

***Amended - Notice of Regular Meeting
Oneida County Board of Supervisors
June 18, 2013 – 9:30 a.m.
Oneida County Courthouse
County Board Meeting Room 2nd Floor**

Chairman Cushing called the meeting to order at 9:30 a.m. in the County Board Meeting Room at the Oneida County Courthouse. There was a brief moment of silence for our troops here and overseas, followed by the Pledge of Allegiance.

Motion/Second: Hintz/J.Sorensen to accept Greg Oettinger as appointed District #8 County Board Supervisor. All “ayes” on voice vote, motion carries.

OATH OF OFFICER – Greg Oettinger was sworn-in for County Board Supervisor / District #8 by Honorable Judge Bloom.

MEMBERS PRESENT: Supervisors: Gary Baier, Greg Berard, Ted Cushing, Billy Fried, David Hintz, Scott Holewinski, Jim Intrepidi, Bob Martini, Jack Martinson, Bob Metropulos, Bob Mott, Greg Oettinger, Sonny Paszak, Carol Pederson, Tom Rudolph, Jerry Shidell, Candy Sorensen Jack Sorensen, Denny Thompson, Michael Timmons and Romelle Vandervest.

OF MEMBERS PRESENT: 21

SUPERVISORS EXCUSED: 0

OTHERS PRESENT: Mary Bartelt, County Clerk; Melodie Gauthier, Chief Deputy Clerk; Brian Desmond, Corporation Counsel; Erica Brewster, UW Extension; Lynn Feldman, UW Extension; Karl Jennrich, Planning and Zoning; Lisa Charbarneau, LRES; and Honorable Judge Bloom.

ANNOUNCEMENTS BY CHAIR, CORRESPONDENCE AND COMMUNICATIONS

Sign Attendance Form at the Podium.

Please Use Microphones When Speaking.

ACCEPT THE MINUTES OF THE MAY 21, 2013 REGULAR MEETING

Correction, additions or deletions: Rudolph – correction under Others Present- after Corporation insert the word “Counsel”. Page 13 under Roll Call Vote: – there should be 1 Absent – Berard.

Motion/Second: J.Sorensen/Mott to accept the May 21, 2013 minutes as amended. All “aye” on voice vote, motion carries.

REPORTS/ PRESENTATIONS:

Erica Brewster to Introduce U.W. -Extension Youth Development Agent: Lynn Feldman.

Supervisor Rudolph introduced Erica Brewster who in turn introduced Lynn Feldman, U.W. -Extension’s Youth Development Agent. Feldman gave a brief update on herself and plans for the UW-Extension Youth Development Position.

Department of Social Services 2012 Annual Report – Supervisor Pederson presented the Social Services 2012 Annual Report stating she thought the report was very thorough and she is proud of what Social Services is doing for the community.

Motion/Second: Vandervest/Paszak to accept Social Services 2012 Annual Report as presented. All “aye” on voice vote, motion carries.

PUBLIC COMMENT:

Supervisor Shidell would like to thank the film crew and all the people who participated in the making of the film on our Oneida County Hodag.

CONSENT AGENDA:

RESOLUTION #41- 2013- offered by the Administration Committee regarding the Denial of a Claim filed by Walter Olejnik, Katherine Olejnik, Kenneth Olejnik and JoAnn Mercer.

RESOLUTION #42- 2013 – offered by the Land Records Committee authorizing a quit claim deed to adjoining landowners Kelly A Kuehl, Jerome Haffenbredl, Joann Haffenbredl and Curtis B Creed. Town of Lake Tomahawk.

RESOLUTION #43- 2013 – offered by the Land Records Committee authorizing the sale of parcels – WB 381- 1-Town of Woodboro, and request a quit claim deed to the successful bidder, Dr David Barr.

Appointments to committees, commissions and other organizations

To appoint Lisa Alsteen to the Human Service Board replacing Coralee Erickson with a term to expire September 2014.

To reappoint Robert Rossi and Phil Albert to the Zoning Board of Adjustments for a term to expire July 2016.

Motion/Second: Shidell/J.Sorensen to accept the Consent Agenda as presented. All “aye” on voice vote, motion carries.

CONSIDERATION OF RESOLUTIONS & ORDINANCES:

RESOLUTION #44-2013

Resolution offered by the Supervisors of the Labor Relations Employee Services Committee.

Resolved by the Board of Supervisors of Oneida County, Wisconsin:

WHEREAS, the Labor Relations Employee Services Committee (hereinafter, “Committee”), Corporation Counsel, Finance Director and Human Resource Director have met with representatives of the Oneida County Non–Protective and Social Worker Union employees bargaining units (hereinafter, “Union”); and

WHEREAS, the Committee and the Unions have reached a tentative agreement concerning the contract for calendar year 2013; and

WHEREAS, the wage increase set forth below has been recommended by the Committee; and

WHEREAS, the Oneida County Board of Supervisors have reviewed the proposed changes for the purposes of ratification of the agreement between the Committee and the Unions; and

WHEREAS, the Committee further recommends wage increases as set below for all other general municipal employees.

NOW, THEREFORE, BE IT RESOLVED, that the Oneida County Board of Supervisors does hereby ratify and approve the contract between the Committee and the Unions.

BE IT FURTHER RESOLVED, the Union’s contract for 2013 shall incorporate the following:

Non-Protected and Social Worker Union wage schedules shall include across the board increase of 1% on January 5, 2013.

Wage schedules for all other general municipal employees shall include across the board increase of 1% on January 5, 2013.

A fiscal impact statement is attached hereto and made a part hereof.

Approved by the Labor Relations Employee Services Committee this 14th day of May, 2013.

Offered and passage moved by Supervisors: Paszak, Holewinski, Fried and Pederson.

**ONEIDA COUNTY
FISCAL IMPACT
FULL AND PT EMPLOYEES LESS PROTECTIVE UNION AND ELECTED**

1.00%	Annual Cost
Salaries and Wages	100,759
Social Security	7,708
Retirement-er Share	6,680
Workers Comp	1,336
	<hr/>
	116,483
 Revenue Source:	
Transfer from Contingency Fund	98,408
State Aids and Fees	18,075
	<hr/>
	116,483

Roll Call Vote: 19 Ayes, 2 Nays- Shidell, Fried, 0 Absent.

Resolution #44-2013-Adopted.

**RESOLUTION #45-2013 - GENERAL CODE OF ONEIDA COUNTY, WISCONSIN
ORDINANCE AMENDMENT #**

Ordinance Amendment offered by the Administration Committee

WHEREAS, Oneida County has had multiple proposals for night meetings presented and voted upon in the last year; and

WHEREAS, the previously mentioned proposals for night meetings have failed; and

WHEREAS, the discussion surrounding the previously mentioned proposals for night meetings did indicate a consensus that the County Board Chairman and the County Board needed more flexibility in scheduling meetings.

NOW, THEREFORE, THE ONEIDA COUNTY BOARD OF SUPERVISORS DOES ORDAIN AS FOLLOWS:

Section 1. Any existing ordinances, codes, resolutions, or portions thereof in conflict with this ordinance shall be and hereby are repealed as far as any conflict exists.

Section 2. This ordinance shall take effect the day after passage and publication as required by law.

Section 3. If any claims, provisions or portions of this ordinance are adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected thereby.

Section 4. Section 2.02 & 2.16 of the General Code of Oneida County, Wisconsin, is amended as follows [additions noted by underline, deletions noted by strikethrough]:

2.02 RULE 2: ORDER OF BUSINESS. (Am. #51-94; #72-94; #20-2008)

The order of business shall be as follows:

- (1) CALL TO ORDER. At the appointed hour for the meeting, the Chair shall call the Board to order requesting that the members rise for a brief moment of silence followed by the Pledge of Allegiance.
- (2) ROLL CALL. The Clerk shall then call the roll of members in alphabetical order.
- (3) ANNOUNCEMENTS BY THE CHAIR, CORRESPONDENCE AND COMMUNICATION.
- (4) ACCEPT MINUTES OF PREVIOUS COUNTY BOARD MEETING(S).
- (5) REPORTS.
- (6) UNFINISHED BUSINESS.
- (7) PUBLIC COMMENT. (Res. #15-2010; Res. #54-2012) Persons present will be allowed up to three minutes time to express their opinion on any matter that they wish to speak. The Board, by a majority vote, may allow additional time for a speaker.
- (8) CONSENT AGENDA. (Cr. Res. #54-2012)
- (9) CONSIDERATION OF RESOLUTIONS AND ORDINANCES. (Am. Res. #15-2010; Res. #54-2012)
- (10) OTHER BUSINESS. (Am. Res. #15-2010; Res. #54-2012)
 - (a) County Clerk report of zoning petitions;
 - (b) County Treasurer declaration of unlawful taxes; and
 - (c) Appointments to committees, commissions and other organizations.
- ~~(11)~~ NEXT MEETING DATE & TIME:
- ~~(11)~~(12)ADJOURNMENT. (Am. Res. #15-2010; Res. #54-2012)

2.16 RULE 16: MEETINGS OF THE BOARD AND COMMITTEES.

- (1) DATE OF MEETING. (Am. #24-90; #61-2002; Am. Res. #20-2009) Except as provided in sub. (3), below, the Board shall meet in the County Courthouse in regular meetings on the following dates and shall be in session until adjourned:
 - (a) The 3rd Tuesday in January.
 - (b) The 3rd Tuesday in February.
 - (c) The 3rd Tuesday in March.
 - (d) The 3rd Tuesday in April (organizational meeting).
 - (e) The 3rd Tuesday in May.
 - (f) The 3rd Tuesday in June.
 - (g) The 3rd Tuesday in August.
 - (h) The 3rd Tuesday in September.
 - (i) The 3rd Tuesday in October.
 - (j) The 1st Tuesday following the second Monday in November (annual meeting). (Am. #133-99)
- (2) HOUR OF MEETING. Except as provided in sub. (3), below, the starting time for all regular meetings of the County Board will be 9:30 a.m. unless otherwise specified by the County Board. ~~And~~ The time of reconvening after lunch shall be 1:30 p.m., and unless otherwise ordered, the Board shall recess at 11:00 p.m. until 9:30 a.m. the next day. The Board may, by majority vote upon the adjourning motion, set the hour of reconvening of the Board.
- (3) BOARD MEETINGS AT COUNTY LOCATIONS OTHER THAN COURTHOUSE. (Am. Res. #92-2009) The Board may schedule regular meetings at locations in the County other than the Courthouse if it is determined that a change of location would be in the best interest of the Board. A proposed change of location shall be approved not less than 30 days before the scheduled meeting date. An explanation shall be set forth in the notice of the meeting and the place of the same shall be readily accessible to the public and members of the news media who wish to attend.

- (4) RECORDS OF MEETINGS. Accurate copies of all notices of meetings and minutes of meetings shall be promptly filed in the County Clerk's office.
- (5) SPECIAL MEETINGS. The County Board may call a special meeting as provided for in Wis. Stat. s. 59.11(2).
- (6) COMMITTEE OF THE WHOLE. The Board may meet as a Committee of the Whole at the call of the County Board Chairman. At such meetings, no votes will be taken on resolutions, ordinances, ordinance amendments, or budget amendments formally pending before the Board. During such meetings, there shall be no limits on debate and no person not a member of the Board shall be allowed to speak except upon invitation of the Board. Such meetings shall be considered regular meetings of the County Board, except that this section shall govern procedures for conducting the meeting.
- (7) PUBLIC HEARINGS. The County Board chairperson may schedule a meeting of the County Board as a public hearing, solely for the purpose of taking public comment on a resolution, ordinance, ordinance amendment or other matter formally pending before the Board.

Approved by the Administration Committee this 10th day of June, 2013.

Offered and passage moved by Supervisors: Hintz, Cushing, Paszak, Thompson and Shidell

Motion/Second: Vandervest/Pederson to amend and move line 50 (c) Appointments to committees, commissions and other organizations, underneath line 45 (8) Consent Agenda.

Roll Call Vote on Amendments: 21- Ayes, 0 - Nays 0 – Absent

***Roll Call on Amended Resolution # 45-2013:** 21- Ayes, 0 – Nays – 0 - Absent

Amended Resolution#45-2013 – General Coda O/A – enacted.

RESOLUTION # 46-2013-ORDINANCE AMENDMENT #1-2013

Resolution offered by the Supervisors of the Planning and Development Committee.

