

ISLAND VIEW SANITARY DISTRICT
TOWN OF OSHKOSH
WINNEBAGO COUNTY, WISCONSIN

Updated April 10th, 2024

SEWER USE ORDINANCE
AND
USER CHARGE SYSTEM

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SEWER USE ORDINANCE

AN ORDINANCE ESTABLISHING A SYSTEM OF CHARGES AND REGULATING 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:

The Commission of the Island View Sanitary District, Town of Oshkosh, Winnebago County, State of Wisconsin, does ordain as follows:

ARTICLE I. DEFINITIONS

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

Section 1. B.O.D.: Shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter (Biochemical Oxygen Demand) under standard laboratory procedure in five (5) days at 20 C., expressed in milligrams per liter.

Section 2. 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 (5) feet outside the inner face of the building wall.

Section 3. Building Inspector: Shall mean the Building Inspector of the Island View Sanitary District or his or her authorized agent or representative.

Section 4. Building Sewer: Shall mean the extension from the building drain to the public sewer or other place of disposal. (see Article VII, Section 12)

Section 5. Chemical Oxygen Demand (COD): Shall mean the measure of the oxygen consuming capacity of inorganic and organic matter present in the water or wastewater. It is expressed as the amount of oxygen consumed from a chemical oxidant in a specific test. It does not differentiate between stable and unstable organic matter and thus does not necessarily correlate with Biochemical Oxygen Demand. It is also known as OC and DOC, oxygen consumed and dichromate oxygen consumed, respectively.

Section 6. Commercial Wastewater: Shall mean domestic wastewater emanating from a place of business as distinct from industrial wastewater.

Section 7. Commission: The duly acting governing body of the Island View Sanitary District of the Town of Oshkosh, Winnebago County, Wisconsin.

Section 8. Connection Permit: Shall mean 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.

Section 9. Contribution-in-Aid-of-Construction: Shall mean a lump sum payment due upon the availability to existing and future buildings of sewer and issuance of a Connection Permit, but no later than a date to be set by the Commission.

Section 10. District: Shall mean the Island View Sanitary District in the Town of Oshkosh and part of the Town of Vinland, Winnebago County, Wisconsin.

Section 11. Domestic Wastewater: Shall mean the water-carried waste consistent with wastewater emanating from a typical residence, and shall include commercial, public and non-industrial wastewater from industries, if the wastewater has strengths and characteristics similar to wastewater emanating from a typical residence. Actual strengths and characteristics of domestic wastewater shall be determined on an annual basis from actual measured wastewater characteristics from single family residences in the District and shall be the basis for service charges for a Residential Equivalent Unit for the following year.

Section 12. Domestic User: A non-commercial and non-industrial user of the wastewater system.

Section 13. 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, vegetable, and condemned food.

Section 14. Natural Outlet: Shall mean any outlet into a watercourse, pond, ditch, lake, or other body of surface or groundwater.

Section 15. 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 preventive maintenance, repair costs and non-lapsing depreciation (replacement) expenses necessary to guarantee continuous operation of the system within its design limits, and such minor capital expenditures as the Commission from time to time may determine. Operation and maintenance costs shall also include operation and maintenance charges by the City of Oshkosh for the transportation and treatment of wastewater generated in the Island View Sanitary District.

Section 16. Person: Shall mean any individual, firm, company, municipal or private corporation, associates, society, institution, enterprise, governmental agency or other entity.

Section 17. pH: Shall mean the logarithm (base 10) of the reciprocal of the hydrogen ion concentration expressed in moles per liter as determined by "Standard Methods".

Section 18. Private Sewage System: Shall mean an approved private sewage disposal system and shall include systems comprised of a septic tank and effluent absorption area designed for the purpose of processing sewage, mound systems, holding tanks, or other approved private sewage disposal systems.

Section 19. 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 (1/2) inch in any dimension.

Section 20. Public Sewer: Shall mean a sanitary sewer owned, operated, maintained and controlled by the Sanitary District.

Section 21. Quarter: Any three consecutive calendar months as determined by the Sewage Utility.

Section 22. Residential Equivalent Unit: Shall mean the unit of measurement of wastewater discharge or potential discharge approximately equal to the flow and waste constituent concentrations emanating from a typical single-family residence. The number of Residential Equivalent Units for various user types shall be determined by the District, and shall be the basis for distributing capital costs as well as operation, maintenance, and replacement costs for the sewerage system.

