

**MAY SESSION
KEWAUNEE ADMINISTRATION CENTER
MAY 20, 2014**

The meeting of the Kewaunee County Board of Supervisors was called to order by the Kewaunee County Chairman, Ron Heuer, on May 20, 2014 at 6:00 PM.

The Pledge of Allegiance was recited, followed by prayer.

Roll Call: Supervisors Benes, Cravillion, Garfinkel, Haske, Heidmann, Heuer, Jahnke, Kirchman, Mastalir, Paape, Pagel, Paider, Reckelberg, Romdenne, Shillin, Sinkula, Tebon, Wagner and Weidner (19) were present. Supervisor Luft was excused.

Supervisors Heidmann and Weidner seconded to approve the County Board agenda. Motion carried.

PRESENTATIONS

Presentation by Chairman Ron Heuer in recognition of the previous County Board Supervisors. Those in attendance were Jim Abrahamson, Jim Barlow, Don Delebreaux and LeVerle Koenig.

APPOINTMENT

Pursuant to Wis. Stats. 59.54 (8), I hereby make the following appointments to the "Local Emergency Planning Committee."

CLASSIFICATION	TERM (9/12/2012 – 9/12/2014)
Elected Local Official (group 1)	Kaye Shillin Ken Tebon Jeff Vollenweider
Law (group 2)	Matt Joski John Massart
Emergency Management (group 2)	Lori Hucek Tracy Nollenberg
Fire (group 2)	Greg Hlinak
Transportation (group 2)	Todd Every
Environmental (group 2)	David Allen
Community Groups (group 4)	Jack Novak – Rotary Club Joy Krieger - Chamber
Print Media (group 3)	J.T. Pelt
Facility Operators (group 5)	Green Bay Water Utility – Tom Landwehr Luxemburg Water Utility – Rick Simonar Algoma Utility – Richard Riederer Agropur Inc – Ted Winkelman Kewaunee Power Station- Ted Maloney Kewaunee Water Utility – Charles Petersen Kewaunee Water Utility – Matt Murphy
Public Health (group 2)	Mary Halada

Respectfully Submitted,
Ron Heuer – Kewaunee County Board Chairman

APPOINTMENT

Pursuant to Ordinance No. 119-2-81 adopted by the Kewaunee County Board of Supervisors on February 17, 1981, I hereby make the following appointments to the "Kewaunee County EMS Council".

CLASSIFICATION

TERM

1/1/2014 to 12/31/2016

Ambulance

Joe Steiner

Fire

Francis Wojta
Bruce Depeau
Greg Hlinak

Hospital

Dr. Ken Johnson

First Responder

Steve Tadisch
Susie Sevcik

City Police

Frank Salentine

County Sheriff

Chris Gulbrand

Physician

County Government

Pat Benes

Respectfully Submitted,
Ron Heuer, Kewaunee County Board Chairman

APPOINTMENT

I hereby appoint the following to the Kewaunee County Revolving Loan Committee subject to County Board approval:

Term April 15, 2014 to April 19, 2016

Jennifer Brown

Kewaunee County Economic Development Director
P.O. Box 361, Luxemburg, WI 54217

County Board Representatives

Ron Heuer
County Board Chairman
E3530 Townline Rd, Kewaunee

Robert A. Weidner
County Supervisor
E2111 Hillside Rd, Luxemburg

Dennis Cravillion
County Supervisor
416 Oak St, Casco

Community Representatives

Jim Lamack, Chairman
1405 3rd St, Kewaunee

David Luebbers
2490 Mercier Rd, New Franken

Dan Vincent
1312 Main St, Luxemburg

County Staff Representatives

Jeffrey Wisnicky

Matthew Payette

Further, Matthew Payette is hereby designated as administrator of the revolving loan program.

Respectfully Submitted,
Ron Heuer, Kewaunee County Board Chairman

APPOINTMENT

KEWAUNEE COUNTY PUBLIC HEALTH COMMITTEE

Pursuant to Wisconsin Statutes 251.03 I hereby make the following reappointment to the Kewaunee County Public Health Committee:

Term August 1, 2014 to July 31, 2017

Shirley Kirchman
512 Mill Street
Algoma, WI 54201

Sincerely,
Edward J. Dorner, Kewaunee County Administrator

APPOINTMENT

Pursuant to Wisconsin Statutes 59.26(8)(b) I hereby appoint the following individuals to serve on the Kewaunee County Grievance Committee:

Term April 15, 2014 to April 14, 2016

- | | |
|--------------------------------|--|
| 1. Milton E. Rodrian, Chairman | N8515 County Road S, Algoma, WI 54201 |
| 2. Rudy Hanamann | E3186 Tabordon Lane, Casco, WI 54205 |
| 3. David DeCramer | 1421 Miller, Kewaunee, WI 54216 |
| 4. Marv Dequaine | E6145 County Road K, Algoma, WI 54201 |
| 5. Dennis Zuege | 1410 Miller Street, Kewaunee, WI 54216 |

Respectfully Submitted,
Edward J. Dorner, Kewaunee County Administrator

Supervisors Heidmann moved and Benes seconded for approval of the above appointments and changes to the special appointments from the April Organizational Meeting (Tebon was added onto the ADRC Board with Sinkula and Shillin and Virginia Haske was added to Family Care with Shillin). Motion carried.

ANNUAL REPORTS

Kewaunee County Clerk – Jamie Annoye
Kewaunee County Child Support – Cindy Kudick
Bay Lake Regional Planning – Richard Heath

REPORT

Kewaunee County Administrator – Edward J. Dorner

Committee Reports:

- Highway/Solid Waste Committee - Supervisor Kirchman
- Personnel, Advisory & Legislative Committee – Supervisor Heuer
- Health, Vets and Child Support Committee – Supervisor Shillin
- University Extension & Zoning Committee - Supervisor Romdenne
- Land & Water Conservation Committee – Supervisor Pagel
- Law Enforcement & Emergency Management Committee – Supervisor Weidner
- Finance & Public Property Committee - Supervisor Haske
- Human Services Committee – Supervisor Sinkula
- Promotion & Recreation Committee – Supervisor Heidmann
- Bay-Lake Regional Planning – Supervisor Wagner
- Revolving Loan Fund Committee – No Meeting

Communications:

Resolution from Adams County

Citizens Input:

- Patti Chaivre spoke regarding water (beach) & manure irrigation
- Lynn Utesch spoke opposing the first resolution (water contamination & animal waste irrigation). He believes it should be a single issue resolution.
- Jodi Parins spoke opposing the first resolution (water contamination & animal waste irrigation). She believes more time is needed to make the resolution right.
- Chris McGovern spoke opposing the first resolution (water contamination & animal waste irrigation). Kewaunee Vision - Keep it a safe and attractive community.
- Susan Connor spoke opposing the language in the first resolution (water contamination & animal waste irrigation).
- John H. Pabich spoke opposing the first resolution (water contamination & animal waste irrigation). He believes it should be changed.

First Reading of Ordinance (vote to be taken at next County Board meeting):

**KEWAUNEE COUNTY
ANIMAL WASTE STORAGE FACILITY ORDINANCE**

Ordinance No. 138-5-89

(As amended through adoption by the Kewaunee County Board of Supervisors on September 21st, 2010)

SECTION 1

AUTHORITY

This ordinance is adopted under authority granted under Section 59.07(51) and 92.16 of the Wisconsin Statutes.

The title of this ordinance is "Kewaunee County Animal Waste Storage Facility Ordinance" and it regulates design and construction of animal waste storage facilities.

SECTION 2

PURPOSE

The purpose of this ordinance is to protect and promote the public health, safety, prosperity, aesthetic conditions and general welfare of the people and communities within Kewaunee County.

SECTION 3

INTENT

The intent of this ordinance is to regulate the location, construction, installation, alteration, design and use of animal waste storage facilities so as to protect the health and safety of residents and transients; prevent the spread of disease and promote the prosperity and general welfare of the citizens of Kewaunee County. It is also intended to provide for the administration and enforcement of the ordinance and to provide penalties for its violation. It is also intended to protect the groundwater and surface water resources of Kewaunee County.

SECTION 4

INTERPRETATION

In their interpretation and application, the provisions of this ordinance shall be held to be minimum requirements and shall be liberally construed in favor of Kewaunee County, and shall not be deemed a limitation or repeal of any other power granted by the Wisconsin Statutes.

SECTION 5

SEVERABILITY CLAUSE

If any section, provision or portion of this ordinance is ruled invalid by a court, the remainder of the ordinance shall not for that reason be rendered ineffective.

SECTION 6

DEFINITIONS

Definitions herein conform to the provisions set forth in chapters ATCP 50 and NR 151 of the Wisconsin Administrative Code.

