

ORDINANCE #50-Amendment

PUBLIC AND PRIVATE SEWER USE

"AN ORDINANCE REGULATING THE USE OF PUBLIC AND PRIVATE SEWERS AND DRAINS, THE INSTALLATION AND CONNECTION OF BUILDING SEWERS, THE DISCHARGE OF WATER AND WASTES INTO THE PUBLIC SEWER SYSTEM OF THE VILLAGE OF COCHRANE, BUFFALO COUNTY, WISCONSIN, AND PROVIDING PENALTIES FOR VIOLATIONS THEREOF."

Section V (E) is hereby created to read as follows:

V. (E) ADJUSTMENT OF CHARGES

On or before October 15 of each year, the City Treasurer-Clerk shall meet with the Village Sewer Committee and together they shall review the sewer and user rate charges and shall recommend to the Village Board any rate adjustments. After consideration of the recommendation, the Village Board may adjust the rates to be charged under this ordinance by resolution without the necessity of amending the terms of this ordinance.

Section IX is hereby created to read as follows:

IX. OUTSIDE SERVICES

A. GENERAL CONDITIONS

No lot, parcel of land, building or premises located outside of the corporate boundary of the Village shall be served by the public sewer and wastewater facility, except upon application to and approval by the Village Board.

In the event the Village Board does approve such service, in addition to the terms and conditions which may be imposed by the Village Board prior to extending service, an outside user shall be subject to all of the provisions of this ordinance and additionally shall comply with the following terms and conditions:

1) **COSTS.**

a) All costs of construction incurred and related to the outside user connecting to the system shall be borne by the outside user. As a condition precedent to service, the outside user shall also reimburse the Village for any administrative, legal or engineering costs incurred by the Village in relation to the application approval process including the costs of publishing any required amendment of this ordinance.

b) The outside user shall be solely responsible for the costs of maintaining and repairing the extension sewer line connection to the Village system.

2) **INDEMNIFICATION.** The outside user shall indemnify and hold harmless the Village from any and all damages, including costs and reasonable attorney's fees which may be incurred by reason of legal or equitable claims asserted against the Village which may relate to the extension of service to the outside user or to the providing of such service, including, but not limited to, claims arising out of the malfunction of sewer lines connecting to the system which were constructed, maintained or repaired by the outside user or its contractors, agents or employees.

B. FAILURE TO PAY CHARGES

1) In the event an outside user fails to pay its sewer or user charges or any other sums which may be imposed by this section, by other provisions of this ordinance, or by contract with the outside user, the Village may do the following:

a) TERMINATION OF SERVICE. In the event an outside user's arrearages are not fully paid within 60 days of the date of billing, the Village may shut off service as provided in Section III (A) herein;

b) LIEN CLAIM. In the event that an outside user's arrearages are not fully paid within 60 days of the date of billing, the Village may, without notice to the outside user or to any interested party, file a lien claim for the sums due with the Clerk of the Circuit Court of Buffalo County, Wisconsin, against the subject real estate described and designated as an approved outside service area in Section IX (C) herein. This lien claim may be foreclosed in the manner of a real estate mortgage as set forth in Chapter 846 of the Wisconsin Statutes (1989-90) as may be amended or renumbered in the future, except that there shall be no post-judgment redemption period. The lien may be foreclosed upon within three (3) years of the date of billing and the amount claimed subject to foreclosure may include any additional unpaid sewer or user charges accruing from the date of the filing of the initial lien claim until the date of any sheriff's sale held in connection with the foreclosure, together with the costs and reasonable attorney's fees related to the lien foreclosure proceeding. All outside users shall by written contract with the Village agree to be bound by the foregoing lien provisions. The Village may file notice of the existence of the potential lien with the Register of Deeds Office for Buffalo County, Wisconsin.

C. DESIGNATED OUTSIDE SERVICE AREAS

The following described premises are hereby designated as approved outside service areas:

- 1) Parcel known as Peck's Trailer Court as described in the attached Exhibit "A".
- 2) Service is limited to the equivalent of 58 units on the site as presently comprised of two residences, 46 mobile home sites and 50 campsites. No additional improvements or sites on the premises shall be served and no dumping station may be maintained on the above-described premises.

This Amendment shall take effect and be in force from and after its passage, approval, and publication as provided by law.

Dated this 12th day of January, 1993.

PASSED:
January 12, 1993

/s/ Edward McFarlin
Village President

APPROVED:
January 12, 1993

/s/ Lois Fetting
Village Clerk

This ordinance was unanimously passed and adopted at a regular meeting of the common council on January 12, 1993.

JEFF PECK LEGAL DESCRIPTION

Lot 376 of the Original Plat of the City of Buffalo City, excepting the West 150 feet thereof.

That part of Govt. Lot 3, in Sec. No. 7, Twp. No. 20 N., of Rge. No. 12 W. of the 4th P.M., described as follows: Beginning at a point 5.375 chains W. of the NE corner of said Lot 3, thence running S. 18.2 chains to stake; thence N. 54 deg. 30' W. 10.39 chains, thence N. 10.35 chains; thence E. 5.53 chains, thence N. 1.73 chains, thence E. to the place of beginning, containing 11.76 acres more or less and excepting that part thereof taken by the U.S. Government under condemnation proceedings.

The Westerly most 150 feet of the west end of Lot 377 of the City of Buffalo City, Buffalo County, Wisconsin.

Also the West 250 feet of the East 450 feet, of Lot Number 377 of the Original Plat of the City of Buffalo City.

Also the following parcel: Commencing at the Southwest corner of Lot 376 of the Original Plat of the City of Buffalo City, Wisconsin; thence South 114.18 feet to a stake; thence East along the common boundary line of Elmer Thuss and Stanley Apel 125 feet to a stake; thence continuing East 25 feet to the point of beginning; thence East a distance of 518.76 feet, more or less to a stake; thence at right angles North a distance of 114.18 feet to the Southeast corner of Lot 376; thence West along the South line of said lot 376, a distance of 518 feet; thence at right angles South a distance of 114.18 feet to the point of beginning.

Also the following parcel: Beginning at the NW corner of Lot 377 of the City of Buffalo City, thence Southerly to the SW corner of the said lot, thence continuing South a distance of 114.18 feet, thence at right angles East 150 feet to a surveyor stake, thence at right angles North 114.18 feet to a surveyor stake, thence continuing North across said lot 377 to the alley, thence West at said alley 150 feet to the point of beginning.

A 0.33 acre tract of land located in Govt. Lot 3, Section 7, Twp. 20 N., R.12 W., Buffalo City, Wisconsin, and more particularly described as follows:

Commencing at the East 1/4 corner of Section 7 at a 3" brass capped monument, same being the Northeast corner of Govt. Lot 3; Thence West along the North line of Govt. Lot 3, a distance of 872.4 feet; thence S. 0 deg. 43' West at 114.2 feet the Northwest corner of the Robert Peck 11.25 acres, and at 749.4 feet a 1 inch iron pipe on the Northwesterly side of C.T. Hwy "o-o"; thence S. 54 deg. 37' E. 25 feet to a 1" iron pipe and the point of beginning of this survey.

Thence S. 54 deg. 37' E. 150 feet; thence N. 52 deg. 42' E. 80 feet; thence N. 46 deg. 53' W. 175.4 feet; thence S. 35 deg. 23' W. 100.00 feet to the point of beginning. Said tract contains 1 acre more or less.

Lots 390 and 391 of the City of Buffalo City.