Resolved by the Board of Supervisors of Oneida County, Wisconsin:

WHEREAS, the Planning and Development Committee, having considered Ordinance Amendment #1-2013, (Copy attached) which was filed February 13, 2013 and June 5, 2013 to amend the Oneida County Floodplain Ordinance, and having given notice thereof as provided by law and having held a public hearing thereon March 6, 2013, pursuant to Section 59.69(5), Wisconsin Statutes, and having been informed of the facts pertinent to the changes which are as follows:

WHEREAS, after review by the Wisconsin Department of Natural Resources of adopted Ordinance Amendment #1-2013, Resolution #20-2013 three (3) minor technical errors were discovered; and

WHEREAS, the original Notice of Public Hearing contained the corrections but the adopted resolution did not; and

WHEREAS, to correct the technical errors Ordinance Amendment #1-2013 needs to be adopted; and

NOW, THEREFORE, BE IT RESOLVED, that the Oneida County Board of Supervisors hereby accepts and approves Petition #1-2013 of Chapter 20, the Oneida County Floodplain Ordinance and ordains as follows:

ONEIDA COUNTY
“WHERE NATURE LINGERED LONGER”

**ONEIDA COUNTY FLOODPLAIN
ZONING ORDINANCE**

**CHAPTER 20 OF THE GENERAL CODE OF
ONEIDA COUNTY WISCONSIN**



ONEIDA COUNTY BOARD RESOLUTION #440
APRIL 18, 1995

Amended by County Board Resolution #52-2008
June 23, 2008

February 21, 2012

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1.0 STATUTORY AUTHORIZATION, FINDING OF FACT, STATEMENT OF PURPOSE, TITLE AND GENERAL PROVISIONS

1.1 STATUTORY AUTHORIZATION

This ordinance is adopted pursuant to the authorization in ss. 61.35 and 62.23, for villages and cities; 59.69, 59.692, and 59.694 for counties; and the requirements in s. 87.30, Stats.

1.2 FINDING OF FACT

Uncontrolled development and use of the floodplains and rivers of this municipality would impair the public health, safety, convenience, general welfare and tax base.

1.3 STATEMENT OF PURPOSE

This ordinance is intended to regulate floodplain development to:

- (1) Protect life, health and property;
- (2) Minimize expenditures of public funds for flood control projects;
- (3) Minimize rescue and relief efforts undertaken at the expense of the taxpayers;
- (4) Minimize business interruptions and other economic disruptions;
- (5) Minimize damage to public facilities in the floodplain;
- (6) Minimize the occurrence of future flood blight areas in the floodplain;
- (7) Discourage the victimization of unwary land and homebuyers;
- (8) Prevent increases in flood heights that could increase flood damage and result in conflicts between property owners; and
- (9) Discourage development in a floodplain if there is any practicable alternative to locate the activity, use or structure outside of the floodplain.

1.4 TITLE

This ordinance shall be known as the Oneida County Floodplain Zoning Ordinance for Oneida County, Wisconsin.

1.5 GENERAL PROVISIONS

(1) AREAS TO BE REGULATED

This ordinance regulates all areas that would be covered by the regional flood or base flood-as shown on the Flood Insurance Rate Map (FIRM) or other maps approved by DNR.

Base flood elevations are derived from the flood profiles in the Flood Insurance Study-(FIS) and are shown as AE, A1-30, and AH Zones on the FIRM. Other regulatory zones are displayed as A and AO zones. Regional Flood Elevations (RFE) may be derived from other studies. If more than one map or revision is referenced, the most restrictive information shall apply.

(2) OFFICIAL MAPS & REVISIONS

The boundaries of all floodplain districts are designated as A, AE, AH, AO or A1-30 on the maps based on the Flood Insurance Study (FIS) listed below. Any change to the base flood elevations (BFE) or any changes to the boundaries of the floodplain or floodway in the FIS or on the Flood Insurance Rate Map (FIRM) must be reviewed and approved by the DNR and FEMA through the Letter of Map Change process (see s.8.0 *Amendments*) before it is effective. No changes to RFE's on non-FEMA maps shall be effective until approved by the DNR. These maps and revisions are on file in the office of the Planning & Zoning Department, Oneida County. If more than one map or revision is referenced, the most restrictive information shall apply.

(a.) OFFICIAL MAPS: Based on the FIS

1. Flood Insurance Rate Map (FIRM), panel numbers:

55085C0020C, 55085C0040C, 55085C0045C
55085C0065C, 55085C0070C, 55085C0090C
55085C0095C, 55085C0120C, 55085C0140C
55085C0145C, 55085C0165C, 55085C0195C
55085C0215C, 55085C0220C, 55085C0235C
55085C0245C, 55085C0255C, 55085C0260C
55085C0265C, 55085C0270C, 55085C0280C
55085C0285C, 55085C0290C, 55085C0295C
55085C0305C, 55085C0310C, 55085C0315C
55085C0320C, 55085C0330C, 55085C0333C
55085C0335C, 55085C0339C, 55085C0340C
55085C0341C, 55085C0343C, 55085C0345C
55085C0355C, 55085C0360C, 55085C0365C
55085C0370C, 55085C0380C, 55085C0385C
55085C0390C, 55085C0395C, 55085C0405C
55085C0410C, 55085C0415C, 55085C0420C
55085C0430C, 55085C0435C, 55085C0440C
55085C0445C, 55085C0460C, 55085C0470C
55085C0480C, 55085C0485C, 55085C0490C
55085C0495C, 55085C0505C, 55085C0510C
55085C0515C, 55085C0520C, 55085C0530C
55085C0535C, 55085C0540C, 55085C0545C
55085C0556C, 55085C0557C, 55085C0558C
55085C0559C, 55085C0565C, 55085C0570C
55085C0578C, 55085C0579C, 55085C0580C
55085C0585C, 55085C0587C, 55085C0589C
55085C0590C, 55085C0591C, 55085C0592C
55085C0593C, 55085C0594C, 55085C0605C
55085C0610C, 55085C0615C, 55085C0620C
55085C0630C, 55085C0635C, 55085C0640C
55085C0645C, 55085C0655C, 55085C0660C
55085C0665C, 55085C0670C, 55085C0685C
55085C0695C, 55085C0705C, 55085C0710C
55085C0715C, 55085C0720C, 55085C0730C
55085C0735C, 55085C0740C, 55085C0742C

55085C0745C, 55085C0753C, 55085C0754C
55085C0755C, 55085C0760C, 55085C0761C
55085C0762C, 55085C0770C, 55085C0780C
55085C0785C, 55085C0790C, 55085C0795C
55085C0802C, 55085C0805C, 55085C0807C
55085C0810C, 55085C0815C, 55085C0820C
55085C0830C, 55085C0835C, 55085C0840C
55085C0845C, 55085C0855C, 55085C0860C
55085C0865C, 55085C0870C, 55085C0880C
55085C0885C, 55085C0890C, 55085C0895C
55085C0930C, 55085C0935C, 55085C0955C
55085C0960C, 55085C0980C

prepared by Federal Emergency Management Agency; with corresponding profiles that are based on the Flood Insurance Study (FIS) dated May 16, 2013. Volume numbers (55085CV000A).

2. **100 year Dam Failure Study downstream of the Killarney Lake Dam in Sections 24, 25 and 36, T36N, R5E, located in the Town of Little Rice, dated March 1, 1991 (File #90357.01) prepared by Short, Elliot and Hendrickson. Approved by DNR & FEMA November 6, 1992.**
 3. **100 year Dam Failure Study downstream of Spruce Lake Dam located in the E ¼, of SE ¼, in Section 22, T38N, R7E, located in the Town of Cassian, dated August 9, 1995 prepared by Pete Wuzer of the Natural Resources Conservation Service. Approved by DNR March 28, 1996.**
 4. Floodplain Study Appendix: All DNR- and FEMA-approved floodplain maps, flood profiles, floodway data tables, regional or base flood elevations and other information located in the appendix of this ordinance. The community shall provide the most up to date appendix to the DNR and FEMA regional offices.
- (3) **ESTABLISHMENT OF FLOODPLAIN ZONING DISTRICTS**
The regional floodplain areas are divided into three districts as follows:
- (a) The Floodway District (FW) is the channel of a river or stream and those portions of the floodplain adjoining the channel required to carry the regional floodwaters; and are contained within AE Zones as shown on the FIRM.

- (b) The Floodfringe District (FF) is that portion of the floodplain between the regional flood limits and the floodway.
- (c) The General Floodplain District (GFP) is those areas that have been or may be covered by floodwater during the regional flood.

(4) LOCATING FLOODPLAIN BOUNDARIES

Discrepancies between boundaries on the official floodplain zoning map and actual field conditions shall be resolved using the criteria in subd (a) or (b) below. If a significant difference exists, the map shall be amended according to s. 8.0.

Amendments. The Zoning Director can rely on a boundary derived from a profile elevation to grant or deny a zoning permit, whether or not a map amendment is required. The Zoning Director shall be responsible for documenting actual pre-development field conditions and the basis upon which the district boundary was determined and for initiating any map amendments required under this section. Disputes between the Zoning Director and an applicant over the district boundary line shall be settled according to s. 7.3(3) and the criteria in (a) and (b) below. Where the flood profiles are based on established base flood elevations from a FIRM, FEMA must approve any map amendment or revision pursuant to S. 8.0 *Amendments.*

- (a) If flood profiles exist, the map scale and the profile elevations shall determine the district boundary. The regional or base flood elevations shall govern if there are any discrepancies.
- (b) Where flood profiles do not exist for projects, the location of the boundary shall be determined by the map scale.

(5) REMOVAL OF LANDS FROM FLOODPLAIN

Compliance with the provisions of this ordinance shall not be grounds for removing land from the floodplain unless it is filled at least two feet above the regional or base flood elevation, the fill is contiguous to land outside the floodplain, and the map is amended pursuant to s. 8.0-*Amendments.*

(6) COMPLIANCE

Any development or use within the areas regulated by this ordinance shall be in compliance with the terms of this ordinance, and other applicable local, state, and federal regulations.

(7) MUNICIPALITIES AND STATE AGENCIES REGULATED

Unless specifically exempted by law, all cities, villages, towns, and counties are required to comply with this ordinance and obtain all necessary permits. State agencies are required to comply if s. 13.48(13), Stats., applies. The construction, reconstruction, maintenance and repair of state highways and bridges by the Wisconsin Department of Transportation is exempt when s. 30.2022, Stats., applies.

- (8) **ABROGATION AND GREATER RESTRICTIONS**
- (a) This ordinance supersedes all the provisions of any municipal zoning ordinance enacted under ss. 59.69, 59.692 or 59.694 for counties; s. 62.23 for cities; s. 61.35 for villages; or s. 87.30, Stats., which relate to floodplains. A more restrictive ordinance shall continue in full force and effect to the extent of the greater restrictions, but not otherwise.
- (b) This ordinance is not intended to repeal, abrogate or impair any existing deed restrictions, covenants or easements. If this ordinance imposes greater restrictions, the provisions of this ordinance shall prevail.
- (9) **INTERPRETATION**
- In their interpretation and application, the provisions of this ordinance are the minimum requirements liberally construed in favor of the governing body and are not a limitation on or repeal of any other powers granted by the Wisconsin Statutes. If a provision of this ordinance, required by ch. NR 116, Wis. Adm. Code, is unclear, the provision shall be interpreted in light of the standards in effect on the date of the adoption of this ordinance or in effect on the date of the most recent text amendment to this ordinance.
- (10) **WARNING AND DISCLAIMER OF LIABILITY**
- The flood protection standards in this ordinance are based on engineering experience and research. Larger floods may occur or the flood height may be increased by man-made or natural causes. This ordinance does not imply or guarantee that non-floodplain areas or permitted floodplain uses will be free from flooding and flood damages. Nor does this ordinance create liability on the part of, or a cause of action against, the municipality or any officer or employee thereof for any flood damage that may result from reliance on this ordinance.
- (11) **SEVERABILITY**
- Should any portion of this ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected.
- (12) **ANNEXED AREAS FOR CITIES AND VILLAGES**
- The Oneida County floodplain zoning provisions in effect on the date of annexation shall remain in effect and shall be enforced by the municipality for all annexed areas until the municipality adopts and enforces an ordinance which meets the requirements of ch. 116, Wis. Adm. Code and 44 CFR 59-72, National Flood Insurance Program (NFIP). These annexed lands are described on the municipality's official zoning map. County floodplain zoning provisions are incorporated by reference for the purpose of administering this section and are on file in the office of the municipal Zoning Director. All plats or maps of annexation shall show the regional flood elevation and the floodway location.

2.0 GENERAL STANDARDS APPLICABLE TO ALL FLOODPLAIN DISTRICTS

The community shall review all permit applications to determine whether proposed building sites will be reasonably safe from flooding. If a proposed building site is in a flood-prone area, all new construction and substantial improvements shall be

designed and anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads; be constructed with flood-resistant materials; be constructed to minimize flood damages and to ensure that utility and mechanical equipment is designed and/or located so as to prevent water from entering or accumulating within the equipment during conditions of flooding.

Subdivisions shall be reviewed for compliance with the above standards. All subdivision proposals (including manufactured home parks) shall include regional flood elevation and floodway data for any development that meets the subdivision definition of this ordinance, and all other requirements in s.7.1 (2). Adequate drainage shall be provided to reduce exposure to flood hazards and all public utilities and facilities, such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damages.