1. "Animal waste" means livestock excreta and other materials such as bedding, rain or other water, soil, hair, feathers and other debris normally included in animal waste handling operations.
2. "Animal waste storage facility" means a concrete, steel or otherwise fabricated structure and earthen animal waste storage facility used for temporary storage of animal waste or other organic waste. **This includes animal waste transfer systems.** This does not include barnyards.
3. "Applicant" means any person who applies for a permit under this ordinance.
4. "Earthen animal waste storage facility" means a facility constructed of earth dikes, pits or ponds used for temporary storage of animal waste.
5. "Land & Water Conservation Committee" means an operating committee of the Kewaunee County Board of Supervisors.
6. "Land & Water Conservation Department" means the enforcing authority of this ordinance.
7. "Liquid Waste", as per NR 214.03(27), Wis. Adm. Code, means process wastewater and waste liquid products, including silage leachate, whey, whey permeate, whey filtrate, contact cooling water, cooling or boiler water containing water treatment additives, and wash water generated in industrial, commercial and agricultural operations which result in a point source discharge to a land treatment system.
- 7.a. **"New manure storage facility" means a manure storage facility, or manure transfer system, constructed after the date of adoption of this ordinance.**
8. "Other Waste" means Liquid Waste, Septage, Sewage Sludge or any other material processed and mixed with animal waste to be stored pursuant to this ordinance.
9. "Septage", as per NR 113.03(55), Wis. Adm. Code, means the wastewater or contents of septic or holding tanks, dosing chambers, grease interceptors, seepage beds, seepage pits, seepage trenches, privies or portable restrooms.
10. "Sewage Sludge" or "Sludge" or "Biosolids", as per NR 204.03(55), Wis. Adm. Code, means the solid, semi-solid or liquid residue generated during the treatment of domestic sewage in a treatment works. Sewage sludge includes scum or solids removed in primary, secondary or advanced wastewater treatment processes and material derived from sewage sludge. Sewage sludge does not include ash generated during the firing of a sewage sludge incinerator or grit and screenings generated during preliminary treatment of domestic sewage in a treatment works. *(Note: All 3 terms defined here are interchangeable and recognized by the department, as they are all in common use.)*
- 10.a. **"Substantially altered manure storage facility" means undergoing a change to an existing manure storage facility, or manure transfer system, initiated by an owner or operator that results in a relocation of a facility, significant changes to the size, depth, or configuration of a facility, including replacement of a liner in a manure storage facility, or a change in a structure or facility related to a change in livestock management from one species of livestock to another.**
11. "Technical Guide" means the United States Department of Agriculture (USDA) Natural Resources Conservation Service Technical Guide as adopted by the Kewaunee County Land & Water Conservation Committee.
12. "Technical Standards" means the latest revision of written requirements for animal waste facilities as specified in the Technical Guide and adopted by the Kewaunee County Land & Water Conservation Committee.
13. "Permit" means the signed, written statement issued by the Kewaunee County Land & Water Conservation Department under this ordinance authorizing the applicant to construct, install, enlarge or substantially alter an animal waste storage facility.
14. "Permittee" means any person to whom a permit is issued under this ordinance.
15. "Person" means any individual, corporation, partnership, joint venture, agency, unincorporated association, municipal corporation, county, or state agency within Wisconsin, the Federal Government, or any combination thereof.

16. "Water Pollution" means contaminating or rendering unclean or impure the ground or surface waters of the state, or making the same injurious to public health, harmful for commercial or recreational use, or deleterious to fish, bird, animal, or plant life.

SECTION 7

JURISDICTION

This ordinance shall apply to all land and waters within the boundaries of Kewaunee County.

SECTION 8

A. Delegation of Authority

Kewaunee County hereby designates the Kewaunee County Land & Water Conservation Department to administer this ordinance. The Kewaunee County Land & Water Conservation Department shall seek the guidance of the Kewaunee County Land & Water Conservation Committee in the administration of this ordinance.

B. Administrative Duties

In the administration and enforcement of this ordinance, the County Land & Water Conservation Department shall:

- (1) Keep an accurate record of all permit applications, animal waste facility plans, permits issued, inspections made, and other official actions.
- (2) Review permit applications and issue permits in accordance with section 8 of this ordinance.
- (3) Inspect animal waste facility construction to ensure the facility is being constructed according to plan specifications.
- (4) Investigate complaints relating to compliance with the ordinance.
- (5) Perform other duties as specified in this ordinance.

C. Inspection Authority

The Kewaunee County Land & Water Conservation Department is authorized through section 92.07(14), Wis Stats., to enter upon any lands affected by this ordinance to inspect the land prior to or after permit issuance to determine compliance with this ordinance.

SECTION 9

APPLICATION FOR AND ISSUANCE OF PERMITS

A. Permit Requirements

No animal waste storage facility, manure transfer system, or parts thereof may be located, installed, moved, extended, enlarged, converted, substantially altered or its use changed, including combining animal waste with "other wastes" (as defined in this ordinance), without an animal waste permit as provided in Section 9 of this ordinance, and without compliance with the provisions of ordinance, and without compliance with Natural Resources Conservation Service Technical Standards as adopted by the Kewaunee Land & Water Conservation Committee. The requirements of this ordinance shall be in addition to any other ordinance regulating animal waste storage. In the case of conflict, the most stringent provisions shall apply.

B. Emergency Repairs

Emergency repairs such as repairing broken pipe or equipment, leaking dikes or the removal of stoppages may be performed without an animal waste storage facility permit. Such work will be reported to the Land & Water Conservation Department as soon as possible for a determination as to whether an animal waste storage facility permit will be required for an additional alteration or repair to the facility. The County Land & Water Conservation Department shall consult with the Land & Water Conservation Committee prior to making this determination.

C. Fee

The fee schedule for permits applied for through this ordinance shall be set and reviewed annually by the Kewaunee County Land & Water Conservation Committee.

D. ~~Animal Waste Storage Facility Plan~~ Required **Engineering Design Documentation for Permit Applications**

Each application for a permit under this section shall include **the following, as described within USDA NRCS Standard 313 (Waste Storage) and/or 634 (Waste Transfer)** ~~an animal waste storage facility plan. The plan shall specify:~~

- a) **Management Assessment**
- b) **Site Assessment**
- c) **Operation and Maintenance Plan**
- d) **Construction Plan**
- e) **Construction Quality Assurance Plan**
- f) **Engineering computations, structural drawings, earthwork quantities and volumetric comp[utations for properly sizing the storage facility and/or transfer system**

~~(a) The number of kinds of animals for which storage is provided.~~

~~(b) A sketch of the facility and its location in relation to buildings within two hundred fifty (250) feet and homes within five hundred (500) feet of the proposed facility. The sketch shall be drawn to scale, with a scale no smaller than one inch equals one hundred (100) feet.~~

~~(c) The structural details, including dimensions, cross sections, and concrete thickness.~~

~~(d) The locations of any wells within three hundred (300) feet of the facility.~~

~~(e) The soil test pit locations and soil descriptions to a depth of at least three feet below the planned bottom of the facility.~~

~~(f) The elevation of groundwater or bedrock if encountered in the soil profile and the date of any such determinations.~~

~~(g) Provisions for adequate drainage and control of runoff to prevent pollution of surface water and groundwater such as exposed bedrock or sinkholes. If a navigable body of water lies within five hundred (500) feet of the facility, the location and distance to the body of water shall be shown.~~

~~(h) The scale of the drawing, the North arrow and the Benchmark location and its elevation.~~

~~(i) A time schedule for construction of the facility.~~

~~(j) A description of the method used in transferring animal waste into the facility.~~

~~(k) A nutrient management plan.~~

~~(l) Prior to issuance of a permit, the owner of the facility shall disclose any future intention to store any "other wastes" (as defined in this ordinance) in the manure storage facility.~~

E. Nutrient Management

Wastes from storage facilities for which permits are issued under section 9 of this Ordinance shall be operated and managed applied in accordance with a nutrient management plan developed as per USDA Natural Resources Conservation Service (NRCS) technical standards specified in standard 590 of the NRCS technical guide, unless stricter nutrient management rules apply.

F. Review of Application

The County Land & Water Conservation Department shall receive and review all permit applications. The County Land & Water Conservation Department shall determine if the proposed facility meets the required standards set forth in section 10 of this ordinance. Within thirty days after receiving the completed application and fee, the County Land & Water Conservation Department shall inform the applicant in writing whether the permit application is approved or disapproved. If additional information is required, the County Land & Water Conservation Department has thirty days from the receipt of the additional information in which to approve or disapprove the application. If the County Land & Water Conservation Department fails to approve or disapprove the permit application in writing within thirty days of the receipt of the permit application or additional information as appropriate, the application shall be deemed approved and the applicant may proceed as if a permit had been issued.

G. Permit Conditions

All permits issued under this ordinance shall be issued subject to the following conditions and requirements:

(1) Design, construction and management shall be carried out in accordance with the animal waste facility plan and applicable standards specified in Section 10 of this ordinance.

(2) The permittee shall give two (2) working days notice to the County Land & Water Conservation Department before starting any construction activity authorized by the permit.

(3) Approval in writing must be obtained from the County Land & Water Conservation Department prior to any modifications to the approved animal waste facility plan.

(4) The permittee and, if applicable, the contractor, shall certify in writing by signing the certification sheet that the facility was installed as planned and designed. A copy of the signed certification sheet shall be mailed to the County Land & Water Conservation Department within thirty days of completion of installation.

(5) Activities authorized by permit must be completed within two years from the date of issuance after which such permit shall be void.

(6) In the administration of this ordinance, locations of soil depth area boundaries shall be those depicted on the "Depth to Bedrock Map - Figure D" previously approved by the Land and Water Conservation Committee, County Board, and the Wisconsin Department of Agriculture, Trade & Consumer Protection as part of the County's current Land & Water Resource Management Plan - January 2010 through December 2019, herein incorporated by reference. Specific sites may be reviewed by the Land & Water Conservation Committee, upon written request by a landowner, and if contrary depth to bedrock mapping evidence is provided using state-of-the-art technology currently acceptable by the Wisconsin Geological and Natural History Survey, the Committee may amend the mapping designation after consulting with the LWCD.

(7) In areas mapped as having 5 to 20 feet of depth to bedrock, proposed new, or substantially altered "in-place earthen" manure storage facilities shall not be eligible to receive a permit through this ordinance. Other storage facility options listed in USDA NRCS Standard 313 (Waste Storage), such as a clay-liner, geomembrane liner, geosynthetic clay liner and/or concrete liner are acceptable. No permits shall be issued through this ordinance for any new animal waste storage facilities on areas mapped as having less than 5 feet of depth to bedrock.

(8) In areas mapped as having 20 feet or less of depth to bedrock, all sites where temporary, unconfined stacking of animal wastes are planned shall have a prior written letter of approval from the LWCD, and shall be located according to the criteria found in section V.D. and associated Table 10 of USDA NRCS Standard 313 (Waste Storage).

(9) **Prior to** a new, or substantially altered manure storage facility, permitted through this ordinance, being granted approval to store animal wastes, an approved nutrient management plan, developed in accordance with USDA NRCS Standard 590 (Nutrient Management), along with proof of ownership, or signed rental documentation, for cropland acres totaling enough land to comply with the nutrient management plan, shall be submitted to the LWCD, along with an Environmental (i.e. manure spill) Response Plan.