Section 23. 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, as prescribed in an ordinance providing for the Issuance and Sale of Sewerage System Mortgage Revenue Bonds.

Section 24. Sanitary Sewer: Shall mean a sewer which carries sewage and to which storm, surface, and groundwater are not intentionally admitted.

Section 25. Sewage: Shall mean 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.

Section 26. Sewage Treatment Plant or Wastewater Treatment Plant: Shall mean any arrangement of devices and structures used for treating sewage.

Section 27. Sewage Utility or Utility: Shall mean the Island View Sanitary District.

Section 28. Sewage Works: Shall mean all facilities for collecting, pumping, treating and disposing of sewage.

Section 29. Sewer: Shall mean a pipe or conduit for carrying sewage.

Section 30. Sewer User Charge: Shall mean a 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.

Section 31. Slug: Shall mean any discharge of sewage, or industrial wastewater which in connection of any given constituent or combination of constituents or in quantity of flow exceeds normal or average discharge in a manner that inhibits or adversely affects the ability of the - sewage collection system or treatment facilities to function properly. This can be assessed in combination with other waste contributors or alone.

Section 32. 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.

Section 33. Suspended Solids: 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.

Section 34. Watercourse: Shall mean a natural or artificial channel for passage of water.

ARTICLE II. CONTRIBUTION IN AID OF CONSTRUCTION

Section 1. Contribution in Aid of Construction (CAC): There is hereby levied and assessed upon each lot or parcel of land within the District and upon land subsequently attached to the District on which a future building is constructed and for which a connection permit is issued, 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. Said CAC charges shall be assessed and collected as determined by the Commission.

The CAC charges shall apply to the cost of repayment of indebtedness, including any Clean Water Fund loan or other debt incurred by the Island View Sanitary District.

Section 2. Existing and Future Buildings: For the purposes of this Ordinance, buildings in the District shall be classified as existing buildings or future buildings. Existing buildings shall be those in existence and buildings for which a building permit has been issued and construction started as of September 1, 1997, or when sewer service is available to the entire District, whichever comes first. Future buildings shall be those buildings not meeting the deadlines set forth to qualify as an existing building.

Section 3. Building Use: Upon application for a Connection Permit for future buildings, the

Commission shall determine a proper building use and classification and shall set a CAC charge in accordance with that use and the schedule of charges in effect at that time.

Section 4. Payments: Payment of the CAC charge for future buildings shall be paid in full when a Connection Permit is issued, at the rate in effect at that time.

Section 5. Schedule of Charges: On April 4, 2002 the special assessment charge was increased to \$10,000 for new sewer connections. (Amendment #11); Several owners of vacant lots that were stubbed in from 1996-97 paid \$1,000 for each stub in. This will serve as a credit when the lot is connected to the main sewer system.

ARTICLE III. USER CHARGE SYSTEM

Section 1. Sewer User Charge: There is hereby levied and assessed upon each lot or parcel of land with a building having a lateral available to discharge sanitary sewage to the Public Sewer System, a sewer user charge based upon rates established by the Commission from time to time. Such sewer user charge shall be payable as herein provided and shall be on the basis of one unit for each single family residential equivalent, or on the basis of measured flow and concentration of applicable waste constituents, where such information is available. Said charges shall be assessed and collected on an annual or other basis, as determined by the Commission. Original quarterly charge was \$60 (set in 1996); Increased to \$65 effective January 1, 2000; Increased to \$70 effective January 1, 2002; Increased to \$75 effective January 1, 2004 (Amendment #4); Increased to \$80 effective January 1, 2007 (Amendment #5); Increased to \$85 effective January 1, 2009 (Amendment #6); Increased to \$90 effective January 1, 2010 (Amendment #7); Increased to \$100 effective January 1, 2014 (Amendment #10); Increased to \$120 effective January 1, 2015 (Amendment #13); Increased to \$150 effective January 1, 2022 (Amendment #15).

The sewer user charge shall apply to the costs for operation, maintenance and replacement of the sewerage system.

Section 2. Assignment of Residential Equivalent Units (REU): Every year the commission shall review all charges and make modifications and changes to the annual charge as necessary. Said assignment of the total residential user equivalents for non-metered users shall be divided into the projected annual budget for operation, maintenance, and replacement costs attributable to non-metered users to arrive at the annual charge per residential equivalent unit for operation, maintenance, and replacement.