2.1 HYDRAULIC AND HYDROLOGIC ANALYSES

(1) No floodplain development shall:

- (a) Obstruct flow, defined as development which blocks the conveyance of floodwaters by itself or with other development, causing any increase in the regional flood height; or
- (b) Cause any increase in the regional flood height due to floodplain storage area lost.

(2) The Zoning Director shall deny permits if it is determined the proposed development will

obstruct flow or cause any increase in the regional flood height, based on the officially adopted FIRM or other adopted map, unless the provisions of s.8.0 *Amendments* are met.

2.2 WATERCOURSE ALTERATIONS

No zoning permit to alter or relocate a watercourse in a mapped floodplain shall be issued until the local official has notified in writing all adjacent municipalities, the Department and FEMA regional offices and required the applicant to secure all necessary state and federal permits. The standards of s.2.1 must be met and the flood carrying capacity of any altered or relocated watercourse shall be maintained.

As soon as is practicable, but not later than six months after the date of the watercourse alteration or relocation, and pursuant to s. 8.0 *Amendments*, the community shall apply for a Letter of Map Revision (LOMR) from FEMA. Any such alterations must be reviewed and approved by FEMA and the DNR through the LOMC process.

2.3 CHAPTER 30, 31, WIS. STATS., DEVELOPMENT

Development which requires a permit from the Department, under chs. 30 and 31, Stats., such as docks, piers, wharves, bridges, culverts, dams and navigational aids, may be allowed if the necessary permits are obtained and amendments to the floodplain zoning ordinance are made according to s. 8.0 *Amendments*.

2.4 PUBLIC OR PRIVATE CAMPGROUNDS

Public or private campgrounds shall have a low flood damage potential and shall meet the following provisions:

- (1) The campground is approved by the Department of Health and Family Services;
- (2) A Conditional Use Permit and/or zoning permit for the campground is issued by the Zoning Director;
- (3) The character of the river system and the campground elevation are such that a 72-hour warning of an impending flood can be given to all campground occupants;
- (4) There is an adequate flood warning procedure for the campground that offers the minimum notice required under this section to all persons in the campground. This procedure shall include a written agreement between the campground owner, the municipal emergency government coordinator and the chief law enforcement official which specifies the flood elevation at which evacuation shall occur, personnel responsible for monitoring flood elevations, types of warning systems to be used and the procedures for notifying at-risk parties, and the methods and personnel responsible for conducting the evacuation;
- (5) This agreement shall be for no more than one calendar year, at which time the agreement shall be reviewed and updated - by the officials identified in sub. (4) - to remain in compliance with all applicable regulations, including those of the State Department of Health and Family Services and all other applicable regulations;
- (6) Only camping units that are fully licensed, if required, and ready for highway use are allowed;
- (7) The camping units shall not occupy any site in the campground for more than 180 consecutive days, at which time the camping unit must be removed from the floodplain for a minimum of 24 hours;
- (8) All camping units that remain on site for more than 30 days shall be issued a limited authorization by the campground operator, a written copy of which is kept on file at the campground. Such authorization shall allow placement of a camping unit for a period not to exceed 180 days and shall ensure compliance with all the provisions of this section;
- (9) The municipality shall monitor the limited authorizations issued by the campground operator to assure compliance with the terms of this section;
- (10) All camping units that remain in place for more than 180 consecutive days must meet the applicable requirements in either s. 3.0, s. 4.0 or 5.0 for the floodplain district in which the structure is located;
- (11) The campground shall have signs clearly posted at all entrances warning of the flood hazard and the procedures for evacuation when a flood warning is issued; and
- (12) All service facilities, including but not limited to refuse collection, electrical service, gas lines, propane tanks, sewage systems and wells shall be properly anchored and placed at or floodproofed to the flood protection elevation.

3.0 FLOODWAY DISTRICT (FW)

3.1 APPLICABILITY

This section applies to all floodway areas on the floodplain zoning maps and those identified pursuant to s. 5.4.

3.2 PERMITTED USES

The following open space uses are allowed in the Floodway District and the floodway areas of the General floodplain district, if

they are not prohibited by any other ordinance;
they meet the standards in s. 3.3 and 3.4; and
all permits or certificates have been issued according to s. 7.1:

- (1) Agricultural uses, such as: farming, outdoor plant nurseries, horticulture, viticulture and wild crop harvesting.
- (2) Nonstructural industrial and commercial uses, such as loading areas, parking areas and airport landing strips.
- (3) Nonstructural recreational uses, such as golf courses, tennis courts, archery ranges, picnic grounds, boat ramps, swimming areas, parks, wildlife and nature preserves, game farms, fish hatcheries, shooting, trap and skeet activities, hunting and fishing areas and hiking and horseback riding trails, subject to the fill limitations of s. 3.3(4).
- (4) Uses or structures accessory to open space uses, or classified as historic structures that comply with ss. 3.3 and 3.4.
- (5) Extraction of sand, gravel or other materials that comply with s. 3.3(4).
- (6) Functionally water-dependent uses, such as docks, piers or wharves, dams, flowage areas, culverts, navigational aids and river crossings of transmission lines, and pipelines that comply with chs. 30 and 31, Stats.
- (7) Public utilities, streets and bridges that comply with s. 3.3(3).

3.3 STANDARDS FOR DEVELOPMENTS IN THE FLOODWAY

(1) GENERAL

- (a) Any development in the floodway shall comply with s. 2.0 and have a low flood damage potential.
- (b) Applicants shall provide the following data to determine the effects of the proposal according to s. 2.1:
 1. A cross-section elevation view of the proposal, perpendicular to the watercourse, showing if the proposed development will obstruct flow;
or
 2. An analysis calculating the effects of this proposal on regional flood height.
- (c) The Zoning Director shall deny the permit application if the project will cause any increase in the flood elevations upstream or downstream, based on the data submitted for Subd. (b) above.

(2) STRUCTURES

Structures accessory to permanent open space uses or functionally dependent on a waterfront location may be allowed by permit if the structures comply with the following criteria:

- (a) Not designed for human habitation, does not have a high flood damage potential and is constructed to minimize flood damage;
 - (b) Shall have a minimum of two openings on different walls having a total net area not less than one square inch for every square foot of enclosed area, and the bottom of all such openings being no higher than one foot above grade. The openings shall be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.
 - © Must be anchored to resist flotation, collapse, and lateral movement;
 - (d) Mechanical and utility equipment must be elevated or flood proofed to or above the flood protection elevation; and
 - (e) It must not obstruct flow of flood waters or cause any increase in flood levels during the occurrence of the regional flood.
- (3) **PUBLIC UTILITIES, STREETS AND BRIDGES**
Public utilities, streets and bridges may be allowed by permit, if:
- (a) Adequate floodproofing measures are provided to the flood protection elevation; and
 - (b) Construction meets the development standards of s. 2.1.
- (4) **FILLS OR DEPOSITION OF MATERIALS**
Fills or deposition of materials may be allowed by permit, if:
- (a) The requirements of s. 2.1 are met;
 - (b) No material is deposited in navigable waters unless a permit is issued by the Department pursuant to ch. 30, Stats., and a permit pursuant to s. 404 of the Federal Water Pollution Control Act, Amendments of 1972, 33 U.S.C. 1344 has been issued, if applicable, and all other requirements have been met;
 - (c) The fill or other materials will be protected against erosion by riprap, vegetative cover, sheet piling or bulkheading; and
 - (d) The fill is not classified as a solid or hazardous material.

3.4 PROHIBITED USES

All uses not listed as permitted uses in s. 3.2 are prohibited, including the following uses:

- (1) Habitable structures, structures with high flood damage potential, or those not associated with permanent open-space uses;
- (2) Storing materials that are buoyant, flammable, explosive, injurious to property, water quality, or human, animal, plant, fish or other aquatic life;
- (3) Uses not in harmony with or detrimental to uses permitted in the adjoining districts;

- (4) Any private or public sewage systems, except portable latrines that are removed prior to flooding and systems associated with recreational areas and Department-approved campgrounds that meet the applicable provisions of local ordinances and ch. COMM 83, Wis. Adm. Code;
- (5) Any public or private wells which are used to obtain potable water, except those for recreational areas that meet the requirements of local ordinances and chs. NR 811 and NR 812, Wis. Adm. Code;
- (6) Any solid or hazardous waste disposal sites;
- (7) Any wastewater treatment ponds or facilities, except those permitted under s. NR 110.15(3)(b), Wis. Adm. Code; and
- (8) Any sanitary sewer or water supply lines, except those to service existing or proposed development located outside the floodway which complies with the regulations for the floodplain area occupied.

4.0 FLOODFRINGE DISTRICT (FF)

4.1 APPLICABILITY

This section applies to all floodfringe areas shown on the floodplain zoning maps and those identified pursuant to s. 5.4.

4.2 PERMITTED USES

Any structure, land use, or development is allowed in the Floodfringe District if the standards in s. 4.3 are met, the use is not prohibited by this or any other ordinance or regulation and all permits or certificates specified in s. 7.1 have been issued.

4.3 STANDARDS FOR DEVELOPMENT IN THE FLOODFRINGE

S. 2.1 shall apply in addition to the following requirements according to the use requested.

Any existing structure in the floodfringe must meet the requirements of s.6.0 *Nonconforming Uses*;

(1) **RESIDENTIAL USES**

Any structure, including a manufactured home, which is to be newly, constructed, or moved into the floodfringe, shall meet or exceed the following standards. Any existing structure in the floodfringe must meet the requirements of s. 6.0 *Nonconforming Uses*;

- (a) The elevation of the lowest floor, shall be at or above the flood protection elevation on fill- unless the requirements of s.4.3 (1)(b) can be met. The fill shall be one foot or more above the regional flood elevation extending at least 15 feet beyond the limits of the structure. The Department may authorize other floodproofing measures if the elevations of existing streets or sewer lines makes compliance with the fill standards impractical;
- (b) The basement or crawlway floor may be placed at the regional flood elevation if it is floodproofed to the flood protection elevation. No basement or crawlway floor is allowed below the regional flood elevation;

- (c) Contiguous dryland access shall be provided from a structure to land outside of the floodplain, except as provided in subd. (d).
 - (d) In developments where existing street or sewer line elevations make compliance with subd. (c) impractical, the municipality may permit new development and substantial improvements where roads are below the regional flood elevation, if:
 - 1. The municipality has written assurance from police, fire and emergency services that rescue and relief will be provided to the structure(s) by wheeled vehicles during a regional flood event; or
 - 2. The municipality has a DNR approved emergency evacuation plan.
- (2) ACCESSORY STRUCTURES OR USES
- (a) Accessory structures shall be constructed on fill with the-lowest floor at or above the regional flood elevation.
- (3) COMMERCIAL USES
- Any commercial structure which is erected, altered or moved into the floodfringe area shall meet the requirements of s. 4.3(1). Subject to the requirements of s. 4.3(5), storage yards, surface parking lots and other such uses may be placed at lower elevations if an adequate warning system exists to protect life and property.
- (3) MANUFACTURING AND INDUSTRIAL USES
- Any manufacturing or industrial structure which is erected, altered or moved into the floodfringe shall have the lowest floor elevated to or above the flood protection elevation or meet the floodproofing standards in s. 7.5. Subject to the requirements of s. 4.3(5), storage yards, surface parking lots and other such uses may be placed at lower elevations if an adequate warning system exists to protect life and property.
- (5) STORAGE OF MATERIALS
- Materials that are buoyant, flammable, explosive, or injurious to property, water quality or human, animal, plant, fish or aquatic life shall be stored at or above the flood protection elevation or floodproofed in compliance with s. 7.5. Adequate measures shall be taken to ensure that such materials will not enter the water body during flooding.
- (6) PUBLIC UTILITIES, STREETS AND BRIDGES
- All utilities, streets and bridges shall be designed to be compatible with comprehensive floodplain development plans; and
- (a) When failure of public utilities, streets and bridges would endanger public health or safety, or where such facilities are deemed essential, construction or repair of such facilities shall only be permitted if they are designed to comply with s. 7.5.
 - (b) Minor roads or non-essential utilities may be constructed at lower elevations if they are designed to withstand flood forces to the regional flood elevation.