(10) An initial animal waste storage facility permit for construction shall be issued based on submission of a design plan developed in accordance with applicable USDA NRCS standards and specifications, and permit conditions outlined in this ordinance. A future written letter, from the LWCD, granting approval to begin using the facility to store animal waste must also be issued to the permittee prior to the facility being put into service. Proper safety fencing and signage shall be installed, and "as-built" plans and other certification documentation shall be required to be submitted to

the LWCD **prior to** receiving the above written approval letter from the LWCD. Prior to issuance of the above letter, the owner of the facility shall disclose, in writing, any future intention to store any “other wastes” (as defined in this ordinance) in the manure storage facility.

(11) All new, or substantially altered manure storage facilities, permitted through this ordinance shall have a minimum design storage volume of 6 months (180 days) and shall be operated in a manner that continues to maintain at least 180 days of storage volume capacity. If the manure volume produced by the operation increases beyond of the original designed storage volume, the storage facility must be either adequately expanded, through a new permit application process, or the animal waste volume produced must be decreased.

H. Permit Revocation

The County Land & Water Conservation Department may revoke any permit or storage approval letter issued under this ordinance if the holder of the permit has misrepresented any material fact in the permit application or animal waste facility plan, or if the holder of the permit violates any of the conditions of the permit.

SECTION 10

STANDARDS

A. Standards for Animal Waste Storage Facilities

~~The standards for design and construction of animal waste storage facilities are those in Standards 313 (Waste Storage Facility) and 634 (Waste Transfer), and applicable Construction Specifications found in the USDA Natural Resources Conservation Service (NRCS) Technical Guide. Where there is a groundwater quality concern regarding depth to bedrock additional policies may need to be adhered to in the design phase of the storage facility project.~~

Except where indicated in the permit conditions section above, all design, construction, operation and maintenance criteria shall strictly adhere to the following LWCC-adopted USDA NRCS standards and specifications found in the USDA NRCS Technical Guide where applicable. Copies of NRCS standards and specifications may be obtained through the Kewaunee County Land and Water Conservation Department, 625 Third Street, Luxemburg, WI 54217, (920)845-9742. Photocopying fees may apply. Copies may also be obtained by visiting the LWCD website at [<insert website address here>](#).

- ***NRCS Standard 313 (Waste Storage Facility)***
- ***NRCS Standard 382 (Fence)***
- ***NRCS Standard 634 (Waste Transfer)***
- ***NRCS Standard 632 (Solid/Liquid Waste Separation Facility)***
- ***NRCS Standard 590 (Nutrient Management)***
- ***NRCS Wisconsin Construction Specification 4 (Concrete)***
- ***NRCS Wisconsin Construction Specification 5 (Construction Site Pollution Control)***
- ***NRCS Wisconsin Construction Specification 10 (Fences)***
- ***NRCS Wisconsin Construction Specification 15 (Plastic Pipe Conduits)***
- ***NRCS Wisconsin Construction Specification 44 (Corrugated Polyethylene Tubing)***
- ***NRCS Wisconsin Construction Specification 204 (Earthfill for Waste Storage Facilities)***
- ***NRCS Wisconsin Construction Specification 300 (Clay Liner)***
- ***NRCS Wisconsin Construction Specification 634 (Waste Transfer Pipe)***

B. Nutrient Management

- 1) Between January 1st and April 15th all animal waste applications to cropland in areas mapped as having 5 to 20 feet of soil depth to bedrock shall be according to an LWCD approved Winter Spreading Plan developed as per section VII.B. of USDA NRCS Standard 590 (Nutrient Management).
- 2) No application of animal waste shall take place between January 1st and April 15th to cropland in areas mapped as having less than 5 feet of soil depth to bedrock without prior written approval for that year from the LWCD. Approved applications must be in accordance with an LWCD approved Winter Spreading Plan developed as per section VII.B. of USDA NRCS Standard 590 (Nutrient Management).
- 3) Crop fields straddling soil depth boundaries may be reviewed if appropriate, upon written request by the landowner, and amended by the LWCC after consultation with the LWCD.

SECTION 11

VIOLATIONS

A. Penalties

Any person who violates, neglects, or refuses to comply with or resists the enforcement of any provision of this ordinance shall be subject to a forfeiture of not less than \$50, or more than \$2,500 plus costs of prosecution of each violation. An unlawful violation includes failure to comply with any standard or permit condition of this ordinance or with any condition or qualification attached to the permit. Each day that a violation exists shall be a separate offense. Failure to obtain proper permit is considered a violation.

B. Enforcement Actions, Temporary Restraining and/or Other Necessary Remedial Action

As a substitute for or an addition to forfeiture actions, Kewaunee County may seek enforcement of any part of this ordinance by Court Actions seeking injunctions or restraining orders.

SECTION 12

APPEALS

A. Authority

Under authority of Chapter 68, Wisconsin Statutes, the Kewaunee County Land & Water Conservation Committee, created under Sections ~~59.878~~ ~~92.06~~ Wisconsin Statutes and by the Kewaunee County Board of Supervisors, acting as an appeal authority under Section 68.09(2) Wisconsin Statutes, is authorized to hear and decide all appeals where it is alleged that there is error in any order, requirements, decision, or determination by the County Land & Water Conservation Department in administering this ordinance.

B. Procedure

The rules, procedures, duties and powers of Land & Water Conservation Committee and Chapter ~~68~~ ~~92~~ Wisconsin Statutes, shall apply to this ordinance.

C. Who May Appeal

Appeals may be taken by any person having a substantial interest which is adversely affected by this order, requirements, decision, or determination made by the County Land & Water Conservation Department.

Consideration of Bills for May:

Supervisors Heidmann moved and Haske seconded for approval of the bills. Motion carried.

Board recessed at 7:37 p.m. until 7:50 p.m.

Consideration of Resolutions:

RESOLUTION NO.

A RESOLUTION REQUESTING THE STATE OF WISCONSIN DEPARTMENT OF HEALTH SERVICES AND THE WISCONSIN DEPARTMENT OF NATURAL RESOURCES TO FUND AND COMPLETE A COMPREHENSIVE STUDY OF KEWAUNEE COUNTY'S CURRENT GROUND AND SURFACE WATER CONTAMINATION AND THE IMPACT OF ANIMAL AND HUMAN WASTE LEACHING, AND THE IMPACT OF ANIMAL WASTE IRRIGATION AND THEIR IMPACT ON HUMAN HEALTH

TO THE HONORABLE KEWAUNEE COUNTY BOARD OF SUPERVISORS:

WHEREAS, the most recent report by the Kewaunee County Land and Water Conservation Department confirms that tested wells of volunteers in the county showed, countywide, 30% of the wells were contaminated and just over 50% of the wells in Lincoln township are not safe for human consumption due to presence of fecal coliform and/or nitrates, and

WHEREAS, on average, 10% of tested wells in the State are contaminated and Kewaunee County is experiencing 31.85% of tested wells being contaminated a rate three times higher than the State average, and

WHEREAS, Kewaunee County is known to have shallow soils 50 feet or less across substantial areas of the County, and

WHEREAS, Kewaunee County has confirmed Karst bedrock which contains cracks and fissures that allow liquids to quickly migrate to the ground water table, and

WHEREAS, Kewaunee County farms are required to manage their nutrient distribution in accordance with the NRCS 590 Nutrient Management plan and are applying liquid manure to their cropland utilizing a number of different application methods to include center pivot application, surface broadcasting and knifing in, and

WHEREAS, the Kewaunee County Health Department is required by Wisconsin Statute to close or restrict swimming, diving and recreational bathing at the Algoma and Kewaunee beaches and post the closure or restriction if beach water samples test high for e-coli or enterococci and results of these tests have caused Kewaunee County Health Department to close and post our public beaches numerous times; and

WHEREAS, the Kewaunee County Land and Water Conservation Director has confirmed that fecal coliform and nitrates in the amounts necessary to cause wide spread ground water contamination now being experienced in Kewaunee County are likely emanating from agricultural lands, and

WHEREAS, many septic systems in the Karst area may be failing and have not yet been brought up to current standards, and

WHEREAS, many existing private pre-existing wells in Kewaunee County are not drilled according to current standards, and

WHEREAS, it is highly probable properties with contaminated wells will have diminished values, and

WHEREAS, the Kewaunee County Health Department recognizes clean water is essential to public health and the quality of life of our citizens, and

WHEREAS, the Kewaunee County Board recognizes its most important responsibility is to the safety and health of its citizens, and

WHEREAS, the Kewaunee County Health Department recognizes the State has the resources and the expertise to conduct this type of study, and

NOW, THEREFORE, BE IT RESOLVED that the Kewaunee County Board of Supervisors requests the state of Wisconsin Department of Health Services and the Department of Natural Resources to fund and complete a comprehensive study on the ground and surface waters of Kewaunee County and to determine how the application of liquid manure with center pivot or other irrigation systems as well as dispersal of municipal waste and residential septic systems may play in the contamination and how this human and animal waste leaching impacts human health.

BE IT FURTHER RESOLVED the Kewaunee County Board of Supervisors is aware that new manure treatment technologies are being developed by the agriculture industry and we request active study of these developments by DATCP and Kewaunee County agricultural producers to determine which technologies could best help improve our county's water quality.

BE IT FURTHER RESOLVED that a copy of this resolution be forwarded to; Governor Scott Walker, State Senator Frank Lasee, Assembly Representative Garey Bies, Senator Ron Johnson, Senator Tammy Baldwin, Congressman Reid Ribble, Secretary, Department of Natural Resources, Cathy Stepp, Secretary of Agriculture, Ben Brancel and The Wisconsin Counties Association.

Respectfully Submitted,
Board of Health
BENES, PAAPE, RECKELBERG, SHILLIN, WAGNER

Supervisors Shillin moved and Mastalir seconded for adoption. Supervisor Kirchman motioned to refer the resolution back to the Public Health and the Land & Water Committees for further input. Supervisor Heidmann seconded the motion.

Supervisor Garfinkel agreed it should be sent back to the committees

Supervisor Wagner said he tried to second the motion. He agreed it needs to go back to the committees and either get revoked or simplified.

Supervisor Weidner agreed the resolution is a step forward. Intent is productive but the words/phrases may be offensive. He believes it should come back in a timely manner.

