

ORDINANCE 2020-22

AN ORDINANCE AMENDING VARIOUS PROVISIONS OF THE McFARLAND MUNICIPAL CODE INCLUDING CHAPTER 47 PUBLIC UTILITIES, CHAPTER 56 SUBDIVISIONS, AND CHAPTER 62 ZONING RELATING TO THE PROVISION OF MUNICIPAL WATER, STORM AND SANITARY SEWER SERVICE.

Purpose: To update and clarify various ordinances to conform to current state law and Madison Metropolitan Sewerage District policies; to include regulatory approval costs in the cost of sewer service extensions charged to benefitted properties;

Sponsor: Andrew Bremer, Community & Economic Development Director

Recommended Referral: Plan Commission (required); Public Utilities Committee

Public Hearing: Required (preceded by Class 2 notice)

WHEREAS, the Village Staff have identified a number of provisions in the McFarland Municipal Code which require updating due to changes in state agency designations, Madison Metropolitan Sewerage District charging systems and Village growth as well as provisions which require clarification; and

WHEREAS, the extension of sanitary sewerage service into new development areas requires amendment of the Village's sewer service area by the Capital Area Regional Planning Commission and the Wisconsin Department of Natural Resource, and the annexation of the new lands into the Madison Metropolitan Sewerage District boundaries, all of which involve significant costs to the Village; and

WHEREAS, it is the policy of the Village to impose the cost of new development on the benefitting developers rather than paying those costs with general tax revenues; and

WHEREAS, the Village Board finds the proposed amendments to be in the public interest;

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

Section 1. Section 47-51 of the McFarland Municipal Code is amended to read as follows:

47-51 – Violations Mandatory Connections.

- (a) Except as provided in par. (3), every owner of a parcel of land shall connect to the Village's water service system whenever all of the following conditions exist:
- (1) The parcel of land is adjacent to a public water main; and
 - (2) There is located upon such parcel a building or other structure used or usable for human habitation or occupancy or for the conduct of any trade or business.

(3) Paragraphs (1) and (2) shall not apply where either an exception has been granted by the Village Board under Section 8-52, or in the case of a Subdivision or Certified Survey Map, a variance has been granted by the Village Board under Section 56-206. In granting either an exception under Section 8-52, or a variance under Section 56-206, the Village Board may impose conditions, including requirements for future connection to the public water system.

(b) Such connection shall be made no later than 12 months after the installation of the public water main adjoining such parcel. Upon failure to do so, the Public Utilities Committee may cause such connection to be made and bill the property owner for all such costs. If such costs are not paid within 30 days, such costs shall constitute a special tax lien against the property in the manner provided for by law. However, the owner may, within 30 days after the completion of the work, file a written notification with the Public Utilities Committee stating that the owner cannot pay such amount in one sum and ask that the sum be levied in five or less equal installments. The amount shall be so collected with interest at a rate not to exceed 15 percent per annum from the date of completion for the work, all as determined by the Public Utilities Committee. The unpaid balance shall constitute a special tax lien, all pursuant to Wis. Stats. § 281.45, as amended.

Section 2. Section 47-52 of the McFarland Municipal Code is created to read as follows:

47-52. – Violations.

Violations of this Section are subject to a forfeiture pursuant to Section 1-16.

Section 3. Section 47-104(c) of the McFarland Municipal Code is created to read as follows:

(c) *Service Area.* No connection shall be made to serve any property located outside of the corporate limits of the Village. No person shall allow the discharge of wastes generated outside the Village limits to be discharged into the Village's sanitary sewer system.

Section 4. Section 47-105(a) of the McFarland Municipal Code is amended to read as follows:

47-105 – Mandatory connections.

(a) Except as provided in par. (3), every owner of a parcel of land shall connect to the public sewer system whenever all of the following conditions exist:

(1) The parcel of land is adjacent to a public sewer main; and

(2) There is located upon such parcel a building or other structure used or usable for human habitation or occupancy or for the conduct of any trade or business.

- (3) Paragraphs (1) and (2) shall not apply where either an exception has been granted by the Village Board under Section 8-52, or in the case of a Subdivision or Certified Survey Map, a variance has been granted by the Village Board under Section 56-206. In granting either an exception under Section 8-52, or a variance under Section 56-206, the Village Board may impose conditions, including requirements for future connections to public sewer service.

Section 5. Section 157 of the McFarland Municipal Code is amended to read as follows:

47-157. – Acquisition of Real Property Interests.

Whenever any real estate or any easement therein or use thereof shall in the judgment of the Public Utilities Committee be necessary to the sewer system, and whenever for any reason an agreement for purchase from the owners cannot be made, the Public Utilities Committee, after approval of the Village Board, shall proceed with all necessary steps in the name of the Village to acquire such easement or other interest by condemnation in accordance with the Wisconsin Statutes and any other applicable federal or state provisions.

