

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

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ORDINANCE

AN ORDINANCE ESTABLISHING A SYSTEM OF CHARGES AND REGULATIONS GOVERNING THE USE OF PUBLIC AND PRIVATE SEWERS, PRIVATE SEWAGE DISPOSAL, THE INSTALLATION AND CONNECTION OF BUILDING SEWERS, AND THE DISCHARGE OF WATERS AND WASTES INTO THE PUBLIC SEWER SYSTEM.

Be it ordained and enacted by the Commissioners of the Consolidated Koshkonong Sanitary District of the State of Wisconsin, as follows:

CHAPTER I - DEFINITIONS

Unless the context specifically indicates otherwise, the meaning of terms used in this ordinance shall be as follows:

- (1) "ASD4" - shall mean the Town of Albion Sanitary District No. 4.
- (2) "Biochemical Oxygen Demand (BOD)" - shall mean the quantity of oxygen used in the biochemical degradation of organic matter in five (5) days at 20° C.
- (3) "Building Drain" - shall mean that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five feet outside the inner face of the building wall.
- (4) "Building Inspector" - shall mean the individual authorized to make building inspections or his authorized agent, or representative.
- (5) "Building Sewer" - shall mean the extension from the building drain to the public sewer or other place of disposal.
- (6) "CKSD" - shall mean the Consolidated Koshkonong Sanitary District, an entity arising under and pursuant to the Wisconsin Intergovernmental Cooperation Statute, Ch. 66.0301, Wis. Stats., as such law may be amended from time to time.
- (7) "Commercial User" - shall mean all private establishments such as restaurants, hotels, multiple family residences, retail and wholesale stores, filling stations and industries with a daily wastewater flow of less than 25,000 gallons per day; all private, nonprofit entities such as churches, schools, hospitals and charitable organizations with a daily wastewater flow less than 25,000 gallons per day; and public facilities such as boat landings and university facilities with a daily wastewater flow less than 25,000 gallons per day.
- (8) "Commission" shall mean the duly acting governing body of the Consolidated Koshkonong Sanitary District as described in the Code of Administrative Ordinances.

- (9) “Contributor” - shall mean the owner of property at the time of a contribution or refund unless otherwise specified by written agreement.
- (10) “Cost” - shall include the cost of engineering, legal, administrative, and accounting services related to such project.
- (11) “Customer” - shall mean the owner of premises to which sewer is now or is to be furnished unless specific written agreements specify otherwise. The customer at all times means the property owner at the time a contribution is to be made or a refund becomes available.
- (12) “Debt Service” - shall mean costs to the Sanitary District for the retirement of debts incurred in the provision of wastewater collection and treatment facilities including both principal and interest.
- (13) “Developer” - shall mean a private party developing or otherwise subdividing land within or outside the District which is required to, or which a private party desires to, connect to the CKSD system.
- (14) “District” - shall mean the CKSD or the Consolidated Koshkonong Sanitary District.
- (15) “Floatable Oil” - shall mean oil, fat, or grease in a physical state such that it will separate by gravity from wastewater in an approved pretreatment facility. A wastewater shall be considered free of floatable oil if it is properly pretreated and the wastewater does not interfere with the collection system.
- (16) “Following” - shall mean when used by way of reference to any section of any ordinance shall be construed to mean the section next following that in which said reference is made unless when some other section is especially designated in such reference.
- (17) “FSD2” - shall mean the Town of Fulton Sanitary District No. 2.
- (18) “FSD2 Sewers” - shall mean sewers constructed by the Town of Fulton Sanitary District No. 2 on which the FSD2 currently is paying debt on in addition to CKSD charges.
- (19) “Future Development Contribution-In-Aid-Of-Construction (FCAC Charge)” - shall mean a lump sum payment due, in addition to the SCAC charges, upon execution of developer’s agreement. If no developer’s agreement exists payment shall be due upon issuance of a plumbing permit. Parcels responsible for FCAC charges include: parcels of land annexed into the District, parcels within the District that have not been paying sanitary levy, and subdivided parcels within the District.
- (20) “Garbage” - shall mean solid wastes from the domestic and commercial preparation, cooking, and dispensing of food, and from the handling, storage, and sale of meat, fish, fowl, fruits, vegetables and condemned food.

(21) “Highway” - shall mean all public ways and thoroughfares and all bridges upon the same.

(22) “Industrial User” - shall mean:

(a) Any non-governmental, non-residential user of a publicly owned treatment works which discharges more than the equivalent of 25,000 gallons per day (gpd) of sanitary waste and which is identified in the Standard Industrial Classification Manual, 1972, Office of Management and Budget, as amended and supplemented under one of the following divisions:

Division A. - Agriculture, Forestry, and Fishing.

Division B. - Mining.

Division D. - Manufacturing.

Division E. - Transportation, Communications, Electric, Gas and Sanitary Services.

Division F. - Services.

(i) In determining the amount of a user's discharge, the District will exclude domestic waste or discharges from sanitary conveniences.

(ii) After applying the sanitary waste exclusion in subparagraph i. of this paragraph, discharges in the above divisions that have a volume exceeding 25,000 gpd or the weight of biochemical oxygen demand (BOD) or suspended solids (SS) equivalent to that weight found in 25,000 gpd of sanitary waste are considered industrial users. Sanitary waste, for purposes of this calculation of equivalency, shall be wastes of Normal Concentration as defined in this Ordinance.

(b) Any non-governmental user who discharges wastewater to the District's sewers, which wastewater contains toxic pollutants or poisonous solids, liquids, or gases in sufficient quantity either singly or by interaction with other waste, to contaminate the sludge of the municipal sewer systems, or to injure or to interfere with any sewage treatment process, or which constitutes a hazard to humans or animals, creates a public nuisance, or creates any hazard in or has an adverse effect on the waters receiving any discharge from the treatment works.

(23) “Industrial Wastes” - shall mean:

(a) Wastes discharged by “Industrial Users.”

(b) Those particular liquids or other wastes resulting from any process of industry, manufacture, trade, or business of the development of any natural resource.