Supervisor Heidmann believes the resolution should have gone through the Land & Water Committee. There was no mention in the Public Health minutes and the vote was not recorded.

Supervisor Benes did state it is a new committee and he believes it should be restructured.

Supervisor Weidner called for a roll call vote - Roll call vote: 19 ayes, 0 nays, 1 absent (Luft). Motion carried.

RESOLUTION NO. 5-5-14

A RESOLUTION ADOPTING THE KEWAUNEE COUNTY ALL HAZARDS MITIGATION PLAN

TO THE HONORABLE KEWAUNEE COUNTY BOARD OF SUPERVISORS:

WHEREAS, Kewaunee County recognizes the threat that natural hazards pose to people and property; and

WHEREAS, under taking hazard mitigation actions before disasters occur will reduce the potential for harm to people and property and save tax payer dollars; and

WHEREAS, an adopted all hazards mitigation plan is required as a condition of future grant funding for mitigation projects; and

WHEREAS, Kewaunee County participated jointly in the planning process with the other local units of government within the County to prepare an All Hazards Mitigation Plan;

NOW, THEREFORE, BE IT RESOLVED, that the Kewaunee County Board of Supervisors duly assembled this 20th day of May 2014, hereby adopts the Kewaunee County All Hazards Mitigation Plan as an official plan; and

BE IT FURTHER RESOLVED, that the Kewaunee County Emergency Management Department will submit, on behalf of the participating municipalities, the adopted All Hazards Mitigation Plan to Wisconsin Emergency Management and Federal Emergency Management Agency officials for final review and approval. Minor changes been made upon advice from Wisconsin Emergency Management and Federal Emergency Management Agency will not require re-adopting this resolution.

Respectfully Submitted,
Emergency Management
BENES, JAHNKE, SINKULA, WEIDNER

Supervisors Wagner moved and Weidner seconded for adoption. Roll call vote: 19 ayes, 0 nays, 1 absent (Luft). Motion carried.

RESOLUTION NO. 6-5-14

RESOLUTION FOR 2010 DELINQUENT REAL ESTATE TAXES

TO THE HONORABLE KEWAUNEE COUNTY BOARD OF SUPERVISORS:

WHEREAS, there are a number of parcels of land in Kewaunee County on which taxes are delinquent and on which the County holds Tax Certificates and where before anything can be realized on the same it is necessary to secure Tax Deeds thereon:

<u>Parcel #</u>	<u>Name</u>	<u>Cert #</u>	<u>Tax Amount</u>
<u>TOWN OF AHNAPEE</u>			
31 002 6.GL3.05 R26E	Hornig, William J. & Dawn B.	21	\$4,442.36
31 002 MLC 5	Slavik, Jeffrey T.	25	\$3,964.44
31 002 MLC 6	Slavik, Jeffrey T.	26	\$4,224.04
<u>TOWN OF CARLTON</u>			
31 004 23.011	Faust, Richard A. & Lucie	51	\$110.00
31 004 23.012	Faust, Richard A. & Lucie	52	\$832.41
31 004 29.012	Riha, Bruce E.	54	\$402.53
<u>TOWN OF CASCO</u>			
31 006 18.053	Boulanger, Brendon & DuQuaine, Kerry	70	\$821.53
<u>TOWN OF FRANKLIN</u>			
31 008 15.041	Urban, Michael J.	84	\$1,225.36

TOWN OF LINCOLN

31 010 21.032 McDonald Sr., John J. 108 \$2,080.25

TOWN OF PIERCE

31 016 16.GL 2.2 Kartes, Jane M. 179 \$2,737.54

CITY OF ALGOMA

31 201 ADE 23 Starr, Dean R. 271 \$138.55
31 201 ADE 84 Helping Hands Housing I, LLC 278 \$817.35
31 201 ADE 120 Haegele, Kathy A. 282 \$553.75
31 201 34.053 Arndt, Dora J. 339 \$1,048.67
31 201 GL4-34 6 Koboski, Franklin & Susan 344 \$3,230.87

CITY OF KEWAUNEE

31 241 OTP 44 Kemp, Kevin 354 \$747.10
31 241 DK 22 Duncan, James A. & Martell, Paula A. 376 \$535.91
31 241 DK 65 Theys, Joe H. 383 \$1,214.07
31 241 NW19 13-4 Witcpalek, Bruce 406 \$1,186.49

WHEREAS, it is necessary to conduct a title search of the foregoing properties in order to proceed with the acquisition of Tax Deeds; and

WHEREAS, bids were received to perform a title search and Title Trends of Kewaunee submitted the low bid of \$60.00 per parcel.

NOW, THEREFORE BE IT RESOLVED, that the Kewaunee County Board of Supervisors duly assembled this 20th day of May 2014, hereby authorizes, directs, and empowers the County Clerk of Kewaunee County to commence the process of acquiring Tax Deeds on behalf of the County on the property described above; and

BE IT FURTHER RESOLVED, the Board approves Title Trends of Kewaunee searching the title to each parcel of land above-described and report the ownership of the parcels, and mortgages, if any, to the County Treasurer; and

BE IT FURTHER RESOVLED, Title Trends is directed to make a search of all the Owners and Mortgages of record and report OAA Liens, Federal and State Income Tax Liens, Judgments, Mechanics Liens, Small Claims Judgments and Indigent Legal Fees to the County Treasurer.

Respectfully Submitted,
Finance & Public Property Committee
HASKE, LUFT, MASTALIR, ROMDENNE, TEBON

FISCAL IMPACT STATEMENT:
\$60 per parcel searched.

Supervisors Benes moved and Romdenne seconded for adoption. Roll call vote: 19 ayes, 0 nays, 1 absent (Luft). Motion carried.

Consideration of Ordinance:

ORDINANCE NO. 172-5-14

AN ORDINANCE AMENDING THE KEWAUNEE COUNTY SANITARY ORDINANCE

THE KEWAUNEE COUNTY BOARD OF SUPERVISORS DO HEREBY ORDAIN AS FOLLOWS:

This ordinance is adopted under the authority and responsibility granted to Kewaunee County in Sections 59.70(1), 59.70(5), 145.04, 145."19, 145.20, 145.245, and 968.10 Wisconsin Statutes. This ordinance incorporates by reference the following rules, regulations, and laws as set forth in Wisconsin Statutes and the Wisconsin Administrative Code governing the location, construction and use of POWTS (Private Onsite Wastewater Treatment System): Chapters 145 and 146, Wisconsin Statutes; Chapters NR 112 and NR 113, and SPS 362.2900(2), 381, 383, 385, 387, and 391 of the Wisconsin Administrative Code. These rules, regulations, and laws shall apply until amended or renumbered and then shall apply as amended and renumbered.

The Kewaunee County Board of Supervisors, duly assembled this 20th day of May 2014, hereby adopt the Amended Kewaunee County Sanitary Ordinance, as set forth in the attachment hereto.

Effective Date: This ordinance shall take effect June 1, 2014.

Respectfully Submitted,
Zoning Committee
GARFINKEL, PAAPE, PAIDER, ROMDENNE

TABLE OF CONTENTS

1.0 TITLE, AUTHORIZATION, PURPOSE AND INTENT, AND SEVERABILITY AND LIABILITY 11
1.1 Title12
1.2 Authorization and Incorporation of Provisions by Reference12
1.3 Purpose and Intent.....12
1.4 Severability and Liability.....12
2.0 GENERAL REQUIREMENTS2
2.1 Applicability2
2.2 Compliance2
2.3 Limitations2
2.4 Public Sanitary Sewer Connection.....2
2.5 Non-Plumbing Sanitation System.....3
2.6 Abandoned Systems.....3
3.0 SANITARY PERMITS3
3.1 State Sanitary Permit.....3

3.2 County Sanitary Permit.....	3
3.3 Application.....	3
3.4 Applications Requirements.....	3
3.5 Issuance.....	4
3.6 Permit Cards.....	4
3.7 Permit Validity.....	4
3.8 Permit Transfers.....	4
3.9 Fees.....	5
4.0 RECONNECTION OF EXISTING POWTS (Private Onsite Wastewater Treatment System) 5	
4.1 Requirements.....	5
4.2 Evaluation.....	5
4.3 System Capacity.....	6
4.4 Nonconforming Systems.....	6
4.5 Holding Tank Reconnection.....	6
4.6 Inspection of Reconnections.....	6
5.0 EXISTING SYSTEMS EVALUATIONS FOR BUILDING ADDITIONS/CHANGE OF USE7	
5.1 Proposed Addition, Remodeling or Change of Use to an Existing Structure.....	7
5.2 POWTS is Failing or does not Conform to the Siting, Design, Construction and Maintenance Rules	7
5.3 Increase in Wastewater Flow or Contaminant Load.....	7
6.0 SOIL TEST REPORTS AND SITE EVALUATIONS.....	8
6.1 Soil Test Reports.....	8
6.2 Verification.....	8
7.0 POWTS MAINTENANCE AND MANAGEMENT.....	8
7.1 Maintenance and Management.....	8
7.2 Septic Tanks.....	8
7.3 Postponements.....	9
7.4 Disposal.....	9
7.5 Reports.....	9
7.6 Inspections.....	9
8.0 HOLDING TANKS.....	9
8.1 Holding Tank Pumping Agreements.....	9
8.2 Holding Tank Service Contract.....	9
8.3 Pumping Report Forms.....	10
8.4 Locks and High Water Alarm.....	10
8.5 Inspections.....	10
8.6 Existing Holding Tanks.....	10
9.0 NON-PLUMBING SANITATION SYSTEMS.....	10
9.1 Non-Plumbing Sanitation Systems Installation Agreement.....	10
10.0 INSPECTIONS.....	10
10.1 Inspections; General.....	10
10.2 Inspections; Non-Plumbing Sanitation Systems.....	11
10.3 Inspections; Conventional, Mound, At-Grade and In-Ground Pressure Systems.....	11
10.4 Inspections; Sand Filters.....	11
10.5 Inspections; Other Systems Recognized by SPS 383.....	11
10.6 Reinspections.....	11
10.7 Testing.....	12
10.8 Inspection; At the Time of Property Transfer or Land Division.....	12
11.0 ADMINISTRATION.....	15
11.1 Zoning Administrator.....	15
11.2 Powers and Duties.....	15
12.0 ENFORCEMENT.....	16
12.1 Violations.....	16
12.2 Notification.....	16
12.3 Penalties.....	16
12.4 Remedial Action.....	16
12.5 Appeals.....	16
13.0 FEES.....	17
13.1 All persons, firms or corporations performing any work on any POWTS shall pay a fee for the following:	17
13.2 All fees shall be established by separate resolution by the Kewaunee County Board from time-to-time as deemed appropriate.	17
13.3 Sanitary permit fees are due at the time of application. After any sanitary permit has been issued, the fee(s) will not be refunded.	17
14.0 DEFINITIONS.....	17
14.1 General.....	17
15.0 VALIDITY, ADOPTION, AND EFFECTIVE DATE.....	19
15.1 Validity.....	19
15.2 Adoption and Effective Date.....	19

KEWAUNEE COUNTY SANITARY ORDINANCE

The Kewaunee County Board of Supervisors does hereby ordain as follows:

KEWAUNEE COUNTY SANITARY ORDINANCE

1.0 TITLE, AUTHORIZATION, PURPOSE AND INTENT, AND SEVERABILITY AND LIABILITY

1.1 Title

This chapter shall be known as, referred to or cited as the "Kewaunee County Sanitary Ordinance."