- (7) **SEWAGE SYSTEMS**
All POWTS shall be designed to minimize or eliminate infiltration of flood water into they_system, floodproofed; pursuant to s. 7.5(3), to the flood protection elevation and meet the provisions of Chapter 13, The Oneida County Private Onsite Wastewater Treatment System Ordinance (POWTS) and DSPTS 383, Wis. Adm. Code.
- (8) **WELLS**
All wells shall be designed to minimize or eliminate infiltration of flood waters into the_system, pursuant to s. 7.5(3), to the flood protection elevation and shall meet the provisions of chs. NR 811 and NR 812, Wis. Adm. Code.
- (9) **SOLID WASTE DISPOSAL SITES**
Disposal of solid or hazardous waste is prohibited in floodfringe areas.
- (10) **DEPOSITION OF MATERIALS**
Any deposited material must meet all the provisions of this ordinance.
- (11) **MANUFACTURED HOMES**
- (a) Owners or operators of all manufactured home parks and subdivisions shall provide adequate surface drainage to minimize flood damage, and prepare, secure approval and file an evacuation plan, indicating vehicular access and escape routes, with local emergency management authorities.
 - (b) In existing manufactured home parks, all new homes, replacement homes on existing pads, and substantially improved homes shall:
 - 1. have the lowest floor elevated to the flood protection elevation; and
 - 2. be anchored so they do not float, collapse or move laterally during a flood
 - (c) Outside of existing manufactured home parks, including new manufactured home parks and all single units outside of existing parks, all new, replacement and substantially improved manufactured homes shall meet the residential development standards for the floodfringe in s. 4.3(1).
- (12) **MOBILE RECREATIONAL VEHICLES**
All mobile recreational vehicles that are on site for 180 consecutive days or more or are not fully licensed and ready for highway use shall meet the elevation and anchoring requirements in s. 4.3 (11)(b) and (c). A mobile recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick-disconnect utilities and security devices and has no permanently attached additions.

5.0 GENERAL FLOODPLAIN DISTRICT (GFP)

5.1 APPLICABILITY

The provisions for this district shall apply to all floodplains mapped as A, AO or AH zones.

5.2 PERMITTED USES

Pursuant to s. 5.4, it shall be determined whether the proposed use is located within the floodway or floodfringe.

Those uses permitted in the Floodway (s. 3.2) and Floodfringe Districts (s. 4.2) are allowed within the General Floodplain District, according to the standards of s. 5.3, provided that all permits or certificates required under s. 7.1 have been issued.

5.3 STANDARDS FOR DEVELOPMENT IN THE GENERAL FLOODPLAIN DISTRICT

S. 3.0 applies to floodway areas, s. 4.0 applies to floodfringe areas. The rest of this ordinance applies to either district.

- (1) In AO/AH Zones the structure's lowest floor must meet one of the conditions listed below whichever is higher.
 - (a) at or above the flood protection elevation; or
 - (b) two (2) feet above the highest adjacent grade around the structure; or
 - (c) the depth as shown on the FIRM
- (2) In AO/AH zones, provide plans showing adequate drainage paths to guide floodwaters around structures.

5.4 DETERMINING FLOODWAY AND FLOODFRINGE LIMITS

Upon receiving an application for development within the general floodplain district, the Zoning Director shall:

- (1) Require the applicant to submit two copies of an aerial photograph or a plan which shows the proposed development with respect to the general floodplain district limits, stream channel, and existing floodplain developments, along with a legal description of the property, fill limits and elevations, building floor elevations and flood proofing measures; and the flood zone as shown on the FIRM.
- (2) Require the applicant to furnish any of the following information deemed necessary by the Department to evaluate the effects of the proposal upon flood height and flood flows, regional flood elevation and to determine floodway boundaries:
 - (a) A Hydrologic and Hydraulic Study as specified in s. 7.1(2)(c).
 - (b) Plan (surface view) showing elevations or contours of the ground; pertinent structure, fill or storage elevations; size, location and layout of all proposed and existing structures on the site; location and elevations of streets, water supply, and sanitary facilities; soil types and other pertinent information;
 - (c) Specifications for building construction and materials, floodproofing, filling, dredging, channel improvement, storage, water supply and sanitary facilities.

6.0 LEGAL PRE-EXISTING USES/ STRUCTURES

6.1 GENERAL

(1) **APPLICABILITY**

If these standards conform with s. 59.69(10), Stats., for counties or s. 62.23(7)(h), Stats., for cities and villages, they shall apply to all modifications or additions to any legal pre-existing use or structure and to the use of any structure or premises which was lawful before the passage of this ordinance or any amendment thereto.

(2) The existing lawful use of a structure or its accessory use which is not in conformity with the provisions of this ordinance may continue subject to the following conditions:

- (a) No modifications or additions to a legal pre-existing use or structure shall be permitted unless they comply with this ordinance. The words "modification" and "addition" include, but are not limited to, any alteration, addition, modification, structural repair, rebuilding or replacement of any such existing use, structure or accessory structure or use. Maintenance is not considered, a modification this includes painting, decorating, paneling and other nonstructural components and the maintenance, repair or replacement of existing private sewage or water supply systems or connections to public utilities. Any costs associated with the repair of a damaged structure are not considered maintenance.

The construction of a deck that does not exceed 200 square feet and that is adjacent to the exterior wall of a principal structure is not an extension, modification or addition. The roof of the structure may extend over a portion of the deck in order to provide safe ingress and egress to the principal structure.

- (b) If a legal pre-existing or the use of a legal pre-existing structure is discontinued for 12 consecutive months, it is no longer permitted and any future use of the property, and any structure or building thereon, shall conform to the applicable requirements of this ordinance;
- (c) **The municipality shall keep a record which lists all legal pre-existing uses and legal pre-existing structures, their present equalized assessed value, the cost of all modifications or additions which have been permitted, and the percentage of the structure's total current value those modifications represent;**
- (d) No modification or addition to any legal pre-existing structure or any structure with a legal pre-existing use, which over the life of the structure would equal or exceed 50% of its present equalized assessed value, shall be allowed unless the entire structure is permanently changed to a conforming structure with a conforming use in compliance with the applicable requirements of this ordinance. Contiguous dry land access must be provided for residential and commercial uses in compliance with s. 4.3(1). The costs of elevating the lowest floor of a legal pre-existing building or a building

with a legal pre-existing use to the flood protection elevation are excluded from the 50% provisions of this paragraph;

- (e) No maintenance to any legal pre-existing structure or any structure with a legal pre-existing use, the cost of which would equal or exceed 50% of its present equalized assessed value, shall be allowed unless the entire structure is permanently changed to a conforming structure with a conforming use in compliance with the applicable requirements of this ordinance. Contiguous dry land access must be provided for residential and commercial uses in compliance with s.4.3(1).
- (f) If on a per event basis the total value of the work being done under (d) and (e) equals or exceeds 50% of the present equalized assessed value the work shall not be permitted unless the entire structure is permanently changed to a conforming structure with a conforming use in compliance with the applicable requirements of this ordinance. Contiguous dry land access must be provided for residential and commercial uses in compliance with s.4.3(1).
- (g) Except as provided in subd. (h), if any legal pre-existing structure or any structure with a legal pre-existing use is destroyed or is substantially damaged, it cannot be replaced, reconstructed or rebuilt unless the use and the structure meet the current ordinance requirements. A structure is considered substantially damaged if the total cost to restore the structure to its pre-damaged condition equals or exceeds 50% of the structure's present equalized assessed value.
- (h) For legal pre-existing buildings that are substantially damaged or destroyed by a nonflood disaster, the repair or reconstruction of any such legal pre-existing building shall be permitted in order to restore it to the size and use in effect prior to the damage event, provided that the minimum federal code requirements below are met and all required permits have been granted prior to the start of construction.

1. Residential Structures

- a. Shall have the lowest floor, including basement, elevated to or above the base flood elevation using fill, pilings, columns, posts or perimeter walls. Perimeter walls must meet the requirements of s.7.5(2).
- b. Shall be anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy and shall be constructed with methods and materials resistant to flood damage.
- c. Shall be constructed with electrical, heating, ventilation, plumbing and

air conditioning equipment and other service facilities that are designed and/or elevated so as to prevent water from entering or accumulating within the components during conditions of flooding.

- d. In A Zones, obtain, review and utilize any flood data available from a federal, state or other source.
- e. In AO Zones with no elevations specified, shall have the lowest floor, including basement, meet the standards in s.5.3(1).
- f. In AO Zones, shall have adequate drainage paths around structures on slopes to guide floodwaters around and away from the structure.

2. Nonresidential Structures

a. Shall meet the requirements of s.6.1 (2) (h) 1a-b and e-g.

b. Shall either have the lowest floor, including basement, elevated to or

above the

regional flood elevation; or, together with attendant utility and sanitary facilities, shall meet the standards in s.7.5(1) or (2).

c. In AO Zones with no elevations specified, shall have the lowest floor, including basement, meet the standards in s.5.3(1).

- (3) A legal pre-existing historic structure may be altered if the alteration will not preclude the structures continued designation as a historic structure, the alteration will comply with s. 3.3(1), flood resistant materials are used, and construction practices and floodproofing methods that comply with s. 7.5 are used. Repair or rehabilitation of historic structures shall be exempt from the development standards of s.6.1(2)(h)1 if it is determined that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and is the minimum necessary to preserve the historic character and design of the structure.

6.2 FLOODWAY DISTRICT

- (1) No modification or addition shall be allowed to any legal pre-existing structure or any structure with a legal pre-existing use in, the Floodway District, unless such modification or addition:
 - (a) Has been granted a permit or variance which meets all ordinance requirements;
 - (b) Meets the requirements of s. 6.1;
 - (c) Shall not increase the obstruction to flood flows or regional flood height;
 - (d) Any addition to the existing structure shall be floodproofed, pursuant to s. 7.5, by means other than the use of fill, to the flood protection elevation; and
 - (e) If any part of the foundation below the flood protection elevation is enclosed, the following standards shall apply:

1. The enclosed area shall be designed by a registered architect or engineer to allow for the efficient entry and exit of flood waters without human intervention. A minimum of two openings must be provided with a minimum net area of at least one square inch for every one square foot of the enclosed area. The lowest part of the opening can be no more than 12 inches above the adjacent grade;
 2. The parts of the foundation located below the flood protection elevation must be constructed of flood resistant materials;
 3. Mechanical and utility equipment must be elevated or floodproofed to or above the flood protection elevation; and
 4. The use must be limited to parking, building access or limited storage.
- (2) No new POWTS, or addition to an existing POWTS, except where an addition has been ordered by a government agency to correct a hazard to public health, shall be allowed in the Floodway District. Any replacement, repair or maintenance of an existing POWTS in a floodway area shall meet the applicable requirements of Chapter 13, The Oneida County Private Onsite Wastewater Treatment System Ordinance (POWTS) and DSPS 383, Wis. Adm. Code.
- (3) No new well or modification to an existing well used to obtain potable water shall be allowed in the Floodway District. Any replacement, repair or maintenance of an existing well in the Floodway District shall meet the applicable requirements of all municipal ordinances and chs. NR 811 and NR 812, Wis. Adm. Code.

6.3 FLOODFRINGE DISTRICTS

- (1) No modification or addition shall be allowed to any legal pre-existing structure or any structure with a legal pre-existing use unless such modification or addition has been granted a permit or variance by the municipality, and meets the requirements of s. 4.3, except where s. 6.3(2) is applicable.
- (2) Where compliance with the provisions of subd. (1) would result in unnecessary hardship and only where the structure will not be used for human habitation or be associated with a high flood damage potential, the Board of Adjustment/Appeals, using the procedures established in s. 7.3, may grant a variance from those provisions of subd.(1) for modifications or additions, using the criteria listed below. Modifications or additions which are protected to elevations lower than the flood protection elevation may be permitted if:
 - (a) No floor is allowed below the regional flood elevation for residential or commercial structures;
 - (b) Human lives are not endangered;
 - (c) Public facilities, such as water or sewer, shall not be installed;
 - (d) Flood depths shall not exceed two feet;
 - (e) Flood velocities shall not exceed two feet per second; and

- (f) The structure shall not be used for storage of materials as described in s. 4.3(6).
- (3) All new POWTS, or addition to, replacement, repair or maintenance of a POWTS shall meet all the applicable provisions of Chapter 13, the Oneida County Private Onsite Wastewater Treatment System Ordinance (POWTS) and DSPS 383, Wis. Adm. Code.
- (4) All new wells, or addition to, replacement, repair or maintenance of a well shall meet the applicable provisions of this ordinance and ch. NR 811 and NR 812, Wis. Adm. Code.

7.0 ADMINISTRATION

Where the Zoning Director, Oneida County Planning & Zoning Committee or a Board of Adjustment/appeals has already been appointed to administer a zoning ordinance adopted under ss. 59.69, 59.692 or 62.23(7), Stats., these officials shall also administer this ordinance.

