

ORDINANCE NO. 2011-25

An Ordinance Relating to Limitations on Sewer and Water Connections Outside Municipal Boundaries

The Common Council of the City of Cedarburg, Wisconsin, hereby ordains as follows:

SECTION 1. Sections 9-5-3(c) and (d) of the Municipal Code of the City of Cedarburg are hereby amended as follows:

SEC. 9-5-3 LIMITATION ON SEWER AND WATER CONNECTIONS OUTSIDE MUNICIPAL BOUNDARIES

- (a) **City Policy Against Providing Sewer and Water Outside of Municipal Boundaries.** The City's long-standing policy is to provide City services, such as sewer and water, only to City residents and to require those property owners outside the City to annex to the City in order to access City services. The City Council may make exceptions to this policy on a case-by-case basis as set forth in this ordinance.
- (b) **Limitation on Obligation to Serve Outside Municipal Boundaries.** This ordinance shall limit the City's provision of sewer and/or water service outside the City's municipal boundaries. The City shall have no obligation to serve any property outside the corporate limits of the City with sewer and/or water except as provided in this ordinance. This ordinance shall constitute a limitation on the City's obligation to provide sewer and water service outside its municipal boundaries as allowed under Wis. Stat. § 66.0813(3).
- (c) **Existing Sewer Service Outside of Municipal Boundaries.** The City shall continue to provide sewer service to properties located outside the municipal boundaries of the City if those properties are receiving sewer service on the effective date of this ordinance. ~~This includes the Carlson Tool property pursuant to an Agreement dated May 23, 1995 and the Ozaukee County ice facility properties pursuant to an Intergovernmental Agreement between the City of Mequon, County of Ozaukee and the City of Cedarburg, also dated May 23, 1995.~~
This includes the Carlson Tool property and the Ice Center properties pursuant to the following Agreements:
1. Carlson Tool property pursuant to an Agreement dated May 23, 1995;
 2. The Ice Center properties pursuant to an Agreement between the Ozaukee Youth Hockey Organization, Inc. and the City of Cedarburg dated October 11, 2011, and
 3. Both Carlson and the Ice Center properties pursuant to an Intergovernmental Agreement between the City of Mequon, County of Ozaukee and the City of Cedarburg, dated May 23, 1995, as amended on July 15, 1998 and as amended by the Second Amendment to the Intergovernmental Agreement signed by the City of Mequon on October 11, 2011 and by the City of Cedarburg on October 24, 2011.

The City's obligation to provide sewer service outside the City's municipal boundaries

shall not extend beyond those properties provided service under this subsection.

- (d) **Existing Water Service Outside of Municipal Boundaries.** The City shall continue to provide water service to properties located outside the municipal boundaries of the City if those properties are receiving water service on the effective date of this ordinance. This includes:

1. ~~The Carlson Tool property pursuant to an Agreement dated May 23, 1995 and an Intergovernmental Agreement between the City of Mequon, County of Ozaukee and the City of Cedarburg also dated May 23, 1995.~~
1. Carlson Tool property pursuant to an Agreement dated May 23, 1995;
2. The Ice Center properties pursuant to an Agreement between the Ozaukee Youth Hockey Organization, Inc. and the City of Cedarburg dated October 11, 2011, and
3. Both Carlson and the Ice Center properties pursuant to an Intergovernmental Agreement between the City of Mequon, County of Ozaukee and the City of Cedarburg, dated May 23, 1995, as amended on July 15, 1998 and as amended by the Second Amendment to the Intergovernmental Agreement signed by the City of Mequon on October 11, 2011 and by the City of Cedarburg on October 24, 2011.
2. 4. Twenty- three specific homes and businesses affected by contamination and provided water connections and service pursuant to the Administrative Order V-W-92-C-161(properties listed on attachment “A” to Order V-W-92-C-161 “Marvin Prochnow Landfill Eligible Residents & Businesses), signed July 13, 1992. The connections required by the Administrative Order were completed effective August 7, 1992 per the EPA Final Pollution Report. No additional service connection or enlargement of the water connections to these homes and businesses is required by the Administrative Order.

The City's obligation to provide water service outside the City's municipal boundaries shall not extend beyond those properties provided service under this subsection.

- (e) **Provision of Service Outside of Municipal Boundaries Discretionary.** The Common Council may, by appropriate motion, authorize connections to the City’s sewer and/or water systems for any property located outside of the City's municipal boundaries on a case-by-case basis. Requests for connection to the City's sewer and water systems must meet the terms of the City's extraterritorial plat review and any applicable water service agreement between the City and an adjacent town, or between the City and a property owner. The property owner shall be primarily liable for the costs and fees of any main extension and lateral work for sewer and/or water connections.
- (f) **Prohibition on Unauthorized Connections.** Every person, including each officer and employee of the City, is prohibited from connecting or aiding and abetting the connection of any sewer or water lateral servicing any property situated outside of the City's municipal boundaries with any existing or hereinafter to be constructed water or sewer main belonging to the City water and sewer systems unless such connection has been authorized by the City Council.

SECTION 2. This ordinance shall take effect upon its passage and publication as provided by law.

Passed and adopted this 14th day of November 2011.

Gregory P. Myers, Mayor

Countersigned:

Constance K. McHugh, City Clerk

Approved as to form:

Kaye K. Vance, City Attorney