Section 6. Section 47-159 of the McFarland Municipal Code is amended to read as follows:

47-159. - Connection fees.

For each connection of a building sewer to a public sewer within the Village there shall be paid connection charges. Such connection charges shall be assessed to the person seeking the connection and shall be paid as a condition precedent to the actual connection. The amount of the connection charge shall be established by the Village Board from time to time and provided in Appendix A to this Code.

Section 7. Section 47-241 of the McFarland Municipal Code is amended to read as follows:

47-241. - Application and approval.

The extension of public sewer system to serve new customers/users is subject to the prior review and approval of the Public Utilities Committee and Village Board and any other governmental agency having appropriate jurisdiction. Any person seeking to have sewer service extended to serve new lands shall make application to the Village. The application shall be in writing and shall set forth the following information:

- (a) The name of development, the legal description of the property involved, the owner of the property if different than the applicant, and written consent of the owner must accompany application;
- (b) The plat map or Certified Survey Map or other map showing street layout and lot sizes;

- (c) The proposed plans and specifications for the sewers;
- (d) The name and address of the consulting engineer;
- (e) The number of housing units and/or other units to be constructed;
- (f) Such additional information as the Public Utilities Committee or Village Board may require.

Section 8. Section 47-243 of the McFarland Municipal Code is amended to read as follows:

47-243. - Contract for sewer improvements.

The Public Utilities Committee or Village may require the person filing an application pursuant to Section 47-241 to enter into a written development agreement with the Village as a condition of the approval of the public sewer system extension. Such agreement shall define the scope of the work, the obligations of the applicant to construct the sewer facilities, the requirement of security for performance of the applicant's obligations set forth therein, and such other matters as the Public Utilities Committee and/or Village may reasonably determine. The applicant shall reimburse the Public Utilities Committee or Village for all attorneys' and engineering fees incurred in connection with the preparation and approval of such agreements.

Section 9. Section 47-244 of the McFarland Municipal Code is amended to read as follows:

47-244. - Village sewer extension.

The Village may, on its own, cause any public sewer system to be extended at such time and under such conditions as the Village deems appropriate. The total cost of any extension project, including the costs identified in §47-245, may be levied against the benefitted properties by special assessments in accordance with applicable law. The Village Board may in its discretion, and as part of its assessment resolution, provide for deferral of such assessments against undeveloped properties until such time as development occurs or sanitary sewer service is provided.

Section 10. Section 47-245 of the McFarland Municipal Code is created to read as follows:

47-245. – Conditions on all Sewer Extensions.

(a) Urban Service Area. No sanitary sewers shall be extended to serve any lands not included in the designated sewer service area under the applicable water quality plans adopted pursuant to the Federal Clean Water Act. The costs incurred by the Village in obtaining approval of any map amendments or other approvals necessary

to allow such service shall be deemed costs of the sewer system extension project authorized by such approval and shall be reimbursed to the Village by the applicant unless the Village Board determines to specially assess the costs against benefitted properties or to fund the costs through other available revenues.

(b) MMSD Annexation. No sanitary sewers shall be extended to serve any lands until such lands have been annexed into the Madison Metropolitan Sewerage District service area. All costs of such annexation shall be deemed costs of the sewer system extension for such lands and reimbursed to the Village by the applicant unless the Village Board determines to specially assess the costs against benefitted properties or to fund the costs through other available revenues.

(c) MMSD Charges. All connection charges, capacity charges or other charges (other than periodic collection, transmission and treatment charges) imposed on the Village by the Madison Metropolitan Sewerage District attributable to lands serviceable by any sanitary sewer extension shall be reimbursed to the Village by the property owner on or before the due date for payment to MMSD.

Section 11. Section 47-272(e) of the McFarland Municipal Code is amended to read as follows:

47-272. – Credits

(e) Direct discharge. Owners of developed parcels having impervious area with greater than one ERU assigned to such parcels and not containing single-family or duplex units may receive a credit against the stormwater fee calculated in accordance with Subsection (i) of this Section, arising from the portion of the stormwater fee related to impervious areas that are in excess of one ERU if the owner demonstrates as set forth in the Stormwater Credit Manual that more than 50 percent of the parcel area drains directly to Lake Waubesa Upper Mud Lake, Lower Mud Lake, Yahara River, or Door Creek without passing through any portion of the stormwater collection and conveyance system operated or maintained by the Village or without crossing any Village-owned public rights-of-way.

Section 12. Section 56-103(a) of the McFarland Municipal Code is amended to read as follows:

56-103. - Required.

(a) Payment for public improvements. The public improvements prescribed in this Chapter are required as a condition of approval of a land division. The required improvements described in this Chapter shall be installed, furnished and financed at the sole expense of the subdivider. However, in any case where the required improvements provide special benefits to a substantial area of land outside of the land division, the cost of such improvements may, at the sole discretion of the Village Board, be financed through special assessments.