1.2 Authorization and Incorporation of Provisions by Reference

This ordinance is adopted under the authority and responsibility granted to Kewaunee County in Sections 59.70(1), 59.70(5), 145.04, 145.19, 145.20, 145.245, and 968.10 Wisconsin Statutes. This ordinance incorporates by reference the following rules, regulations, and laws as set forth in Wisconsin Statutes and the Wisconsin Administrative Code governing the location, construction and use of POWTS (Private Onsite Wastewater Treatment System): Chapters 145 and 146, Wisconsin Statutes; Chapters NR 112 and NR 113, and SPS 362.2900(2), 381, 383, 385, 387, and 391 of the Wisconsin Administrative Code. These rules, regulations, and laws shall apply until amended or renumbered and then shall apply as amended and renumbered.

1.3 Purpose and Intent

The purpose of this ordinance is to protect and promote the health, safety, prosperity, aesthetics, and general welfare of the people and Communities within Kewaunee County. The general intent of this ordinance is to regulate the location, design, construction, installation, alteration, maintenance, inspection, management, and use of POWTS and non-plumbing sanitation systems so as to protect the health of residents and transients and to secure safety from disease, nuisance, and pestilence.

1.4 Severability and Liability

If any section, provision or portion of this ordinance is judged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected thereby.

This ordinance shall not create a liability on the part of or a cause of action against the county or any employee thereof for any POWTS which may not function as designed. There shall be no liability or warranty for any site which is approved or denied. The issuance of a sanitary permit and the final inspection of such a system does not warrant the system's function, nor is there a guarantee that the system is free of defects or that all aspects of the system comply to Wisconsin Statute or Administrative Code requirements.

2.0 GENERAL REQUIREMENTS

2.1 Applicability

The requirements of this ordinance shall apply to all geographic areas within Kewaunee County.

2.2 Compliance

- (1) All buildings, or other sources of domestic wastewater in Kewaunee County that are permanently or intermittently intended for human habitation or occupancy which are not serviced by a public sanitary sewer, shall have an approved system for holding or treatment and dispersal of sewage and wastewater which complies with the provisions of this ordinance.
- (2) No POWTS or part thereof shall be located, installed, moved, reconstructed or substantially altered except as permitted by this ordinance. The owner of the property on which the system is located and the company or individual doing the work are both responsible for compliance with this ordinance.
- (3) The POWTS for newly constructed buildings shall be approved, installed, and inspected before the building can be occupied.
- (4) No object may be installed or constructed that will adversely affect the performance of a POWTS.

2.3 Limitations

- (1) Installation of a holding tank is prohibited if a conventional, mound, at-grade, or in-ground pressure system may be utilized. However, a holding tank may be used in place of any other type of POWTS permitted by SPS 383, Wisconsin Administrative Code.

Installation of a holding tank for condo, multifamily, or other non-residential buildings shall be approved at the discretion of the Zoning Administrator and Kewaunee County Zoning Committee.

- (2) Any POWTS or portions thereof, installed within a floodplain shall comply with all applicable requirements of NR 116, Wisconsin Administrative Code, and the Kewaunee County Shoreland/Floodplain Zoning Ordinance.

2.4 Public Sanitary Sewer Connection

All buildings served by plumbing fixtures shall be connected to a public sanitary sewer system where available. Where such a public sewer is not available, a POWTS may be used. When a public sewer becomes available to the building, the POWTS shall be disconnected within one year and a connection made to the public sewer. The disconnected POWTS shall be properly abandoned according to the provisions of SPS 383 of the Wisconsin Administrative Code.

2.5 Non-Plumbing Sanitation System

A non-plumbing sanitation system may be permitted only when the building served is not provided with water service or plumbing. If plumbing is installed in the structure or running water is supplied to the structure, an acceptable method of sewage disposal other than, or in addition to, a non-plumbing sanitation system must be provided. Non-plumbing sanitation systems are prohibited on lands adjacent to or on back lots of lakes except on public lands and parks, private campgrounds, and group camps and except in remote locations without electrical service available.

2.6 *Abandoned Systems*

POWTS which have not been used for five years or longer shall be abandoned by complying with all of the required specifications per SPS 383.33 Wisconsin Administrative Code.

3.0 *SANITARY PERMITS*

3.1 *State Sanitary Permit*

No person shall install, perform work to a POWTS unless the owner of the property on which the system is located holds a valid state sanitary permit. No person shall sell a septic tank or holding tank for installation unless the purchaser holds a valid state sanitary permit.

3.2 *County Sanitary Permit*

A county sanitary permit shall be obtained by the property owner, his agent or contractor, before any POWTS or part thereof may be reconnected, or repaired. A county sanitary permit is not required for the addition of manhole risers or for the replacement of manhole covers, manhole risers, baffles or pumps. A county sanitary permit shall be obtained prior to constructing or erecting a non-plumbing sanitation system.

3.3 *Application*

Application for a sanitary permit shall be made on forms specified by the Kewaunee County Zoning Department.

3.4 *Applications Requirements*

The sanitary permit application shall include the following information:

- (1) A completed sanitary permit application form.
- (2) A site plan.
- (3) An approved soil test on forms acceptable to the Department of Safety & Professional Services.
- (4) A copy of approved plans for systems requiring plan review by the Department of Safety & Professional Services.
- (5) A pump chamber cross section and pump information for systems that utilize a pump.
- (6) Agreements and/or affidavits required to install and/or utilize an existing system or for servicing holding tanks.
- (7) A Maintenance Plan and Contingency Plan for all POWTS in accordance with section 7 of this ordinance.
- (8) Required fee.

3.5 *Issuance*

- (1) After review and verification of the information submitted in the application, the Zoning Administrator shall approve or deny applications for sanitary permits. When an application for a sanitary permit is denied, the Zoning Administrator shall issue a written notice to the unsuccessful applicant, stating specifically the reasons for disapproval and whether an amendment to the application could be made which would render the application approvable. The Zoning Administrator shall also inform the applicant of his/her right to appeal the denial under the provision of this ordinance and Chapter 68 of the Wisconsin Statutes. The Zoning Administrator reserves the right to refuse incomplete or incorrect permit applications, and/or delay permit issuance until corrected and/or completed applications are received.

3.6 *Permit Cards*

When the application for sanitary permit is approved, the Zoning Administrator shall issue a permit card to the property owner. The permit card shall be posted in plain view, visible from the road fronting the lot during construction. The permit card shall not be removed from the site until the POWTS has been installed, inspected and approved by the Zoning Administrator.

3.7 *Permit Validity*

- (1) A sanitary permit is valid for two years from date of issuance. Permits may be renewed following written application to the Zoning Administrator by the property owner, his/her agent, or contractor, prior to the expiration date of the original permit provided that the proposed site and system comply with applicable codes in effect at the time the renewal is requested. If a permit has expired and the owner wants to build on the site, a new sanitary permit must be obtained before a building permit can be issued.

- (2) If the soil test is older than four years, the soil test must be verified by the Zoning Administrator prior to the issuance of a sanitary permit or renewal of a sanitary permit. The soil test shall be examined to determine reliability and the soil test report and soils at the proposed site verified in accordance with section 6.1 of this ordinance.

3.8 Permit Transfers

When there is a change of ownership, a transfer form shall be submitted to the Kewaunee County Zoning Department with a set of new plans if necessary, and a fee as prescribed by this ordinance.

- (1) Plans associated with a transferred sanitary permit cannot be utilized by a different licensed plumber unless the plan bears the stamp of an architect, engineer, or a designer of private sewage systems. Otherwise, a new set of plans must be submitted by the new plumber and approved by the appropriate agency.

3.9 Fees

A sanitary permit shall not be issued until the fees required by this ordinance have been received.

4.0 RECONNECTION OF EXISTING POWTS

4.1 Requirements

A county sanitary permit shall be required when an existing POWTS is to be connected to a structure that has been rebuilt or where an existing structure has been replaced with a new or different structure.

4.2 Evaluation

Prior to issuing the sanitary permit for the reconnection to the new structure, an evaluation of the existing POWTS must be made. The following is the procedure that must be followed in evaluating the private sewage system:

- (1) Existing sanitary permits and soil test information on file shall be examined to determine reliability.
- (2) If there is not adequate or reliable soils information, a soil boring(s) shall be examined by a Certified Soil Tester to determine if there are suitable soils for the system in use and to identify a replacement area if there is not one available. This information shall be reported to the department which may verify the report and conduct an on-site study when considered appropriate.
- (3) The existing septic tank shall be pumped and inspected by a licensed pumper or plumber to determine the condition and size of the tank and whether it is in good repair. A pumping report signed by the pumper or plumber shall be submitted to the department.
- (4) The existing POWTS should be examined to:
 - (a) Determine the location of the septic and/or dose tank and soil absorption system to determine that all minimum setbacks of SPS 383 will be maintained.
 - (b) Determine, where possible, the size of the soil absorption system, if it corresponds to the county's files (if available), and whether it is capable of handling the proposed wastewater load.
 - (c) Determine whether the system is surfacing or has had an outfall pipe connected to it thereby creating a nuisance of surface discharge.
 - (d) Determine by examining through the vent whether or not the system is ponded, and to what degree it is ponded and whether the ponding represents a failing or nonfunctioning soil absorption system.
 - (e) Confirm based on file information, landscape position and vegetation that suitable soils should be present below the system installation.
 - (f) Ensure that if any tank covers are installed above grade that they are installed with locks and warning labels visible.

