

## CHAPTER 2 MANAGEMENT

### 2.01 Management

The management, operation, and control of the sewage system for the Town of Neenah Sanitary District No. 1 (hereinafter referred to as “Sanitary District”) is vested in the Commissioners of said Sanitary District. All records, minutes, financial records, and all written proceedings shall be kept by the Deputy Clerk-Treasurer of the Town of Neenah under the administrative agreement between the Sanitary District and the Town of Neenah.

### 2.02 Sanitary District Powers

- (1) General Powers. The Sanitary District shall have the power to construct sewer lines for public use, and shall have the power to lay sewer pipes in and through the alleys, streets, and public grounds of said Sanitary District, and, generally to do all such work as may be found necessary or convenient in the management of the sewer system. The Sanitary District shall have power by themselves, their officers, agents, and servants to enter upon any land for the purpose of making an examination or supervise in the performance of their duties under this ordinance, without liability, therefore. If entry is refused, such authorized agents may obtain a special inspection warrant under Chapter 66.0119, Wis. Stats. and the District may charge the property owner a fee of \$50.00 per day for refusal to allow entry to examine any property. The Sanitary District shall have the power to purchase and acquire for the Sanitary District all real and personal property which may be necessary for the construction of the sewage system, or any repair, remodeling, or additions thereto.
- (2) Right to Enter Easements. The Sanitary District or other duly authorized employees of the District, bearing proper credentials and identification, shall be permitted to enter all private properties through which the District hold easements for the purpose of, but not limited to, inspection, observation, measurement, sampling, repair, and maintenance of any portion of the wastewater collection facilities lying within said easement, all subject to the terms, if any, of such easement.

### 2.03 Condemnation of Real Estate

Whenever any real estate or any easement therein or use thereof, shall, the judgment of the Sanitary District, be necessary to the sewage system; and whenever, for any cause, and agreement for the purchase thereof cannot be made with the owner thereof, the Sanitary District shall proceed with all necessary steps to take such real estate easement,

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or use by condemnation in accordance with Wisconsin Statutes and the Uniform Relocation and Real Property Acquisition Policy Act of 1970, if Federal Funds are used.

**2.04 Title to Real Estate and Personality**

All property, real, personal, and mixed, acquired for the construction of the sewage system, and all plans, specifications, diagrams, papers, books, and records connected therewith, said sewage system, and all buildings, machinery, fixture pertaining thereto, shall be the property of said Sanitary District.

**2.05 Commissioners**

- (1) The Sanitary District Board of Commissioners shall consist of three (3) members.
- (2) Commissioners shall be elected by the residents of the Town of Neenah Sanitary District No. 2.
- (3) Commissioners shall serve for staggered six (6) year terms.
- (4) Each commissioner shall hold office until the 3<sup>rd</sup> Tuesday of April in the year that his or her successor is elected.
- (5) All commissioners shall be residents of the Town of Neenah Sanitary District No. 2.
- (6) **Vacancies.** Any vacancy on the Sanitary District Commission may be filled by appointment by the Town of Neenah Board of Supervisors for the remainder of the unexpired term, except as provided in Wis. Stats. Chapter 9.10. The Sanitary District Commission may make a recommendation to the Town of Neenah Board of Supervisors.
- (7) The District Commissioners shall take and file the official oath.
- (8) The District Commissioners shall be compensated as determined by the Town Board and a record maintained by the Town Clerk.

**2.06 Maintenance of Services**

- (1) All sewer services within the limits of the Sanitary District, at the point of connection to the street main and all street mains, shall be maintained and repaired by the Sanitary District without expenses to the property owner, except when they are damaged as a result of negligence on the part of the property owner or occupant, in which case they will be repaired at the expense of the property owner.

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- (2) All building sewers and laterals located in the public right-of-way or easement from the point of connection to the sewer main, and all facilities throughout the premises served, must be maintained free of defective conditions, by and at the expense of the owner or occupant of the property served.
- (3) The property owner shall be responsible to investigate the cause of the sewer lateral failure. If the failure is determined to be located between the sewer main and the property line, the Sanitary District shall be responsible for the repair of the service, if:
  - (a) The failure is caused by external forces generated by street traffic; or
  - (b) The installation, maintenance, or repair of other utilities contributed to the sewer service failure.
- (4) All blockage, collapse due to age, or failure due to causes not set forth above shall be the responsibility of the property owner regardless of whether the blockage or failure occurs in the right-of-way or on private property.