

**AN ORDINANCE CREATING SECTION 21.15
OF THE MUNICIPAL CODE OF THE VILLAGE OF OOSTBURG
TO REQUIRE COMPLIANCE WITH CLEARWATER REQUIREMENTS
PRIOR TO CHANGE OF OWNERSHIP OF A BUILDING SERVED BY
SANITARY SEWER**

WHEREAS, Clearwater infiltration and discharge to the Village's sanitary sewer system results in the Village incurring significant unnecessary sanitary sewer treatment charges; and

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

WHEREAS, the President and Village Board of the Village of Oostburg hereby declare and determine Clearwater infiltration and discharge to the Village's sanitary sewer system to be a significant threat to the public health and welfare, and therefore a public nuisance.

NOW, THEREFORE, the Village Board of the Village of Oostburg does ordain as follows:

Section 1. Amending Code. Section 21.15 of the General Ordinances of the Village of Oostburg is hereby created as follows:

21.15 CERTIFICATION OF COMPLIANCE WITH CLEARWATER 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 procedures and penalties set forth in subsection (9) of this section.

(2) Upon request to the building inspection department, an inspection shall be conducted of the premises to ensure compliance with the provisions of Sections 21.02(1) and (2) and 21.08(7) of the code relating to illegal storm or culvert water drain connections into the sanitary sewer system. Such inspection shall occur on or before the sale, transfer or conveyance of title of any such building.

(3) A certificate of compliance shall be issued by the building inspection department if the building is found to be in compliance with the provisions of the code relating to storm or clear water drain connections, and the applicable Clearwater inspection fee has been paid.

(4) A notice of noncompliance shall be issued by the building inspection department to the owner of record of any building found not to be in compliance with the provisions of Sections 21.02(1) and (2) and 21.08(7). 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) A new certificate of compliance and inspection is not required if the existing certificate is based on an inspection within the previous twelve (12) months, or an inspection and certificate confirms that the building storm or clearwater drains discharge properly and permanently to the municipal storm sewer system.

(6) Any present or proposed owner of a building feeling aggrieved by the issuance of a notice of noncompliance may appeal to the Village Board by following the procedure outlined in Section 21.11 of the code.

(7) A certificate of compliance indicates that so far as can be reasonably determined by visual inspection of the premises and review of village records, the premises meet the requirements of this section. Neither the village 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.

(8) In order not to delay or prevent a pending sale of property affected by this section, a buyer or other transferee may file with the building inspector evidence of a contract or accepted bid for work which, when completed, will bring the property into compliance with the provisions of Sections 21.02(1) and (2) and 21.08(7) of the code within the time limits set forth in subsection (4) above, along with evidence that adequate funds have been escrowed to complete such work, and a stipulation agreeing to bring the property into compliance with the provisions of Sections 21.02(1) and (2) and 21.08(7) within the applicable time limits. Such evidence and stipulation may only be filed after the inspection provided for in subsection (2) of this section. 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 enforcement procedures and penalties set forth in Section 21.15(9) of the code.

(9) Any violation of the provisions of this Ordinance shall subject the violator to a forfeiture of not less than \$200.00 nor more than \$750.00, 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.

(10) Section 21.15 shall apply to all real estate sales, transfers and conveyances occurring on or after July 1, 2007.

Section 2. This Ordinance shall take effect upon enactment and publication.

Enacted this 12th day of March, 2007.

VILLAGE OF OOSTBURG

By: _____
Jack E. Hoffmann, President

By: _____
Jill E. Ludens, Clerk/Treasurer

CERTIFICATE OF ADOPTION

This is to certify that the foregoing Ordinance was duly enacted by the Village Board of the Village of Oostburg on the 12th day of March, 2007.

JILL E. LUDENS, Clerk/Treasurer
Village of Oostburg, Wisconsin