- (24) "Infiltration" - shall mean water entering a sewer system, (including sewer service connections) from the ground through such means as defective pipes, pipe joints, connections, or manhole walls.
- (25) "Inflow" - shall mean water other than wastewater that enters a sewerage system (including sewer service connections) from sources such as roof leaders, cellar drains, yard drains, area drains, foundation drains, drains from springs and swampy areas manhole covers, cross connections between storm sewers and sanitary sewers, catch basins, cooling towers, storm waters, surface runoff, street wash waters, or drainage.
- (26) "Lateral" - shall mean "building sewer" as defined in the Wisconsin Administrative Code (Section Comm 81) (as amended from time to time) meaning that part of the drain system not within or under a building which conveys its discharge to a public sewer, private interceptor main sewer, private on-site wastewater treatment system or other point of discharge or dispersal.
- (27) "May" - is permissive (see "Shall," below).
- (28) "Natural Outlet" - shall mean any outlet into a watercourse, pond, ditch, lake, or other body of surface or ground water.
- (29) "Normal Concentration" - shall mean:
- (a) BOD of not more than 200 mg/L.
 - (b) SS of not more than 250 mg/L.
 - (c) TKN of not more than 40 mg/L.
 - (d) TP of not more than 10 mg/L.
- (30) "Normal Wastewater/Normal Sewage" - shall mean wastewater or other wastes in which BOD or suspended solids concentrations do not exceed normal concentrations.
- (31) "Operation and Maintenance Costs" - shall mean the day-to-day expenses of the sewage works including cost of equipment, materials, energy, and manpower necessary for continued operation and maintenance of the system. Included shall be all expenses of preventative maintenance, repair costs and non-lapsing depreciation (replacement) expenses necessary to guarantee continuous operation of the system within its design limits.
- (32) "Owner" - shall mean one or more legal or beneficial owners of any parcel of land in the District, or in the CKSD District Service Area (as defined in the District's Operating Agreement, dated on or about March 22, 2005, as amended from time to time).

- (33) "Parcel" - shall mean all or any part of land either within the boundaries of the District, to be incorporated within the District's boundaries, or otherwise being served by the District sewer system (whether by inter-municipal agreement or otherwise).
- (34) "Person" - shall mean any individual, firm, company, municipal or private corporation, association, society, institution, enterprise, governmental agency or other entity.
- (35) "pH" - shall mean the logarithm (base 10) of the reciprocal of the hydrogen ion concentration expressed in moles per liter as determined by AStandard Methods."
- (36) "Plans" - shall mean sanitary sewer plans and Contract Documents as compiled by the District engineer.
- (37) "Plumbing Code" - shall mean the Wisconsin Department of Commerce Comm 81 - 84.
- (38) "Plumbing Permit" - a permit issued by the District after proper application and payment of the required permit fee which allows connection of a Building Sewer to the Public Sewer.
- (39) "Preceding" - shall mean when used by way of reference to any section of any ordinance shall be construed to mean the section next preceding that in which said reference is made unless when some other section is especially designated in such reference.
- (40) "Properly Ground Garbage" - shall mean the wastes from the preparation, cooking and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half (2) inch (1.27 centimeters) in any dimension.
- (41) "Public Sewer" - shall mean a sewer in which all owners of abutting properties have equal rights, and is controlled by public authority.
- (42) "Quarter" - shall mean any three consecutive months as determined by the Sanitary District.
- (43) "Replacement" - shall mean expenditures for obtaining and installing equipment, accessories, or appurtenances which are necessary to maintain the capacity and performance during the service life of the treatment works for which such works were designed and constructed.
- (44) "Residential Equivalent Unit" - shall mean the unit of measurement which consists of the amount of Normal Sewage contributed to the system from a single-family residence in an average amount not to exceed 180 gallons per day. Residential Equivalent Unit shall be the proportional unit of measurement used in this Ordinance when establishing the distribution of costs for operation and maintenance of the collection and treatment systems.
- (45) "Residential Unit Equivalent (RUE)" - shall mean a unit of sewer service use consisting of any residential or small commercial aggregation of space or area occupied for a distinct purpose, such as a residence, apartment, flat, store or office, which is equipped with one or more fixtures

for rendering sewer service, separate and distinct from other users. Each RUE shall be regarded as one consumer and the sewage service charges billed accordingly.

When a consumer's premises have several buildings, each supplied with a separate service the full service charge will be billed for each separate service separately.

- (46) "Residential User" - shall mean all single family dwelling units whose main purpose is to provide housing for individual family units.
- (47) "Revenue Account" - shall mean an account in which all receipts and disbursements of the Commission shall be recorded. Revenues in the account shall be apportioned to the Sewer System Operation and Maintenance Fund; Sewer System Depreciation Fund and Sewerage System Bond and Interest Special Redemption Fund.
- (48) "Sanitary Sewer" shall mean a sewer which carries sewage and to which storm surface, and ground waters are not intentionally admitted.
- (49) "Schedule" shall mean District's Schedule of Charges and Fees, as amended from time to time. Such Schedule is referenced herein, *but is not a part of these Ordinances*. The Schedule shall be developed by the District, and shall from time to time be modified by resolution of the Commission and shall be available for inspection at reasonable times by the public.
- (50) "Sewage" - shall mean:
 - (a) A combination of the water-carried wastes from residences, business buildings, institutions, and industrial establishments, together with such ground, surface, and storm waters as may be present.
 - (b) The water-carried waste created in and to be conducted away from residences, industrial and commercial premises, public buildings, and other structures and premises with such surface or drain water as may be present.
- (51) "Sewage Treatment Plant" or "Wastewater Treatment Plant" shall mean any arrangement of devices and structures used for treating sewage.
- (52) "Sewage Utility or Utility" - shall mean the Consolidated Koshkonong Sanitary District.
- (53) "Sewage Works" - shall mean all facilities for collecting, pumping treating and disposing of sewage.
- (54) "Sewer" - shall mean a pipe or conduit for carrying sewage.
- (55) "Sewer Contribution In Aid Of Construction Charge (SCAC Charge)" - shall mean a lump sum payment due after the sewer lateral has been installed by the master plumber.

