

Community Democracy River

CREATE OR UPDATE ORDINANCES

Lead Pipes Ordinances

- An ordinance is a set of rules passed by a local municipality. In most towns, ordinances are reviewed by the city council, and if the majority of council members votes “yes”, the ordinance is passed.
- Ordinances can address a variety of issues and topics, including the green space in a municipality.
- Plumbing pipes made of lead were used commonly up until the 1980s (Rabin, 2008)
- Lead pipes were banned in 1986 by the Safe Drinking Water Act Lead Ban (Environmental Protection Agency, n.d. a).
- In 1991, the Environmental Protection Agency published the Lead and Copper Rule to set limits on lead and copper in drinking water (Environmental Protection Agency, n.d. b).
- Drinking water from lead pipes can be harmful to human health (Environmental Protection Agency, 2022). Health effects include:
 - Headaches
 - Memory issues
 - High blood pressure
 - Learning disabilities in children
 - Reproductive issues
- The Environmental Protection Agency sets the maximum safe limit at 15 parts per billion (ppb) (Environmental Protection Agency, 2022).
- Lead pipe ordinances create a range of solutions to this issue. Some ordinances simply prohibit the installation of new lead pipes, while others require the replacement of lead pipes in the entire city.

River point: Upriver – Green Space Ordinances can be implemented at any time.

- Green Space Ordinances will be strongest if levers are also pulled up- and midriver. Specific levers that build and engage relationships, change local laws to allow and protect green spaces will be helpful for stronger Green Space Ordinances include:
 - Authentic relationship building
 - Co-create community vision
 - Learn about your municipality, who holds power, and local laws
 - Create or update local laws (ordinances)
 - Updating zoning laws
 - Find a way to pay for your vision
 - Be part of local municipality
 - Engage and energize your relationships and community
 - Attend meetings & public hearings, and review local agendas and public notices
 - Develop strategic messaging

Strengths & Skills that can pull lever:

- Relationship Building & Feeling
- Influencing & Motivating

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- Thinking & Strategy
- Doing & Executing

Decision-Making Power: Municipal governing body

Ordinance Examples

The goal of this worksheet is to help you see possibilities and how other towns have used ordinances to replace lead pipes. You can use these ideas to figure out what solutions will work best in your town. It's important to know that most ideas will not get rid of the issue completely, sometimes getting your decision-makers to agree and pass your ideas will take time and advocacy, and the final idea needs to align with standards and other local, county, state, and federal policies.

The following ordinance examples show different ways that towns and cities have used local laws to protect the environment and work toward environmental justice. All five are assessed for:

Practicality	Equitable	Resiliency
<ul style="list-style-type: none"> • Ease to create and enact. • Affordability to municipality. • Has clearly defined measures of success • Potential preemption issues from state and/or federal laws. 	<p>Builds toward equity and social or political determinants of health. Includes addressing past harms and changing the future for racial, economic, LGBTQ+, immigrant & refugee outcomes:</p> <ul style="list-style-type: none"> • Physical and mental health and wellbeing. • Jobs & economic security. • Healthy and affordable housing. • Positive neighborhood environment. • Food security • Neighborhood safety. • Ongoing community input & participation. 	<ul style="list-style-type: none"> • Protects the environment through healthy air and water, green spaces, and heat index. • Opportunities for youth • Opportunities for community connection & togetherness

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Ordinance Example One: Prohibits Installation of Lead Pipes

Toledo, OH:	
This 2022 ordinance prohibits the installation of lead pipes in Toledo, Ohio.	
Practicality	<p>This ordinance prohibits the installation of new lead pipes (in new constructions and while repairing existing pipes).</p> <p>This ordinance is easy to enact and is cost-effective, but it does not address buildings that already have lead pipes.</p>
Equitable	<p>This ordinance does not create jobs.</p> <p>This ordinance does not address equity.</p> <p>Prohibiting lead pipes can protect future customers, but this type of ordinance does not protect the health of people currently drinking water from lead pipes.</p>
Resiliency	<p>No rules or incentives to create youth opportunities.</p> <p>No rules or incentives to build community connection.</p> <p>No rules or incentives to protect the environment beyond prohibiting the future use of lead pipes.</p>
Highlights	This is the cheapest ordinance, but it does not create a plan to replace existing lead pipes.