Section 3. Determination of Sewer User Charges: Shall be in accordance with the terms of this section.

- A. **City of Oshkosh Treatment and Transportation Facilities Operation and Maintenance Costs:** The operation, maintenance, replacement, depreciation, and debt retirement of the Oshkosh Wastewater Treatment Facilities are charged to the Island View Sanitary District on the basis of master metered and individual metered discharges. The City of

Oshkosh system for charging the IVSD is in Exhibit “B”. (Amendment #14)

B. Collection System and Interceptor Sewer Operation, Maintenance, and Replacement Costs: Costs for the operation, maintenance, and replacement of the collection system and interceptor sewers shall be determined on the basis of actual costs per records maintained by the Island View Sanitary District. Charges for the operation, maintenance, and replacement costs shall be distributed to the individual users.

C. Replacement Account: A segregated replacement account shall be maintained to fund the cost of replacement as set forth in the attached Exhibit “A”- Replacement Fund. (Amendment #14)

D. Annual Review and Update of User Charges: The Sanitary District will review the wastewater contributions of its users and will adjust the user charges to provide revenues to recover actual costs of operation, maintenance, and replacement.

E. Precedence of the User Charge System: The user charge system established in this ordinance and subsequent updates shall take precedence over all pre-existing agreements that are in conflict with this document or other regulations governing this program.

F. Methodology: The attached Exhibit “B” - Example of the City of Oshkosh methodology used to compute the quarterly charges to the Island View Sanitary District. (Amendment #14)

Section 4. Budget and Sewer User Charge Approval: Prior to approval of the annual budget, the Commission shall review the annual sewer user charge to be charged for each user to assure that the budget will be balanced, and shall record such action in the official minutes.

Section 5. Payments:

AMENDMENT #3

A. Bills for service are rendered quarterly and become due and payable 30 days after issuance. Assessment of sewer user charges shall commence with the next full month following issuance of a connection permit but not later than six (6) months from the date of notice by the District that connections can be made, regardless of whether or not the actual connection has been made. Said charge shall be due on the date as billed.

B. A late payment charge of 1 percent per month will be added to bills not paid within 30 days of issuance. This late payment charge will be applied to the total unpaid balance for utility service, including unpaid late payment charges. The late payment charge is applicable to all customers. Any charges that remain unpaid as of November 15th of each year will be collected in accordance with *Wisconsin Statutes Section 66.0809*. This statute includes a 10% penalty for any unpaid utility charges.

Section 6. Disposition of Revenue: The amounts received from collection of the charges authorized by this Ordinance shall be credited to a sewer revenue account which shall show all receipts and expenditures of the District. When appropriated and authorized by the District, said account shall be available for payment of the costs of operation, maintenance, and replacement of the sewer system.

Section 7. Residential Equivalent Units: A single family residence is one Residential Equivalent Unit.

All hookups to separate buildings, shall be considered to constitute at least one Residential Equivalent Unit.

1 Residential Equivalent Unit (REU) per residence or apartment shall be added to the total units otherwise calculated for the user.

Section 8. Remedies for Failure to Pay User Charges: Each sewer user charge levied by, or pursuant to, this Ordinance is hereby made a lien upon the corresponding lot, land, or premises served by a connection to the sanitary sewer system of the District and if the same is not paid within the period allotted for such payment, said charge shall constitute a lien on the property served and be inserted in the Town tax roll as provided in Section 66.069 (1) of the Wisconsin Statutes as same has been, and from time to time may be, amended or recreated, so far as applicable.

A. The sewer user charges, including interest and penalties on any delinquencies, taxed or levied pursuant to this Ordinance shall be collected by the District Town Clerk/Town Treasurer at the time and place indicated on the annual real estate tax bill.

Section 9. Designation of Depository: The funds received from said sewage service charges shall be deposited at regular intervals in the depository elected by the Commission. Said funds shall be available for payment of the cost and expense of the management, operation, maintenance, replacement, depreciation and repair of the sewage works.

Section 10. Annual Audit/Financial Review: An audit or financial review of the financial standing of the Utility shall be made annually on a calendar year basis. This audit/review will be used to review the adequacy of the then existing rates and said rates shall be adjusted if necessary to provide sufficient revenues to adequately finance operation of the Utility in accordance with the intent of the rate structure. (Amendment #14)

ARTICLE IV. USE OF PUBLIC SEWERS REQUIRED

Section 1. 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.

