

AN ORDINANCE CREATING SECTION 8.06  
OF THE MUNICIPAL CODE OF THE TOWN OF SHEBOYGAN  
TO REQUIRE COMPLIANCE WITH CLEAR WATER REQUIREMENTS  
PRIOR TO CHANGE OF OWNERSHIP OF A BUILDING  
SERVICED BY SANITARY SEWER

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 does hereby declare and determine clear water 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 of the Town of Sheboygan ordain as follows:

Section 1. Amending Code. Section 8.06 of the Municipal Code of the Town of Sheboygan is hereby created as follows:

"8.06 CERTIFICATION OF COMPLIANCE WITH CLEAR WATER REQUIREMENTS.

(1) 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 building inspection department as provided in this Section. Changing ownership or accepting change of ownership without such certificate of compliance shall constitute a violation of this Code and shall be subject to the enforcement provisions and penalties set forth in Section 11.04.

(2) Upon request to the Town of Sheboygan Sanitary District No. 2, an inspection shall be conducted of the premises to ensure compliance with the provisions of Section 4 of Chapter I, Ordinances of Town of Sheboygan Sanitary District No. 2, Sewer Use and Service Charge Ordinance of the Code 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.

(3) A certificate of compliance shall be issued by the Town of Sheboygan Sanitary District No. 2 if the building is found to be in compliance with the provisions of the Code relating to surface and ground water connections.

(4) A notice of noncompliance shall be issued by the Town of Sheboygan Sanitary District No. 2 to the owner of record of any building found not to be in compliance with the provisions of Section 4 of Chapter I,

Ordinances of Town of Sheboygan Sanitary District No. 2, Sewer Use and Service Charge Ordinance. The notice shall set forth the areas of noncompliance and shall order the owner to bring the building into compliance.

(a) Orders applicable to buildings where a sump pump installation is illegal shall have a sixty- (60-) day compliance period.

(b) Orders applicable to buildings where clear water is illegally entering the sanitary sewer system via an under-the-basement floor connection shall have a one hundred twenty- (120-) day compliance period.

(5) 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, a reinspection of the premises will not be required.

(6) 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 meets 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.

(7) 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 of Sheboygan Sanitary District No. 2 evidence of a contract or accepted bid for work which, when completed, will bring the property into compliance with the provisions of Section 4 of Chapter I, Ordinances of Town of Sheboygan Sanitary District No. 2, Sewer Use and Service Charge Ordinance and this Municipal Code within the time limits set forth in subsection (4) 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 Section 4 of Chapter I, Ordinances of Town of Sheboygan Sanitary District No. 2, Sewer Use and Service Charge Ordinance within the applicable time limits. Said evidence and stipulation may only be filed after the inspection provided for in subsection (2) above. Failure by the buyer or transferee to bring the property into compliance within the applicable compliance period shall constitute a violation of this Code and shall be subject to the penalties set forth in Section 11.04.

(8) This Section shall apply to all real estate sales, transfers, and conveyances occurring on and after July 1, 2000."

Section 2. Effective Date. This Ordinance shall take effect on July 1, 2000.

Enacted this 23rd day of November, 1999.

TOWN OF SHEBOYGAN

By   
DANIEL W. HEIN, Chairman