

**STATE OF WISCONSIN  
WAUKESHA COUNTY  
VILLAGE OF WALES**

**ORDINANCE NO: \_\_\_\_\_**

**An Ordinance to Establish Section 350 of the Municipal Code  
With Regard to Public Sewerage Facilities**

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The Village Board of the Village of Wales, Waukesha County, Wisconsin does ordain as follows:

Section One: Section 350 of the Municipal Code is hereby created to read as follows:

Section 350 Village Sewer Utility: Village of Wales Utility District No. 1

Section 350-1. Sewer Connections Required

(a) In order to assure preservation of public health, comfort and safety, the Village has established the Village of Wales Utility District No. 1 and hereby exercises the power conferred by Wis. Stats. Sections 281.41 and 281.45 to establish a sewer system and require connection of users to that system.

(b) All buildings used for human habitation and located adjacent to a sanitary sewer in the Utility District No. 1 shall be connected with such sanitary sewer within one (1) year of notification from the Village of the availability of such adjacent sanitary sewer. Any person failing to comply with this Section with respect to such connection for more than ten (10) days after notice in writing by the Village Clerk, shall be subject to the enforcement and penalties provided in Section 350-15. In lieu of or in addition to such penalties, the Village may cause such sewer connection to be made and the expense thereof shall be assessed as a charge for current services to the property pursuant to Wis. Stats. Section 66.0627.

(c) Such owner of a building connected by the Village in accordance with (b) above may, within thirty (30) days after completion of such sewer connection, file a written option with the Village Clerk stating that he or she cannot pay such cost of sewer connection in one sum, and requesting that the sum be levied in not to exceed five (5) equal annual installments. The cost of such connection shall be collected in five (5) equal annual installments with interest at the rate of four percent (4%) per annum from the completion of the work. Such unpaid balance shall be a special charge for current services to the property of such owner pursuant to Wis. Stats. Section 66.0627.

Section 350-2. Private Sewer Facilities Abandoned and Decommissioned.

(a) All private sanitary sewer facilities currently or formerly serving buildings connected to Utility District No. 1 sanitary sewers shall be abandoned and

decommissioned in accordance with the requirements of SPS383.33 Wis. Admin. Code at the time of active connection of such buildings to the sanitary sewer.

Section 350-3. Applicability of Intergovernmental Cooperation Contract and City of Waukesha Sewer Use and Wastewater Treatment Ordinance.

- (a) Public sewers within the service area of Utility District No. 1 shall deliver all wastewater from Utility District No. 1 to the City of Waukesha Sewer System pursuant to that Intergovernmental Cooperation Contract entered into between the Village and the City of Waukesha dated January 16, 2007 and restated September 17, 2015 which sets forth the terms under which sanitary sewage is delivered to and treated by the City of Waukesha System.
- (b) Chapter 29 of the Waukesha Municipal Code regarding sewer use and wastewater treatment is hereby incorporated by reference into this Ordinance in its entirety and as amended from time to time and made applicable to all users of Utility District No. 1.
- (c) All references to users in Chapter 29 of the Waukesha Municipal Code shall apply to users of Utility District No. 1 and shall be enforceable by the Village pursuant to this Section.
- (d) The Village and Utility District No. 1 shall have the right to exercise all authority over users as set forth for the City of Waukesha in Chapter 29 of the Waukesha Municipal Code (including, without limitation, right of entry under Wis. Stats. Section 196.171).
- (e) In the event of any conflict between Chapter 29 of the Waukesha Municipal Code and this Section, the terms of this Section shall control, except that any Specific obligations of the Village under the Intergovernmental Cooperation Contract shall control over both Chapter 29 of the Waukesha Municipal Code and this Section.

Section 350-4. Connection Charges, Costs, and Fees.