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Ordinance Example Two: Lead Pipe Replacement

Chicago, IL	
This ordinance requires the Department of Water Management to create a program to promote lead pipe replacement in Chicago, Illinois.	
Practicality	<p>This ordinance sets rules and requirements for lead pipe replacement.</p> <p>Property owners that replace lead pipes voluntarily are eligible to have a portion of permit costs waived by the city (up to \$3,100.00).</p> <p>Property owners who earn up to 80% of the area median income may have the replacement of their pipes paid for by the city.</p>
Equitable	<p>This ordinance does not create jobs beyond plumbers employed for replacing lead pipes.</p> <p>This ordinance addresses income inequality by creating a program to help low-income residents to pay for lead pipe replacement.</p>
Resiliency	<p>Replacing lead pipes is beneficial for environmental and human health, but this ordinance does not have specific initiatives or requirements for environmental protection.</p> <p>No rules or incentives to create youth opportunities.</p> <p>No rules or incentives to build community connection.</p>
Highlights	<p>This ordinance encourages property owners to replace lead pipes but does not require lead pipes to be replaced.</p> <p>This ordinance acknowledges income inequality.</p>

Ordinance Example Three: Lead Pipe Replacement

Madison, WI	
This ordinance is designed to promote the replacement of lead pipes in Madison, Wisconsin.	
Practicality	<p>This ordinance uses self-inspections to assess the number of properties that have customer-side lead service lines.</p> <p>The city's Water Utility office will send a notification for inspection to property owners, who then must inspect or hire a plumber to inspect customer-side service lines. The property owner must notify the Water Utility office of the existence of lead pipes on their property.</p> <p>The ordinance creates a schedule for replacement based on various factors. From the time the property owner has notified the water utility of lead pipes:</p> <ul style="list-style-type: none"> • Childcare facilities /schools have 1 year; • Properties with water lead levels of 15+ ppb have 2 years; • Properties that have more than 20 people regularly drinking water (e.g., office buildings, apartments) have 3 years <p>If funding is available, the city may reimburse property owners 50% (up to \$1,000) of the cost of replacing lead pipes.</p>
Equitable	<p>This ordinance does not create jobs beyond plumbers employed for replacing lead pipes.</p> <p>This ordinance sets shorter deadlines based on the level of concern– childcare facilities must replace lead pipes on a shorter time-schedule because children are more susceptible to lead poisoning.</p> <p>This ordinance may provide some funding for assisting property owners for replacing their lead pipes.</p>
Resiliency	<p>Replacing lead pipes is beneficial for environmental and human health, but this ordinance does not have specific initiatives or requirements for environmental protection.</p> <p>No rules or incentives to create youth opportunities.</p> <p>No rules or incentives to build community connection.</p>
Highlights	This ordinance uses a self-inspection method to assess the number of lead pipes in the municipality.

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Ordinance Example Four: Lead Pipe Replacement

<p>Cincinnati, Ohio These three ordinances were adopted in Cincinnati, Ohio- one to authorize a 15-year plan to replace lead pipes, one to prohibit lead service lines, and one to fully fund pipe replacement.</p>	
<p>Practicability</p>	<p>Ordinance 1 (2016) details the “Enhanced Lead Strategy” which seeks to replace public and private lead pipes.</p> <p>Ordinance 1 (2016) estimates that the cost of the 15-year program will be \$9.7 million USD.</p> <p>Greater Cincinnati Water Works (GCWW)/ Finance Department worked together to refinance debts and raise water rates by 3.75% to help fund this program.</p> <p>Ordinance 2 (2017) gives the city council the authority to create standards for inspection and replacement of lead pipes.</p> <p>Ordinance 2 (2017) states that property owners may pay to have their lead pipes replaced by a plumber or may participate in the city-funded program.</p> <p>Ordinance 2 (2017) requires that property owners replace customer-side lead pipe within 30 days of the city replacing the service line pipes.</p> <p>Ordinance 3 (2021) authorizes GWCC to pay 100% of the cost of replacing customer-side lead pipes.</p>
<p>Equitable</p>	<p>This ordinance does not create jobs beyond plumbers employed for replacing lead pipes.</p> <p>The ordinance gives GCWW the ability to prioritize higher risk customers (like schools or childcare facilities).</p> <p>This ordinance addresses equity by providing funding to help property owners replace lead pipes.</p>
<p>Resiliency</p>	<p>Replacing lead pipes is beneficial for environmental and human health, but this ordinance does not have specific initiatives or requirements for environmental protection.</p> <p>No rules or incentives to create youth opportunities.</p> <p>No rules or incentives to build community connection.</p>
<p>Highlights</p>	<p>These three ordinances show the progression of a city’s ability to fund the replacement of lead pipes on both the service and customer side.</p>

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Ordinance Example Five: Lead Replacement

Newark, NJ	
This ordinance gives the city of Newark, New Jersey the authority to create and fund a mandatory lead pipe replacement program.	
Practicality	<p>The ordinance sets a deadline of 90 days for property owners to replace lead pipes. Property owners may request a time extension.</p> <p>Property owners may replace their lead pipes at their own cost (within 90 days) or may sign up for the Lead Service Line Replacement Program. The cost of the program is covered by the city.</p>
Equitable	<p>This ordinance does not create jobs beyond plumbers employed for replacing lead pipes.</p> <p>This ordinance addresses equity by providing funding to help property owners replace lead pipes.</p> <p>Because the program is mandatory, if a property owner does not want their lead pipes replaced, they may be fined (\$250-\$1,000). Other penalties include 90 days of imprisonment or community service.</p>
Resiliency	<p>Replacing lead pipes is beneficial for environmental and human health, but this ordinance does not have specific initiatives or requirements for environmental protection.</p> <p>No rules or incentives to create youth opportunities.</p> <p>No rules or incentives to build community connection.</p>
Highlights	This lead pipe replacement program is mandatory— property owners do not have to sign up for the program and cannot easily opt out.

