

**ADMINISTRATIVE ORDINANCE**  
of the  
**Consolidated Koshkonong Sanitary District**  
for the  
**Towns of Fulton, Sumner, Albion and Milton**  
State of Wisconsin

Revised August, 2013

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## CHAPTER I – COMMISSION MEETINGS

- (1) **Meeting Time and Date.**
  - (a) **Regular Meetings.** Regular monthly meetings of the Commissioners shall be held as determined by the Commission.
  - (b) **Notice of Meetings.** Public notice for all regular and special meetings shall comply with the requirements contained in Wisconsin Statutes Sections 19.81, et. seq. In addition, written notice of any such meetings shall be posted in at least three locations within the District represented by a Commissioner, at least 24 hours before the meeting.
  - (c) **Special Meetings.** Special meetings of the Commissioners may be called by the President, or by any two Commissioners and posted in three places at least twenty-four (24) hours before the meeting.
  - (d) **Place of Meetings.** All meetings of the Commissioners, including special and adjourned meetings, shall be held at the Administration Building located on 328 Ellendale Road in the Town of Fulton, Rock County, Wisconsin. Meetings may be held at other locations when so determined by action of the Commissioners.
- (2) **Meeting Open to the Public.** All meetings shall be open to the public, however meetings or portions thereof designated as “closed sessions” will not be open to the public. The Commissioners shall keep a record of its proceedings. All meetings shall be conducted in accordance with relevant state statutes, including but not limited to Ch. 19, Wis. Stats., or any successor provisions.
- (3) **Order of Business.** The business of the Commissioners shall be conducted in the following order:
  - (a) Call to order by presiding officer.
  - (b) Roll call (if a quorum is not present, the meeting shall thereupon adjourn, which may be to a specified date).
  - (c) All items to be considered shall be listed on a prepared agenda. However, this shall not preclude the Commissioners from considering any additional items not appearing on the agenda if the Commissioners deem it necessary and such items have been properly noticed pursuant to Ch. 19.84, Wis. Stats., or any successor provision.

- (4) **Presiding Officer.**
- (a) **Control of the meeting.** The presiding officer shall preserve order and conduct the proceedings of the meeting.
  - (b) **Absence of the President.** If the President is absent at any meeting the Vice-President shall preside. If both the President and Vice-President are absent, the secretary shall call the meeting to order and preside until the Commissioners select a Commissioner to preside for that meeting.
  - (c) **Participation in debate.** The President may speak upon any question or make any motion during any of the regular or special meetings.
  - (d) **Voting.** The President shall vote on every issue unless precluded from doing so by virtue of having a direct or material indirect interest in the outcome of the vote. The President shall not have veto power as to the acts of the Commissioners.
- (5) **General Rules.** The deliberations of the Commissioners shall be conducted in general (but not in strict) conformance with the parliamentary rules contained in the Roberts' Rules of Order, as revised. No Ordinance, resolution or other motion shall be discussed or acted upon unless it has been seconded. No motion shall be withdrawn or amended without the consent of the person making the same and the person seconding it.
- (6) **Suspension of Rules.** These rules or any part thereof may be temporarily suspended in connection with any matter upon consideration by a recorded vote two-thirds of the Commissioners present.
- (7) **Policies/Forms.** The Commissioners have adopted certain policies and/or forms for various matters, including but not limited to, annexation, ethics, identity theft protection, fraud prevention, manhole adjustments, uses of funds, open record requests, lateral installations, and the like. These policies are subject and subordinate to these Ordinances, which is itself subject and subordinate to the CKSD Operating Agreement, as amended.