4.3 System Capacity

- (1) Where a POWTS is intended for connection to a dwelling and does not appear to meet the capacity of the estimated flow based upon the number of bedrooms per SPS 383.43(3)(a) or 383.43(4)(a) Wisconsin Administrative Code, a detailed estimate of wastewater flow may be performed by a person holding an appropriate credential per SPS 383.43(3)(b) or 383.43(4)(b) Wisconsin Administrative Code. Flow estimation for dwelling that is not based upon the number of bedrooms must have this design condition recorded on the deed for the property.
- (2) Where a POWTS is intended for connection to a public building and/or a place of employment, adequate capacity shall be established by a person holding an appropriate credential by the methods for estimating wastewater flow and load provided by SPS 383.43(6) and 383.43(7) Wisconsin Administrative Code.
- (3) The Kewaunee County Zoning Administrator may require that a contingency plan and a management plan be submitted to the Kewaunee County Zoning Department and approved prior to issuing a county reconnection permit if the facility is considered to be at risk of producing wastewater exceeding the POWTS capacity.

4.4 Nonconforming Systems

If during the evaluation of the existing POWTS it is determined that the POWTS is failing or does not conform to the siting, design, construction, and maintenance rules in effect at the time the original permit was issued, the building permit shall not be issued until the

noncompliance is rectified or a sanitary permit has been issued for a new POWTS. The new system must be installed before the facility can be occupied.

4.5 Holding Tank Reconnection

Reconnection to an existing holding tank will require an inspection of the location of the tank to determine if the minimum setback requirements of SPS 383 will be maintained and to ensure that the tank covers, locking devices, warning labels, and alarm systems are functioning properly. An updated holding tank agreement and holding tank servicing agreement which meets the current requirements of SPS 383 must be submitted as part of the application for the sanitary permit for reconnection.

4.6 Inspection of Reconnections

All systems shall be inspected at the time of reconnection to ensure that proper materials and methods are being used.

5.0 EXISTING SYSTEMS EVALUATIONS FOR BUILDING ADDITIONS/CHANGE OF USE

5.1 When there is a proposed addition, remodeling or change of use to an existing structure, the proposal shall be evaluated for the following and the results provided to the Kewaunee County Zoning Administrator:

- (1) That the proposed construction will conform to all applicable setback limitations of SPS 383.43 Wisconsin Administrative Code
- (2) The proposed construction will not result in an increase in wastewater flow or contaminant load as determined per SPS 383.25 Wisconsin Administrative Code.
- (3) That the existing POWTS is not a failing system and conforms to the siting, design, construction, and maintenance rules in effect at the time the original permit was issued. Documentation and/or evaluation shall be performed by procedures and methods acceptable to the Kewaunee County Zoning Administrator.
- (4) A determination that the above conditions are met must be made by the Kewaunee County Zoning Administrator before a building permit can be issued for the proposed construction.

5.2 Where it has been determined that the POWTS is failing or does not conform to the siting, design, construction, and maintenance rules in effect at the time the original permit was issued, the building permit shall not be issued until the noncompliance is rectified or a sanitary permit has been issued for a new POWTS.

5.3 Increase in wastewater flow or contaminant load

- (1) Where it has been determined that the proposed construction will result in an increase in wastewater flow or contaminant load, then a building permit cannot be issued unless the owner:
 - (a) Possesses a sanitary permit to either modify the existing private sewage system or construct a new private sewage system to accommodate the increased wastewater flow and/or contaminant load; or
 - (b) Provides documentation to verify that the existing private sewage system has sufficient size and soil conditions to accommodate the increased wastewater load.
- (2) Where it has been determined that the proposed addition to a dwelling will result in an increase in wastewater flow and does not appear to meet the capacity of the estimated flow based upon the number of bedrooms per SPS 383.43(3)(a) or 383.43(4)(a) Wisconsin Administrative Code, a detailed estimate of wastewater flow maybe performed by a person holding an appropriate credential per SPS 383.43(3)(b) or 383.43(4)(b) Wisconsin Administrative Code. Flow estimation for dwellings that is not based upon the number of bedrooms must have this design condition recorded on the deed for the property.
- (3) Where it has been determined that the proposed construction or change of use of a public building and/or place of employment will result in an increase in wastewater flow or contaminant load, sufficient size and treatment capacity of the existing POWTS shall be established.
- (4) The Kewaunee County Zoning Administrator may require that a contingency plan and a management plan for the existing POWTS to be submitted to the Kewaunee County Zoning Department and approved prior to allowing the issuing of a building permit if the facility is considered by the Kewaunee County Zoning Administrator to be at risk of producing wastewater exceeding the POWTS capacity.

6.0 SOIL TEST REPORTS AND SITE EVALUATIONS

6.1 Soil Test Reports

A sanitary permit shall not be issued until a soil and site report has been approved by the zoning administrator. The report and evaluation must be in accordance with SPS 383, SPS 385 and SPS 391, Wisconsin Administrative Code and submitted to the county within 30 days of the observations/tests.

6.2 Verification

The county shall verify the report and soils at the proposed site as deemed necessary by the zoning administrator. Backhoe pits are required whenever the county verifies soil boring data. The soil test pits shall be left in such a manner that will permit access to them for the evaluation of the soil profile. All backhoe pits must be covered or fenced within one week after inspection. Unattended backhoe pits are the liability of the Certified Soil Tester and/or property owner.

7.0 POWTS MAINTENANCE AND MANAGEMENT

7.1 *Maintenance and Management*

- (1) All POWTS shall be managed and maintained in accordance with SPS 383 and 384, Wisconsin Administrative Code, and this ordinance.
- (2) The property owner shall report to the County each inspection, maintenance or servicing event, in accordance with SPS 383, Wisconsin Administrative Code, and this ordinance.
- (3) The property owner shall submit a copy of an appropriate maintenance agreement and/or servicing contract to the County prior to sanitary permit issuance.
- (4) The property owner shall submit a new or revised maintenance agreement and/or servicing contract to the County whenever there is a change to such document(s).
- (5) The property owner shall submit a new maintenance agreement and/or servicing contract to the County prior to expiration of any existing maintenance agreement and/or servicing contract.
- (6) An ANNUAL fee will be assessed to all properties where a POWTS is located. The fee will be used to cover the cost of administrating the maintenance program and will be included on the property tax bill mailed each year.

7.2 *Septic Tanks*

All systems, shall be visually inspected and have the septic tank pumped by a licensed pumper within three years of the date of installation and at least once every three years thereafter, or when the sludge level reaches one-third of the liquid capacity of the tank. The sludge level of the tank must be determined by a licensed pumper.

7.3 *Postponements*

Circumstances such as inclement weather, road weight restrictions and site limitations may necessitate a delay in the maintenance until conditions permit at the discretion of the Zoning Administrator.

7.4 *Disposal*

Sludge, scum or sewage pumped from a septic tank, must be disposed of in accordance with NR 113 of the Wisconsin Administrative Code.

7.5 *Reports*

The property owner shall submit to Kewaunee County every three years, a report signed by the licensed pumper and the property owner verifying the condition of the tank, whether wastewater or effluent from the POWTS is ponding, and certifying that the owner's septic tank has been pumped and properly maintained or is less than one-third full. Reports shall be furnished to the County within 30 calendar days of the inspection and pumping. Reports shall include all information required in SPS 383.55, Wisconsin Administrative Code. Other maintenance or management reports required by SPS 383 or 384, Wisconsin Administrative Code, should be included with this report.

7.6 *Inspections*

The Kewaunee County Zoning Administrator shall make or cause to be made by staff inspectors, or a licensed plumber, necessary inspections to determine the condition of the tank and whether wastewater or effluent from the POWTS is ponding, and to insure an effective program of maintenance of POWTS.

8.0 HOLDING TANKS

8.1 *Holding Tank Pumping Agreements*

In cases where holding tanks are allowed, the applicant for a holding tank shall enter into a Holding Tank Pumping Agreement with Kewaunee County before the sanitary permit is issued. The agreement shall be signed on forms provided by the Zoning Administrator. The agreement shall require the applicant to conform to state regulations regarding the maintenance and pumping of the holding tank. If the tank is not maintained and pumped in conformance with state regulations, the Zoning Administrator shall order it to be maintained or pumped by a private pumper, at county expense. The county shall then invoice the property owner for all such costs incurred. If the invoice is not paid within 30 days, the county may place the amount on the tax roll as a special assessment against the property in question.

8.2 *Holding Tank Service Contract*

The owners of all existing and future tanks are required to enter into an agreement with a licensed pumper to service the holding tank on a regular basis. The applicant shall file a copy of the Holding Tank Service Contract with the Zoning Administrator before the sanitary permit may be issued. The contract must be written in accordance with SPS 383.54, Wisconsin Administrative Code.

8.3 *Pumping Report Forms*

The owners of all existing and future holding tanks are required to submit pumping reports to the Kewaunee County Zoning Administrator. The pumping reports shall be submitted on forms provided by the county, and shall certify that the holding tank was pumped according to the

terms of the Holding Tank Pumping Agreement and of the Service Contract, and that each time the tank was pumped in the subject period, it was pumped by a licensed pumper. The licensed pumper shall also fill out and submit a Pumping Report Form for each holding tank serviced.

8.4 Locks and High Water Alarm

All holding tanks shall be equipped with functional locking devices and high water alarms. In cases where the Zoning Administrator finds the locking devices and/or high water alarms missing or not functioning properly, the Administrator shall order them replaced or repaired.

