the building indirectly connected to the public water system of the requirement to connect the building water lateral directly to the public water main and to abandon the indirectly connected building water lateral. The notice shall specify the date by which the work must be completed, which shall be not less than 90 days after the date of the notice, unless environmental or other circumstances require an earlier discontinuance of the indirect connection, as determined by the utilities director. If the person to whom the notice has been given fails to comply in a timely manner, the building inspector shall cause the necessary connection and abandonment to be made and the expense thereof shall be assessed as a special tax against the property pursuant to Wis. Stat. § 281.45.

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