## CHAPTER II - GENERAL POLICIES AND PENALTIES

- (1) **Rules of Construction.** In the writing of the “Sewer Use Ordinance” and “Administrative Ordinance” the following rules shall be observed, unless such rules would be inconsistent with the manifest intent of the District Commissioners, to-wit:
- (a) All words and phrases shall be construed and understood according to the common and approved usage of the language; but technical words and phrases and such others as may have acquired a peculiar and appropriate meaning in the law shall be construed and understood according to such peculiar and appropriate meaning.
  - (b) Every word importing the singular number only may intend and be applied to several persons or things as well as to one person or thing; and every word importing a plural number only, may intend and be applied to one person or thing as well as to several persons or things, and every word importing a masculine gender only may extend and be applied to females as well as to males.
  - (c) When an Ordinance requires an act to be done which may by law as well be done by an agent as by the principal, such requisition shall be construed to include all such acts when done by an authorized agent.
  - (d) The use of any verb in the present tense shall include the future when applicable.
  - (e) The time within which an act is to be done was provided in any of the provisions of this Ordinance, when expressed in days, shall be computed by excluding the first day and including the last, except that if the last day be Sunday or a legally recognized holiday, it shall be excluded.
  - (f) The word week shall be construed to mean seven days; but publication in the newspaper of any notice of any other matter indicated to be for a stated number of weeks shall be construed to mean one insertion in each week, unless specifically stated to be for each day of the week or for more than one day in each week.
    - (i) All references to titles, chapters or sections are to the titles, chapters or sections of the “Sewer Use Ordinance” and/or “Administrative Ordinance.”
    - (ii) If the provisions of different chapters of the “Sewer Use Ordinance” and/or “Administrative Ordinance” conflict with or contravene each other the provisions of each chapter shall prevail as to all matters and questions growing out of the subject matter of such chapter.

- (iii) If conflicting provisions be found in different sections of the same chapter the provisions of a section which is the last in numerical order shall prevail unless such construction be inconsistent with the meaning of such chapter.
  - (g) When any Ordinance repealing a former Ordinance or any part thereof shall be itself repealed, such repeal shall not be construed to revise such former Ordinance or part thereof unless it shall be therein expressly so provided.
  - (h) In all cases where any Ordinance shall require any act to be done in a “reasonable time” or “reasonable notice” to be given to any person, such reasonable notice or time shall be deemed to mean such time only as may be necessary for the prompt execution of such duty, or compliance with such notice.
- (2) **Ordinances and the Time of Going into Effect.** Every District Ordinance which does not expressly prescribe a time when it shall go into operation, shall take effect and be enforced from and after the date of its passage and publication.
- (3) **Ordinances to be Recorded and Published.** All District Ordinances passed by the Commissioners of the District shall be recorded by the secretary in the book kept for that purpose and shall be available for copying and inspection at reasonable times at the District’s offices. There is a fee for copies as set forth in the Schedule.
- (4) **Repeal of Ordinances and Effect.** All Ordinances and part of Ordinances of the District which are incorporated in the “Sewer Use Ordinance” and/or “Administrative Ordinance” are hereby affirmed and reenacted without any interruption in their operation and effect, and all prior Ordinances or parts of Ordinances, except as hereinafter provided, which are not incorporated, reaffirmed or reenacted herein, and which are inconsistent with the provisions of this Ordinance, except such as are hereinafter specifically exempt from the operation of this Ordinance, are hereby repealed.
- (5) **Rights and Pending Actions Continued.**
  - (a) All vested rights, pending actions and prosecutions shall continue as though no revision or change has been made in the general Ordinances.
  - (b) Processes issued or proceedings commenced shall be unaffected by the revision, and all proceedings commenced or pending may be continued and concluded under the provisions of the Ordinances applicable at the time they were commenced.
- (6) **Special Ordinances not Altered or Affected.** The “Sewer Use Ordinance” and/or “Administrative Ordinance” shall not in any way alter or affect any charter Ordinances, special franchise Ordinances providing for the issue and sale of bonds or other securities, Ordinances relating to the construction of any sewer or providing for the payment of the same, Ordinances relating to any special improvement bonds or relating to the making,

levying, or collection of any special assessments for public improvement, Ordinances for the opening, altering, extending, vacating or improving of any of the properties of the District, Ordinances establishing salaries of various sanitary district officials and other Ordinances of a nature other than general as the same may be now existing; all such Ordinances shall continue in full force and effect as before the passage of the “Sewer Use Ordinance” and/or “Administrative Ordinance.”