7.1 ZONING DIRECTOR

(1) DUTIES AND POWERS

The Zoning Director is authorized to administer this ordinance and shall have the following duties and powers:

- (a) Advise applicants of the ordinance provisions, assist in preparing permit applications and appeals, and assure that the regional flood elevation for the proposed development is shown on all permit applications.
- (b) Issue permits and inspect properties for compliance with provisions of this ordinance, and issue certificates of compliance where appropriate.
- (c) Inspect and assess all damaged floodplain structures to determine if substantial damage to the structures has occurred.
- (d) Keep records of all official actions such as:
 1. All permits issued, inspections made, and work approved;
 2. Documentation of certified lowest floor and regional flood elevations;
 3. Floodproofing certificates.
 4. Water surface profiles, floodplain zoning maps and ordinances, legal pre-existing uses and structures including changes, appeals, variances and amendments.
 5. All substantial damage assessment reports for floodplain structures.
 6. List of legal pre-existing structures and uses.
- (e) Submit copies of the following items to the Department Regional office:

1. Within 10 days of the decision, a copy of any decisions on variances, appeals for map or text interpretations, and map or text amendments;
 2. Copies of any case-by-case analyses, and other required information, including an annual summary of floodplain zoning actions taken.
 3. Copies of substantial damage assessments performed and all related correspondence concerning the assessments.
- (f) Investigate, prepare reports, and report violations of this ordinance to the Oneida County Planning and Zoning Committee and Oneida County Corporation Counsel for prosecution. Copies of the reports shall also be sent to the Department regional office.
- (g) Submit copies of amendments and biennial reports to the FEMA Regional office.

(2) ZONING PERMIT

A zoning permit shall be obtained before any new development repair, modification or addition to any existing structure; or change in the use of a building or structure, including sewer and water facilities, may be initiated. Application to the Zoning Director shall include:

(a) GENERAL INFORMATION

1. Name and address of the applicant, property owner and contractor;
2. Legal description, proposed use, and whether it is new construction or a modification;

(b) SITE DEVELOPMENT PLAN

A site plan drawn to scale shall be submitted with the permit application form and shall contain:

1. Location, dimensions, area and elevation of the lot;
2. Location of the ordinary highwater mark of any abutting navigable waterways;
3. Location of any structures with distances measured from the lot lines and street center lines;
4. Location of any existing or proposed POWTS or private water supply systems;
5. Location and elevation of existing or future access roads;
6. Location of floodplain and floodway limits as determined from the official floodplain zoning maps;

7. The elevation of the lowest floor of proposed buildings and any fill using the vertical datum from the adopted study – either National Geodetic Vertical Datum (NGVD) or North American Vertical Datum (NAVD);
8. Data sufficient to determine the regional flood elevation in NGVD or NAVD at the location of the development and to determine whether or not the requirements of s. 3.0 or 4.0 are met; and
9. Data to determine if the proposed development will cause an obstruction to flow or an increase in regional flood height or discharge according to s. 2.1. This may include any of the information noted in s. 3.3(1).

(c) HYDRAULIC AND HYDROLOGIC STUDIES TO ANALYZE DEVELOPMENT

All hydraulic and hydrologic studies shall be completed under the direct supervision of a professional engineer registered in the State. The study contractor shall be responsible for the technical adequacy of the study. All studies shall be reviewed and approved by the Department.

1. Zone A floodplains:

a. Hydrology

- i. The appropriate method shall be based on the standards in ch. NR 116.07(3),

Wis. Admin. Code, Hydrologic Analysis: Determination of Regional Flood Discharge

b. Hydraulic modeling

The regional flood elevation shall be based on the standards in ch. NR 116.07(4), *Wis. Admin. Code, Hydraulic Analysis:*

Determination of Regional Flood Elevation and the following:

- i. determination of the required limits of the hydraulic model shall be based on detailed study information for downstream structures (dam, bridge, culvert) to determine adequate starting WSEL for the study.
- ii. Channel sections must be surveyed.
- iii. minimum four foot contour data in the overbanks shall be used for the development of cross section overbank and floodplain mapping.
- iv. a maximum distance of 500 feet between cross sections is allowed in developed areas with additional intermediate cross sections required at transitions in channel bottom slope including a survey of the channel at each location.
- v. the most current version of HEC RAS shall be used.
- vi. a survey of bridge and culvert openings and the top of road is required at each structure.
- vii. standard accepted engineering practices shall be used when assigning parameters for the base model such as flow. Manning's N values, expansion and contraction coefficients or effective flow limits. The base model shall be calibrated to past flooding data such as high water marks to determine the reasonableness of the model results. If no historical data is available, adequate justification shall be provided for any parameters outside standard accepted engineering practices.

- ix. the model must extend past the upstream limit of the difference in the existing and proposed flood profiles in order to provide a tie-in to existing studies. The height difference between the proposed flood profile and the existing study profiles shall be no more than 0.00 feet.
- (d) **MAPPING**
- A work map of the reach studied shall be provided, showing all cross section locations, floodway/floodplain limits based on best available topographic data, geographic limits of the proposed development and whether the proposed development is located in the floodway.
- i. If the proposed development is located outside of the floodway, then it is determined to have no impact on the regional flood elevation.
 - ii. If any part of the proposed development is in the floodway, it must be added to the base model to show the difference between existing and proposed conditions. The study must ensure that all coefficients remain the same as in the existing model, unless adequate justification based on standard accepted engineering practices is provided.
 - iii. Existing (Pre-Project Conditions) Model
The Existing Model shall be required to support conclusions about the actual impacts of the project associated with the Revised (Post-Project) Model or to establish more up-to-date models on which to base the Revised (Post-Project) Model.
 - iv. Revised (Post-Project Conditions) Model.
The Revised (Post-Project Conditions) Model shall incorporate the Existing Model and any proposed
 - v. All changes to the Duplicate Effective Model and subsequent models must be supported by certified topographic information, bridge plans, construction plans and survey notes.
 - vi. Changes to the hydraulic models shall be limited to the stream reach for which the revision is being requested. Cross sections upstream and downstream of the revised reach shall be identical to those in the effective model and result in water surface elevations and topwidths computed by the revised models matching those in the effective models upstream and downstream of the revised reach as required.
The Effective Model shall not be truncated.

- (e) **EXPIRATION**
All permits issued under the authority of this ordinance shall expire two (2) years after issuance. The permit may be extended for a maximum of 180 days for good and sufficient cause.

(3) **CERTIFICATE OF COMPLIANCE**

No land shall be occupied or used, and no building which is hereafter constructed, altered, added to, modified, repaired, rebuilt or replaced shall be occupied until a certificate of compliance is issued by the Zoning Director, except where no permit is required, subject to the following provisions:

- (a) The certificate of compliance shall show that the building or premises or part thereof, and the proposed use, conform to the provisions of this ordinance;
- (b) Application for such certificate shall be concurrent with the application for a permit;
- (c) If all ordinance provisions are met, the certificate of compliance shall be issued within 10 days after written notification that the permitted work is completed;
- (d) The applicant shall submit a certification signed by a registered professional engineer, architect or land surveyor that the fill, lowest floor and floodproofing elevations are in compliance with the permit issued. Floodproofing measures also require certification by a registered professional engineer or architect that the requirements of s. 7.5 are met.

(4) **OTHER PERMITS**

Prior to obtaining a floodplain development permit the applicant must secure all necessary permits from federal, state, and local agencies, including but not limited to those required by the U.S. Army Corps of Engineers under s. 404 of the Federal Water Pollution Control Act, Amendments of 1972, 33 U.S.C. 1344.

7.2 ONEIDA COUNTY PLANNING & ZONING COMMITTEE (COMMITTEE)

- (1) The Oneida County Planning & Zoning Committee shall:
 - (a) oversee the functions of the office of the Zoning Director; and
 - (b) review and advise the Oneida County Board of Supervisors on all proposed amendments to this ordinance, maps and text.
- (2) This Committee shall not:
 - (a) grant variances to the terms of the ordinance in place of action by the Board of Adjustment/Appeals; or
 - (b) amend the text or zoning maps in place of official action by the Oneida County Board of Supervisors.

7.3 BOARD OF ADJUSTMENT

The Board of Adjustment, created under s. 59.694, Stats., for counties or s. 62.23(7)(e), Stats., for cities or villages, is hereby authorized or shall be appointed to act for the purposes of this ordinance. The Board shall exercise the powers conferred by Wisconsin Statutes and adopt rules for the conduct of business. The Zoning Director shall not be the secretary of the Board.

(1) POWERS AND DUTIES

The Board of Adjustment shall:

- (a) Appeals - Hear and decide appeals where it is alleged there is an error in any order, requirement, decision or determination made by an administrative official in the enforcement or administration of this ordinance.
- (b) Boundary Disputes - Hear and decide disputes concerning the district boundaries shown on the official floodplain zoning map;and;
- (c) Variances - Hear and decide, upon appeal, variances from the ordinance standards.

(2) APPEALS TO THE BOARD

- (a) Appeals to the board may be taken by any person aggrieved, or by any officer or department of the municipality affected by any decision of the Zoning Director or other administrative officer. Such appeal shall be taken within 30 days unless otherwise provided by the rules of the board, by filing with the official whose decision is in question, and with the board, a notice of appeal specifying the reasons for the appeal. The official whose decision is in question shall transmit to the board all records regarding the matter appealed.

(b) NOTICE AND HEARING FOR APPEALS INCLUDING VARIANCES

- 1. Notice - The board shall:
 - a. Fix a reasonable time for the hearing;
 - b. Publish adequate notice pursuant to Wisconsin Statutes, specifying the date, time, place and subject of the hearing;
 - c. Assure that notice shall be mailed to the parties in interest and the Department Regional office at least 10 days in advance of the hearing.
- 2. Hearing - Any party may appear in person or by agent. The board shall:
 - a. Resolve boundary disputes according to s. 7.3(3).
 - b. Decide variance applications according to s. 7.3(4).
 - c. Decide appeals of permit denials according to s. 7.4.

(c) **DECISION:** The final decision regarding the appeal or variance application shall:

1. Be made within a reasonable time;
2. Be sent to the Department regional office within 10 days of the decision;
3. Be a written determination signed by the chairman or secretary of the Board;
4. State the specific facts which are the basis for the Board's decision;
5. Either affirm, reverse, vary or modify the order, requirement, decision or determination appealed, in whole or in part, dismiss the appeal for lack of jurisdiction or grant or deny the variance application; and
6. Include the reasons for granting an appeal, describing the hardship demonstrated by the applicant in the case of a variance, clearly stated in the recorded minutes of the Board proceedings.

(3) **BOUNDARY DISPUTES**

The following procedure shall be used by the Board in hearing disputes concerning floodplain district boundaries:

- (a) If a floodplain district boundary is established by approximate or detailed floodplain studies, the flood elevations or profiles shall prevail in locating the boundary. If none exist, other evidence may be examined.
- (b) The person contesting the boundary location shall be given a reasonable opportunity to present arguments and technical evidence to the Board and;
- (c) If the boundary is incorrectly mapped, the Board should inform the Oneida County Planning and Zoning Committee or the person contesting the boundary location to petition the Oneida County Board of Supervisors for a map amendment according to s. 8.0 *Amendments*.

(4) **VARIANCE**

- (a) The Board may, upon appeal, grant a variance from the standards of this ordinance if an applicant convincingly demonstrates that:
 1. Literal enforcement of the ordinance provisions will cause unnecessary hardship;
 2. The hardship is due to adoption of the floodplain ordinance and unique property conditions, not common to adjacent lots or premises. In such case the ordinance or map must be amended;
 3. The variance is not contrary to the public interest; and

4. The variance is consistent with the purpose of this ordinance in s. 1.3.
- (b) In addition to the criteria in subd.(a), to qualify for a variance under FEMA regulations, the following criteria must be met:
1. The variance shall not cause any increase in the regional flood elevation;
 2. Variances can only be granted for lots that are less than one-half acre and are contiguous to existing structures constructed below the RFE; and
 3. Variances shall only be granted upon a showing of good and sufficient cause, shall be the minimum relief necessary, shall not cause increased risks to public safety or nuisances, shall not increase costs for rescue and relief efforts and shall not be contrary to the purpose of the ordinance.
- (c) A variance shall not:
1. Grant, extend or increase any use prohibited in the zoning district.
 2. Be granted for a hardship based solely on an economic gain or loss.
 3. Be granted for a hardship which is self-created.
 4. Damage the rights or property values of other persons in the area.
 5. Allow actions without the amendments to this ordinance or map(s) required in s. 8.0 Amendments; and
 6. Allow any alteration of an historic structure, including its use, which would preclude its continued designation as an historic structure.
- (d) When a floodplain variance is granted the Board shall notify the applicant in writing that it may increase risks to life and property and flood insurance premiums could increase up to \$25.00 per \$100.00 of coverage. A copy shall be maintained with the variance record.

7.4 TO REVIEW APPEALS OF PERMIT DENIALS

- (1) The Board shall review all data related to the appeal. This may include:
 - (a) Permit application data listed in s. 7.1(2).
 - (b) Floodway/floodfringe determination data in s. 5.4.
 - (c) Data listed in s. 3.3(1)(b) where the applicant has not submitted this information to the Zoning Director; and
 - (d) Other data submitted with the application, or submitted to the Board with the appeal.

