

**ORDINANCE NO. OR04-01**

**AN ORDINANCE AMENDING THE MUNICIPAL CODE  
CHAPTER 98, UTILITIES  
ARTICLE I., IN GENERAL,  
SECTION 98-4, COMPULSARY CONNECTION TO SEWER AND WATER  
AS IT RELATES TO  
THE CONNECTION TO SEWER AND WATER UTILITY SERVICES  
IN THE CITY OF BRILLION,  
CALUMET COUNTY, WISCONSIN**

The Common Council of the City of Brillion do ordain as follows:

**SECTION 1.** Chapter 98, Utilities, Article I, In General, Section 98-4 is hereby repealed and recreated as follows:

Sec. 98-4. Compulsory Connection to Sewer and Water.

(a) *When Required.* Whenever a premises used or intended to be used for human occupancy is serviced by a private water or sewage system and when a public water or public sewer system, as applicable, become available to such premises, the use of the private water or sewage system shall be discontinued. The City Administrator shall notify the owner or his/her agent in writing or by registered mail addressed to the last known address of the owner or his/her agent that the use of the private water or sewer system shall be discontinued within the time required under subsection (b) below. The private water or sewer system, as applicable, servicing the premises shall be disconnected and be connected to the public water or sewer system, as applicable.

(b) *Contents of Notice.* The notice required by this section shall direct the owner or his/her agent to connect the premises to such mains in the manner prescribed by the City and to install such facilities and fixtures as may be reasonably necessary. Connection to a public water or sewage system, as applicable, shall be required within 365 days of notice in writing from the City Administrator, or if the property is sold within 365 days of notice. In addition, the notice shall include mandatory abandonment of any existing on site private sewer system as per COMM 83.33 and well abandonment as per NR 812.26 unless otherwise permitted by Article IV of this Chapter. All costs or expenses incident to the connection of sewer and water shall be borne by the property owner making the connection.

(c) *Penalty for Non-Compliance.* If the owner or his/her agent fails to comply within 365 days of written notice, the City Administrator may cause required work to be completed and all expenses thereof shall be assessed as a special tax against the property.

(d) *Optional Penalty.* In lieu of (c), the City at its option may impose a penalty to any owner failing to complete the required work for that period that the violation continues after the 365 days written notice until such time the required work is completed. The amount of the penalty shall be 150% of the average quarterly residential sewer and water bill and shall be billed quarterly and prorated for each day the violation

continues. Failure to make sure payment shall result in a special assessment as a special tax against the property.

(e) *Payment Option.* If the City Administrator causes connection at the expense of the owner, the owner or his/her agent may, make one lump sum payment due by Oct 30th of each year or one (1) installment if the assessment is \$200 or less, or three (3) equal annual installments if the assessment is greater than \$200. Deferred payments will bear an interest rate of 1% above the City's borrowing rate on the unpaid balance. Any overdue balance may be levied as a tax as provided in Wis. Stat. 66.069.

**SECTION II:** This ordinance shall take effect upon passage and publication as required by law.

Ordinance Number OR04-01 introduced and its adoption moved by Alderperson Sonnabend; and seconded by Alderperson Edinger.

Upon a pole vote thereon, the result was as follows:

<u>8</u>	Votes Cast
<u>8</u>	Votes Yes
<u>0</u>	Votes No

The Mayor declared Ordinance Number OR04-01 adopted, approved and signed the same this 22<sup>nd</sup> day of March, 2004.

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Robert Mathiebe  
Mayor

Attested:

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Lori M. Gosz, CMC  
City Administrator/Clerk-Treasurer