8.5 Inspections

The Zoning Administrator shall cause to be conducted, inspections of at least 5 percent of all existing holding tanks each year.

8.6 Existing Holding Tanks

Holding tanks installed before the effective date of this ordinance with existing Holding Tank Pumping Agreements and Holding Tank Servicing Contract shall be administered in the same manner as section 8.1 through 8.6

9.0 Non-Plumbing Sanitation Systems

9.1 Non-Plumbing Sanitation Systems Installation Agreement

Prior to the issuance of a sanitary permit for a non-plumbing sanitation system, the property owner must sign a non-plumbing sanitation system installation agreement and have it recorded in the Register of Deeds Office.

10.0 INSPECTIONS

10.1 Inspections; General

- (1) Notice for final inspection shall be given to the Zoning Administrator for all POWTS installed, modified or reconnected.
- (2) Installation or modification of a POWTS system shall be inspected by the Zoning Administrator for compliance with SPS 382, SPS 383, SPS 384, Wisconsin Administrative Code, other appropriate Wisconsin Statutes and Administrative Codes and this ordinance.
- (3) Notification for final inspection shall be given in accordance with the requirements of SPS 383, Wisconsin Administrative Code or as specified in this ordinance.
- (4) The entire system shall be left completely open until it has been inspected and accepted, in accordance with the requirements of SPS 383, Wisconsin Administrative Code.
- (5) POWTS may be inspected periodically, after the initial installation inspection(s) and/or after the system is operative, as deemed necessary by the Zoning Administrator.

10.2 Inspections; Non-Plumbing Sanitation Systems

- (1) All non-plumbing sanitation systems installed shall be inspected for compliance with Comm 91, Wisconsin Administrative Code, or as amended, and this ordinance. Non-plumbing sanitation systems serving uses other than one and two family dwellings shall also be inspected for compliance with Comm 62.2900(2) Wisconsin Administrative Code.
- (2) The property owner shall notify the Zoning Administrator for inspection immediately after the non-plumbing sanitation system has been constructed or installed.

10.3 Inspections; Conventional, Mound, At-Grade and In-Ground Pressure Systems

All conventional, mound, at-grade and in-ground pressure systems shall be inspected at the time the distribution piping installation has been completed, prior to backfilling, and after all work has been completed. Other inspections may be necessary depending upon site conditions or as required by SPS 383. The plumber installing these systems shall notify the Zoning Administrator two working days in advance of the installation. The Zoning Administrator shall inspect these systems regularly as specified by the Department of Safety & Professional Services.

10.4 Inspections; Sand Filters

Sand filters shall be inspected at the time the liner or tank and underdrain are in place, before placement of any treatment media, at the time the distribution piping installation has been completed and after all work has been completed. The plumber installing these systems shall notify the Zoning Administrator two working days in advance of the installation. The Zoning Administrator shall inspect these systems regularly as specified by the Department of Safety & Professional Services.

10.5 Inspections; Other Systems Recognized by SPS 383

- (1) The plumber installing the system shall coordinate any required preconstruction meeting(s).

- (2) The plumber installing the system shall notify the Zoning Administrator at least five workdays prior to beginning the installation of the system to schedule the inspection(s) and shall notify the Department of Safety & Professional Services or State as may be required by the approved plans.

10.6 Reinspections

When a reinspection of a POWTS is required because the initial inspection disclosed that the installation was incomplete or does not comply with applicable Wisconsin Statutes, Wisconsin Administrative codes, the approved plans, or this ordinance, a reinspection fee may be required. Additional reinspections required at the site may require a new fee. The reinspection fee will be due within 10 working days of written notification by the county. Failure to pay the fee within the period shall constitute a violation of this ordinance.

10.7 Testing

- (1) If testing of new systems or new system components is required by SPS 382, 383 or 384, Wisconsin Administrative Code, or as a condition of plan approval, notice shall be given to the Zoning Administrator so that an inspection can be made during the test.
- (2) Zoning Administrator shall verify that required testing has been completed, by:
 - (a) Performing an inspection during the test;
 - (b) Requiring written verification from the responsible person; or
 - (c) Both (a) and (b).

10.8 Inspections; At the Time of Property Transfer or Land Division

- (1) An existing septic system inspection is required for all property transfers and land divisions in which the property contains a structure served by a POWTS (private onsite wastewater treatment system). The Kewaunee County Zoning Administrator may waive the inspection requirement if the system is one regulated by the mandatory maintenance program specified in Section 7 of the Kewaunee County Sanitary Ordinance, is less than 15 years old based on the installation date at the time of transfer, and compliance with the maintenance program is confirmed by documentation satisfactory to the Administrator. The inspection of the septic systems will help protect the waters of the county, ensure a properly functioning POWTS for the owner and enhance public health.
- (2) To adequately determine whether an existing POWTS is failing under conditions defined in s.145.245(4), Statutes, an existing system inspection must include:
 - (a) An observation soil boring described by a certified soil tester extending 3 feet below the bottom of the absorption area which is large enough to clearly depict the presence of groundwater, bedrock, or seasonally saturated soils which adversely affect the operation of the system. The Zoning Office may allow use of a previously filed soil test conducted in an area near the failing system to verify soil conditions if deemed reliable by the Zoning Administrator.
 - (b) A written evaluation of the general condition of the POWTS by a Master Plumber, Master Plumber-Restricted Service, POWTS Inspector or Certified Soil Tester including, but may not be limited to, the following:
 1. Inlet and outlet baffles
 2. Vents, observation ports
 3. High water alarms
 4. Treatment tanks including risers and covers
 5. Absorption area including ponding, surface discharge
 6. Presence of any outfall pipe or connection to a drain tile
 7. All applicable setbacks require an accurate site diagram if none exists on file at the Zoning Office
 8. Presence of any surface discharge of sewage
 9. Evident ponding in a vent or observation port
 10. Clean effluent filter
 - (c) A county inspection to verify the results of the existing system inspection may be required. Any costs associated with the inspection including, but not limited to, backhoe pits or pumping fees are the responsibility of the owner at the time of inspection.
 - (d) Septic system inspection reports shall be submitted within 30 days after said transfer or land division to the Kewaunee County Zoning Office on forms obtained from the Zoning Office.
 - (e) A failing POWTS shall be replaced or corrected and made code complying within 1 year of transfer or land division.
- (3) POWTS (Private Onsite Wastewater Treatment System) Defined
 - (a) Failing POWTS – State Statutes 145.245(4): A failing POWTS is one which causes or results in any of the following conditions:
 1. The discharge of sewage into surface water or groundwater
 2. The introduction of sewage into zones of saturation which adversely affects the operation of the POWTS
 3. The discharge of sewage into a drain tile or into zones of bedrock
 4. The discharge of sewage to the surface of the ground
 5. The failure to accept sewage discharges and the backup of sewage into the structure served by the POWTS

(4) Transfers and Land Divisions Defined

(a) All property transfers in which the property contains a POWTS, except as listed below:

1. Addition/Subtraction - The addition of a name to or dropping of a name from property ownership is considered a transfer, except between spouses.
2. Lease Option - A lease with an option to purchase or a lease giving credit for rent paid to the lessee is not considered a transfer until the option is exercised.
3. Land Contract - Inspection of existing POWTS must occur prior to the land contract buyer taking first physical possession of the land being transferred under the terms of a land contract, whether or not the land contract is recorded by the Register of Deeds.
4. Transfers of Property Ownership Within 24 Months of a Previous Transfer - If an inspection, evaluation and upgrade has been accomplished or if the system was inspected and found to be code complying, a second transfer within 24 months will not require an evaluation. The 24-month time period will be within the discretion of the Kewaunee County Zoning Administrator and Zoning Committee.
5. Proposed Sales That Fall Through - If a seller has a contract to sell and meets his/her obligation by having the existing system evaluated, that seller must replace a system determined to be failing even if the sale or transfer does not go through.

If an order is outstanding when a new buyer takes property ownership, the new buyer does not have a year from time of sale to replace the failing system. The new buyer is bound by the requirements of the order issued to the seller.

6. Hardship Extension - A buyer may apply to the Kewaunee County Zoning Committee for an extension of time in which to have the inspection of an existing POWTS made. The buyer will have the burden of establishing a hardship that is unique to the land in question. A hardship exists when compliance with the strict letter of the ordinance would unreasonably prevent the buyer from using the property for a permitted purpose or would render conformity with such restrictions unnecessarily burdensome. Financial impact is not considered a hardship for a variance. The Committee may grant an extension of time for such period as it considers appropriate, but in no case for longer than 12 months from the date of transfer.
7. Abandonment - A buyer can enter into an agreement for ceasing use of the property. This agreement shall establish a deadline to have an acceptable POWTS ready to receive and treat the expected wastewater load prior to the resumed use of the property. Use of the property prior to the installation of a code complying POWTS, shall result in prosecution.
8. Recording of Transfers - Transfers are considered made when the deed, land contract, etc. is dated. Subsequent recording of the document will revert back to the date on the instrument indicating when the property was transferred.
9. Mistakes - A deed filed to correct a mistake in the spelling of a name or legal description is not a transfer. A deed by an owner to himself to combine two (2) lots is not considered a transfer. If a transfer is made and no inspections have been made, the grantees can deed back to the grantor without the requirement of further inspection under the ordinance.
10. Mortgage - Obtaining a loan and mortgaging property does not constitute a conveyance or transfer.
11. Transfers by Operation of Law - Transfers by operation of law or court order will not require a POWTS inspection.

Compliance is established when the information required is accepted and approved by the Kewaunee County Zoning Office.

(b) All land divisions in which the property contains a POWTS.

11.0 ADMINISTRATION

11.1 Zoning Administrator

The Kewaunee County Zoning Administrator shall be responsible for administering this ordinance.

11.2 Powers and Duties

The Zoning Administrator shall have the following responsibilities and authority in the administration of this ordinance:

- (1) Delegate duties to and supervise the County Zoning Staff and other employees to assure full and complete compliance with this ordinance and related Wisconsin Statutes and the Administrative Code.
- (2) Explain the provisions of this ordinance to licensed professionals and interested persons and assist applicants in preparing permit applications. Review all applications and plans submitted to the county.
- (3) Issue, deny, and rescind permits; maintain records of permits, inspections made, work approved and performed, and other information as appropriate.
- (4) Investigate all complaints relative to this ordinance. Order any person, farm, firm, or corporation not in compliance with these provisions or otherwise in violation of this ordinance or applicable state regulations to comply with same.

