



City of Fort Atkinson
City Manager's Office
101 N. Main Street
Fort Atkinson, WI 53538

**ORDINANCE COMMITTEE MEETING
IN PERSON AND VIA ZOOM
TUESDAY, AUGUST 19, 2025 – 6:00 PM
CITY HALL – SECOND FLOOR**

<https://us02web.zoom.us/j/5997866403?pwd=alcreldSbGpNUVI1VnR1RWF5bXovdz09&omn=81162932382>

Meeting ID: 599 786 6403

Passcode: 53538

Dial by Location

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If you have special needs or circumstances which may make communication or accessibility difficult at the meeting, please call (920) 397-9901. Accommodations will, to the fullest extent possible, be made available on request by a person with a disability.

AGENDA

- 1. Call meeting to order**
- 2. Roll call**
- 3. New Business**
 - a. Review and possible recommendation to the City Council relating to an Ordinance to Create Section 98-59 of the City of Fort Atkinson Code of General Ordinances relating to Lead Lateral Service Line Replacement (Navin, Director of Public Works)
- 4. Adjournment**

Date Posted: August 15, 2025

CC: Ordinance Committee Members; City Council; City Staff; City Attorney; News Media

Notice is hereby given that a majority of the Fort Atkinson City Council will be present at this meeting at the location and time indicated above to gather information about any subject matters on this agenda over which they have decision-making responsibility. This may constitute a meeting of the City Council pursuant to State ex rel. Badke v. Greendale Village Bd., 173 Wis.2d. 553, 494 N.W.2d 408 (1993), and must be noticed as such although the City Council will not take any formal action at this meeting.

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MEMORANDUM

DATE: August 19, 2025

TO: Committee/Commission/Board

FROM: Zach Navin, Director of Public Works

RE: Review and possible recommendation to the City Council relating to an Ordinance to Create Section 98-59 of the City of Fort Atkinson Code of General Ordinances relating to Lead Lateral Service Line Replacement (Navin, Director of Public Works)

BACKGROUND

As presented on July 1, 2025 the City of Fort Atkinson is required to complete a WIDNR approved Lead Service Line Replacement Plan. A requirement of that plan is a lead service replacement ordinance.

DISCUSSION

The intent and purpose of the ordinance is to create legal authority for full replacement of lead service lines on the public and private side to ensure full compliance with state and federal requirements for this program. This will ensure that the water quality at every tap of each utility customer meets the quality standards specified under federal and state law, to ideally reduce the lead contaminant level to zero, and to eliminate the constriction of water flow caused by mineral deposits inside lead pipes. Property owners who fail to replace a customer-side Lead Water Service Line, as required by this ordinance, may in accordance with PSC Chapter 185.37 have their water service discontinued, to such property, until the customer-side Lead Water Service Line is replaced.

FINANCIAL ANALYSIS

The addition of this ordinance will allow the City to apply for funding to help offset some of the costs associated with Lead Service Laterals as well as provide an opportunity for low-interest loans for private side replacements. There will be no costs associated until the City's Lead Service Line Program is approved and construction begins.

RECOMMENDATION

Staff recommends that the Ordinance Committee recommend the City Council approve an Ordinance creating Section 98-59 of the City of Fort Atkinson Municipal Code relating to the proposed lead lateral service line replacement program.

ATTACHMENTS

1. ARTICLE_II.____WATERWORKS - Current COFA Ordinance
2. 2025-07-25 Lead Service Replacement Redline

ARTICLE II. WATERWORKS

DIVISION 1. GENERALLY

Sec. 98-35. Introduction and purpose.

The purpose of this article is to regulate and control the operation and use of the public water system within the City of Fort Atkinson in order to promote the public health, safety and general welfare of the community. They are designed to promote reasonably adequate water services for the community and to set forth equitable revenue systems so as to derive the maximum public benefit. The City of Fort Atkinson Water Utility is subject to regulation by the Public Service Commission of Wisconsin. This article enables the City of Fort Atkinson Water Utility to comply with the requirements of Wis. Admin. Code, ch. PSC 185, Standards for Water Public Utility Service and any other state or federal law.

