

ORDINANCE NO. 2023-11

**AN ORDINANCE AMENDING CHAPTER 10
OF THE MUNICIPAL CODE OF THE VILLAGE OF ROCHESTER
TO CLARIFY VILLAGE EXEMPTIONS TO THE MUNICIPAL SEWER
CONNECTION REQUIREMENT**

WHEREAS, the Village of Rochester seeks to update certain sections of the Village of Rochester Municipal Code for the sake of clarification, consistency, and to remedy oversights within the Code; and

WHEREAS, current Village practice requires those with development proposals within the Western Racine County Sewerage District's planned urban service area to obtain a written exemption if the development will not hook up to municipal sewer; and

WHEREAS, the Code is currently unclear as to when this written exemption requirement is triggered; and

WHEREAS, the Village Board believes that it is in the best interest of the Village that the Code provision governing the written exemption requirement be clarified to reflect current Village practice;

NOW, THEREFORE, the Village Board of the Village of Rochester, Racine County, Wisconsin, does hereby ordain as follows:

Section 1: Chapter 10 of the Village of Rochester Municipal Code entitled "Public and Private Sewer Systems," Article 2 entitled "Private Sewage Disposal," Section 10-31 entitled "Sanitary Permit Required," Subsection B. is hereby repealed and re-created to read as follows:

- B. Where the property to be served by a private sewage disposal system is in the planned urban service area of the Western Racine County Sewerage District, Racine County will require that the applicant for a sanitary permit provide a letter from the Village stating that the applicant is exempt from connection to the Village sewer main.

Section 2: CONTINUATION OF PROVISIONS

The provisions of this ordinance, to the extent that they are substantively the same as those of the ordinances in force immediately prior to the enactment of this ordinance, are intended as a continuation of such ordinances and not as new enactments, and the effectiveness of such provisions shall date from the date of adoption of the prior ordinances. In addition, the adoption of this ordinance shall not affect any action, prosecution, or proceeding brought for the enforcement of any right or liability established, accrued, or incurred under any legislative provision prior to the effective date of this ordinance for the time that such provision was in

effect, and the repeal of any such provision is stayed pending the final resolution of such actions, including appeals.

Section 3: SEVERABILITY

The several sections of this ordinance are declared to be severable. If any section or portion thereof shall be declared by a court of competent jurisdiction to be invalid, unlawful, or unenforceable, such decision shall apply only to the specific section or portion thereof directly specified in the decision, and shall not affect the validity of any other provisions, sections, or portions thereof of the ordinance. The remainder of the ordinance shall remain in full force and effect. Any other ordinance whose terms are in conflict with the provisions of this ordinance are hereby repealed as to those terms that conflict.

Section 4: EFFECTIVE DATE


This ordinance shall take effect on August 28, 2023 after passage and posting and/or publication as provided by law.

Passed and adopted this 28 day of August, 2023.

VILLAGE OF ROCHESTER


Edward Chart, Village President

ATTEST:


Sandra J. Swan, Village Clerk