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Common Elements of Lead Pipe Ordinances:

No ordinance is perfect, and only your community knows what the “best” ordinance for your city would be. Many of these ordinances are from large cities. This does not mean that smaller communities can’t or don’t have lead pipe ordinances! Many smaller towns do not publish their municipal codes on the internet, so it is difficult to find examples of ordinances in smaller towns. Small cities are a great place to promote health through replacing lead pipes and there are some key items to include in your “best” ordinance:

Who Oversees It?

Typically, the municipal utility board/department oversees lead pipe initiatives. If the ordinance requires mandatory replacement of lead pipes, it should also devise a method for creating an inventory of all lead pipes in the city. The ordinance should also specify whether the property owners should contract plumbers to replace lead pipes or with the city itself. For example, in Menasha, Wisconsin the lead pipe ordinance stipulates that property owners may contract plumbers to replace pipes, or they may contract with the city Utility Board, who will provide bid prices for lead pipe replacement.

How Is It Paid For?

There are many ways to pay for lead pipe replacement. Some cities finance the full replacement by raising utility rates and acquiring grants or loans. Other cities help property owners pay for a portion of the customer-side lead pipes through the city budget or grants. Replacing lead pipes can be expensive, so it is important that a lead pipe ordinance clarifies who is responsible for paying for customer-side pipe replacement. There are some resources on grant funding below.

How Is Community Included?

The level of inclusion of community members varies in different cities. Some cities have strong community support behind replacing lead pipes. In other communities, citizens are hesitant to allow the local government to replace their pipes, or they cannot afford to pay for them to be replaced. Community groups can include community members and build support by providing education on the risks and harms of drinking water from lead pipes. In communities with strong social support for replacing lead pipes, community members may want to create a watchdog group to monitor the progress of these initiatives and make local government aware of community needs and desires.

How Should Young People Be Included?

Young people (under the age of 7) are most affected by lead poisoning, due to the small size of their bodies. Though there may not be opportunities for young people to get involved in replacing lead pipes, teaching parents about the risks to their children may help get more parents on board with lead pipe initiatives.

How Can It Help The Environment?

Replacing lead pipes is inherently good for the environment because it reduces water contamination. Communities with many environmentally-conscious citizens may want to emphasize this fact to build support for lead pipe initiatives.

How Can It Create Programs?

It is ultimately up to the city what types of lead pipe replacement initiatives are possible given state laws and budget restraints. Local communities and organizations can create programs to educate citizens on the importance of replacing lead pipes, and how to be safe in the meantime before pipes are

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replaced. There are some resources below on this topic. The ordinance may also create a local hiring program to promote locally owned plumbing businesses. This could benefit the municipal economy and build trust in the initiative.

Additional Considerations:

If your municipality decides to create a mandatory lead pipe replacement program (like Newark, New Jersey), what kind of penalties for noncompliance are acceptable? It is not preferable to include jail time for noncompliance, because this impacts individuals' permanent record.

Resources and References:

- Chicago, Illinois Municipal Code, Chapter 11, § 12, Ord. 900, 910, 920
- Cincinnati, Ohio Municipal Code, Chapter 401, § 401-127 - § 401-135
- Environmental Protection Agency (2022) *What are some of the health effects of lead?*
- Environmental Protection Agency (n.d. a) *Lead Ban: Preventing the Use of Lead in Public Water Systems and Plumbing Used for Drinking Water.*
- Environmental Protection Agency (n.d. b) *Lead and Copper Rule: A Quick Reference Guide*
- Madison, Wisconsin Municipal Code, § 13.18 Cr. by Ord. 12,544,2-18-00
- Menasha, Wisconsin (2018) Water Utility Regulations: Section 9-2-18 Lead and Galvanized Water Service Replacement Program
- Newark, New Jersey Municipal Code, Chapter 16:23, § 16:23-1 - §16:23-7, Ord. 6PSF-M, 9-18-2019
- Rabin R. (2008). The lead industry and lead water pipes "A Modest Campaign. *American Journal of Public Health, 98(9), 1584–1592*
- Toledo, Ohio Municipal Code, Chapter 939, §19, Ord. 102-22
- Developing a lead pipe inventory
 - Prepare a Lead Pipe Inventory Using Data Mapping
 - Getting Started on an LSL Inventory
 - Digging into Lead Service Line Mapping and Inventories
- Information on health:
 - Protecting Children from Lead Exposure in Schools and Child Care Facilities
 - Five Things You Can Do to Help Lower Your Child's Lead Level
 - Childhood Lead Poisoning Prevention Tools and Trainings

Information on funding:

- Funding for Lead Service Line Replacement
- Ensuring Communities Have Access to Needed Funding