

TAGLaw International Lawyers

Hector de la Mora  
Direct Telephone  
262-784-5418  
hdelamora@vonbriesen.com

Dear Lannon Property Owner:

As the Lannon Village Attorney I have been asked to write to inform you of recent actions taken by the Village Board.

The Village has finalized its ordinances with respect to compulsory water main connections, allowance of the use of existing wells for outdoor use only and confirmation of the date that will trigger liability for prosecution and penalties for failing to connect to municipal water.

I am enclosing copy of Ordinances §74-157, §74-158 and §74-159. Please read them.

As you will note, all properties in the Village that are used for human occupation or use, **MUST BE CONNECTED** to an available operational water main **no later than June 1, 2022**.

Otherwise, the owner of any such property will be subject to penalties for failure to connect:

**§74-157(d)** *Penalty for failure to connect.* The owner of each parcel of land required to connect under subsection (a), who fails to timely connect to the village water system as required, shall be in violation of this ordinance. *In addition to being subject to a forfeiture prosecution pursuant to §1-14*, the property owner shall pay the village treasurer upon billing therefor an amount equal to 95 percent of the minimum quarterly charge for water service normally provided to a property having similar use. Such charge is collectible in the event of nonpayment as a special assessment on the real estate tax bill pursuant to Wis. Stats. § 66.0703. [Emphasis Added.]

**§1-14. Penalty provisions.**

(a) General penalty. Any person who shall violate any of the provisions of this Code shall, upon conviction of such violation, be subject to a penalty, which shall be as follows: (1) First offense penalty. Any person who shall violate any provision of this Code shall, upon conviction, forfeit not less than \$50.00 nor more than \$1,000.00, together with the costs of prosecution and in default of payment of such forfeiture and costs of prosecution shall be imprisoned in the county jail until such forfeiture and costs are paid, but not exceeding 90 days.(2) Second offense; penalty. Any person found guilty of violating any ordinance or part of an ordinance of this Code who shall previously have been convicted of a violation of the same ordinance within one year shall, upon conviction, forfeit not less than \$100.00 nor more than \$2,000.00 for each such offense, together with costs of prosecution and in default of payment of such forfeiture and costs shall be imprisoned in the county jail until such forfeiture and costs of prosecution are paid, but not to exceed six months.

(b) Continued violations. Each violation and each day a violation continues or occurs shall constitute a separate offense. Nothing in this Code shall preclude the village from maintaining any appropriate action to prevent or remove a violation of any provision of this Code.

(c) Execution against defendant's property. Whenever any person fails to pay any forfeiture and costs of prosecution upon the order of the court for violation of any ordinance of the village, the court may, in lieu of ordering imprisonment of the defendant, or after the defendant has been released from custody, issue an execution against the property of the defendant for such forfeiture and costs.

The Village has learned from its contractor, Mid City, that it has a limited window of scheduling time within which Mid City is willing to honor the previous, now expired, contract price for the connection of interior building plumbing to the installed Lannon municipal mains. In addition, the *Waukesha County Community Foundation's Village of Lannon Quarry Fund* has indicated that it will pay for any compulsory water main connection accomplished prior to the deadline date which does not exceed the limits of the previous contract price quoted by Mid City.

I urge you to take advantage of this last opportunity to receive the benefit of significant funds, to avoid the obligation, in some cases, to pay for work that has been halted before completion in breach of an agreement to allow such work to occur (on a quantum meruit basis) and to avoid substantial penalties all by trying to schedule an installation by Mid City by contacting Dan McLendon, Mid City Corp. Project Manager [Cell (414) 587-1744]; [dmclendon@midcitycorp.us](mailto:dmclendon@midcitycorp.us).

If you desire to keep your existing well for outdoor usage only, please closely review the contents of Ord. §74-158 and §74-159 which I have enclosed and contact the Village Clerk, Brenda Klemmer for a copy of the necessary paperwork: (262) 251-7690.

If you have any general water system related questions, please call the Village Engineer, Ben Wood at (414) 271-0771.

Sincerely,



Hector de la Mora

Hd:wwd

c: Atty. Christa Westerberg w/enclosures