- (56) “Sewer System” - shall include all street laterals, main and intercepting sewers, and structures by which sewage or industrial waste is collected, transported, treated, or disposed. This shall not include plumbing inside or in connection with buildings served, or service sewers from a building, to the street lateral.
- (57) “Sewer User Charge” shall mean a quarterly charge assessed to all users of the system to pay for all Operation and Maintenance Costs. Such charge shall be payable as determined by the Commission in accordance with the terms of this Ordinance.
- (58) “Shall” - is mandatory; “May” is permissive.
- (59) “Slug” - shall mean any discharge of water, sewage, or industrial waste which in concentration of any given constituent or in quantity of flow exceeds for any period longer than fifteen (15) minutes more than five (5) times the average twenty-four (24) hour concentration or flows during normal operation.
- (60) “Storm Sewer” - shall mean a sewer which carries storm and surface waters and drainage, but excludes sewage and industrial wastes, other than unpolluted cooling water.
- (61) “Street” - shall mean all public ways and thoroughfares and all bridges upon the same.
- (62) “Suspended Solids (SS)” shall mean solids that either float on the surface of, or are in suspension in water, sewage, or other liquids, and which are removable by laboratory filtering.
- (63) “Tap Permit” - shall mean a permit issued by the District after proper application and payment of the required permit fee which allows a tap to the existing sewer system.
- (64) “Total Kjeldahl Nitrogen (TKN)” - shall mean the quantity of organic nitrogen and ammonia as determined in accordance with 40 CFR Part 136, or as EPA otherwise determines.
- (65) “Total Phosphorus (TP)” - shall mean the quantity of total phosphorus as determined in accordance with 40 CFR Part 136, or as EPA otherwise determines.
- (66) “Unit of Sewer Use” - shall mean any residential or small commercial aggregation of space or area occupied for a distinct purpose, such as a residence, apartment, flat, store or office, which is equipped with one or more fixtures for rendering sewer service, separate and distinct from other users. Each unit of sewer use shall be regarded as one customer and the sewer use charges billed accordingly.
- (67) “Users” - shall mean persons whose property is connected to the sewer system.
- (68) “Watercourse” - shall mean a natural or artificial channel for the passage of water.

- (69) “Week” - shall 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 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.

CHAPTER II - SEWER USERS AND SEWER USER CHARGES

(1) **Application for Services.** Every person connecting with the sewer system after adoption of this Ordinance shall file an application in writing to the District, in such form as is prescribed for that purpose.

(a) An application for disposal of industrial waste shall include:

Estimated volume of waste.
Variations in rate of discharge.
Characteristics of waste.
Strength of waste.

(b) Forms for such applications will be furnished at the office of the District. The application must state fully and truly all the uses which will be allowed except upon further application and permission regularly obtained from said commissioners.

The application must provide the complete, correct, legal description of the property to be served.

If the application is not the owner of the premises, the written consent of the owner must accompany the application.

(c) If it appears that the service applied for will not provide adequate service for the contemplated use, the Commissioners may reject the application. If the Commissioners approve the application, it shall issue a permit for services as shown on the application.

(2) **Sewer Contribution in Aid of Construction Charge.**

(a) There is hereby levied against each parcel of land serviceable by said sewer system (vacant, unimproved parcel alone excluded) a sewer contribution in aid of construction charge ("SCAC Charge(s)") as included in the Schedule.

(b) The SCAC Charge will be billed to the owner after the sewer lateral has been installed by the master plumber and observed by the Consolidated Koshkonong Sanitary District or their engineer. Past due bills more than 30 days will be charged a finance charge of 1% per month or 12% annually.

(3) **Future Development Contribution in Aid of Construction Charge.** In addition to the SCAC Charges listed in Section (2) above, the following Future Development Contribution In Aid of Construction charges ("FCAC Charge(s)") are also imposed.

(a) There is hereby levied against each parcel of land that is annexed into the Sanitary District a FCAC Charge per lot as included in the Schedule. The Schedule shall be

developed by the District, shall from time to time be modified by resolution, and shall be available for inspection at reasonable times by the public.

- (b) There is hereby levied against each parcel of land, that lies within the boundaries of the sanitary district and that has not been paying sanitary levy for that parcel, prior to January 1, 2004, an FCAC Charge per lot developed from such parcel in accordance with the Schedule. The Schedule shall be developed by the District, shall from time to time be modified by resolution, and shall be available for inspection at reasonable times by the public.
- (c) There is hereby levied against each parcel of land, that lies within the boundaries of the sanitary district and subdivided from an existing parcel, a FCAC Charge per lot developed from such parcel in accordance with the Schedule. The Schedule shall be developed by the District, shall from time to time be modified by resolution, and shall be available for inspection at reasonable times by the public.
- (d) There is hereby levied against each parcel of land greater than five (5) acres that is annexed into the Sanitary District a FCAC Charge as included in the Schedule. The Schedule shall be developed by the District, shall from time to time be modified by Resolution, and shall be available for inspection at reasonable times by the public.
- (e) In the event that an FCAC charge has been levied against a parcel, and, without further subdivision of such parcel, future development is planned which will substantially increase the District's service to such parcel, a recalculated FCAC charge shall be levied against such parcel.
- (f) All FCAC Charges shall be paid upon execution of a developer's agreement. If no developer's agreement exists all FCAC charges shall be paid upon issuance of a Plumbing Permit.

(4) **FSD2 and ASD4 Contribution-In-Aid-of-Construction Charges.** In addition to the FCAC and SCAC Charges listed in Sections (2) and (3) above, the following FSD2 / ASD4 Contribution In Aid of Construction (CAC) charges are hereby imposed.

- (a) **Contribution In Aid of Construction (CAC):** There is hereby levied and assessed upon each lot or parcel of land currently within the FSD2 or the ASD4, upon land subsequently attached to the FSD2 or the ASD4, and lands tributary to the FSD2 or ASD4 sewers, a Contribution In Aid Of Construction charge (CAC). Such CAC charge shall be payable as herein provided and shall be on the basis of one CAC charge for each building connected to the Public Sewer (except if the building is a multi-family residential building). Said CAC charges shall be assessed and collected as determined by the Commission.
- (b) **Existing and Future Buildings:** For the purposes of this Ordinance, buildings in the FSD2 or the ASD4 shall be classified as existing buildings or future buildings. Existing

buildings for the FSD2 shall be those in existence and buildings for which a building permit has been issued and construction started as of September 1, 2002. Future buildings shall be those not in existence as of September 1, 2002. Existing buildings for the ASD4 shall be those in existence and buildings for which a building permit has been issued and construction started as of June 17, 2003. Future buildings shall be those not in existence as of June 17, 2003.

- (c) **Building Use:** All buildings in the FSD2 or the ASD4 shall be further classified as single family residential or commercial. Single family residential shall include only those buildings intended for habitation by a single-family unit. Commercial buildings shall include all buildings in the FSD2 or the ASD4 other than single-family residential, including multiple use buildings. Commercial buildings shall be divided into the following classes:

Class A: Is a building that has an average daily sewage flow up to 500 gallons, is located in a commercially zoned or developed area and may contribute a waste which contains pollutants not a part of Normal Sewage.

Class B: Is a building that has an average daily sewage flow averaging over 500 gallons, but less than 1,000 gallons, is located in a commercially zoned or developed area, may be located on a large lot, may contribute a waste which contains pollutants not part of Normal Sewage, and may contribute waste in such additional volumes that sewer sizes could be influenced.

