

ORDINANCE NO. 220

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

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.

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

SECTION 1: REPEAL ORDINANCE 184.

Village of Oconomowoc Lake Ordinance No. 184, entitled "An Ordinance to Require Mandatory Hook Up to Public Sewers in the Village of Oconomowoc Lake" is hereby repealed.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.

Upon petition from a property owner, the Village of Oconomowoc Lake Village Board may grant a limited waiver of the requirements of Section 2, above, provided that all of the following conditions and limitations apply:

(1) The Village must be considering installation of public sewers that will abut the Petitioner's property or the Petitioner's property must be located in a Village approved service area, but such sewers must not yet be constructed at the time of the petition;

(2) The Petitioner must agree to accept the Village assessment for the sewer work, and must waive the statutory special assessment procedures, in a form approved by the Village Attorney;

(3) The Petitioner must voluntarily grant an easement for the sewer facilities, if the Village deems such easement to be necessary, and waive any otherwise applicable condemnation proceedings for the sewer easement in a form approved by the Village Administrator;

(4) The Petitioner must file a certificate from an independent licensed plumber, in a form approved by the Village Administrator, stating that the private sewage system for the subject property is working properly; and

(5) The Petitioner must enter an agreement with the Village of Oconomowoc Lake in a form that is approved by the Village Attorney, and that is recorded with the Waukesha County Register of Deeds, to require:

(b) That on or within two weeks before the two year anniversary of the date of the waiver being granted, and on or within 2 weeks before each successive two year anniversary, the Petitioner shall provide to the Village Administrator a certificate from an independent licensed plumber, in a form approved by the Village Administrator, stating that the private sewage system for the subject property is working properly; and

(c) That 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 sewer immediately; and

(d) That the subject property must be hooked up to the public sewer immediately, and at the Petitioner's expense, if the private sewage system fails at any time, or if satisfactory certification of the private sewage system is not filed as required.

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. 136, entitled "An ordinance to Repeal and Recreate the Penalty Provisions of All 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.

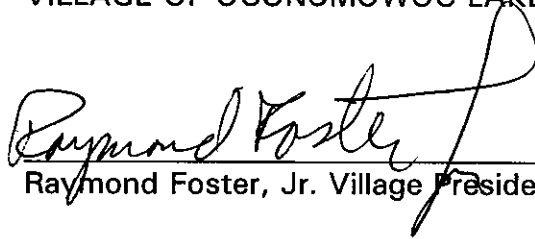
sections or portions thereof of the ordinance. The remainder of the ordinance shall remain in full force and effect. Any other ordinances whose terms are in conflict with the provisions of this ordinance are hereby repealed as to those terms that conflict.

SECTION 6: EFFECTIVE DATE.

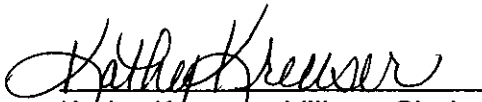
This ordinance shall take effect immediately upon passage and posting or publication as provided by law.

Dated this 20th day of September, 2004.

VILLAGE OF OCONOMOWOC LAKE


Raymond Foster, Jr. Village President

ATTEST:


Kathy Kreuser, Village Clerk

STATE OF WISCONSIN)
)
COUNTY OF WAUKESHA)

AFFIDAVIT OF POSTING


ORDINANCE 220
to repeal Ord. to require
Mandatory Hook Up to Public
Sewers

The undersigned, being first duly sworn, on oath deposes and states that on

Oct 10, 2004, 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:

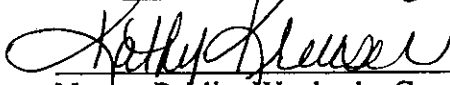
to-wit:

- (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

Subscribed and sworn to before me

This 6th day of October, 2004


Notary Public, Waukesha County, Wisconsin
My Commission expires: 3-23-08