Section 2. 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 this Ordinance.

Section 3. 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.

Section 4. The owner of all houses, buildings, or properties with mobile homes, recreational vehicles or other facilities used for human occupancy, employment, recreation or other purposes, situated within the District and abutting on any street, alley, town highway or right-of-way in which there is now located or may in the future be located a public sanitary sewer of the District for which connection is available and connection is allowed, is hereby required at his or her expense to install suitable sanitary facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this Ordinance, within six (6) months after notice is published or given that the sewer main is operational and connections can be made. (Amendment #14)

Upon failure of any Owner of property to achieve connection as specified herein, the District shall cause the connection to be made and shall bill the Owner for the connection costs. If the connection costs are not paid within thirty (30) days of billing, the costs shall be deemed delinquent and shall be assessed as a special tax against the property on the next official tax bill issued against the property. In addition to the above, the District may impose a penalty for the period that the property is in noncompliance with the mandatory connect order. The amount of the penalty shall be an amount equal to 150% of the monthly sewer user charge for each month or part of a month in which the failure to connect continues, and upon failure to make payment, the penalty shall be assessed as a special tax against the property, all pursuant to Chapter 66.0809 Wisconsin Statutes, as in effect and as amended from time to time.

Section 5. No owner of a future building or property used for human occupancy, employment, recreation or other purposes shall connect to a public sanitary sewer of the District without a connection permit granted for such purposes under the Island View Sanitary District Ordinance Providing for Sewer Connection Permits.

Section 6. All persons required to make connection under this Ordinance shall be subject to assessments or connection fees in effect at the time such connection is made.

Section 7. The building sewer shall be connected to the sanitary lateral at the time the lateral installation is completed, and the private sewage disposal system shall be abandoned within 60 days of the time of the connection of the building sewer to the sanitary lateral (Amendment #1).

ARTICLE V. PRIVATE SEWAGE DISPOSAL

Section 1. Where a public sanitary sewer is not available under the provision of Article IV, Sections 4 and 5, any existing building sewer shall be connected to a private sewage disposal

system complying with the provisions of this Article.

Section 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 Office of the Winnebago County Zoning Administrator, County Court House Building, Oshkosh, Wisconsin as provided for in Chapter 66.0821 of the Wisconsin Statutes.

Section 3. The type, capacity, location, and layout of a private sewage disposal system shall comply with all requirements of the Wisconsin State Department of Industry, Labor and Human Relations.

Section 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.

Section 5. No statement contained in this Article shall be construed to interfere with any additional requirements that may be imposed by a Health Officer of the Town of Oshkosh or Winnebago County.

Section 6. At such time as a public sewer becomes available to a property served by a private sewage disposal system, as provided in Section 4 of Article IV, the building sewer shall be connected to said sewer within six (6) months and the private sewage disposal system shall be cleaned of sludge and filled with sand, gravel, or similar material or otherwise abandoned in accordance with applicable State of Wisconsin or Local regulations that are in effect at the time.

ARTICLE VI. BUILDING SEWERS AND CONNECTIONS

Section 1. No unauthorized person shall uncover, make a connection with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written connection permit from the District.

Section 2. There shall be a residential class of service and the owner or his/her agent shall make application which shall be supplemented by plans, specifications or other information considered pertinent in the judgement of the District. At the time of application, the applicant shall pay to the District a connection permit and inspection fee, per lateral, for a residential building sewer connection permit. The inspector will be provided by the District and the fee shall be that in effect at the time of application.

Section 3. All costs and expenses 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.

Section 4. A separate and independent building sewer shall be provided for every building

intended for human habitation or occupancy.

Section 5. 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.

Section 6. The size, slope, alignment, materials or 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 District, the Wisconsin Code Chapter 382, design, construction, installation, supervision, maintenance and inspection of plumbing and other applicable rules and regulations pertinent to the installation. All service laterals shall be four (4) inch minimum, except as otherwise required by applicable Code Chapter 382 regulation or approved in writing by the Commission.

Section 7. 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.