Class C: Is a building that has a daily sewage flow averaging over 1,000 gallons at least fifteen days per calendar month, and/or has loadings in excess of Normal Concentrations, is located on a large lot and may require a metering and monitoring manhole. This Class requires special consideration upon application for a Connection Permit taking into account such things as location, lot size, anticipated sewage flows, and waste characteristics.

The Commission upon application for a Connection Point shall, in consultation with the District's Engineer, determine the building use and classification and shall set a CAC charge in accordance with that use and the schedule of charges in effect at the time.

- (d) **Payments:** The CAC charge will be billed to the owner after the sewer lateral has been installed by the master plumber and observed by the Consolidated Koshkonong Sanitary District or their engineer. Past due bills more than 30 days will be charged a finance charge of 1% per month or 12% annually.
- (e) **Schedule of Charges:** All charges and fees shall be as set forth in the District's Schedule, as such Schedule may be amended from time to time.

(5) **Sewer Connections to Detached Buildings.**

- (a) Any buildings that have plumbing facilities which are detached but located on the same property as a principal residence can, after obtaining necessary permits, be connected by means of a private interceptor main sewer to the sewer system without payment of the SCAC Charge and the quarterly user charge, provided that such building is not used as a separate dwelling unit or business for any period of time either by members of the family of the owner or others.
 - (b) That the owner of said property enter into an agreement in recordable form with the Sanitary District agreeing that, if in the future such detached building is used as a dwelling or business other than originally agreed to for any period of time the owner shall, immediately upon commencement of such use, pay the appropriate SCAC Charge and quarterly user charge. If, in the event that a detached building is hooked directly to the sewer system, the owner must pay the SCAC Charge, plumbing permit cost, tap permit, if necessary, and the quarterly user fee.
- (6) **Application to Discontinue Sewer Service.** Any person connected to the sewer system may, in writing, request that their sewer lateral be disconnected if they meet the criteria set forth below.
- (a) Any building that has been destroyed by fire, razed or destroyed by a natural disaster, will have a period of two years to reconnect to the sewer system without paying a reconnection fee. Prior to reconnection, a master plumber (or pre-approved utility contractor) must apply for a plumbing permit from the Sanitary District.
 - (i) If, after two years, the sewer lateral is reconnected, the owner shall pay the reconnection fee currently in effect in the Schedule and have a master plumber (or pre-approved utility contractor) apply for a plumbing permit from the Sanitary District.
 - (ii) Any person that requests, in writing, to have their sewer lateral disconnected for any reason *other* than for the reasons set forth above will be required to have a master plumber (or pre-approved utility contractor) apply for a cap permit and pay the cap permit fee currently in effect in the Schedule. If applicable, such party must also provide the District with a copy of their demolition permit issued by their township or by their County Health Department.
 - (b) If the written request for the sewer lateral disconnection is approved, the owner must have the sewer lateral exposed before the lateral enters the dwelling, with a section of that pipe removed. The Sanitary District will provide a cap or plug for the end of the sewer pipe which the master plumber (or pre-approved utility contractor) will install. The Sanitary District will make all necessary measurements for future use. Backfilling is the responsibility of the owner.
 - (c) No disconnection shall be allowed by the District unless and until all charges and fees of the District have been paid. Such fees and charges may be waived by the Commission at their discretion in the event of hardship.

- (d) All disconnections may be subsequently televised by the District. Any leaks that are found must be repaired by the owner within fifteen (15) days of receipt of notice. The District may again televise the disconnection to ensure that the leak has been repaired. Such additional televising shall be undertaken at the cost of the customer.
- (7) **Industrial Wastes.** Whenever the District shall determine that any lot, parcel of land, buildings or premises is discharging industrial wastes of unusual volume, concentration or character or of greatly variable volume, he shall recommend the adoption of a special rate for such, taking into consideration the volume, BOD, SS, TKN, and TP content of the industrial wastes and the nature of the use made of the sewer system; but nothing herein contained shall affect any of such rates as heretofore might have been established unless and until changed by action of the Sanitary District.
- (8) **Sanitary Levy.** The District shall receive annually the sum determined by the Commissioners each year from the Sanitary District customers. Such levy shall be pursuant to Chapter 60.77(6)(b), Wis. Stats, as amended, and will be used, among other things, to pay principal on any outstanding District loans, as well as interest on such loans, or new capital expenditures.
- (9) **Sanitary Use Fee.** In addition to the Sanitary Levy, the SCAC and the FCAC, Users will be charged a Sewer User Fee. Bills for sewer use are rendered quarterly based upon the number of RUEs used by each User and become due and payable on the first day of the month following the period for which service is rendered. A penalty of 3% will be added to bills not paid within thirty (30) days from date of bill, in addition to a finance charge of 1% per month, or 12% per annum.
- (10) **Charges are a Lien on Property.** The sewage service charges, including SCAC and FCAC Charges, quarterly service charge or standby charge shall be applicable to all property served in the District. Sewage service charges shall be collected and taxed and shall be a lien upon the property served in the same manner as prescribed and in accordance with the provisions of Section 66.069(1) of the Wisconsin Statutes as the same has been and from time to time may be amended or recreated, which said Section of the Statutes is hereby incorporated herein so far as applicable and not inconsistent herewith.
- (11) **Payment of Bills.**
- (a) **Failure to Receive Bill No Penalty Exemption.** Every reasonable care will be exercised in the proper delivery of sewage service bills. Failure to receive a sewage service bill, however, shall not relieve any person of the responsibility for payment of sewage service charge within the prescribed period, nor exempt any person from any penalty imposed for delinquency in the payment thereof.
- (b) **Billing.** The property owner is held responsible for all sewage use service bills on premises he owns. All bills and notices of any nature, relative to the sewage use service will be addressed to the owner and delivered to the premises referred to on such bill or notice

CHAPTER III - USE OF PUBLIC SEWERS

- (1) **User Use Only.** No User shall allow others or other services to connect to the sewer system through his lateral.
- (2) **Utility Responsibility.** It is expressly stipulated that no claim shall be made against said Sanitary District or commissioners by reason of the breaking, clogging, stoppage, or freezing of any service pipe.
- (3) It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the District, or in any area under the jurisdiction of said District any human or animal excrement, garbage, or other objectionable waste.
- (4) It shall be unlawful to discharge to any natural outlet within the District, or in any area under the jurisdiction of said District, any sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this Ordinance.
- (5) Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of sewage. It shall be unlawful to discharge any holding tank or septic tank waste into the CKSD system.
- (6) Except as hereinafter provided in this section, the owner(s) of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes situated within the District and abutting on any street, alley or right-of-way in which there is now located or may in the future be located a public sanitary sewer of the District is hereby required at the owner's expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this Ordinance within one hundred eighty (180) days after notice from the District to do so.

