

# Chapter 200

## Water and Sewers

**[HISTORY: Adopted by the Town Board of the Town of Omro as indicated in article histories. Amendments noted where applicable.]**

### Article I

#### Wells and Private Sanitary Systems

**[Adopted 7-10-2006 by Ord. No. 2006-02]**

##### *§ 200-1 Applicability.*

The portion of the Town of Omro that lies north of STH 21, as it is now configured, and east of Rivermoor Road is subject to the provisions of this article.

##### *§ 200-2 Sewer for new structures or additions to existing sanitary systems.*

- A. If a municipal sanitary sewer is available within 200 feet of a new building or a proposed addition to or repair of a private sanitary system serving an existing building serviced by a failed sanitary system, the sanitary facilities in the building shall be connected to and serviced by the municipal sewer.
- B. If a municipal sanitary sewer is not available within 200 feet of a new building the owner shall contact Omro Sanitary District No. 1 before applying for a building or sanitary permit for such structure to determine if provision of municipal sewer service is reasonably economically feasible for the property owner. If it is reasonably feasible, the sanitary services in the structure shall be connected to the municipal sewer. If extension of municipal sewer service is not reasonably feasible, the owner shall obtain the required sanitary permit from Winnebago County.
- C. In the event that compliance with Subsections **A** and **B** above results in termination of the use of an existing private sanitary system, the private sewage disposal system shall be properly abandoned. It shall be cleaned of sludge and filled with sand, gravel or similar material.

##### *§ 200-3 Water service to existing structures.*

Regardless of proximity to municipal water service, existing shallow private wells may continue to be used so long as they do not require repair, extension or replacement. If water service is available within 200 feet of an existing structure and the well needs to be repaired, extended or replaced, the structure must be connected to and served by municipal water, and the well shall be abandoned. Replacement of a failed well pump shall not be considered repair, extension or replacement of a well unless such replacement requires other repair, extension or replacement of the well itself.

*§ 200-4 Water service to new structures.*

- A. If a new water service is needed to service a new structure and municipal water service is available within 200 feet of the structure, the structure must be serviced by municipal water. Installation of a private well is prohibited.
- B. If new water service is needed to service a new structure and municipal water service is not available within 200 feet of the structure, the owner shall contact Omro Sanitary District No. 1 to determine if extension of water service to the new structure is reasonably economically feasible for the owner. If it is feasible, the new structure shall be connected to municipal water. If extension of municipal water service is not feasible, the structure may be serviced by installation of a new well. The well must be constructed in compliance with all applicable municipal, state and federal regulations.

*§ 200-5 Abandonment of wells.*

All unsafe or unused wells located on premises served by the municipal water system shall be properly abandoned.

*§ 200-6 Wells and sewer in new land divisions.*

All lots in land divisions, excluding minor land divisions as defined in Chapter **129**, Land Division, of the Code of the Town of Omro, shall be served by municipal sewer and water, unless in the opinion of the Town Board provision of such services is not economically feasible for the developer and that development without those services is in the best interest of the Town. To the extent practical, the Town Board may require the installation of sewer and water main even though extension of service is deferred.

*§ 200-7 Violations and penalties; enforcement.*

- A. Any person violating any provision of this article shall, upon conviction, be punished by a forfeiture of not less than \$25 nor more than \$500, plus the cost of prosecution. Each day of violation shall constitute a separate offense.
- B. In addition to the penalties set forth above, the court may grant equitable relief in the form of an injunction or authorize the municipality to cause necessary abatement to be performed and the expense to be assessed as a special tax against the property.
- C. The provisions of this article may be enforced by either the Town of Omro or Omro Sanitary District No. 1.

*§ 200-8 Severability.*

If a court of competent jurisdiction judges any section, clause, provision or portion of this article unconstitutional or invalid, the remainder of the ordinance shall remain in force and not be affected by such judgment.

*§ 200-9 Effective date.*

This article shall take effect upon:

- A. Town Board approval of a Town of Omro Sanitary District No. 1 ordinance authorizing water customers to continue using existing wells for nonpotable purposes; and
- B. Passage and publication in the Oshkosh Northwestern.