

1 STATE OF WISCONSIN WAUKESHA COUNTY VILLAGE OF LANNON

2 ORDINANCE NO. _____

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

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

11 WHEREAS, the Village has embarked on plans to expand its System to include as many
12 parcels as financially feasible within the Village in an effort to enhance the health, safety and
13 welfare of the citizens of the Village.

14 NOW, THEREFORE, THE VILLAGE BOARD OF THE VILLAGE OF
15 LANNON DO ORDAIN AS FOLLOWS:

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17 hereby repealed and this ordinance adopted in its place as follows with the full incorporation of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

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

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

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

29 (i) in any instance where water from such private water supply is allowed under a village
30 issued *conditional use permit* and is used solely for the production of product produced to be
31 shipped off premises and not utilized for any other interior non-production of product or personal
32 purpose within any structure by any person or apparatus inside said structure. All interior faucets
33 or fixtures of any such existing or future structure not otherwise excluded by a village issued
34 *conditional use permit* shall be connected only to the Lannon municipal water system ("System");
35 or

36 (ii) where specifically exempted, subject to conditions, from compliance with §74-157 (a)
37 and (b) by action of the Village Board in compliance with a state or federal law requiring a
38 reasonable accommodation.

39 (c) Limited deferral of special assessments. The payment due date of any special assessment
40 levied against a subject property abutting on or potentially benefiting from a Lannon water system
41 public improvement shall not be deferred to the extent allowed by Wis. Stats § 66.0715 (2) if there
42 is no use of an available Lannon water system improvement or service. The failure to establish a
43 connection between the subject property and a water system improvement shall not be interpreted
44 as the unavailability of a Lannon water system improvement or service. Special assessments for
45 Village of Lannon water system improvements may be paid in accordance with the provisions of
46 Wis. Stat. 66.0715 (3) as may be allowed in annual installments on such terms and in such manner
47 as allowed and prescribed by the Village Board.

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

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

51 (d) Penalty for failure to connect. The owner of each subject parcel of land required to connect
52 under subsection (a), who fails to timely connect to the village water system as required, shall be
53 in violation of this ordinance. In addition to being subject to a forfeiture prosecution pursuant to
54 Lannon Ordinance §1-14, the property owner shall pay the village treasurer upon being billed
55 therefor an amount equal to 95 percent of the minimum quarterly charge for water service normally
56 provided to a property having similar use as the subject parcel. Such charge is collectible in the
57 event of nonpayment as a special charge on the real estate tax bill pursuant to Wis. Stats. § 66.0627
58 upon a hearing before the Village Board with a prior notice of not less than 7 calendar days .

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 direct charge 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 a structure on a subject property within 48
67 hours of detection, the water shall be shut off by a village agent until the repair is made.
68 Notwithstanding the foregoing, the village or its authorized representative may order a property
69 owner to repair a leak within a shorter period of time if the leak is of such a magnitude so as to
70 impair the public health, safety or welfare. Any action to discontinue service pursuant to this
71 section shall follow the procedure set forth in subsection 74-180 (f).

72 (f) Extension of time; other relief. In lieu of any other administrative appeal provided by law,
73 only the Village Board, after a hearing, may extend the time for connection or may grant other
74 relief where strict enforcement would cause a demonstrated unnecessary hardship that is neither
75 self-imposed or financial in nature.

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

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81
82 **SECTION 3:** This ordinance shall take effect and be in full force from and after its passage and
83 publication.

84
85 Passed and approved this _____ day of _____, 2020.

86
87 VILLAGE OF LANNON

88
89 By: _____
90 Don Sommers, Village President

91 ATTEST:
92
93 _____
94 Brenda Klemmer, Village Clerk/Treasure