Any governmental or IRC Section 501(c)(3) owner of a vacant parcel containing a separate tax parcel number, which parcel is used solely for public recreational purposes, may apply to the District for an exemption from the requirements of this Section, for so long as such parcel is vacant and used only for recreational purposes. In considering whether to grant such an exemption, the District shall consider the impact of such an exemption on the environment and the health and welfare of the residents of the District. Such exemption may be granted with specific limitations and/or conditions, including but not limited to length of time of the exemption, number of motor vehicle parking spaces permitted on the subject property, and type and quantity of recreational equipment to be located on the subject property. Any decision on whether to grant such exemption will be solely the decision of the CKSD. Such decision shall be binding on the owner. Further, this exemption will be solely for user fees, and shall not include an exemption for the sanitary levy.

- (7) No person shall discharge or cause to be discharged any storm water, surface water, groundwater, roof runoff, subsurface drainage, uncontaminated cooling water, or unpolluted industrial process waters to any sanitary sewer. Storm water and all other unpolluted drainage

shall be discharged to such sewers as are specifically designed as storm sewers, or to a natural outlet approved by the District. Industrial cooling water or unpolluted process waters may be discharged, on approval of the District, to a storm sewer or natural outlet.

- (8) No persons shall discharge or cause to be discharged the following described substances, materials, waters, or wastes if it appears likely in the opinion of the District that such wastes can harm either the sewers, sewage treatment process, or equipment, have an adverse effect on the receiving stream, or can otherwise endanger life, limb, public property or constitute a nuisance. In forming an opinion as to the acceptability of these wastes, the District will give consideration to such factors as the quantities of subject wastes in relation to flows and velocities in the sewers, materials of construction of the sewers, nature of the sewage treatment process, capacity of the sewage treatment plant, degree of treatability of wastes in the sewage treatment plant, and other pertinent factors. The substances prohibited are:
- (a) Any liquid or vapor having a temperature higher than one hundred fifty (150°F) (65° C.).
 - (b) Any water or waste containing fats, wax, grease, or oils, whether emulsified or not, in excess of one hundred (100) mg/1 or containing substances which may solidify or become viscous at temperatures between thirty-two (32° F) and one hundred fifty (150° F).
 - (c) Any garbage that has not been properly ground. The installation and operation of any garbage grinder equipped with a motor of three-fourths (3/4) horsepower or greater shall be subject to the review and approval of the District.
 - (d) Any waters or wastes containing strong acid iron pickling wastes, or concentrated plating solutions whether neutralized or not.
 - (e) Any waters or wastes containing iron, chromium, cadmium, nickel, copper, zinc, and similar objectionable or toxic substances; or wastes exerting an excessive chlorine requirement, to such degree that any such material received in the composite sewage at the sewage treatment plant exceeds the limits established by the District for such materials.
 - (f) Any waters or wastes containing phenols or other taste or odor-producing substances, in such concentrations exceeding limits which may be established by the District as necessary, after treatment of the composite sewage, to meet the requirements of the State, Federal, or other public agencies of jurisdiction for such discharge to the receiving waters.
 - (g) Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the District in compliance with applicable State or Federal regulations.

- (h) Any waters or wastes having a pH in excess of 9.5, a pH lower than 5.5, or having any other corrosive property capable of causing damage or hazard to structures, equipment and personnel of the sewage works.
 - (i) Materials which exert or cause:
 - (i) Unusual concentrations of inert suspended solids (such as but not limited to, Fullers earth, lime slurries, lime residues) or of dissolved solids (such as, but not limited to, sodium chloride and sodium sulfate).
 - (ii) Excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions).
 - (iii) B.O.D., chemical oxygen demand, phosphorus, nitrogen, or chlorine requirements in such quantities as to constitute a significant load on the wastewater treatment facility.
 - (iv) Unusual volume of flow or concentration of wastes constituting "slugs" as defined herein.
 - (j) Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid, or gas.
 - (k) Any waters or wastes containing toxic or poisonous solids, liquids, or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the sewage treatment plant.
 - (l) Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the sewage works such as, but not limited to ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshing, entrails and paper dishes, cups, milk containers, sanitary napkins, disposable diapers, etc., either whole or ground by garbage grinders.
 - (m) Waters or wastes containing substances which are not amenable to treatment or reduction by the wastewater treatment processes employed, or are amenable to treatment only to such degree that the wastewater treatment plant effluent cannot meet the requirements of the agencies having jurisdiction over discharge to the receiving waters.
- (9) If any waters or wastes are discharged, or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in this Chapter, and/or which in the judgment of the District, may have a deleterious or injurious effect upon the sewage works, processes, equipment, or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the District shall:

- (a) Reject the wastes.
 - (b) Require pre-treatment to an acceptable condition for discharge to the public sewers. If the District permits the pre-treatment of equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the District's Engineer and subject to the requirements of all applicable codes, ordinances, and laws.
 - (c) Require control over the quantities and rates of discharge, and/or
 - (d) Require payment to cover the added cost of handling and treating the wastes not covered by SCAC or FCAC charges or charges under the provision of Section 14 of this Chapter require the installation of control manholes consisting of metering and monitoring facilities.
 - (e) If the District permits the pre-treatment of equalization of waste flows, the design and installation of the plant and equipment shall be subject to the review and approval of the District's Engineer and subject to the requirements of all applicable codes, ordinances, and laws.
- (10) **Preliminary Treatment, Metering, and Sampling Facilities.** Preliminary treatment facilities, control manholes, waste meters, and sampling shall be provided when in the opinion of the District they are necessary.
- (a) **Preliminary Treatment Facilities.** Where preliminary treatment facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation, by the owner at his expense.
 - (b) **Control Manholes.** When control manholes are required by the District, the owner of any property serviced by a building sewer carrying wastewater shall install a suitable manhole and necessary above ground structures together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling, and measurement of the wastes. Such facilities, when required, shall be accessible and safely located, and shall be constructed in accordance with plans approved by the District's Engineer. The manhole shall be installed by the owner at his expense, and shall be maintained by him so as to be safe and accessible at all times.
 - (c) **Waste Meters.** Devices for metering the volume of waste discharged may be required by the District if these volumes cannot otherwise be determined by estimating or by the use of water meters. Metering devices for determining the volume of waste shall be purchased, installed, owned and maintained by the property owner. The type of meter and metering arrangement shall be approved by the District's Engineer before installation and it shall be installed in accordance with approved methods. Following

approval and installation, such meters may not be removed without the consent of the District.