Section 8. 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 and shall be disconnected. If fifteen (15) days after the initial connection of the building to the collection system, storm water or clear water is being discharged into a sanitary sewer, it shall constitute a violation, and the District shall give the offending person an additional fifteen (15) day notice to disconnect. Failure to disconnect within the additional fifteen (15) day period shall constitute a separate violation each day such connection continues beyond the 15 day period, and failure to disconnect after such notice shall authorize the District to cause disconnection of the service lateral and assessment of the costs of such disconnection against the property involved, and/or the District may institute action for violation of this subsection.

Section 9. The connection of the building sewer into the public sewer shall conform to the requirements of the building and plumbing code and other applicable Island View Sanitary District rules and regulations.

Section 10. The applicant for the building sewer connection permit shall notify the District when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the District representative.

Section 11. 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 in a manner satisfactory to the District at the property owner's expense.

Section 12. Before any permit is issued, the person or contractor who is to perform the work shall file with the District Secretary a certificate of liability insurance of no less than \$100,000 per person and \$300,000 per occurrence and a surety bond to the District in the minimum sum of

Ten Thousand Dollars (\$10,000.00), or a higher value deemed appropriate by the District, with sufficient sureties, indemnifying the District and its officers and agents and holding them harmless against all damages, injuries, and costs and any claims for personal injury or damages from any third party, arising out of the work to be performed including, but not limited to, 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 bond 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.

ARTICLE VII. USE OF THE PUBLIC SEWERS

Section 1. 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.

Section 2. 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.

Section 3. The Island View Sanitary District strongly recommends that operators or owners of residential swimming pools implement the following best management practices prior to draining or discharging pool water:

- (a) Let the pool water sit for at least six to eight hours in the holding structure (no more than seven feet in depth) to direct sunlight prior to discharge to allow chlorine to dissipate to appropriate levels. (1)
- (b) Test the pH of the pool water to ensure it is close to neutral (near pH7) before draining. Adjust the pH if necessary. (1)
- (c) Remove all excess sediment and leaves from the water. (1)
- (d) Drain the pool over a well-vegetated area on the owner's property to slow down the discharge rate, to filter any solids, provide infiltration, and provide some aeration. Pool water should not be drained directly (i.e. direct connection with a pipe or hose) into a surface water or storm sewer. Note: If the only option is to directly drain the pool water to surface water, the discharge will need to be covered under the Swimming Pool and Water Attraction General Permit (WI-0046523). Instructions on how to apply for coverage under this general permit can be found at:

- (1) <https://dnr.wisconsin.gov/topic/Wastewater/GeneralPermits.html>

(e) Drain the water at a slow rate so it does not cause erosion. (1.1)

(f) Water that is drained out of a swimming pool shall not flow onto adjoining property, into a wetland, or into a sanitary sewer without the approval of the IVSD. (2.1)

(1.1) DNR recommendations were prepared by then Wastewater Engineer Trevor Moen of the Bureau of Water Quality on 10/24/2017.

https://dnr.wisconsin.gov/sites/default/files/topic/Wastewater/46523_fs.pdf

(2.1) Winnebago Co. Town County Zoning Code: Chapter 23.8-490 Special Standards

Section 4. No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers:

(a) Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid, or gas.

(b) 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.

(c) Any waters or wastes having 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.

(d) 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 fleshings, entrails and paper dishes, cups, milk containers, sanitary napkins, disposable diapers, disposable/flushable wipes, fish lines, etc., either whole or ground by garbage grinders.

Section 5. 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, and other pertinent factors. The substances prohibited are:

- (a) Any liquid or vapor having a temperature higher than one hundred fifty degrees (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/l or containing substances which may solidify or become viscous at temperatures between thirty-two degrees (32°) and one hundred fifty degrees (150°F).
- (c) Any garbage that has not been properly ground. (The installation and operation of any garbage grinder equipped with a motor greater than one (1) horsepower shall be subject to the review and approval of the District.)
- (d) Any waters or wastes containing PFAS (man-made chemicals, widely referred to as forever chemicals), strong acid, iron pickling wastes, or 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 Superintendent of the Oshkosh Wastewater Treatment Plant 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 or applicable State or Federal regulations.
- (h) Any waters or wastes having a pH in excess of 9.5.
- (i) Materials which exert or cause:
 - (1) Unusual concentrations of inert suspended solids (such as, but not limited to, Fullers earth, lime slurries, lime residues) or dissolved solids (such as, but not limited to, sodium chloride and sodium sulfate).
 - (2) Excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions).
 - (3) BOD, chemical oxygen demand, phosphorus, nitrogen, or chlorine requirements in such quantities as to constitute a significant load on the wastewater treatment facility.