- (5) Have access to any structure, land or water between the hours of 8:00 a.m. and 6:00 p.m. for the purpose of performing said duties or at other times set by mutual agreement by the property owner or his/her agent and the administrator. Access may be at any time upon determination that an emergency exists.
- (6) Enforce any or all of the rules or orders and amendments thereto of the Department of Safety & Professional Services applicable to POWTS. Enforce any or all of the rules or orders and amendments thereto of the Department of Natural Resources applicable to the Septage and Sludge programs. Enforce any order of the Health Officer applicable to Nuisances.
- (7) Administer the Wisconsin Fund Program for Failing Septic Systems and distribute grant monies to eligible applicants.
- (8) Refer all unresolved violations of this ordinance to the Corporation Counsel for appropriate legal or other action.
- (9) Any other duties relating to these programs as assigned by the Planning and Zoning Committee or as required by state regulations or law.

12.0 ENFORCEMENT

12.1 Violations

No person shall construct, repair, maintain, alter or use a private sewage system POWTS, dispose of septage or sludge, or create any nuisance in violation of any provisions of this ordinance. No person shall resist, obstruct or interfere in any way with the Zoning Administrator or Health Officer in the lawful enforcement of this ordinance. No person shall fail to obey the Zoning Administrator or Health Officer's enforcement orders.

12.2 Notification

Persons in violation of this ordinance shall be notified by the Zoning Administrator or Health Officer of said violation and corrective actions needed to abate the violation, if any. If the violation is not corrected by the specified deadline, the Zoning Administrator or Health Officer shall refer the violation to the Corporation Counsel.

12.3 Penalties

Any persons, firm, firm or corporation who fails to comply with the provisions of this ordinance shall, upon conviction thereof, forfeit not less than \$25.00 nor more than \$500.00 and the cost of prosecution as set by the Wisconsin Statutes for each violation and in default of payment of such forfeitures and costs, shall be imprisoned by the county jail until payment thereof, but not exceeding 30 days. Each day a violation occurs or continues shall constitute a separate offense. As appropriate, the Kewaunee County Uniform Citation Ordinance shall apply to the enforcement of this ordinance.

12.4 Remedial Action

Whenever an order of the Zoning Administrator or Health Officer has not been complied within the time specified, the Corporation Counsel shall institute appropriate legal action or proceedings to resolve the violation, prevent the use of premises, lands or waters until such order is complied with and to seek appropriate penalties.

12.5 Appeals

Persons seeking to appeal a decision of the Zoning Administrator under this ordinance shall file written letters of appeal with the Zoning Administrator. The Zoning Administrator shall place the appeal on the agenda of the Zoning Committee and the appeal shall be given a due process proceeding in accord with Chapter 68, Wisconsin Statutes. The Zoning Committee shall decide whether to uphold, uphold with modifications or reverse the Zoning Administrator's decision based upon the terms and intent of this ordinance and of relevant state laws and administrative rules. No appellate decision of the board shall have the effect of approving an existing or proposed condition that would violate this ordinance or state law or administrative rule. Zoning Committee appellate decisions shall be made in writing and shall be filed in the Zoning Administrator's office. Appeals of decisions made by authorized agents on the behalf of the administrator shall be made first to the administrator and then be appealable as provided herein.

13.0 FEES

13.1 All persons, firms or corporations performing any work on any POWTS disposal system shall pay a fee for the following:

- (1) New POWTS
Conventional System
Holding Tank
At-Grade System
In-Ground Pressure System
System in Fill
Mound System
- (2) New POWTS (Other Systems Recognized by SPS 383)

- (3) Reconnection of Existing System
- (4) Non-Plumbing Sanitation System
- (5) Transfer Fee
- (6) Renewal Fee
- (7) Reinspection Fee
- (8) Wisconsin Fund Application
- (9) Appeals
- (10) Soil Evaluation Report Fee
- (11) POWTS Maintenance Fee
- (12) Plan Approval for a Holding Tank

13.2 *All fees shall be established by separate resolution by the Kewaunee County Board from time-to-time as deemed appropriate.*

13.3 *Sanitary permit fees are due at the time of application. After any sanitary permit has been issued, the fee(s) will not be refunded.*

14.0 DEFINITIONS

14.1 General

Except as specifically defined below, words and phrases used in this ordinance are to be interpreted as having the same meaning as they have in the State Statutes and Administrative Codes and in Common Law. Words in the present tense include the future; words in singular include the plural and words in the plural include the singular. The word "shall" is mandatory.

- (1) "Buildings" (see structure)
- (2) "SPS" shall mean the State of Wisconsin Department of Safety & Professional Services.
- (3) "Conventional Private Sewage System" POWTS is defined as a POWTS consisting of a septic tank and in-ground soil absorption component with gravity distribution of effluent.
- (4) "County Sanitary Permit" is defined as a permit issued by the Kewaunee County Zoning Administrator for the reconnection and repair of a private sewage system or for the installation of a non-plumbing sanitation system, pursuant to Wisconsin Statutes 59.70 and 145.04.
- (5) "Failing" POWTS has the meaning specified under Wisconsin Statute 145.245(4).
- (6) "Holding Tank" is defined as an in-ground watertight receptacle, approved by the Department of Safety & Professional Services, and used for the collection and holding of sewage.
- (7) "Human Habitation" is defined as the act of occupying a structure as a dwelling or sleeping place, whether intermittently or as a principal residence.
- (8) "In-ground Pressure System" is defined as a pressurized system placed entirely within the natural soil.
- (9) "Kewaunee County Zoning Administrator" is defined as a person appointed by the Kewaunee County Board of Supervisors to administer and enforce this ordinance, or any of his/her assistance or employees.
- (10) "Licensed Pumper" is defined as a person or firm licensed by the State of Wisconsin to pump, haul and dispose of sewage and septage.
- (11) "Non-plumbing sanitation system" shall mean sanitation systems and devices within the scope of SPS 391, Wisconsin Administrative Code, which are alternatives to water carried waste plumbing fixtures and drain systems; including, but not limited to, incinerating toilets, composting toilets and privies.
- (12) "Plumber" is defined as a person licensed by the State of Wisconsin as a Master Plumber or Master Plumber Restricted Services.
- (13) "Plumbing" is defined as any piping, fixtures, equipment, devices or appurtenances in connection with water supplies, water distribution and drainage systems, including hot water storage tanks, water softeners and water heaters connected with such water and drainage systems.
- (14) "Ponding" is defined as an increase in water surface elevation upstream of a blockage or an obstruction.
- (15) "Private Sewage System" shall have the meaning as given under Wisconsin Statute 145.01(12), also referred to as a Private On-site Wastewater Treatment System or (POWTS).
- (16) "Privy" is defined as an enclosed nonportable toilet into which nonwater-carried human wastes are deposited.
- (17) "Privy - pit" is defined as a privy with earthen sidewalls and/or bottom. The privy shall be so constructed so as to be insect and rodent proof per IND 62.29 Wisconsin Administrative Code.

- (18) "Privy - vault" is defined as a privy with a watertight vault consisting of:
- (a) Concrete sidewalls and bottom (poured in place).
 - (b) A prefabricated concrete tank.
 - (c) An asphalt - coated steel tank.
 - (d) The privy shall be constructed insect and rodent proof per IND, 62.29 Wisconsin Administrative Code.
- (19) "Sanitary Permit" is defined as a permit issued by the Zoning Administrator or designated issuing agent for the installation of a POWTS or for the installation of a non-plumbing sanitation system, pursuant to Wisconsin Statutes 59.70 and 145.04.
- (20) "Septic Tank" is defined as a tank which is an anaerobic treatment component of a POWTS and receives and partially treats sewage before discharging to a downstream component.
- (21) "Sewage" is defined as the liquid and liquid - carried wastes created in and to be conducted away from residences, businesses, industries, public building and other buildings in which people live, stay or work.
- (22) "Structure" is defined as anything constructed or erected, the use of which requires a more or less permanent location in or on a premise, or any other attachment to something having a permanent location on the ground and which encloses a space with walls and roof. Structure includes any underground construction within this definition.

15.0 VALIDITY, ADOPTION, AND EFFECTIVE DATE

15.1 Validity

All other ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed. Specifically, Ordinance No. 166-09-10, Kewaunee County Sanitary Ordinance is hereby repealed.

15.2 Adoption and Effective Date

This ordinance shall be effective after public hearing, adoption by the County Board of Supervisors and publication as required by law.

Adopted this _____ day of _____, 2014 by the Kewaunee County Board of Supervisors.

Attest:

 Ron Heuer
 County Board Chairperson

 Edward J. Dorner
 County Administrator

 Jamie Annoye
 County Clerk

Submitted by:
 Zoning Committee

 Tom Romdenne, Chairperson

 Bob Garfinkel

 Gary Paape

 Ron Paider

Supervisors Mastalir moved and Garfinkel seconded for adoption. Roll call vote: 19 ayes, 0 nays, 1 absent (Luft). Motion carried.

Supervisors Weidner moved and Wagner second that the County Board Meeting will be held on July 22 at 6:00 p.m. Motion carried.
 Supervisors Weidner moved and Tebon second that the County Board meeting will be held on August 19 at 6:00 p.m. Motion carried.

Supervisors Paape moved and Reckelberg second to adjourn. Motion carried.

Board adjourned at 8:20 PM.

 Ron Heuer, Kewaunee County Board Chairman

CERTIFICATION

STATE OF WISCONSIN:

SS

COUNTY OF KEWAUNEE:

I, Jamie Annoye, County Clerk in and for Kewaunee County, Wisconsin do hereby certify that the following is a true and correct copy of the minutes of the meeting of the Kewaunee County Board of Supervisors held in regular Board Chambers at the Administration Center in Kewaunee on May 20, 2014.

Jamie Annoye, Kewaunee County Clerk