- (d) **Waste Sampling.** Commercial and industrial wastes discharged into the public sewers shall be subject to periodic inspection and a determination of character and concentration. A determination shall be made as often as deemed necessary by the District. Where samples are taken often enough to produce meaningful averages, charges will be determined based on the average values determined during the billing period after due allowances for values not believed to be representative. Any person may request the District to make new tests, such tests to be at the expense of the person discharging the waste as hereinafter stated, and such tests to be a minimum of 24 hours duration unless otherwise approved. If the District is satisfied that such test was made when the plant was operating under normal conditions, the results of these tests shall be used in computing the subsequent billing in the manner previously described. All costs in connection with waste sampling and analyses shall be paid for by the applicable industry in addition to their normal sewage service charge.
 - (e) All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this Ordinance shall be determined in accordance with the latest edition of "Standard Methods for the Examination of Water and Wastewater," published jointly by the American Public Health Association, the American Water Works Association and the Water Pollution Control Federation, and shall be determined at the control manhole provided, or upon suitable samples taken at said control manhole. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazards to life, limb, and property.
- (11) **Special Treatment or Practices.** Exterior grease, oil and sand interceptors shall be installed at the owner's expense when in the opinion of the District they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sands and other harmful ingredients. Such interceptors shall be required in any substantial tavern or restaurant remodeling, and for any new tavern or restaurant construction. No such interceptors shall not be required for private living quarters or dwelling units.
- (a) All interceptors shall be of the type and capacity approved by the District, and shall be located so as to be readily and easily accessible for cleaning and observation.
 - (b) Grease and oil interceptors shall be constructed of impervious materials capable of withstanding abrupt and extreme changes in temperature. They shall be of substantial construction, watertight, and equipped with easily removable covers. When bolted in place they shall be gas tight and water tight.
 - (c) Where installed, all grease, oil and sand interceptors, shall be maintained by the owner, at his/her/its expense, in continuously efficient operation at all times.

- (12) **Accidental Discharges.** The accidental discharge of any prohibited waste into any sewer shall be reported to the District by the person responsible for the discharge, or by the owner or occupant of the premises where the discharge occurs, immediately upon obtaining knowledge of the fact of such discharge so that steps may be taken to minimize its effect on the treatment plant.
- (13) **Special Agreements.** No statement contained in this Chapter shall be construed as preventing any special agreement or arrangement between the District and any customer where such agreement is in accordance with this Ordinance and the rate structure herein.

CHAPTER IV - PRIVATE SEWAGE DISPOSAL

- (1) Where a public sanitary sewer is not available, all buildings intended for human occupancy shall be connected to a private sewage disposal system complying with the provisions of this Article or the State Plumbing Code.
- (2) Before commencement of the construction of a private sewage disposal system or additions to an existing private sewage disposal system, the owner shall first obtain a sanitary sewer permit from the county in which the property is located.
- (3) The type, capacity, location, and layout of a private sewage disposal system shall comply with all requirements of the Laws of the State of Wisconsin.
- (4) The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, at no expense to the District.
- (5) No statement contained in this Chapter shall be construed to interfere with any additional requirements that may be imposed by the Health Officer or other authority with jurisdiction over private sewage facilities.
- (6) At such time as a public sewer becomes available to a property (as “availability” is referenced in Ch. 281.45, Wis. Stats., as amended) served by a private sewage disposal system, the building shall be connected to said sewer within 180 days and the private sewage disposal system shall be cleaned of sludge and filled with sand, gravel, or similar material and abandoned.
- (7) **Septic Tanks Prohibited.** The maintenance and use of septic tanks and other private sewage disposal systems within the area of the District where sewer service is provided are hereby declared to be a public nuisance and a health hazard. The use of septic tanks or any private sewage disposal system within the area of the District serviced by the sanitary sewers shall be prohibited.
- (8) **Cost Sharing of Private Sanitary Sewers.** In the event any User installs a lateral from the District’s sewer main onto the User’s parcel, and in the event another User proposes connecting to the initial User’s lateral, this may be done if CKSD approves of all matters, including, but not limited to, capacity and related matters. Then, in that event, the new User shall pay to the current User (installer) a prorata share of the costs under a system based upon time factors and lineal footage used.

CHAPTER V - BUILDING SEWERS AND CONNECTIONS

- (1) (a) There shall be two (2) types of building sewer plumbing permits: (a) a Plumbing Permit for residential and commercial service, and (B) a Tap Permit for situations where there is no lateral previously installed to the lot. In either case, the owner and his/her agent shall make application on a form furnished by the District. The Plumbing Permit Application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the District. Plumbing Permit fees and Tap Permit fees shall be paid to the District at the time the permit is issued as established in the Schedule. Either permit shall expire one (1) year after issuance unless construction has commenced within such time, in which event the permit shall expire two (2) years after issuance.

(b) All permits will be issued and paid for at the District office. The owner must sign the permit but may have his/her agent pay the fee at the District office. Master Plumbers and pre-approved Utility Contractors must show proof of licensure from the Wisconsin Department of Commerce, proof of identification, and a certificate of insurance as shown in the schedule of Charges and Fees. If the excavator is a different party than the Master Plumber, both must supply proof of such insurance. All parties, by applying for permits from the District, authorize the District to contact third-parties and investigate sources necessary to satisfy the District as to such party's credentials.

(c) Not less than annually, any utility contractor who wishes to perform work in or for the District shall fill out a Prequalification Form disclosing certain data concerning the business' jobs and finances. The District, in its sole discretion, may seek further information, or may disqualify such utility contractor from performing all, or certain, work in or for the District.
- (2) After sewer connections have been introduced into any building or upon any premises, no plumber shall make any tap or connection with the pipes upon such premises, for alterations, extensions, or attachments, unless the party ordering such tapping or other work shall exhibit the proper permit for the same from the District.
- (3) No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written plumbing permit from the District.
- (4) All costs and expense incident to the installation and connection of the building sewer shall be borne by the property owner. The property owner shall indemnify the District from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.
- (5) A separate and independent building sewer shall be provided for every building intended for human habitation or occupancy.
- (6) Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the District, to meet all requirements of this Ordinance.

