

**TOWN OF WILSON
SANITARY DISTRICT #1
CLEARWATER ORDINANCE**

Whereas, clear water infiltration and discharge to the Town's sanitary sewer system results in the Town incurring significant unnecessary sanitary sewer treatment charges; and

Whereas, the Town's sanitary sewer system is not designed nor intended to act as a storm water drainage system, and therefore, clear water infiltration and/or discharge could result in the need for costly sanitary sewer system capital improvements; and

Whereas, the Town Board/Sanitary District does hereby declare and determine Clearwater infiltration and discharge to the Town's sanitary sewer system to be a significant threat to the public health and welfare and therefore a public nuisance.

Now, therefore, the Town Board/Sanitary District of the Town of Wilson does hereby ordain the following:

CERTIFICATION OF COMPLIANCE WITH CLEAR WATER REQUIREMENTS

- a) No person shall connect any sump pump, down spout, rainwater leaders or area drains, or make any similar connections with any public sanitary sewer which empties in the sanitary sewerage system nor drain any lot or area into any manhole connecting with any such sanitary sewerage system and any such connections presently existing shall be forthwith removed by the owner of the premises involved.
- b) No person shall sell, transfer or convey ownership of a building serviced by a sanitary sewer until such time as a certificate of compliance has been obtained from the Town of Wilson Sanitary District or its designee as provided in this section. Changing ownership or accepting change of ownership without such certificate of compliance shall constitute a violation of this Ordinance and shall be subject to the penalties set forth below. This ordinance does not apply to properties on private sewage systems i.e. septic, mound.
- c) Upon written request to the Town of Wilson Office and a payment of **\$35 per inspection fee**, an inspection shall be conducted of the premises to ensure compliance with the provisions of this Ordinance relating to illegal surface or ground water connections into the sanitary sewer system. Such inspection shall occur on or before the sale, transfer or conveyance of title of any such building but may occur thereafter if not requested earlier by the owner. It shall be the duty of the property owner to notify the Town of a pending sale, transfer or conveyance and to schedule the inspection. The requirements of sections (a) and (b) and this section (c) of this ordinance do not apply to transfers that are exempt from a real

estate transfer fee under Wis. Stat., sec. 77.25(6m), (7), (8m), (9), (11), (12), (15), (15m), (16) and (17).

- d) A certificate of compliance shall be issued by the Town of Wilson Sanitary District if the building is found to be in compliance with the provisions of the Ordinance relating to surface and ground water connections.
- e) A notice of noncompliance shall be issued by the Town of Wilson Sanitary District to the new owner of record of any building found not to be in compliance with the provisions of the Ordinance. The notice shall set forth the areas of noncompliance and shall order the owner to bring the building into compliance.
 - 1. Orders applicable to buildings where a sump pump installation is illegal shall have a 60-day compliance period.
 - 2. Orders applicable to buildings where clear water is illegally entering the sanitary sewer via an under-the-basement floor connection shall have a 120-day compliance period.
- f) In the event a request for a certificate of compliance is made within six (6) months of the issuance of a previous certificate of compliance where an inspection was conducted, and the owner certifies that no changes have occurred to the premises since the previous certificate was issued which render the premises out of compliance with the Town's Clearwater requirements, a re-inspection of the premises will not be required.
- g) Any present or proposed owner of a building aggrieved by the issuance of a notice of noncompliance may appeal to the Sanitary District Board by filing a written notice of same to the Town Office within 5 days after written notice of such order or ruling has been delivered to him. The Sanitary District Board shall cooperate to the end that the provisions of this article are properly, fairly and consistently enforced in the best interests of the citizens of the Town of Wilson.
- h) No warranty. A certificate of compliance indicates that so far as can be reasonably determined by a visual inspection of the premises and review of Town records, the premises meet the requirements of this section. Neither the Town nor its inspectors assume any liability in the inspection or issuance of a certificate of compliance, and the issuance of a certificate of compliance does not guarantee or warrant the condition of the premises inspected.
- i) In order not to delay or prevent a pending sale of a property affected by this section, a buyer or other transferee may file with the Town Office evidence of a contract or accepted bid for work which, when completed, will bring the property into compliance with the provisions of this Ordinance within the time limits set forth in subsection (e) above, along with evidence that adequate funds have been

escrowed to complete said work. and a stipulation agreeing to bring the property into compliance with the provisions of this Ordinance within the applicable time limits. Said evidence and stipulation may only be filed after the inspection provided for in subsection (c) above. Failure by the buyer or transferee to bring the property into compliance within the applicable compliance period shall constitute a violation of this Ordinance and shall be subject to the penalties set forth below.

- j) Any violation of the provisions of this Ordinance shall subject the violator to a forfeiture of not less than \$200 nor more than \$750, together with the costs of prosecution, and, in default of payment thereof, to imprisonment in the county jail until the forfeiture and costs are paid, but not to exceed 90 days. Each day of the continuation of a violation or noncompliance shall constitute a separate offense.
- k) In the event a request for a certificate of compliance is made within three (3) years of the issuance of a previous certificate of compliance where an inspection was conducted, and the owner certifies that no changes have occurred to the premises since the previous certificate was issued which render the premises out of compliance with the Town's Clearwater requirements, a re-inspection of the premises will not be required.

Effective Date: The herein Ordinance shall take effect upon enactment and publication.

Enacted this 4th day of January 2010
Town of Wilson and Sanitary District #1 by David Gartman, Town Chairperson

This is to certify that the Town Board of the Town of Wilson, acting as Commissioners of the Sanitary District duly enacted the foregoing Ordinance amendments on the 4th day of January 2010. Cheryl Rostollan, Town Clerk.

Effective Date: After enactment, this Ordinance shall take effect on the day following posting or publication.

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