

ORDINANCE NO. 268

AN ORDINANCE TO REPEAL ORDINANCE NO. 220
AND TO ADOPT AN ORDINANCE TO REQUIRE MANDATORY
HOOK UP TO PUBLIC SEWERS
SUBJECT TO POSSIBLE WAIVERS
IN THE VILLAGE OF OCONOMOWOC LAKE

WHEREAS, Section 281.45 Wisconsin Statutes, allows the Village to require by ordinance mandatory connection to sewerage systems; and

WHEREAS, the Village Board finds that the health, safety and welfare of the Village will be served by such mandatory connections when public sewers become available; and

WHEREAS, the Village Board finds that it is reasonable and appropriate for waivers to be granted to the mandatory hook-up requirement in limited circumstances, provided that adequate protections are provided as described herein; and

WHEREAS, the Village Board has determined that the waiver procedure described in Ordinance 220 is unnecessarily burdensome and intends to grant an automatic waiver to private sewage systems that are working properly on January 1, 2013, and for which public sanitary sewer is available on January 1, 2013, provided that the public sanitary sewer connections are made and all assessments paid in full before the property is conveyed, as further described herein.

NOW, THEREFORE, the Village Board of the Village of Oconomowoc Lake, Waukesha County, Wisconsin, DOES ORDAIN AS FOLLOWS:

SECTION 1: REPEAL ORDINANCE 220.

Village of Oconomowoc Lake Ordinance No. 220, entitled "An Ordinance to Repeal Ordinance No. 184 and to Adopt an Ordinance to Require Mandatory Hook Up to Public Sewers Subject to Possible Waivers in the Village of Oconomowoc Lake" is hereby repealed.

SECTION 2: USE OF PUBLIC SEWERS REQUIRED.

(1) No person shall place, deposit or permit to be deposited in any unsanitary manner on public or private property within the Village any human or animal excrement, garbage or other objectionable waste.

(2) No person shall discharge to any natural outlet within the Village any wastewater or other polluted waters, except where suitable treatment has been provided.

(3) Except as provided herein, no person shall construct or maintain any privy, privy vault, septic tank, cesspool or other facility intended or used for the disposal of sewage within any area served in the Village by a sewerage system.

(4) The owner of all houses, buildings or properties used for human occupancy, employment, recreation or other purposes, situated within the municipal boundaries of the Village and abutting on any street whether public or private, alley or right-of-way whether public or private in which there is now located or may in the future be located a public sanitary sewer of the Village, is hereby required at their expense to install suitable facilities and to connect such facilities directly with the proper public sewer in accordance with the provisions of this subchapter within six months after date of official notice to do so, unless a waiver is granted as described in Section 3, below.

(5) All connections must be made by a licensed plumber pursuant to the State Plumbing Code.

SECTION 3: LIMITED WAIVER; PROCEDURES AND LIMITATIONS.

The Village of Oconomowoc Lake Village Board hereby grants a limited waiver of the requirements of Section 2, above, for all property in the Village of Oconomowoc Lake that has an existing private sanitary sewer system that is working properly on January 1, 2013, and for which public sanitary sewer is available on January 1, 2013, provided that all of the following conditions and limitations apply:

(1) The subject property must be hooked up to the public sewer, at the current owner's expense, before the property is sold, inherited, assigned, or otherwise conveyed in fee interest to a new owner; and

(2) The private sewage system on the subject property shall not be rebuilt, repaired or modified in any way at any time without the express written consent of the Village of Oconomowoc Lake Village Board in a manner which would require a permit. Instead, when the need for rebuilding, repair or modification arises in a manner which would require a permit, the subject property must be hooked up to public sanitary sewer immediately; and

(3) The subject property must be hooked up to the public sanitary sewer immediately, and at the owner's expense, if the private sewage system fails at any time.

SECTION 4: PENALTIES.

In addition to such other penalties and remedies as may apply, violations of this ordinance shall be subject to the penalties described in Village of Oconomowoc Lake **Ordinance No. 149**, entitled "An Ordinance to Repeal and Recreate the Penalty Provisions of All

Previously Adopted Village of Oconomowoc Lake Ordinances”, including such amendments and re-created provisions as may be made thereto from time to time.

SECTION 5: SEVERABILITY.

The several sections of this ordinance are declared to be severable. If any section or portion thereof shall be declared by a court of competent jurisdiction to be invalid, unlawful or unenforceable, such decision shall apply only to the specific section or portion thereof directly specified in the decision, and shall not affect the validity of any other provisions, sections or portions thereof of the ordinance. The remainder of the ordinance shall remain in full force and effect. Any other ordinances whose terms are in conflict with the provisions of this ordinance are hereby repealed as to those terms that conflict.

SECTION 6: EFFECTIVE DATE.

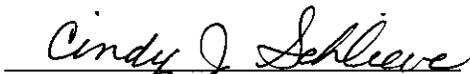
This ordinance shall take effect immediately upon passage and posting or publication as provided by law.

Dated this 21ST day of JANUARY, 2013.

VILLAGE OF OCONOMOWOC LAKE


Joseph Birbaum, Village President

ATTEST:


Cindy J. Schlieve, Village Clerk

**VILLAGE OF OCONOMOWOC LAKE
35328 W. PABST ROAD
OCONOMOWOC, WI 53066**

STATE OF WISCONSIN)
)
COUNTY OF WAUKESHA)

AFFIDAVIT OF POSTING

Ordinance No. 268 Requiring Mandatory
Sewer Hook Up Adopted 01-21-13

The undersigned, being first duly sworn, on oath deposes and states that on February 19, 2013, at the direction of the Clerk of the Village of Oconomowoc Lake, he posted copies of the foregoing proceedings of the Village Board in the following public places in said Village:

To-wit:

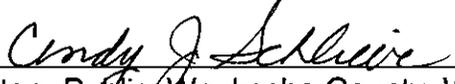
- (1) Opposite the entrance to the Oconomowoc Lake Club on the Northern side of the road in front of the Club;
- (2) At the entrance to the Village Hall on West Pabst Road;
- (3) At the Village Boat Launch located at 35622 E. Wisconsin Avenue.



Posting Officer Signature

Subscribed and sworn to before me

This 19th day of February 2013



Notary Public, Waukesha County, Wisconsin
My Commission expires: June 7, 2015