(7) **Adoption of Other Rules and Specifications.**

(a) There is hereby adopted all the rules and regulations of the State Plumbing and State Building Codes and the building rules of the Department of Commerce of the State of Wisconsin, insofar as the same are applicable to the District.

(b) There is hereby adopted all rules and regulations of the District Standard Sewer Specifications. Copies of the Sewer Specifications can be obtained at the District office for a fee as listed in the Schedule of Charges Fees.

(8) **Notice of Violation and Special Order of Remedy.** Any person found in violation of this Ordinance or any prohibition, limitation or requirement contained therein will be served with a written notice stating the nature of the violation and issuing a special order for the appropriate remedy thereof.

(9) **Appeal Procedure.** Any person who objects to a notice of violation, or a special order of the District, shall upon request be entitled to be heard by the District Commission with respect to the objection.

(10) **Ordinance Violation Policy.** The rules, regulations and sewer rates of the District shall be considered a part of the contract with every person company or corporation connected with the sewer system to the District and every such person, company or corporation, by connecting with the sewer system, shall be considered as expressing his or their assent to be bound thereby.

Whenever any of said provisions of this Ordinance or rules or regulations of the Sanitary District or any provisions of the Wisconsin Statutes, Wisconsin Administrative Code or any other materials which are incorporated by reference, or such other provisions as the said District or Commissioners may hereafter adopt are violated, the user shall be required to correct such violation within fifteen (15) days after receiving written notice of violation from the District, or as otherwise stipulated in the Ordinance. If, after fifteen (15) days notice, such user permits the violation to continue, the property owner(s) shall be subject to a fine of \$200.00 together with the costs of prosecution and in default of payment of said forfeiture and costs of prosecution shall be imprisoned in the Rock, Dane or Jefferson County Jails (as the case may be) until such forfeiture and costs of prosecution are paid, but not to exceed ninety (90) days. Each day in which any violation continues to exist, after the effective date of notice, shall be deemed a separate violation. The violation shall be determined to be in effect until such violation is corrected, and on

payment of all arrears, the expenses and established charges of shutting off and turning on, and such other terms as the Commissioners may determine.

The right is reserved to Commissioners to change the said rules, regulations and sewer rates from time to time as they may deem advisable; and to make special rates and contract in all proper cases.

- (11) **Falsifying of Information.** No persons shall knowingly make any false statement, representation, record, report, plan or other document filed with the District or falsify, tamper with or knowingly render inaccurate, any monitoring device or method required under this Ordinance. Any person who violates this provision shall be subject to the penalties imposed under this Chapter.
- (12) **Notice of Delinquent Charges.**
  - (a) On October 1 of each year, notice shall be given to the owner or occupant of all lots or parcels of real estate to which service has been provided prior to October 1 and payment for which is owing and in arrears at the time of giving such notice; delinquent charges will be placed on the county tax roll if not paid by November 1 of such year.
  - (b) Such notice shall be in writing, shall state the amount of delinquent charges, including any such penalty assessed pursuant to the rules of the utility; and shall state that unless the same is paid on or before November 1 thereafter, a penalty of 3% per quarter, plus a penalty of 10% of all delinquent charges will be added thereto to cover administrative expenses incurred in handling these delinquent amounts; and that unless such arrears, with any such added penalty, shall be paid by November 1, thereafter, the same will be levied as a tax against the lot or parcel of real estate to which service was furnished and for which payment is delinquent as above specified.
  - (c) Such notice may be served by delivery to either such owner or occupant personally, or by billing card, letter or any other written notice, addressed to such owner or occupant at the Post Office address of such lot or parcel of real estate.
  - (d) On November 16, the treasurer, or officer or department issuing the notice shall certify and file with the respective township clerk a list of all lots or parcels of real estate giving the legal description thereof, to the owners or occupants, of which notice of arrears in payment was given as above specified and which arrears still remain unpaid, and stating the amount of such arrears together with the added penalty thereon as herein provided.
  - (e) Each such delinquent amount, including such penalty shall thereupon become a lien upon the lot or parcel of real estate to which the service was furnished and



payment for which is delinquent, and the respective town clerk shall insert the same as a tax against such lots or parcels of real estate.