- (2) For appeals of all denied permits the Board shall:
 - (a) Follow the procedures of s. 7.3;
 - (b) Consider recommendations of the Planning and Zoning Director and the Planning and Zoning Committee; and
 - (c) Either uphold the denial or grant the appeal.
- (3) For appeals concerning increases in regional flood elevation the Board shall:
 - (a) Uphold the denial where the Board agrees with the data showing an increase in flood elevation. Increases may only be allowed after amending the flood profile and map and all appropriate legal arrangements are made with all adversely affected property owners as per the requirements of s.8.0 Amendments; and
 - (b) Grant the appeal where the Board agrees that the data properly demonstrates that the project does not cause an increase provided no other reasons for denial exist.

7.5 FLOODPROOFING

- (1) No permit or variance shall be issued for a non-residential structure designed to be watertight below the regional flood elevation until the applicant submits a plan certified by a registered professional engineer or architect that the floodproofing measures will protect the structure or development to the flood protection elevation and submits a FEMA_Floodproofing Certificate.
- (2) For a structure designed to allow the entry of floodwaters, no permit or variance shall be issued until the applicant submits a plan either:
 - a. certified by a registered professional engineer or architect; or
 - b. meets or exceeds the following standards:
 1. a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;
 2. the bottom of all openings shall be no higher than one foot above grade; and
 3. openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.
- (3) Floodproofing measures shall be designed as appropriate to:
 - (a) Withstand flood pressures, depths, velocities, uplift and impact forces and other regional flood factors;
 - (b) Protect structures to the flood protection elevation;
 - (c) Anchor structures to foundations to resist flotation and lateral movement; and

- (d) Minimize or eliminate infiltration of flood waters.
- (e) Minimize or eliminate discharges into flood waters.

7.6 PUBLIC INFORMATION

- (1) Place marks on structures to show the depth of inundation during the regional flood.
- (2) All maps, engineering data and regulations shall be available and widely distributed.
- (3) Real estate transfers should show what floodplain district any real property is in.

8.0 AMENDMENTS

Obstructions or increases may only be permitted if amendments are made to this ordinance, the official floodplain zoning maps, floodway lines and water surface profiles, in accordance with s. 8.1.

In AE Zones with a mapped floodway, no obstructions or increases shall be permitted unless the applicant receives a Conditional Letter of Map Revision from FEMA and amendments are made to this ordinance, the official floodplain zoning maps, floodway lines and water surface profiles, in accordance with s.8.1. Any such alterations must be reviewed and approved by FEMA and the DNR.

In A Zones increases equal to or greater than 1.0 foot may only be permitted if the applicant receives a Conditional Letter of map Revision from FEMA and amendments are made to this ordinance, the official floodplain maps, floodway lines, and water surface profiles in accordance with s.8.1.

8.1 GENERAL

The Oneida County Board of Supervisors may change or supplement the floodplain zoning district boundaries and this ordinance in the manner outlined in s. 8.2 below. Actions which require an amendment to the ordinance and/ or submittal of a Letter of Map Change (LOMC) include, but are not limited to, the following:

- (1) Any fill or floodway encroachment that obstructs flow causing any increase in the regional flood height;
- (2) Any change to the floodplain boundaries an/or watercourse alterations on the FIRM;
- (3) Any changes to any other officially adopted floodplain maps listed in 1.5 (2)(b);
- (4) Any flooplain fill which raises the elevation of the filled area to a height at or above the flood protection elevation and is contiguous to land lying outside the floodplain;
- (5) Correction of discrepancies between the water surface profiles and floodplain maps;
- (6) Any upgrade to a floodplain zoning ordinance text required by s. NR 116.05, Wis. Adm. Code, or otherwise required by law, or for changes by the municipality; and
- (7) All channel relocations and changes to the maps to alter floodway lines or to remove an area from the floodway or the floodfringe that is based on a base flood elevation from a FIRM requires prior approval by FEMA.

8.2 PROCEDURES

Ordinance amendments may be made upon petition of any party according to the provisions of s. 62.23, Stats., for cities and villages, or 59.69, Stats., for counties. The petitions shall include all data required by ss. 5.4 and 7.1(2). The Land Use Permit shall not be issued until a Letter of Map Revision is issued by FEMA for the proposed changes.

- (1) The proposed amendment shall be referred to the Planning & Zoning Committee for a public hearing and recommendation to the Oneida County Board of Supervisors. The amendment and notice of public hearing shall be submitted to the Department regional office for review prior to the hearing. The amendment procedure shall comply with the provisions of s. 62.23, Stats., for cities and villages or s. 59.69, Stats., for counties.
- (2) No amendments shall become effective until reviewed and approved by the Department.
- (3) All persons petitioning for a map amendment that obstructs flow, causing any increase in the regional flood height 0.01 foot or more, shall obtain flooding easements or other appropriate legal arrangements from all adversely affected property owners and notify local units of government before the amendment can be approved by the governing body.

9.0 ENFORCEMENT AND PENALTIES

Any violation of the provisions of this ordinance by any person shall be unlawful and shall be referred to the Oneida County Corporation Counsel who shall expeditiously prosecute all such violators. A violator shall, upon conviction, forfeit to the municipality a penalty of not less than ~~\$25.00~~ \$50.00 and not more than ~~\$250.00~~ \$50.00, together with a taxable cost of such action. Each day of continued violation shall constitute a separate offense. Every violation of this ordinance is a public nuisance and the creation may be enjoined and the maintenance may be abated by action at suit of the municipality, the state, or any citizen thereof pursuant to s. 87.30, Stats.

10.0 DEFINITIONS

Unless specifically defined, words and phrases in this ordinance shall have their common law meaning and shall be applied in accordance with their common usage. Words used in the present tense include the future, the singular number includes the plural and the plural number includes the singular. The word "may" is permissive, "shall" is mandatory and is not discretionary.

- 1) A ZONES - Those areas shown on the Official Floodplain Zoning Map which would be inundated by the regional flood. These areas may be numbered or unnumbered A Zones. The A Zones may or may not be reflective of flood profiles, depending on the availability of data for a given area.
- 2) AH ZONE – See “AREA OF SHALLOW FLOODING”.
- 3) AO ZONE – See “AREA OF SHALLOW FLOODING”.

- 4) ACCESSORY STRUCTURE OR USE - A facility, structure, building or use which is accessory or incidental to the principal use of a property, structure or building.
- 5) ALTERATION – An enhancement, upgrading or substantial change or modifications other than an addition or repair to a dwelling or to electrical, plumbing, heating, ventilating, air conditioning and other systems within a structure.
- 6) AREA OF SHALLOW FLOODING – A designated AO, AH, AR/AO, AR/AH, or VO zone on a community’s Flood Insurance Rate Map (FIRM) with a 1 percent or greater annual chance of flooding to an average depth of 1 to 3 feet where a clearly defined channel does not exist, where the path of flooding is unpredictable, and where velocity flood may be evident. Such flooding is characterized by ponding or sheet flow.
- 7) BASE FLOOD - Means the flood having a one percent chance of being equaled or exceeded in any given year, as published by FEMA as part of a FIS and depicted on a FIRM.
- 8) BASEMENT - Any enclosed area of a building having its floor sub-grade, i.e., below ground level, on all sides.
- 9) BUILDING - See STRUCTURE.
- 10) BULKHEAD LINE - A geographic line along a reach of navigable water that has been adopted by a municipal ordinance and approved by the Department pursuant to s. 30.11, Stats., and which allows limited filling between this bulkhead line and the original ordinary highwater mark, except where such filling is prohibited by the floodway provisions of this ordinance.
- 11) CAMPGROUND - Any parcel of land which is designed, maintained, intended or used for the purpose of providing sites for nonpermanent overnight use by 4 or more camping units, or which is advertised or represented as a camping area.
- 12) CAMPING UNIT - Any portable device, no more than 400 square feet in area, used as a temporary shelter, including but not limited to a camping trailer, motor home, bus, van, pick-up truck, or tent -That is fully licensed, if required, and ready for highway use.
- 13) CERTIFICATE OF COMPLIANCE - A certification that the construction and the use of land or a building, the elevation of fill or the lowest floor of a structure is in compliance with all of the provisions of this ordinance.
- 14) CHANNEL – A natural or artificial watercourse with definite bed and banks to confine and conduct normal flow of water.
- 15) CRAWLWAYS OR CRAWL SPACE - An enclosed area below the first usable floor of a building,

generally less than five feet in height, used for access to plumbing and electrical utilities.

- 16) DECK – An unenclosed exterior structure that has no roof or sides, but has a permeable floor which allows the infiltration of precipitation.
- 17) DEPARTMENT- The Wisconsin Department of Natural Resources.
- 18) DEVELOPMENT - Any artificial change to improved or unimproved real estate, including, but not limited to, the construction of buildings, structures or accessory structures; the construction of additions or alterations to buildings, structures or accessory structures; the repair of any damaged structure or the improvement or renovation of any structure, regardless of percentage of damage or improvement; the placement of buildings or structures; subdivision layout and site preparation; mining, dredging, filling, grading, paving, excavation or drilling operations; the storage, deposition or extraction of materials or equipment; and the installation, repair or removal of public or private sewage disposal systems or water supply facilities.
- 19) DRYLAND ACCESS - A vehicular access route which is above the regional flood elevation and which connects land located in the floodplain to land outside the floodplain, such as a road with its surface above regional flood elevation and wide enough for wheeled rescue and relief vehicles.
- 20) ENCROACHMENT - Any fill, structure, equipment, building, use or development in the floodway.
- 21) FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) - The federal agency that administers the National Flood Insurance Program.
- 22) FLOOD INSURANCE RATE MAP (FIRM) - A map of a community on which the Federal Insurance Administration has delineated both special flood hazard areas (the floodplain) and the risk premium zones applicable to the community. This map can only be amended by the Federal Emergency Management Agency.
- 23) FLOOD" or "FLOODING – A general and temporary condition of partial or complete inundation of normally dry land areas caused by one of the following conditions:
 - ✓ The overflow or rise of inland waters,
 - ✓ The rapid accumulation or runoff of surface waters from any source,

- ✓ The inundation caused by waves or currents of water exceeding anticipated cyclical levels along the shore of Lake Michigan or Lake Superior, or
 - ✓ The sudden increase caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as a seiche, or by some similarly unusual event.
- 24) FLOOD FREQUENCY - The probability of a flood occurrence which is determined from statistical analyses. The frequency of a particular flood event is usually expressed as occurring, on the average once in a specified number of years or as a percent (%) chance of occurring in any given year.
 - 25) FLOODFRINGE - That portion of the floodplain outside of the floodway which is covered by flood waters during the regional flood and associated with standing water rather than flowing water.
 - 26) FLOOD HAZARD BOUNDARY MAP - A map designating approximate flood hazard areas.
Flood hazard areas are designated as unnumbered A-Zones and do not contain floodway lines or regional flood elevations. This map forms the basis for both the regulatory and insurance aspects of the National Flood Insurance Program (NFIP) until superseded by a Flood Insurance Study and a Flood Insurance Rate Map.
 - 27) FLOOD INSURANCE STUDY - A technical engineering examination, evaluation, and determination of the local flood hazard areas. It provides maps designating those areas affected by the regional flood and provides both flood insurance rate zones and base flood elevations and may provide floodway lines. The flood hazard areas are designated as numbered and unnumbered A-Zones. Flood Insurance Rate Maps, that accompany the Flood Insurance Study, form the basis for both the regulatory and the insurance aspects of the National Flood Insurance Program.
 - 28) FLOODPLAIN - Land which has been or may be covered by flood water during the regional flood. It includes the floodway and the floodfringe, and may include other designated floodplain areas for regulatory purposes.
 - 29) FLOODPLAIN ISLAND - A natural geologic land formation within the floodplain that is surrounded, but not covered, by floodwater during the regional flood.
 - 30) FLOODPLAIN MANAGEMENT - Policy and procedures to insure wise use of floodplains, including mapping and engineering, mitigation, education, and administration and enforcement of floodplain regulations.
 - 31) FLOOD PROFILE - A graph or a longitudinal profile line showing the relationship of the water surface elevation of a flood event to locations of land surface elevations along a stream or river.