(4) Unusual volume of flow or concentration of wastes constituting "slugs" as defined herein.

(j) Waters or wastes containing substances which are not amenable to treatment or reductions 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.

Section 6. 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 Section 4 of this Article, and which in the judgment of the District, may have a deleterious 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 pretreatment to an acceptable condition for discharge to the public sewers.

(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 existing sewage service charges or charges under the provision of Section 11 of this Article.

If the District permits the pretreatment or 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.

Section 7. Grease, oil and sand interceptors shall be provided as required by the Wisconsin Code Chapter 66 General Municipality Law for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand, or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be located as to be readily and easily accessible for cleaning and inspection.

Section 8. Where preliminary treatment or flow-equalizing facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner, at his expense.

Section 9. 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.

Section 10. 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 Environment 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.

Section 11. 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.

Section 12. The property owner is responsible for the condition of the Building Sewer extending from the homeowner building to the main sewer. Failure of a Building Sewer may be caused by a physical break, tree roots, system deterioration, insufficient capacity or construction mishaps. Causes of plugged building sewers serving homes are grease accumulation, tree roots, hair, wipes, disposable diapers, sanitary napkins, or any other material that will not flow with water.

Section 13. No statement contained in this Article 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 (see Article XI, Section 1).

ARTICLE VIII. PROTECTION FROM DAMAGE

Section 1. 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 prosecution pursuant to Wisconsin Statutes Section 943.01.

ARTICLE IX. POWERS AND AUTHORITY OF INSPECTORS

Section 1. Duly authorized employees and agents of the District bearing proper credentials and identification shall be permitted to enter all properties for the purpose of inspection, observation, measurement, sampling, and testing in accordance with the provisions of this Ordinance (see Article XI, Section 1, Penalties).

Section 2. While performing the necessary work on private properties referred to in Article IX, Section 1 above, the duly authorized employees and agents of the District shall observe all safety rules applicable to the premises established by the owner or occupant and the owner or occupant

shall be held harmless for injury or death to District employees and agents and the District shall indemnify the owner and occupant against loss or damage to its property by District employees and agents and against liability claims and demands for personal injury or property damage asserted against the owner or occupant and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the owner or occupant to maintain safe conditions.

Section 3. Duly authorized employees and 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 lying 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.

ARTICLE X. FUTURE SEWER MAIN EXTENSIONS

Section 1. All future sanitary sewer extensions shall be designed, planned, constructed and installed by the District.

Section 2. All costs including, without limitation by enumeration, construction, rights of way, land, engineering, inspection, legal, administrative, fees, interest and other items of cost in connection with future sewer main extensions shall be paid for by the District and shall be charged to the individual(s) or firm requesting such sanitary sewer main.

Section 3. If greater than eight (8) inch diameter sewers are required to handle the contemplated sewage flows from the design tributary area, the cost of such larger sewers shall be prorated in proportion to the ratio which the total anticipated flow from the proposed subdivision or land being serviced by said sewer main is to the total design flow for the tributary area to be served by such larger sewer. The excess cost shall either be borne by the District or assessed against the total design tributary area as the Commission shall determine.

Section 4. All public sewage pumping stations required for the provision of proper sanitary sewer service shall be designed, constructed and maintained by the District. The total capital cost for installation of sewage pumping stations shall be prorated over the design tributary area and shall be assessed to benefiting property, as the Commission shall determine after due consideration of the evidence and facts.

Section 5. All requests for extension of future sewer mains shall be in writing to the Commission. Such requests shall include a topographic map with two (2) foot contour interval delineating the area where sewer main is being requested, shall include lot lines, proposed streets and street grades, and such other information as the District's Engineer may require.

Section 6. Property owners requesting the installation of sewer mains shall provide all construction easements, perpetual easements and rights-of-way considered necessary by the

Commission for the installation of the system requested at no cost to the District. Easements and rights-of-way shall be in the name of the District.

Section 7. When application is made to the Commission for future sewer main extensions, the Commission shall attempt to reach agreement with the individual(s) or firm requesting such extension on the method of payment for the extension pursuant to procedures as adopted by the Commission from time to time. If no mutual agreement payment method can be agreed upon, the Commission may refuse to design and construct such extension. If a future sewer main extension is deemed in the best public interest by the Commission, it may assess the costs of such extensions against benefiting property owners in accordance with Section 60.309 of the Wisconsin Statutes.

