

ORDINANCE NO. 2022-4

AN ORDINANCE AMENDING ORDINANCE 470-40 AND CREATING ORDINANCE 470-57 OF THE CITY OF FOX LAKE ORDINANCES

WHEREAS, the City Council of the City of Fox Lake desires to amend section 470-40 and create section 470-57 of the ordinances relating to the maintenance of sewer laterals in the City of Fox Lake.

NOW THEREFORE THE CITY COUNCIL OF THE CITY OF FOX LAKE DO ORDAIN AS FOLLOWS:

1. Section 470-40 of the City of Fox Lake Code is repealed as follows as to the definition of BUILDING SEWER and PUBLIC SEWER only and adopted as to the definition of STRUCTURAL REPAIR:

DEFINITIONS: BUILDING SEWER is amended as follows:

**BUILDING SEWER** (also commonly referred to as sewer lateral) means the extension from the building drain to the public sewer main or other place of disposal. Once constructed, the portion of the building sewer located within the public right-of-way, including the connection with the actual sewer main, shall be considered an integral part of the public sewer, and maintenance of this portion of the building sewer shall become the responsibility of the city subject only to ordinance 470-57.

DEFINITIONS: PUBLIC SEWER is amended as follows:

**PUBLIC SEWER** means any sewer provided by or subject to the jurisdiction of the city. It shall also include sewers within or outside the city boundaries that serve one or more persons and ultimately discharge into the city sanitary sewerage system, even though those sewers may not have been constructed with city funds.

DEFINITIONS: STRUCTURAL REPAIR is adopted as follows:

**STRUCTURAL REPAIR** means any repaid to the sewer lateral facilities and does not include removal of clogs.

2. Section 470-57 of the City of Fox Lake Code is adopted as follows:

470- 57. Maintenance of Services.

A. The city shall maintain the public sewer within the limits of the city from the public sewer main, and all areas within the city right-of-way, including each user's building sewer connection to the public main. The city shall be responsible for the expense of maintaining this portion of the public sewer, except when a building sewer is damaged as a result of negligence or carelessness on the part of the private user, in which case the building sewer shall be repaired by the city at the expense of the private user. All sewer services from the point of the public right-of-way to and throughout the premises shall be maintained free from defective conditions by and at the expense of the private user or owner of the property.

B. If a private user notices a malfunction of its building sewer, the private user, at the user's sole expense shall be responsible for taking all steps necessary to determine the cause of the malfunction. The private user may contract with the city to determine the cause and location of the malfunction. If the cause of the malfunction is located in that portion of the building sewer on the private user's property, the user shall complete all repairs at its expense. If the source of the problem is located within that part of the building sewer maintained by the city, the user shall notify the city immediately and the city shall make the repairs to its portion of the building sewer. The City shall only be responsible for structural repairs to the building sewer within the public right-of-way up to and including the connection and main. The private user shall be responsible for removal of any clogs or blockages in the building sewer no matter where the clog or blockage occurs in the sewer lateral whether in the right-of-way section or private property section of the lateral.

C. If it is determined that the malfunction cannot be remedied without repair work being done to both the private user's and the city's portion of the building sewer, the private user hereby consents to the city entering the private user's property to make the necessary repairs. The city shall be responsible for making the necessary repairs, shall return the private user's property to the condition it was in prior to the repair being made, and shall then submit an invoice to the user for the materials and labor necessary to make the repairs to the private user's property. The private user shall pay the invoice within 30 days of receipt, and if the user does not pay the invoice in a timely manner, the city may collect this invoice as a special charge.

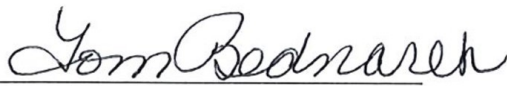
D. The city shall be responsible for determining where the right-of-way line is for each lot. If the city is unable to determine the exact location of the right-of-way line based upon available records, the city shall retain the services of a surveyor to survey the exact right-of-way line. The cost of the survey work necessary to determine the right-of-way line shall be shared equally by the city and the private user or property owner.

3. This ordinance shall be in full force and effect upon adoption and publication as required by law.

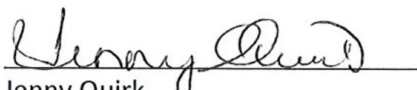
4. All ordinances or parts of ordinances inconsistent with or in contradiction of the provisions of this ordinance are hereby repealed.

Passed by the City Council of the City of Fox Lake in the County of Dodge in the State of Wisconsin this 5 day of October, 2022.

Approved:

  
Tom Bednarek  
Mayor

Attest:

  
Jenny Quirk  
City Clerk