- (7) The size, slope, alignment, materials of construction of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing, backfilling the trench, and connecting to the District lateral shall all conform to the requirements of the State of Wisconsin or other applicable rules and regulations pertinent to the installation. Service laterals for single family residences shall be four (4) inch minimum. All other service laterals shall be six (6) inch minimum.
- (8) Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer at the owner's expense.
- (9) Roof-leaders, surface drains, groundwater drains, foundation drains, and other clear water drains shall not be connected to a building sewer which discharges into a sanitary sewer or private sewage treatment facility. All such connections existing at the time of passage of this Ordinance shall thereafter be illegal. If storm water or clear water is being discharged into a sanitary sewer, the District shall give the offending person fifteen (15) days notice to disconnect. Failure to timely disconnect after such notice shall authorize the District to disconnect the customer's service lateral and assess the costs of such disconnection against the property involved. The District may, in the alternative, institute action for violation of this subsection.
- (10) The connection of the building sewer into the public sewer shall conform to the requirements of the State of Wisconsin building and plumbing code or other applicable rules and regulations.
- (11) The Master Plumber (or pre-approved Utility Contractor) shall notify the District when the building sewer is ready for observation and connection to the public sewer. The connection shall be made under the supervision of the District representative.
- (12) All excavations for building sewer installation shall be adequately guarded by the property owner with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored and maintained in a manner satisfactory to the District at the property owner's expense for a period of one year after the date of the completion of the work.
- (13) Before any permit is issued:
 - (a) The person or contractor who is to perform the work shall file with the CKSD Office a certificate of insurance for general liability in the amount as listed in the Schedule of Charges and Fees, with sufficient sureties, indemnifying the District and its officers and agents and holding them harmless against all damages, injuries and costs, arising out of the work to be performed, including restoration and replacement of the premises to as good a condition as they were in before such work was commenced and guaranteeing the faithful performance of all work with proper care and skill. Such insurance shall remain in force until the final expiration of the permit except that on expiration it shall

remain in full force as to all penalties, claims and demands that have accrued thereunder prior to expiration.

- (b) For each street opening, the applicant shall pay a street opening deposit in the amount indicated on the Schedule of Charges and Fees. Upon satisfactory completion of the restoration of the street opening, the deposit shall be refunded. If the street opening deposit is used to cover the street opening costs, the applicant shall either be refunded the amount remaining, or, if no amount of the deposit remains, the applicant shall pay an additional amount to cover the actual street opening costs.
- (c) The person or contractor who is to perform the work must be pre-approved pursuant to Section 1(c) above (unless such contractor is a master plumber).

CHAPTER VI - PROTECTION FROM DAMAGE

- (1) **Maintenance of Infrastructure.** All sewer mains (not including Laterals) within the corporate limits of the District will be owned and maintained by the District without expense to the property owner, except (a) when they are damaged as a result of the intentional, negligent or careless acts or omissions on the part of the property owner (or his/her/its agents or invitees) (in which event any repair will be at the expense of such property owner), or (b) in the event complete and accurate “as built” drawings are not supplied to CKSD at or within 30 days after acceptance of the improvements. All Laterals from the sewer main to and throughout the premises will at all times be owned by the property owner and must be maintained free of defective conditions, by and at the expense of the owner or occupant of the property. If the property owner does not repair such Laterals within 24 hours of notice that such Lateral is in need of repair, any break between the sewer main and the building, including breaks which allow infiltration or inflow to enter the sewer, may be repaired or disconnected by the District and charged to the property owner. In any and all cases of disconnection, upon reconnection the property owner shall pay the appropriate reconnection fee in effect at the time.
- (2) No unauthorized person shall maliciously, willfully, or intentionally break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment which is a part of the sewage works. Any person violating this provision shall be subject to arrest and all prosecution pursuant to Wisconsin Statutes Sec. 943.01.
- (3) All consumers shall keep their own service pipes in good repair and protected from frost, at their own risk and expenses; and shall prevent any unnecessary waste of water and over burdening of the Sewer System. All expenses relating to the introduction of sewer into buildings or private premises, and connection with the sewer system, shall be paid by the property owner. No charge, however, shall be made for the services of the District in directing where and in what manner the mains shall be tapped, and excavations made in the street for laying pipe.

CHAPTER VII - POWERS AND AUTHORITY OF DISTRICT EMPLOYEES/AGENTS

- (1) **Right of Entry.** Duly authorized employees or agents (“agents”) of the District bearing proper credentials and identification shall be permitted to enter all properties for the purpose of inspection, observation, measurement, sampling, testing and (in extreme cases) repair or disconnection in accordance with the provisions of this Ordinance. The agents shall have no authority to inquire into any processes including metallurgical, chemical, oil, refining, ceramic, paper, or other industries beyond that point having a direct bearing on the kind and source of discharge to the sewers or waterways or facilities for waste treatment. If entry is refused, such authorized employees shall obtain a special inspection warrant under Chapter 66.0119, Wis. Stats. The District shall charge the property owner a fee of \$200.00 per day for refusal to allow entry to examine any property.
- (2) While performing the necessary work on private properties referred to in Section 1 above, the agents of the District shall observe all safety rules applicable to the premises established by the property owner, and the property owner shall be held harmless for injury or death to the District agents, and the District shall indemnify the property owner against loss or damage caused to its property by District agents, and against liability claims and demands for personal injury or property damage asserted against the property owner growing out of the gauging and sampling operation, to the extent same have been caused by the District’s agents and except as such may be caused by negligence or failure of the property owner to maintain safe conditions, or to comply with these Ordinances.
- (3) Agents of the District bearing proper credentials and identification shall be permitted to enter all private properties through which the District holds a duly negotiated easement for the purposes of, but not limited to, inspection, observation measurement, sampling, repair, and maintenance of any portion of the sewage works laying within said easement. All entry and subsequent work, if any, on said easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.
- (4) Every User shall permit the Commissioners, or their duly authorized agents, at all reasonable hours of the day, to enter their premises or building to examine the pipes and fixtures, and the manner in which the drains and sewer connections operate; and they must at all times, frankly and without concealment, answer all questions put to them relative to its use.

CHAPTER VIII - FUTURE SEWER MAIN EXTENSION

- (1) To maintain the uniformity of the CKSD system, it is the policy of the Commission that all planning, design, and construction of future sewer main extensions be affirmed by the District's engineer. This affirmation is based on a recognition of the Commission's responsibilities in taking into consideration the best interest of the public and all of the potential Users of the sewer system. The Commission must develop and maintain a system which is compatible within all of its existing or potential parts. Comprehensive basic engineering and planning data and thorough records will become increasingly important as the District develops and expands. All future sewer main extensions will be owned and maintained by the District. The Commission has the powers and the responsibility to insure that all of the public affected be treated fairly, and it is for that reason that the planning, design, construction and installation of all future sewer extensions be done by, or under the direction and control of, the District in accordance with the Standard Sewer Specification of the District, as amended from time to time.