(Ord. No. 566, 11-21-00)

Sec. 98-36. Management.

The entire charge and management of the waterworks utility owned by the city, and all property used in connection therewith, shall be vested in the city manager, subject, however, to the general control and supervision of the council.

(Code 1969, § 11.01)

Sec. 98-37. Rules and regulations.

The city manager shall have power and it shall be his/her duty to prepare rules and regulations governing the introduction, supply and consumption of water, the installation of plumbing in connection therewith, and fixing a schedule of rates for water service within the city. Such rules and regulations shall be approved by the council and by the state public service commission and shall be published in pamphlet form, and when so approved and published shall have the same force and effect as ordinances.

(Code 1969, § 11.02)

Sec. 98-38. Underground work to be done by city.

The laying of water mains, the construction of service laterals in connection with water services, and any necessary underground work in connection with the waterworks distribution system shall be done directly by the city without submitting the same for bids; except that water services may be installed by licensed plumbers in accordance with chapter 18, article VIII and other subsections of this Code applying to permits and work in city streets and to be paid on the basis of a schedule approved by the council. This provision shall continue in force until otherwise provided by the council by proper ordinance.

(Code 1969, § 11.03)

Sec. 98-39. General regulations to protect waterworks system.

- (a) *No interference with waterworks system.* No person unless duly authorized shall open or in any manner tamper with any fire hydrant, or draw water from the same, or in any manner obstruct the free access to any fire hydrant, gate, stopcock box or other connection with the waterworks distribution system.
- (b) *No injury to waterworks system.* No person shall in any manner injure, deface or impair the efficiency of the waterworks plant, reservoir distribution system, or any part thereof, or any property used in connection therewith.
- (c) *No unauthorized connection or interference with systems.* No person unless duly authorized shall tap any portion of the distribution system, or make any attachments or connections therewith, or wrongfully interfere in any manner with the central plant, pumps, reservoir, distribution system or any other property used in connection with such utility.
- (d) *No unauthorized use of water.* No person shall use or take water from the mains or pipe except as duly authorized.
- (e) *No unauthorized sale of water.* No person shall sell or give away water to be taken from his/her premises or take away water from any public fountain or other public source without the permission of the city manager.

(Code 1969, § 11.04)

Sec. 98-40. Outside metering.

All housing units are required to install outside water metering.

(Code 1969, § 11.05)

Sec. 98-41. Discontinuing of water service for cross connection.

The city manager is authorized and so directed to immediately discontinue water supply service to property or a building where a cross connection exists and to continue such interruption of service until all cross connections are removed, and to take such other precautionary measures to eliminate any danger of contamination of the public water supply system.

(Code 1969, § 14.02(GG)(9)(b))

Sec. 98-42. [Citations.]

The city engineer/director of public works is hereby authorized to issue citations for violations of the provisions of this chapter.

(Ord. No. 566, 11-21-00)

Sec. 98-43. [Violations.]

Any person who violates any provision of this chapter shall, upon conviction, be subject to a penalty as set forth in section 1-10 of this Code.

(Ord. No. 566, 11-21-00)

Sec. 98-44. [Adoption by reference.]

The City of Fort Atkinson hereby adopts by reference the provisions of ch. PSC 185, Standards for Water Public Utility Service, of the Wis. Admin. Code as it presently exists and any future modifications of same.

(Ord. No. 566, 11-21-00)

Secs. 98-45—98-50. Reserved.

DIVISION 2. CROSS CONNECTION CONTROL

Sec. 98-51. Definition of cross connection.

A cross connection is defined as any physical connection or arrangement between two otherwise separate systems, one of which contains potable water from the City of Fort Atkinson's public water system, and the other of which contains water from a private source, water of unknown or questionable safety or steam, gases or chemicals whereby there may be a flow from one system to the other with the direction of flow depending on the pressure differential between the two systems.