- 32) FLOODPROOFING - Any combination of structural provisions, changes or adjustments to properties and structures, water and sanitary facilities and contents of buildings subject to flooding, for the purpose of reducing or eliminating flood damage.
- 33) FLOOD PROTECTION ELEVATION - An elevation of two feet of freeboard above the water surface profile elevation designated for the regional flood. (Also see: FREEBOARD.)
- 34) FLOOD STORAGE - Those floodplain areas where storage of floodwaters has been taken into account during analysis in reducing the regional flood discharge.
- 35) FLOODWAY - The channel of a river or stream and those portions of the floodplain adjoining the channel required to carry the regional flood discharge.
- 36) FREEBOARD - A safety factor expressed in terms of a specified number of feet above a calculated flood level. Freeboard compensates for any factors that cause flood heights greater than those calculated, including ice jams, debris accumulation, wave action, obstruction of bridge openings and floodways, the effects of watershed urbanization, loss of flood storage areas due to development and aggregation of the river or stream bed.
- 37) HABITABLE STRUCTURE - Any structure or portion thereof used or designed for human habitation.
- 38) HEARING NOTICE - Publication or posting meeting the requirements of Ch. 985, Stats. For appeals, a Class 1 notice, published once at least one week (7 days) before the hearing, is required. For all zoning ordinances and amendments, a Class 2 notice, published twice, once each week consecutively, the last at least a week (7 days) before the hearing. Local ordinances or bylaws may require additional notice, exceeding these minimums.
- 39) HIGH FLOOD DAMAGE POTENTIAL - Damage that could result from flooding that includes any danger to life or health or any significant economic loss to a structure or building and its contents.
- 40) HIGHEST ADJACENT GRADE – The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.
- 41) HISTORIC STRUCTURE - Any structure that is either:
- ✓ Listed individually in the National Register of Historic Places or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National

Register,

- ✓ Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district,
- ✓ Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior, or
- ✓ Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either by an approved state program, as determined by the Secretary of the Interior; or by the Secretary of the Interior in states without approved programs.

42) INCREASE IN REGIONAL FLOOD HEIGHT - A calculated upward rise in the regional flood elevation, greater than 0.00 foot, based on a comparison of existing conditions and proposed conditions which is directly attributable to development in the floodplain but not attributable to manipulation of mathematical variables such as roughness factors, expansion and contraction coefficients and discharge.

43) LAND USE - Any nonstructural use made of unimproved or improved real estate. (Also see DEVELOPMENT.)

44) LOWEST ADJACENT GRADE – Elevation of the lowest ground surface that touches any of the exterior walls of a building.

45) LOWEST FLOOR – The lowest floor of the lowest enclosed are (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of 44 CFR 60.3.

46) MAINTENANCE – The act or process of restoring to original soundness, including redecorating, refinishing, non-structural repairs, or the replacement of existing fixtures, systems or equipment with equivalent fixtures, systems or structures.

47) MANUFACTURED HOME - A structure transportable in one or more sections, which is built on a permanent chassis and is designed to be used with or without a permanent foundation when connected to required utilities. The term "manufactured home" includes a mobile home but does not include a "mobile recreational vehicle."

48) MOBILE / MANUFACTURED HOME PARK OR SUBDIVISION – A parcel (or contiguous parcels) of land, divided into two or more manufactured home lots for rent or sale.

- 49) MOBILE/MANUFACTURED HOME PARK, EXPANSION TO EXISTING – A parcel of land, divided into two or more manufactured home lots for rent or sale, on which the construction of facilities for servicing the lots is completed before the effective date of this ordinance. At a minimum, this would include the installation of utilities, construction of streets and either final site grading, or the pouring of concrete pads.
- 50) MOBILE/MANUFACTURED HOME PARK, EXPANSION TO EXISTING – The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed. This includes installation of utilities, construction of streets and either final site grading, or the pouring of concrete pads.
- 51) MOBILE RECREATIONAL VEHICLE - A vehicle which is built on a single chassis, 400 square feet or less when measured at the largest horizontal projection, designed to be self-propelled, carried or permanently towable by a licensed, light-duty vehicle, is licensed for highway use if registration is required and is designed primarily not for use as a permanent dwelling, but as temporary living quarters for recreational, camping, travel or seasonal use. Manufactured homes that are towed or carried onto a parcel of land, but do not remain capable of being towed or carried, including park model homes; do not fall within the definition of "mobile recreational vehicles."
- (52) MODEL, CORRECTED EFFECTIVE – A hydraulic engineering model that corrects any errors that occur in the Duplicate Effective Model, adds any additional cross sections to the Duplicate Effective Model, or incorporates more detailed topographic information than that used in the current effective model.
- 53) MODEL, DUPLICATE EFFECTIVE – A copy of the hydraulic analysis used in the effective FIS and referred to as the effective model.
- 54) MODEL, EFFECTIVE – The hydraulic engineering model that was used to produce the current effective Flood Insurance Study.
55. MODEL, EXISTING (PRE-PROJECT) – A modification of the Duplicate Effective Model or Corrected Effective Model to reflect any man made modifications that have occurred within the floodplain since the date of the effective model but prior to the construction of the project for which the revision is being requested. If no modification has occurred since the date of the effective model, then this model would be identical to the Corrected Effective Model or Duplicate Effective Model.
- 55) MODEL, REVISED (POST-PROJECT) – A modification of the Existing or Pre-Project Conditions Model, Duplicate Effective Model or Corrected Effective Model to reflect revised or post-project conditions.
- 57) MUNICIPALITY or MUNICIPAL - The county, city or village governmental units enacting,

- administering and enforcing this zoning ordinance.
- 58) NAVD or NORTH AMERICAN VERTICAL DATUM – Elevations referenced to mean sea level datum, 1988 adjustment.
- 59) NGVD or NATIONAL GEODETIC VERTICAL DATUM - Elevations referenced to mean sea level datum, 1929 adjustment.
- 60) NEW CONSTRUCTION - For floodplain management purposes, "new construction" means structures for which the start of construction commenced on or after the effective date of floodplain zoning regulations adopted by this community and includes any subsequent improvements to such structures. For the purpose of determining flood insurance rates, it includes any structures for which the "start of construction" commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures.
- 61) LEGAL PRE-EXISTING STRUCTURE - An existing lawful structure or building which is not in conformity with the dimensional or structural requirements of this ordinance for the area of the floodplain which it occupies. (For example, an existing residential structure in the floodfringe district is a conforming use. However, if the lowest floor is lower than the flood protection elevation, the structure is legal pre-existing.)
- 62) LEGAL PRE-EXISTING USE - An existing lawful use or accessory use of a structure or building which is not in conformity with the provisions of this ordinance for the area of the floodplain which it occupies. (Such as a residence in the floodway.)
- 63) OBSTRUCTION TO FLOW - Any development which blocks the conveyance of floodwaters such that this development alone or together with any future development will cause an increase in regional flood height.
- 64) OFFICIAL FLOODPLAIN ZONING MAP - That map, adopted and made part of this ordinance, as described in s. 1.5(2), which has been approved by the Department and FEMA.
- 65) OPEN SPACE USE - Those uses having a relatively low flood damage potential and not involving structures.
- 66) ORDINARY HIGHWATER MARK - The point on the bank or shore up to which the presence and action of surface water is so continuous as to leave a distinctive mark such as by erosion, destruction or prevention of terrestrial vegetation, predominance of aquatic vegetation, or other easily recognized characteristic.
- 67) PERSON - An individual, or group of individuals, corporation, partnership, association, municipality or state agency.

- 68) PRIVATE ONSITE WASTEWATER TREATMENT SYSTEM (POWTS) - A sewage treatment and disposal system serving one structure with a septic tank and soil absorption field located on the same parcel as the structure. It also means an alternative sewage system approved by the Department of Commerce, including a substitute for the septic tank or soil absorption field, a holding tank, a system serving more than one structure or a system located on a different parcel than the structure.
- 69) PUBLIC UTILITIES - Those utilities using underground or overhead transmission lines such as electric, telephone and telegraph, and distribution and collection systems such as water, sanitary sewer and storm sewer.
- 70) REASONABLY SAFE FROM FLOODING - Means base flood waters will not inundate the land or damage structures to be removed from the floodplain and that any subsurface waters related to the base flood will not damage existing or proposed buildings.
- 71) REGIONAL FLOOD - A flood determined to be representative of large floods known to have occurred in Wisconsin. A regional flood is a flood with a one percent chance of being equaled or exceeded in any given year, and if depicted on the FIRM, the RFE is equivalent to the BFE.
- 72) START OF CONSTRUCTION - The date the zoning permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond initial excavation, or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling, nor does it include the installation of streets and/or walkways, nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms, nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For an alteration, the actual start of construction means the first alteration of any wall, ceiling, floor or other structural part of a building, whether or not that alteration affects the external dimensions of the building.
- 73) STRUCTURE - Any manmade object with form, shape and utility, either permanently or temporarily attached to, placed upon or set into the ground, stream bed or lake bed, including, but not limited to, roofed and walled buildings, gas or liquid storage tanks, bridges, dams and culverts.
- 74) SUBDIVISION - Has the meaning given in s. 236.02(12), Wis. Stats.
- 75) SUBSTANTIAL DAMAGE - Damage of any origin sustained by a structure, whereby the cost of restoring the structure to its pre-damaged condition would equal or exceed 50 percent of the equalized assessed value of the structure before the damage occurred.
- 76) SUBSTANTIAL IMPROVEMENT – Any repair, reconstruction, rehabilitation, addition or improvement of a building or structure, the cost of which equals or exceeds 50 percent of the equalized assessed value of the structure before the improvement or repair is started. If the structure has sustained substantial damage, any repairs are considered substantial improvement regardless of the work performed. The term does not, however,

include either any project for the improvement of a building required to correct existing health, sanitary or safety code violations identified by the building official and that are the minimum necessary to assure safe living conditions, or any alteration of a historic structure provided that the alteration will not preclude the structure's continued designation as a historic structure.

77) UNNECESSARY HARDSHIP - Where special conditions affecting a particular property, which were not self-created, have made strict conformity with restrictions governing areas, setbacks, frontage, height or density unnecessarily burdensome or unreasonable in light of the purposes of the ordinance.

78) VARIANCE - An authorization by the board of adjustment or appeals for the construction or maintenance of a building or structure in a manner which is inconsistent with dimensional standards (not uses) contained in the floodplain zoning ordinance.

79) VIOLATION - The failure of a structure or other development to be fully compliant with the floodplain zoning ordinance. A structure or other development without required permits, lowest floor elevation documentation, floodproofing certificates or required floodway encroachment calculations is presumed to be in violation until such time as that documentation is provided.

80) WATERSHED - The entire region contributing runoff or surface water to a watercourse or body of water.

81) WATER SURFACE PROFILE - A graphical representation showing the elevation of the water surface of a watercourse for each position along a reach of river or stream at a certain flood flow. A water surface profile of the regional flood is used in regulating floodplain areas.

82) WELL - means an excavation opening in the ground made by digging, boring, drilling, driving or

other methods, to obtain groundwater regardless of its intended use.

83) ZONING DIRECTOR -The Oneida County Planning and Zoning Director or his or her designee.

Section 1: Any existing ordinances, codes, resolutions, or portion thereof in conflict with this ordinance shall be and are hereby are repealed as far as any conflict exists.

Section 2: This Ordinance shall take effect the day after passage and publication as required by law.

Section 3: If any claims, provisions, or portions of this ordinance are adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the ordinance shall not be affected thereby.

Section 4: Ordinance Amendment #1-2013 amends Chapter 20, the Oneida County Floodplain Ordinance, is hereby adopted:

The County Clerk shall, within seven (7) days after adoption of Ordinance Amendment #1-2013 by the Oneida County Board of Supervisors, cause a certified copy thereof to be transmitted by mail to the Town Clerks of Oneida County and the Wisconsin Department of Natural Resources and Ordinance Amendment #1-2013 of Chapter 20 shall become effective immediately upon passage and publication as provided by law.

Offered and passage moved by Supervisors: Holewinski, J.Sorensen, Hintz, Baier and Timmons.

Roll Call Vote: 21 Ayes, 0 Nays, 0 Absent.
RESOLUTION #46-2013-GENERAL CODE O/A- enacted.

**RESOLUTION # 47-2013- GENERAL CODE OF ONEIDA COUNTY, WISCONSIN
ORDINANCE AMENDMENT #1-2013 (POWTS)**

Resolution offered by the Planning and Development Committee.
Resolved by the Board of Supervisors of Oneida County, Wisconsin:

WHEREAS, the Planning & Zoning Committee, having considered Ordinance Amendment #1-2013, as amended, which was filed May 22, 2013 to amend the to amend the Oneida County Private Onsite Wastewater Treatment Systems Ordinance (POWTS), and having given notice thereof as provided by law and having held a public hearing thereon May 15, 2013, and having been informed of the facts pertinent to the changes which are as follows:

WHEREAS, the Planning and Development Committee has the ongoing responsibilities to administer all provisions of Chapter 13 of the General Code of Oneida County pertaining to Private Onsite Wastewater Treatment Systems (POWTS); and

WHEREAS, Private Sewage Systems are now referred to as POWTS, and;

WHEREAS, the Wisconsin Department of Commerce is now known as The Department of Safety and Professional Services; and

WHEREAS, Chapter 13 was reviewed for current statutory references and applicable Administrative Codes; and

WHEREAS, the Planning and Development Committee held a public hearing and no one appeared in opposition to the proposed change. The Planning and Development Committee recommends passage; and

**NOW THEREFORE THE ONEIDA COUNTY BOARD OF SUPERVISORS DOES
ORDAIN AS FOLLOWS:**

Section 1: Any existing ordinances, codes, resolutions, or portion thereof in conflict with this ordinance shall be and are hereby are repealed as far as any conflict exists.