Section 13. Section 56-103(c)(4) of the McFarland Municipal Code is amended to read as follows:

(4) That the subdivider dedicate easements for any public utilities installed on private lands and for the purpose of assuring the unobstructed flow of solar energy across adjacent lots in the land division.

Section 14. Section 56-109 of the McFarland Municipal Code is amended to read as follows:

56-109. - Sanitary sewerage system.

(a) The subdivider shall make adequate sewage disposal systems available to each lot within the Subdivision or Certified Survey Map parcel. Subdivisions and Certified Survey Map parcels within the Village shall be served by public sewer facilities unless a variance allowing a private on-site waste disposal system is approved by the Village Board under Article VII of this Chapter. The size, type, and installation of all sanitary sewers proposed to be constructed shall be in accordance with plans and specifications approved by the Village. Where the use of a private on-site waste disposal system is authorized by the Village Board, the subdivider shall obtain all required permits from the Wisconsin Department of Natural Resources and Dane County.

(b) The subdivider or individual lot owner shall install, own and maintain sanitary sewer laterals to the public main connection.

(c) The subdivider shall be responsible for the cost of installing all sanitary sewers, eight inches in diameter or less in size, including the bringing of the sanitary sewer from where it exists to the Subdivision or Certified Survey Map in question, as well as providing all sanitary sewer facilities within the Subdivision or Certified Survey Map. If greater than eight inch diameter sewers are required to handle the contemplated sewage flows from outside of the land division, the costs of such larger sewers shall be prorated in proportion to the ratio which the total area of the proposed Subdivision or Certified Survey Map is to the total drainage area to be served by such larger sewer and the excess cost either borne by the Village or assessed against the total tributary drainage area.

(d) The subdivider shall install sanitary sewers in accordance with this Code and specifications of the Village Engineer where it is determined that the proposed Subdivision or Certified Survey Map lies within a public sanitary sewer service area and sanitary sewer facilities are programmed to be extended to the proposed Subdivision or Certified Survey Map within six years. Until such time as the public sewers within the Subdivision or Certified Survey Map can be connected to the community public sewer system, they shall be temporarily capped. No private or public use shall be connected to the sewers within the Subdivision or Certified Survey Map until such sewers are connected to the larger community system. The owner of private uses within the Subdivision or Certified Survey Map shall connect

such uses to the sewers in the Subdivision or Certified Survey Map at the time such sewers are connected to the community sewer system, and the Village shall be held harmless for any damages or costs incurred to disconnect and abandon any on-side sanitary sewer disposal system then in place and any costs associated with connection to the public sewer mains and a notation thereof shall be included on the face of the plat or Certified Survey Map.

Section 15. Section 56-110 of the McFarland Municipal Code is amended to read as follows:

56-110. - Water supply facilities.

(a) Subdivisions and Certified Survey Map parcels within the Village shall be served by public water facilities unless a variance allowing a private on-site water supply system is approved by the Village Board under Article VII of this Chapter. The subdivider shall cause such public or approved private water supply and distribution facilities to be installed in such a manner as to make adequate water service available to each lot within the Subdivision or Certified Survey Map. Where the use of a private on-site water supply systems is authorized by the Village Board, the subdivider shall obtain all required permits from the Wisconsin Department of Natural Resources and Dane County.

Subsections (b) through (e) remain unchanged.

Section 16. Section 62-68 (intro) of the McFarland Municipal Code is amended to read as follows:

Sec. 62-68. - Statement of purpose.

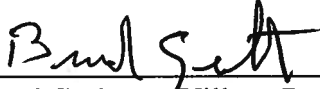
The district regulations are intended to govern the location intensity and method of development. The regulations of each district are designed to provide protection to the character of existing development while allowing new growth in accordance with specific development standards and objectives.

Subsections (a) through (r) remain unchanged.

Section 17. This Ordinance shall take effect on the day after publication hereof, or of an appropriate notice hereof, as provided by law.

The above and foregoing Ordinance was duly adopted at a regular meeting of the McFarland Village Board on the 14th day of December, 2020.

APPROVED:



Brad Czebotar, Village President

ATTEST:



Cassandra Suettinger, Village Clerk-Treasurer

ORDINANCE 2020 – 22	
MOTION	SECOND
Czebotar	Kryzenske
ACTION	DATE
Adopted	12/14/2020
Referred	
Tabled	
Withdrawn	
Defeated	
Published	
INDIVIDUAL VOTING RECORD	
Rupert – Aye	Kryzenske - Aye
Brassington – Aye	Flaherty – Aye
Czebotar – Aye	Utter – absent
Clow - Aye	
VOTING RESULTS	
Motion Carried	
Motion Defeated:	