- (2) **Procedures.** Any person requesting an extension of a future sewer main shall make such a request on application forms to be provided by the District. The application shall be accompanied by the following:
 - (a) A preliminary plat substantially in compliance with the requirements of Wisconsin Statutes Chapter 236 and reasonably anticipated to be approved by the appropriate governmental authorities, or its equivalent in approvable form. It may be desirable from the developer's standpoint to submit a preliminary sketch plan of the proposed development prior to proceeding with the preliminary plat. This will permit early comment by the Sanitary District and could result in cost savings to the developer.
 - (b) A topographic map of the area affected with two (2) foot contour intervals.
 - (c) An application fee based on the number of lots to be serviced by the extension as included in the Schedule.
 - (d) An agreement between the applicant and the District to pay all costs for the preliminary design of the sewer main extension including engineering, legal, administrative, soil borings, survey, testing, or any other costs incurred in obtaining information required by the District's Engineer and in the preliminary design of the sewer main extension regardless of whether or not it is ever constructed. The application fee shall be a credit against the total costs for the preliminary design, and the balance shall be due and payable in full at the time of submission of the preliminary design by the applicant.
 - (e) A complete and accurate legal description of the entire area to be included in the design and the names and addresses of all owners of any parcel within the confines of the area affected.
 - (f) A statement of the proposed uses and zoning of the premises.

- (g) All survey information related to the area of the subdivision must be provided in electronic form in the format directed by the District's Engineer.
 - (h) Such other information as may be required by the District.
- (3) Upon receipt of a copy of the application and accompanying materials, the District's Engineer shall proceed to gather whatever further information may be required for preliminary design. The District's Engineers shall bill the Commission separately for such services as to each application and the Commission shall pay for said services out of the application fee of applicant or shall advance the costs as the appropriate case may be.
- (a) Upon completion of the preliminary design, the plan, report and recommendations shall be submitted to the Commission together with recommendations as to considerations to be made by the Commission, potential problems to be encountered, and feasibility of the extension.
 - (b) The Engineer shall compute and include in its recommendations to the Commissioners, the anticipated total costs of the project, which costs shall include a computation of the SCAC and FCAC charges for each lot based on the then-current charges set forth in the Schedule.
- (4) Upon receipt of the preliminary plan, report and recommendations of the District's Engineer, the District shall prepare a contract between the District and the applicant which shall set forth the rights and obligation of the Commission and the applicant based on the recommendations of the District's Attorney and Engineer and which proposed contract shall specifically include the following:
- (a) The agreement of the applicant to pay all costs of the sewer extension. It is anticipated that there may be extensions which will be for the benefit of more property than that included in the applicant's application. The agreement shall address the methodology for cost recovery by the applicant for future users of the applicant's sewer extension.
 - (b) The agreement of applicant to provide, without cost to the District, on forms acceptable to the Commission, all easements or other land rights required for the construction of the extension.
 - (c) The agreement of applicant to execute appropriate documents granting the Commission a lien or appropriate security against all lots in the affected area to guarantee payment of the costs of the sewer extension.
 - (d) Payment of an initial deposit and agreement for payment of further deposits required by the Commission and the balance due as set forth herein.

- (e) Upon execution of the contract and payment of the preliminary deposit, the District shall proceed with whatever procedures may be necessary under Wisconsin Statutes to procure any land rights required which cannot be provided by applicant, to prepare final plans and specifications, to advertise for bids, to obtain bids toward the construction contracts, and to construct the sewer extension.
 - (f) The Commission shall keep accurate and complete records of payments of all monies relating to the project. These costs shall be paid out of the required deposits until said sums have been exhausted.
 - (g) When the required deposits have been exhausted the District shall advance monies or require additional deposits from the applicant for the completion of the project as these costs become due and payable. Any monies advanced by the District shall include the District's interest costs and shall be added to the total cost of the project.
 - (h) When the District notifies the applicant that the sewer main is operational and connections can be made, the District shall compute the actual total costs of the project and shall give notice thereof to applicant. Deposits paid by applicant shall be subtracted from the total costs to determine the actual balance due.
 - (i) For each street opening, the applicant shall pay a street opening deposit in the amount indicated on the Schedule. Upon satisfactory completion of the restoration of the street opening, the deposit shall be refunded. If the street opening deposit is used to cover the street opening costs, the applicant shall either be refunded the amount remaining, or, if no amount of the deposit remains, the applicant shall pay an additional amount to cover the actual street opening costs.
 - (j) The agreement of applicant to provide, without cost to the District, on forms acceptable to the Commission, lien waivers for all labor and materials used and contracted for the construction of the extension.
- (5) **Decisions Final.** All decisions made under this Section shall be final (including decisions of the District's Engineer). In the event of any dispute of these decisions, all costs of the District (including legal and/or engineering costs) shall be paid by the party disputing the District's or the District's Agent's decisions.

CHAPTER IX - ANNEXATION

- (1) Except for municipal entities, the Commission requires annexation of all properties outside of the District boundaries requesting sewer service. For municipal entities, the Commission may require annexation or require an intermunicipal agreement as allowed by 66.0301 of the Wisconsin Statutes to outline the conditions for sanitary sewer service.
- (2) All petitioners shall make such a request on application forms to be provided by the appropriate Town Sanitary District and by the District. The application shall be accompanied by a legal description of the property to be served. The petitioner may be asked to attend the appropriate District meeting to discuss annexation of their property to the District.
- (3) The procedure all petitioners must follow to annex lands into the District shall be as set forth in Wisconsin Statutes Chapter 60.70, et seq., as such Statutes may be amended from time to time.
 - (a) The petitioner must contact the town board of the township the property is located within for annexation approval. If the property, project or development is located within more than one township, all townships affected must approve the annexation in their respective township.
 - (b) The town boards shall follow the appropriate Wisconsin State Statutes for authorizing annexation of property.
 - (c) A petition from the township shall be forwarded to the District noting approval or disapproval of the annexation. If the property is approved for annexation a legal description of the land authorized for annexation by the town board(s) must also accompany the notice.
- (4) If sewer extensions are required to service the annexed property the provisions for sewer service included in the District ordinances shall be followed (See Chapter VIII, above).
- (5) All provisions of the District Ordinances, as amended from time to time, shall apply to all parcels and all lands annexed into the District.
- (6) All costs of such annexation not reimbursed to the petitioner under Wisconsin law shall be borne by the Petitioner. If the petitioner is developing more than one parcel, the petitioner may be asked to enter into a Letter of Intent and/or a Developer's Agreement with the District setting forth the agreement between the parties.

CHAPTER X - 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 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 XI - 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, on this 14th day of August, 2013, by the following vote:

Ayes _____

Nays _____

Signed:

John Traynor
Commission President

Attest:

Todd Sahr
Commission Secretary