- (a) All charges, costs, and fees imposed upon users of the City of Waukesha Sewer System pursuant to Chapter 29 of the City of Waukesha Municipal Code shall apply to users of the Utility District No. 1 system.
- (b) Users of the Utility District No. 1 system shall be subject to the following charges, costs, and fees at connection:
  - 1. Each lot served by Utility District No. 1 shall be subject to a sewer connection charge in an amount as established by the Village Board from time to time by ordinance or resolution (subject to the Intergovernmental Cooperation Contract between the Village and the City of Waukesha) which shall be paid to the Village: (i) prior to and as a condition for connection to the system; (ii) upon the approval by the Village Board of a certified survey map which creates a new building site; or (iii) upon the approval of a subdivision plat which creates new building sites;

2. The cost of sewer or water meters used for metering individual user flows; and
3. Sanitary interceptor impact fees as imposed by Section 4.10 of the Waukesha Municipal Code.

All connection charges, meter costs and installation, and impact fees shall be paid to the Village within thirty (30) days of connection to active Utility District No. 1 facilities. An owner of a property subject to these charges may, within thirty (30) days after completion of the sewer connection, file a written option with the Village Clerk stating that he or she cannot pay such charges, costs, and fees in one (1) sum, and requesting that these sums be levied in not to exceed five (5) equal annual installments. Such sums shall be collected in not to exceed five (5) equal annual installments with interest at a rate of four percent (4%) per annum from the completion of the connection. Such unpaid balance shall be a special charge for current services to the property of such owner pursuant to Wis. Stats. Section 66.0627.

#### Section 350-5: Recurring Sewer Service Charges, Costs, and Fees.

(a) The Village shall be responsible for collecting all charges, costs, and fees due to the City of Waukesha Sewer System pursuant to Chapter 29 of the Waukesha Municipal Code. Users located in Utility District No. 1 shall be responsible for payment of all such charges, costs, and fees to the Village.

(b) The Village shall render sewer service bills to users within Utility District No. 1 on a quarterly basis. Such service bills shall include all recurring charges, costs, and fees assessed under Chapter 29 of the City of Waukesha Municipal Code, as well as any permitting, monitoring, inspection, or associated charges, costs, or fees related to the nature or quantity of effluent delivered to the Utility District No. 1 and the City of Waukesha Sewer System. Such recurring fees, charges, and surcharges shall include but not be limited to billing charges, meter reading charges, and collection costs.

#### Sections 350-6 through 350-14 Reserved

#### Section 350-15: Enforcement

(a) The Village and Utility District No. 1 may enforce any of the provisions of this Ordinance or the adopted portions of the City of Waukesha Municipal Code by enforcement action pursuant to Section 1-4 of the Village Municipal Code.

(b) The Village may enforce the provisions of this Ordinance by performing work pursuant to Section 66.0627 Wis. Stats. and imposing a special charge for current services on the property in question and placing such charge on the tax bill for such property pursuant to that statute.

(c) The Village may, to the extent permitted by law, terminate service to a user for violations of this Section.

(d) The Village may specially assess properties within Utility District No. 1 pursuant to Section 66.0703 Wis. Stats. in furtherance of its rights and obligations under this Section.

(e) The Village may bring an action for equitable or injunctive relief, to enforce this Section, or for monetary damages related to its rights and obligations under this Section, in the Circuit Court for Waukesha County.

Section Two: In the event that any provision of this Ordinance is for any reason held to be invalid, unconstitutional, or unenforceable by any court of competent jurisdiction, such portions of this Ordinance shall be deemed separate, distinct, and independent provisions of the Ordinance and all remaining portions of this Ordinance shall remain in full force and effect.

Section Three: All ordinances or parts of ordinances conflicting with the provisions of this ordinance are hereby and to such extent repealed.

Section Four: This Ordinance shall take effect and be in force from and after its passage and posting.

PASSED AND ADOPTED by the Village Board of Trustees of the Village of Wales, Waukesha County, Wisconsin, this 22<sup>nd</sup> day of December, 2015.

VILLAGE OF WALES

  
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Jeffery A. Flaws, Village President

ATTEST:

BY: Gail E. Tamez  
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Gail Tamez, Village Clerk

Posted this 31<sup>st</sup> day of December, 2015.