- (f) Any such assessment shall include all costs and expenses of the District incurred relating to such assessment, including, but not limited to, legal, accounting, and engineering fees.
- (13) **Bad Check Policy.** A service fee as established in the Schedule will be charged to the account of any customer writing a check which is returned to our office by the bank.
- (14) **Damage Recovery.** The District shall have the right of recovery from all persons, any expense incurred by said Sanitary District for the repair or replacement of any sewer pipe damage in any manner by a person by the performance of any work under their control, or by any negligent act.
- (15) **Cost Recovery.** All Users are hereby put on notice that they shall be held responsible for any cost or expense incurred by the District or its agents (including engineers and attorneys) when negotiating or interacting with the District for any reason whatsoever, including but not limited to, obtaining easements, developing parcels or subdivisions, planning sewer extensions, contesting fees, obtaining variances and exceptions, holding special meetings, and the like.
- (16) **Variances and Exceptions.** Where any person or entity alleges that extraordinary hardships or particular difficulties may result from strict compliance with these Ordinances, they may request variances or exceptions to the Ordinance so that substantial justice may be done and the public interest served, provided that such variance or exception shall not have the effect of nullifying the intent and purpose of this Ordinance. Application for any such variance shall be made in writing by the party to the District, stating fully all facts relied upon by the Petitioner and shall be supplemented with maps, plans, or other additional data which may aid the Commissioners in the analysis of the proposed project. The plans for such project shall include such covenants, restrictions, or other legal provisions necessary to guarantee the full achievement of the plan. The District may request that the District's attorney or engineer review each situation to ensure that the request is consistent with the requirements and standards of this Ordinance. The matter shall be referred to the Commissioners with a written report and recommendation. The previous granting of variances or exceptions in the same or similar circumstances shall not of itself constitute grounds for the granting of a variance or exception, nor shall strictly financial considerations constitute such grounds.

The District shall not grant variance or exceptions to these Ordinances unless it shall make findings based upon the evidence presented to it in each specific case that:

- (a) failure to grant the variance may be detrimental to the public safety, health or welfare, or be injurious to other property improvements in the neighborhood in which the property is located;

- (b) the conditions upon which the request for a variance is based are unique to the property for which the variance is sought and are not applicable generally to other properties;
- (c) because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, financial hardship or self-imposed hardship, if the strict letter of the Ordinance were carried out; and
- (d) there would be no costs (present or future) to the District resulting from the granting of the variance or exception.

Any recommendations for variances or exceptions by the District must be approved by four of the five Commissioners of the District. No employee or agent of the District shall have any right to grant such a variance. The Petitioner, by submitting an application for a variance, agrees to pay all costs and expenses of the District (including, but not limited to, special meeting costs, legal costs, engineering costs, and the like) regardless of whether such variance is ultimately granted or denied.

- (17) **Development Agreements.** Prior to any Developer embarking on a project, the District shall require such Developer to enter into a Development Agreement which outlines the duties and responsibilities of both parties, and which clearly sets forth that the District shall be reimbursed for any and all costs incurred by the District in furtherance of the Developer's project.
- (18) **Indemnification.** To the fullest extent permitted by law, all users benefitting from and/or using the services of the District hereby agree to, and shall, indemnify, defend, and hold the District, its Commissioners, officers, agents, and employees, harmless from and against any and all claims, damages, losses, and expenses, including, but not limited to, professional fees arising out of or resulting from any act or omission of the District or such user, provided that such claim, damage, loss, or expense is attributable to body injury, sickness, disease, or death, or to injury to or destruction of tangible property, including loss of use resulting therefrom. Such obligations shall not be construed to negate, abridge or reduce the other rights or obligations of indemnity which would otherwise exist as to a party or person described herein.
- (19) **Flow meters.** In the event the District and any User dispute the wastewater usage level of such User, the District may require the User, at the User's expense, to install a flow meter which will be observed by both parties in order to determine actual usage.
- (20) **Dispute Resolution.** In the event any user seeks to enforce any provision of these Ordinances, such user shall reimburse the District for its reasonable legal, accounting and engineering costs and expenses.