(Ord. No. 710, 5-1-12)

Sec. 98-52. Unprotected cross connections prohibited.

No person, firm or corporation may establish or maintain or permit to be established or maintained any unprotected cross connection. Cross connections shall be protected as required in ch. SPS 382, Wis. Admin. Code.

(Ord. No. 710, 5-1-12)

Sec. 98-53. Inspection.

The water utility may inspect or arrange for an inspection of residential property served by the public water system for cross connection. For all other purposes, the water utility shall require a person, firm or corporation who owns, leases or occupies property to have their plumbing inspected at their own expense by a State of Wisconsin certified cross connection inspector/surveyor. The frequency of inspections shall be established by the water utility in accordance with Wisconsin Administrative Code. Any unprotected cross connections identified by the inspection shall be promptly corrected. Failure to promptly correct an unprotected cross connection shall be sufficient cause for the water utility to discontinue water service to the property as provided under section 98-56 of this division.

(Ord. No. 710, 5-1-12)

Sec. 98-54. Right of entry.

Upon presentation of credentials, a representative of the water utility shall have the right to request entry at any reasonable time to a property served by a connection to the public water system for the purpose of inspecting the property for cross connections. Refusing entry to such utility representative shall be sufficient cause for the water utility to discontinue water service to the property as provided under subsection 98-56 of this division. If entry is refused, a special inspection warrant under Wis. Stats. § 66.0119 may be obtained.

(Supp. No. 29)

Created: 2025-04-04 08:00:05 [EST]

(Ord. No. 710, 5-1-12)

Sec. 98-55. Provision of requested information.

The water utility may request an owner, lessee or occupant of property served by a connection to the public water system to furnish the water utility with pertinent information regarding the piping systems on the property. Refusing to provide requested information shall be sufficient cause for the water utility to discontinue water service to the property as provided under section 98-56 of this division.

(Ord. No. 710, 5-1-12)

Sec. 98-56. Discontinuation of water for violation.

The water utility may discontinue water service to any property wherein any unprotected connection in violation of this division exists, and take other precautionary measures deemed necessary to eliminate any danger of contamination of the public water system. Water service may be discontinued, however, only after reasonable notice and opportunity for hearing under Wis. Stats. ch. 68, except as provided in subsection 98-57 of this division. Water service to such property shall not be restored until the unprotected cross connection has been eliminated.

(Ord. No. 710, 5-1-12)

Sec. 98-57. Emergency discontinuance.

If it is determined by the water utility that an unprotected cross connection or emergency endangers public health, safety or welfare and requires immediate action, and if a written finding to that effect is filed with the city clerk and delivered to the customer's premises, water service may be immediately discontinued. The customer shall have the opportunity for hearing under Wis. Stats. ch. 68, within ten days of such emergency discontinuance. Water service to such property shall not be restored until the unprotected cross connection has been eliminated.

(Ord. No. 710, 5-1-12)

Sec. 98-58. Miscellaneous.

All other terms and conditions of section 98-41 not in conformity herein are repealed.

(Ord. No. 710, 5-1-12)

Secs. 98-59—98-75. Reserved.

(Supp. No. 29)

Created: 2025-04-04 08:00:05 [EST]

ORDINANCE NO. ____
AN ORDINANCE TO CREATE SECTION 98-59
OF THE CITY OF FORT ATKINSON CODE OF GENERAL ORDINANCES RELATING TO
LEAD LATERAL SERVICE LINE REPLACEMENT

NOW THEREFORE, the City Council of the City of Fort Atkinson, Wisconsin, does hereby ordain as follows:

Section 1. Creates Sec. 98-59 to read as follows:

“Sec. 98-59 – Lead Water Service Replacement Program.