Section 8. The Commission shall, as the need requires, establish standards, design criteria, procedures and miscellaneous requirements for the installation of future sewer mains. All fees determined to be payable by the Commission shall be collected at the times and places so set by the Commission.

ARTICLE XI. PENALTIES

Section 1. Any person found to be violating any provision of this Ordinance shall be served by the District with written notice stating the nature of the violation and providing the person in violation a thirty(30) day period for the satisfactory correction thereof. The Commission may extend the period of time for satisfactory correction of the violation upon application for an extension of the thirty (30) day correction period by the offender and upon good cause shown or upon the Commission's discretion based upon considerations for weather or other good cause. The offender shall, within the period of time stated in such notice, or upon the time period as extended by the Commission, permanently cease all violations and make all corrections specified in such notice. There shall be no "time limit" before violation of Article VIII shall be enforced (Amendment #9)

Section 2. Any person who shall continue any violation beyond the time limit provided for in Article XI, Section 1, may be charged with such violation under the laws of the State of Wisconsin, the Town of Oshkosh/Town of Vinland or the Island View Sanitary District, and if convicted thereof, shall forfeit an amount not exceeding \$200.00 for each violation. Each day in which any such violation shall continue shall be deemed a separate offense. Any person violating any provision of this Ordinance may be prosecuted for said violation before the Municipal Court of the community where such violation occurred or in the Circuit Court of the County where such violation occurred. (Amendment #14)

In addition to the penalties set forth in Article XI, Sections 2-5 of this Ordinance, the court shall require that the offender pay court costs of the proceeding and may further require payment of all actual costs necessary to return the drainage status to acceptable working order.

Section 3. Any person violating any of the provisions of this Ordinance shall become liable to the District and others, as their interests may appear, for any expense, loss, or damage occasioned by the District or others by reason of such violation, including any costs in connection with

repairing damages to the sewage works or any downstream user or facilities damaged as a result of a prohibited discharge or any other violation of this Ordinance.

AMENDMENT #2

Section 4. Any person failing to conform to the deadlines for connection to the public sewer, as set forth in this ordinance, shall be subject to a forfeit of \$100.00 per day for each day from the date of the deadline to the date of connection. This forfeit shall be in addition to any other forfeit or penalty that may be levied under the terms of this Ordinance. (Amendment #14)

Section 5. Any person failing to conform to the deadlines for abandonment of private sewage disposal systems, as set forth in this ordinance, shall be subject to a forfeit of \$100.00 per day for each day from the date of the deadline to the date of abandonment. This forfeit shall be in addition to any other fine or penalty that may be levied under the terms of this Ordinance. (Amendment #14)

ARTICLE XII. VALIDITY

Section 1. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 2. The invalidity of any section, clause, sentence, or provision of this Ordinance shall not affect the validity of any other part of this Ordinance, which can be given effect without such invalid part or parts.

ARTICLE XIII. ORDINANCE IN FORCE

Section 1. This Ordinance shall be in full force and effect from and after its passage, approval, and publication as provided by law.

Section 2. Passed and adopted by the Commission of the Island View Sanitary District of the Town of Oshkosh, Winnebago County, State of Wisconsin, on the 4th day of June, 1996 by the Commission on that date. Amendment #1 & #2 were passed and adopted December 4, 1997. Amendment #3 passed and adopted March 2, 2000. Amendment #4 passed and adopted May 12, 2004. Amendment #5 passed and adopted June 12, 2007. Amendment #6 passed and adopted November 6, 2008. Amendment #7 passed and adopted November 5, 2009. Amendment #8, was skipped. Amendment #9 passed and adopted June 10, 2010. Amendments #10, #11, #12 passed and adopted November 6, 2013. Amendment #13 passed and adopted November 5, 2014. Amendment #14 passed and adopted September 7, 2016. Amendment #15 passed and adopted September 8, 2021.

**Amendments at the time were not combined into one original text. Combination to correct reading of ordinance was updated and re-signed by the Commissioners on May 2, 2002. Updated August 26, 2010. Updated September 7, 2016.*

Updated and Approved this 10th day July of 2024

ISLAND VIEW SANITARY DISTRICT

By: Ron Harrell
Ron Harrell, President

By: Vicky L. Rowe
Vicky Rowe, Secretary

By: Thomas J. Konrad
Thomas Konrad, Treasurer

Exhibits A and B are Attachments to the Island View Sanitary District Sewer Use Ordinance.