- (21) **Force Majeure.** In the event the District is delayed at any time in the performance of any repair, maintenance or other work to the wastewater equipment or system by labor disputes, fire, unusual delay in deliveries, abnormal or adverse weather conditions not reasonably anticipated, unavoidable casualties, or any causes beyond its control, or by other causes which may justify delay, the time for performance hereunder shall be extended accordingly.
- (22) **Waiver.** The failure of the District to enforce, at any time or for any period of time, any provisions of this Agreement shall not be construed as a waiver of such provision or of the right of the District thereafter to enforce such provision.
- (23) **Conflict.** In the event of a conflict between the language contained in these Ordinances and the language contained in the District's Operating Agreement, dated on or about March 22, 2005, as such Agreement may be amended from time to time, the Operating Agreement shall control.
- (24) **Remedies.** The District has certain remedies set forth in these Ordinances. Such remedies shall be neither mutual nor exclusive. The District shall have the right to pursue all or any of the remedies set forth herein or as provided by law. All Users are hereby put on notice that these Ordinances may be specifically enforced in a court of competent jurisdiction.
- (25) **Fair and Open Housing.** The Board for the Consolidated Koshkonong Sanitary District, Rock County, Wisconsin, hereby adopts Section 106.50, Wisconsin Statutes, as amended, and all subsequent amendments thereto.

The officials and employees of the Consolidated Koshkonong Sanitary District shall assist in the orderly prevention and removal of all discrimination in housing within the Consolidated Koshkonong Sanitary District implementing the authority and enforcement procedures set forth in Section 106.50, Wisconsin Statutes, as amended.

The Clerk shall maintain forms for complaints to be filed under Section 106.50, Wisconsin Statutes, as amended, and shall assist any person alleging a violation thereof in the Consolidated Koshkonong Sanitary District to file a complaint thereunder with the Wisconsin Department of Work Force Development, Equal Rights Division, for enforcement of Section 106.50, Wisconsin Statutes, as amended. (Added July, 15, 2010.)

- (26) **Customer Information.** The District shall not release any Customer information that would serve to identify any customer individually by usage or account status except in conformity with Ch. 196.137, Wis. Stats.

### CHAPTER III - VALIDITY

- (1) **Separability of Provisions.** If any section, subsection, sentence, clause or phrase of the “Sewer Use Ordinance” or “Administrative Ordinance” is for any reason held to be illegal, unenforceable, invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of any other section, subsection, sentence or phrase or portion thereof. The Commissioners of the District declare that they would have passed the “Sewer Use Ordinance” and/or “Administrative Ordinance” and each section, subsection, sentence, clause and phrase hereof irrespective of the fact that any one or more other sections, subsections, sentences, clauses or phrases may be declared invalid or unconstitutional.

CHAPTER IV - ORDINANCE IN FORCE

- (1) This Ordinance shall be in full force and effect from and after its passage, approval, and publication as provided by law.
  
- (2) Passed and adopted by the Commission of the Consolidated Koshkonong District of the State of Wisconsin, this 14<sup>th</sup> day of August, 2013, by the following vote:

Ayes \_\_\_\_\_

Nays \_\_\_\_\_

Signed:

\_\_\_\_\_  
John Traynor  
Commission President

Attest:

\_\_\_\_\_  
Todd Sahr  
Commission Secretary