(a) INTENT AND PURPOSE. The Common Council finds that it is in the public interest to establish a comprehensive program for the removal and replacement of lead service lines in use within and attached to the City water system, 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 a City water customer meets the water quality standards specified under federal and state law;
- (2) To reduce the lead in City drinking water to meet the Environmental Protection Agency standards and ideally to a lead contaminant level of zero in City drinking water for the health of City residents; and
- (3) To eliminate the constriction of water flow caused by mineral rich groundwater flowing through lead service pipes and the consequent buildup of mineral deposits inside those lead pipes.

(b) DEFINITIONS. Definitions of terms used in this section are provided below:

- (1) “City water system” means the water supply system owned by and located within the City.
- (2) “Customer service line” means the portion of a water service line that extends from the outlet of the curb stop to the inlet of a customer's water meter.
- (3) “Lead service line” means (i) all or a portion of a water service line constructed of lead, and/or (ii) all or a portion of a water service line constructed of galvanized material that is or was downstream of lead.

The term includes both customer service lines and utility service lines.

(4) “Utility” means the City’s water utility.

(5) “Utility service line” means the portion of a water service line from the water main to the outlet of the curb stop, including the curb stop, but not the outlet joint of the curb stop.

(6) “Water service line” means the service line that extends from the water main to a customer’s water meter.

(c) IDENTIFICATION OF LEAD SERVICE LINES.

(1) The Utility shall create and maintain a record of the location of all identified lead service lines in the City.

(2) Utility representatives shall have the right, upon the presentation of credentials, to request to enter a property connected to the City water system at any reasonable time and inspect that property’s customer service line. Any person or entity who owns, manages or otherwise exercises control over a property connected to the City water system shall allow the Utility to inspect the customer service line. If entry is refused, the Utility shall obtain a special inspection warrant under Wis. Stats. § 66.0119.

(3) The Utility shall provide written notice to any person or entity who owns, manages or otherwise exercises control over a property connected to the City water system if that property has been inspected and determined to have a lead service line.

(d) LEAD SERVICE LINE REPLACEMENT REQUIREMENT.

(1) All existing lead service lines that are connected to the City water system must be replaced with water service lines constructed of materials approved by the City.

(2) Existing lead service lines that are connected to City water mains or Utility service lines that will be replaced or reconstructed as part of a City construction project must be replaced in conjunction with that City construction project. No lead service lines shall be reconnected to a City water main or a Utility service line that was replaced or reconstructed.

(3) Existing lead service lines that develop a leak or otherwise need repair

may not be repaired but must be replaced.

(4) Other lead service lines shall be replaced in accordance with a schedule developed by the Utility. The schedule shall be developed to eliminate all lead service lines in the City by 2037.

(5) Property owners shall replace their customer service lines that meet the definition of a lead service line according to the schedule developed by the Utility. The City or Utility or both may issue citations and penalties prescribed by City ordinance on a property owner that fails to replace their customer service line that meet the definition of a lead service line as required by the schedule.

(e) FINANCIAL RESPONSIBILITY AND ASSISTANCE.

(1) A property owner shall be responsible for the cost of replacing the portion of a lead service line that is a customer service line that serves their property. The Utility shall be responsible for the cost of replacing all lead service lines that are Utility service lines.

(2) The City may establish a program to provide financial assistance to property owners replacing lead service lines.

(f) AUTHORITY TO DISCONTINUE SERVICE. As an alternative or in addition to any other methods provided for obtaining compliance with this section, the Utility may, after giving at least sixty (60) days' notice, discontinue water service to a property served by a customer service line that meets the definition of a lead service line provided the property owner has first been given reasonable opportunity to make the required replacement.

Section 2.

“Secs. 98-~~6059~~ – 98-75. – Reserved.”

Section 3. This ordinance shall take effect after passage, posting, or publication as provided by law.

Enacted by the City Council of the City of Fort Atkinson, Jefferson County, Wisconsin,
this _____ day of _____, 2025.

Fort Atkinson City Council

Kyle Jaeckel, President

ATTEST:

Michelle Ebbert, City Clerk/Treasurer/Finance Director

DRAFT