EXHIBIT A

Replacement Fund

The items and values enumerated below are subject to revision, as required to meet the financial requirements of the District and the rules of the regulatory agencies.

<u>Equipment</u>	<u>Installed Cost</u>	<u>Service Life (Years)</u>	<u>Annual Cost</u>
Wastewater Sampler	\$10,000.00	10	\$1,000.00
Wastewater Flow meter	\$8,000.00	10	\$800.00
Wastewater Pumps	\$80,000.00	10	\$8,000.00
Generator Sets	\$60,000.00	15	\$4,000.00
City of Oshkosh Transportation and Treatment Facilities*			Included in City Charges for Transportation and Treatment
Total Annual Replacement Costs	(District Only)		\$13,800.00

* City of Oshkosh Replacement Costs are incorporated in the City's charges to the Island View Sanitary District. The methodology for allocating such charges to the District are set forth in the City's approved User Charge System.

EXHIBIT B

Example of Methodology used to calculate City of Oshkosh charges to Island View Sanitary District.

This exhibit is *only* an example and **not** a part of the Sewer use Ordinance.

THE OSHKOSH BILLING PROCEDURE

Prior to January 26, 2004 the City of Oshkosh billed the IVSD on the basis of the City's total annual cost for wastewater treatment. The original City of Oshkosh cost, per a 1996 agreement had the cost to IVSD based on three sections of the bill which were flow cost, demand cost and depreciation. The total cost to IVSD was then finalized in the fourth quarter of the year after the City's finances were audited.

Subsequently the City changed the billing procedure to make the bill constant year around and avoid the auditing procedure. Currently the bill from the City to IVSD covers the recent quarter and the charge is \$2.93 per hundred cubic feet. The volume is based on total flow, from the IVSD meter, converted from gallons to cubic feet minus the sum of the Oshkosh water meters.



City of Oshkosh
PO Box 1130
Oshkosh, WI 54903-1130
www.ci.oshkosh.wi.us

Phone
(920) 236-5000
E-Mail
ar@ci.oshkosh.wi.us

INVOICE
Customer Copy

CUSTOMER	INVOICE DATE	INVOICE NUMBER	AMOUNT PAID	DUE DATE	INVOICE TOTAL DUE		
ISLAND VIEW SANITARY DISTRICT	01/26/2024	66293	\$0.00	02/25/2024	\$10,501.36		
DESCRIPTION	QUANTITY	PRICE	UOM	ORIGINAL BILL	ADJUSTED	PAID	AMOUNT DUE
SEWERAGE SERVICE FOR 4TH QUARTER 2023 SEE ATTACHED DETAIL	1.00	\$10,501.36	EACH	\$10,501.36	\$0.00	\$0.00	\$10,501.36
Invoice Total:					\$10,501.36		

LATE PAYMENT CHARGE OF 1% PER MONTH SHALL BE ADDED TO PAST DUE BALANCES

LOG ONTO WWW.OSHKOSHBILLPAY.COM TO MAKE A PAYMENT ONLINE WITH A CREDIT CARD DEBIT CARD OR ECHECK

< DETACH AND RETURN THE PORTION BELOW WITH YOUR PAYMENT >



Promptly Send Payment To:
City of Oshkosh
PO Box 94350
Palatine, IL 60094-4350

ISLAND VIEW SANITARY DISTRICT
JULIE ROSENAU
2005 MITCHELL ST
OSHKOSH, WI 54901

INVOICE

Remit Portion

Invoice Date	01/26/2024
Invoice Number	66293
Customer Number	119563
Parcel ID	
Amount Paid	\$0.00
Due Date	02/25/2024
Invoice Total Due	\$10,501.36

Please write your Invoice Number on your check and enclose
this portion of the bill with your payment.
Make checks payable to: City of Oshkosh

000001620230000066293200010501369

CITY OF OSHKOSH
ACCOUNTING DEPARTMENT

Bill to: ISLAND VIEW SANITARY DISTRICT
ATTN JULIE ROSENAU
2005 MITCHELL ST
OSHKOSH WI 54901-2164

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