

1 STATE OF WISCONSIN WAUKESHA COUNTY VILLAGE OF LANNON

2 ORDINANCE NO. 19-X

3 AN ORDINANCE REPEALING AND REPLACING §74-157
4 OF THE VILLAGE OF LANNON CODE OF ORDINANCES
5 REGULATING COMPULSORY WATER MAIN CONNECTIONS
6

7 RECITALS

8 WHEREAS, the Village of Lannon (“Village”) has a municipal water system (“System”) that
9 services a portion of the territory of the Village; and

10 WHEREAS, the Village has received a Letter dated March 9, 2020 from its Village
11 Engineer documenting a health hazard prevalent within the water supply available to private
12 wells within the jurisdiction of the Village and attached hereto as Exhibit A; and

13 WHEREAS, the Village has embarked on plans to expand its System to include as many
14 parcels as financially feasible within the Village in an effort to protect the citizens of the Village
15 from the health hazard detailed in Exhibit A; and

16 WHEREAS, the Village Board of Trustees of the Village of Lannon adopted on March
17 9th 2020, as Findings of the Village Board, the health hazard detailed in Exhibit A and further
18 declared a blighted condition with respect to the water supply available to private wells within
19 the jurisdiction of the Village effective as of March 9th 2020, the date that the Village Board
20 received Exhibit A.

21 NOW, THEREFORE, IN CONSIDERATION OF THE ABOVE INDICATED
22 RECITALS AND EXHIBIT WHICH ARE MADE A PART OF AND FULLY
23 INCORPORATED AS PART THIS ORDINANCE, THE VILLAGE BOARD OF THE
24 VILLAGE OF LANNON DO ORDAIN AS FOLLOWS:

25 **SECTION 1:** §74-157 of the CODE OF ORDINANCES OF THE VILLAGE OF LANNON is
26 hereby repealed and this ordinance adopted in its place as follows with the full incorporation of
27 the above recitals as part of this ordinance:

28 **Sec. 74-157. - Compulsory connection.**

29 (a) Connection required. As set forth in this ordinance section, when an operational Village of
30 Lannon water main becomes available to any property or structure thereon that is used or capable
31 of being used for human occupation or use, such property or structure shall be connected to the
32 System within six (6) months of the water main becoming operational adjacent to the property .

33 (b) Disconnection from private water supply. As part of the connection to the Village of Lannon
34 System required in subsection (a) of this ordinance, any existing private water supply shall be
35 totally disconnected from any existing structure and from all faucets or fixtures inside any existing

36 structure except in any instance where water from such private water supply is allowed under a
37 village issued conditional use permit and is used, after specialized treatment, solely for the
38 production of product produced to be shipped off premises and not utilized for any other interior
39 non-production of product or personal purpose within any structure by any person or apparatus
40 inside said structure. All such interior faucets or fixtures of any existing or future structure shall
41 be connected only to the Village of Lannon water supply. Any existing private water supply may
42 not be retained for outdoor water use, and may not be connected to any outdoor hose connections.

43 (c) Limited deferral of special assessments. The due date of any special assessment levied against
44 property abutting on or benefited by a water system public improvement may not be deferred to
45 the full extent allowed by Wis. Stats § 66.0715 (2). Special assessments for Village of Lannon
46 water system improvements may be paid in accordance with the provisions of Wis. Stat. 66.0715
47 (3) as may be allowed in annual installments on such terms and such manner as allowed and
48 prescribed by the Village Board.

49 All special assessments shall be subject to interest as prescribed by the Village Board.

50 Any special assessment and interest accruing thereon against a levied property shall be a lien on
51 it.

52 (d) Penalty for failure to connect. The owner of each parcel of land required to connect under
53 subsection (a), who fails to timely connect to the village water system as required, shall be in
54 violation of this ordinance. In addition to being subject to a forfeiture prosecution pursuant to §1-
55 14, the property owner shall pay the village treasurer upon billing therefor an amount equal to 95
56 percent of the minimum quarterly charge for water service normally provided to a property having
57 similar use. Such charge is collectible in the event of nonpayment as a special assessment on the
58 real estate tax bill pursuant to Wis. Stats. § 66.0703.

59 (e) Maintenance of service. All water services within the village from the street up to and including
60 the curb stop, including all controls between the same, shall be maintained by the water system
61 without expense to the property owner, except when damaged as a result of negligence or
62 carelessness of the property owner, tenant or owner's agent, contractor or licensee, whereupon it
63 shall be repaired at the property owner's expense. All water services from the ending point of
64 maintenance by the water system to and throughout the serviced premises shall be maintained free
65 of defective conditions by and at the expense of the property owner or occupant. If the property
66 owner does not repair a leak between the curb stop and structure within 48 hours of detection, the
67 water shall be shut off until the repair is made. Notwithstanding the foregoing, the village or its
68 authorized representative may order a property owner to repair a leak within a shorter period of
69 time if the leak is of such a magnitude so as to impair the public health, safety or welfare. Any
70 action to discontinue service pursuant to this section shall follow the procedure set forth in
71 subsection 74-180 (f).

72 (f) Extension of time; other temporary relief. In lieu of any other administrative appeal provided
73 by law, only the Village Board, after a hearing, may extend the time for connection or may grant
74 other temporary relief where strict enforcement would cause a demonstrated unnecessary hardship

75 that is neither self-imposed or financial in nature and without corresponding public or private
76 benefit.

77 **SECTION 2:** If any section, sentence, clause, phrase or portion of this ordinance is for any reason
78 held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be
79 deemed a separate, distinct and independent provision, and such holding shall not affect the
80 validity of the remainder of such ordinance.

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82
83 **SECTION 3:** This ordinance shall take effect and be in full force from and after its passage and
84 publication.

85
86 Passed and approved this _____ day of _____, 2020.

87
88 VILLAGE OF LANNON

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90 By: _____
91 Tom Gudex, Village President

92 ATTEST:

93
94 _____
95 Brenda Klemmer, Village Clerk/Treasure
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