Section 2: This Ordinance shall take effect the day after passage and publication as required by law.

Section 3: If any claims, provisions, or portions of this ordinance are adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the ordinance shall not be affected thereby.

Section 4: Ordinance Amendment #1-2013 amends Chapter 13, the Oneida County Private Onsite Wastewater Treatment Systems Ordinance, is hereby adopted:

BE IT FURTHER RESOLVED, that the Oneida County Board of Supervisors hereby accepts and approves Petition #1-2013 of Chapter 13, the Oneida County Private Onsite Wastewater Treatment Systems Ordinance as follows:

Additions noted by underline and deletions noted by ~~striketrough~~.

CHAPTER 13
ONEIDA COUNTY PRIVATE ONSITE WASTEWATER TREATMENT SYSTEMS
ORDINANCE

June 20, 2000

AS AMENDED TO
August 20, 2002
May 21, 2006 (#1-2005)
June 17, 2008 (#1-2008)
August 30, 2009 (#1-2009)

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SUBCHAPTER 1 - INTRODUCTION

13.10 STATUTORY AUTHORITY.

This ordinance is adopted pursuant to the authorization in §59.70(1), 59.70(5), ~~145.04, 145.19, 145.20, 145.245~~ 145.13, 145.19, Wisconsin Statutes and ~~Comm 82, 83, 84, 85, 86 and 87~~ SPS 382, 383, 384, 385, 386, 387 and 391 Wisconsin Administrative Code.

13.11 PURPOSE.

This ordinance is adopted to promote and protect public health and safety by assuring the proper siting, design, installation, inspection and management of ~~private sewage systems~~ POWTS and non-plumbing sanitation systems.

In order to achieve these purposes, it is the intent of this ordinance to include, but not be limited to, the following methods and strategies:

1. Develop a sanitary permit program that continues to ensure public health, safety and welfare to the residents and visitors of Oneida County.
- ~~2. Limit the use of holding tanks to protect surface water and groundwater resources.~~
- ~~3.~~2.Maintain and improve the inspection and enforcement process for new system installation.
- ~~4.~~3.Improve the maintenance and tracking program for systems previously installed as well as new systems installed each successive year.
- ~~5.~~4.Allow municipal ownership of a private sewage system servicing multiple structures.

13.12 FINDINGS OF FACT.

Oneida County has over 1,127 lakes and other water bodies within its boundaries. It has a large amount of vacation properties that are used on an intermittent basis.

The land area of Oneida County includes 791,347 acres and 68,096 acres of surface water. The soil in Oneida County is predominately sandy or loamy, which has moderate to very rapid permeability, but poor treatment capabilities. (Soil Survey, Oneida County, Wisconsin, February 1993.)

Water supplies in Oneida County are predominately drawn from sand and gravel aquifers, which are replenished from precipitation and drainage. Water seeping from private sewage systems help fill these same aquifers that property owners and visitors use for drinking water supplies. (Soil Survey, Oneida County, Wisconsin, February, 1993).

13.13 SEVERABILITY AND LIABILITY.

Should any section, clause, provision or portion of this ordinance be adjudged 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 private sewage system or non-plumbing sanitation system 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.

13.14 INTERPRETATIONS.

The provisions of this ordinance shall be held to be minimum requirements and shall be liberally construed in favor of the County and shall not be deemed a limitation or repeal of any other power granted by the Wisconsin Statutes and related administrative codes.

13.15 DEFINITIONS.

The following terms shall have the meanings indicated in this section.

Buildings. See Structure.

Committee: The Oneida County Planning & Development Committee.

Conventional In-Ground Sewage System-Private On-site Wastewater Treatment System

A private ~~sewage~~ on-site wastewater treatment system consisting of a septic tank and an in-ground soil absorption component with gravity distribution of effluent.

County Sanitary Permit. A permit issued by the Department for the reconnection of a private ~~sewage~~ on-site wastewater treatment system or for the installation of a non-plumbing sanitation system, pursuant to §59.70 and 445.04, Wisconsin Statutes.

Department. The Oneida County Planning & Zoning Department.

Failing Non-Plumbing Sanitation Systems.

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 non-plumbing system.
3. The discharge of sewage to a drain tile or into zones of bedrock.
4. The discharge of sewage to the surface of the ground.

Failing Private Sewage Onsite Wastewater Treatment System. “Failing private ~~sewage on-site wastewater treatment~~ system” has the following meanings:

1. Those specified under §145.245(4), Wisconsin Statutes.
2. A private ~~sewage on-site wastewater treatment~~-system which discharges sewage to the ground surface, including intentional discharges and discharges caused by neglect, shall be considered a failing private sewage system.

Holding Tank. A water tight receptacle for the collection and holding of wastewater.

Human Habitation. The act of occupying a structure as a dwelling or sleeping place, whether intermittently or as a principal residence.

Issuing Agent. The County Planning & Zoning Department shall act as the County Issuing Agent and is hereby assigned the duties of administering the Private ~~Sewage-On-site~~

Large Onsite Sewage Wastewater Treatment Systems. An onsite ~~sewage wastewater treatment~~ system with a subsurface discharge that is designed to treat wastewater from residential buildings that contain the equivalent of more than 85 bedrooms. For those systems with a subsurface discharge that treat wastewater from other types of occupancies (non-residential), a large onsite sewage system means a system with a daily effluent application rate of greater than 8,000 gallons per day (gpd). The design wastewater flow for these systems is 150% of the daily effluent application (12,000 gpd).

Minor Repairs. A minor repair to a private ~~sewage on-site wastewater treatment~~ system includes the replacement or repair of any of the following:

1. manhole covers;
2. manhole risers;
3. septic tank baffles;
4. effluent pumps and related controls or wiring;
5. other components as determined by the Department.

Modification of Wastewater Flow or Contaminant Load. A modification in wastewater flow or contaminant load shall be considered to occur:

In public buildings, facilities or places of employment, when there is a proposed change in occupancy of the structure; or the proposed modification affects either

the type or number of plumbing appliances, fixtures or devices discharging to the system; and

In dwellings, when there is an increase or decrease in the number of bedrooms.

Non-plumbing Sanitation System. Sanitation systems and devices within the scope of ~~Comm 94~~ 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.

Occupancy. Pertains to and is the purpose for which a building is used or intended to be used. A change of occupancy is not intended to include a change of tenants or proprietors.

Plumber. A person licensed by the State as a Master Plumber or Master Plumber-Restricted Service.

POWTS. A Private Onsite Wastewater Treatment System ~~and also referred to as Private Sewage System~~ has the same meaning given under §.145.01(12), Wisconsin Statutes.

Portable Restroom. A self-contained portable unit that includes fixtures, incorporating holding tank facilities, designed to contain human excrement.

~~Private Sewage System. Also referred to as a “Private Onsite Wastewater Treatment System” or “POWTS”, has the meaning given under s. 145.01(12), Wisconsin Statutes.~~

Privy. An enclosed nonportable toilet into which nonwater-carried human wastes are deposited.

Privy-Pit. A privy with a subsurface storage chamber which is not watertight.

Privy-Vault. A privy with a subsurface storage chamber that is watertight.

Rebuilt. The construction which takes place after a structure is demolished or damaged to the extent of fifty percent (50%) of its current equalized assessed value.

Recreational Vehicle Transfer Container: A type of sanitary holding tank used to collect and hold wastewater discharges generated by an individual camping trailer or recreational vehicle.

Sanitary Permit. The term “sanitary permit”, as used in this ordinance shall mean a County Sanitary Permit, a State Sanitary Permit or both.

Septic Tank. An anaerobic treatment tank.

Shoreland-Wetland. A wetland of ~~5~~ 2 acres or more on the Wisconsin Wetland Inventory Map within 1,000' of the ordinary high water mark of navigable waters

of a wetland less than ~~5~~ 2 acres but are located in whole or in part within 200' of a navigable lake or stream.

Soil and Site Evaluation Application. An application submitted for the purpose of requesting County verification of a Soil and Site Evaluation Report.

State. The Wisconsin Department of ~~Commerce~~ Safety and Professional Services.

State Sanitary Permit. A permit issued by the Department or the Department of ~~Commerce~~ Safety and Professional Services for the installation or modification of a private sewage system, pursuant to ~~§145.135 and~~ 145.19, Wisconsin Statutes.

Structure. Anything for support, shelter, or enclosure of persons on property, including but not limited to any building, dwelling, manufactured building, manufactured home, mobile homes, house trailer, recreational vehicle, boathouse, or deck.

Wastewater Treatment System Program.

SUBCHAPTER 2 - GENERAL REQUIREMENTS

13.20 COMPLIANCE.

1. All structures or premises in the County that are permanently or intermittently intended for human habitation or occupancy, which are not serviced by a public sewer, shall have a system for holding or treatment and dispersal of sewage and wastewater which complies with the provisions of this ordinance.
2. The ~~private sewage system~~ POWTS or non-plumbing sanitation system for newly constructed structures or structures requiring a Reconnection Permit shall be installed, inspected, and approved before the structure may be occupied.

13.21 INCORPORATION OF PROVISIONS BY REFERENCE.

This ordinance incorporates by reference the following rules, regulations, and laws, as set forth in the Wisconsin Statutes and the Wisconsin Administrative Code governing the location, construction, and use of ~~private sewage systems~~ POWTS: §59.70(5), Chs. 145, 281.48, and 283.31 and 968.10, Wisconsin Statutes; Chs. ~~Comm 352.63, Comm 25, Comm SPS 381, Comm SPS 382, Comm SPS 383, Comm SPS 384, Comm SPS 385, Comm SPS 386, Comm SPS 387, Comm SPS 391~~, NR 113, NR 116 and NR 206 Wisconsin Administrative Code. These rules, regulations, and laws shall apply until amended or renumbered and then shall apply as amended or renumbered.

13.22 APPLICABILITY.

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

13.23 LIMITATIONS.

1. All domestic wastewater shall enter a ~~private sewage system~~ POWTS unless otherwise exempted by the State or this ordinance.
2. A non-plumbing sanitation system may be permitted only when the structure or premises served by the non-plumbing sanitation system is not provided with an indoor plumbing system. 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.
3. Any ~~private sewage system~~ POWTS or portion thereof, installed within a floodplain shall comply with all applicable requirements of NR 116, Wisconsin Administrative Code, and the Oneida County Floodplain Zoning Ordinance, Chapter 20 of the General Code of Ordinances for Oneida County.
4.
 - (a) When a failing ~~private sewage system~~ POWTS or non-plumbing sanitation system is identified, it shall be brought into compliance with current code requirements, replaced with a code compliant system or its use discontinued within that period of time required by Department order.
 - (b) Unlawfully modified ~~private sewage systems~~ POWTS, a ~~private sewage system~~ POWTS that has sewage by-passed or a holding tank which is discharging untreated or partially treated sewage into the ground, onto ground surface or into surface waters, may be ordered by the Department to be corrected or replaced with a code compliant system.

13.24 (RESERVED).

13.25 PROHIBITION.

1. The issuance of a sanitary permit for the construction or use of POWTS designs that utilize one or more of the following technologies, designs or methods below shall be prohibited pursuant to Wisconsin Administrative Code ~~Comm~~ SPS 383.32(2)(a):
 - (a) An evapotranspiration bed as a POWTS treatment component.
2. No large onsite ~~sewage~~ wastewater treatment system shall be installed or operated in Oneida County. This prohibition shall not apply to:
 - (a) Any large onsite ~~sewage~~ wastewater treatment system for which a Water Pollution Discharge Elimination System (WPDES) permit has been issued by the Wisconsin Department of Natural Resources (WDNR) pursuant to Wisconsin Statutes Section 283.31

Any large-scale onsite ~~sewage~~ wastewater treatment system shall be subject to ongoing maintenance and operating strategies required by the WDNR including periodic permit review and renewal. Failure of the owner of a large onsite ~~sewage~~ wastewater treatment system to have a valid WPDES permit or renewal thereof from the WDNR, shall constitute violation of this ordinance and be subject to penalties specified in 13.63(2).until such time as the owner demonstrates that a valid WPDES permit has been again issued by the WDNR.

3. Pursuant to Wisconsin Administrative Code ~~Comm~~ SPS 383.32(2)(c) the issuance of sanitary permits shall be prohibited for POWTS that service two (2) or more structures or buildings that are located on more than one property. This prohibition shall not apply to a POWTS that has a design flow of 3,000 gallons per day or less, or POWTS systems that have a design flow of greater than 3,000 gallons per day and are owned by a governmental entity or agency such as a Sanitary District, Utility District, or Special Purpose District.
4. Recreational vehicle Transfer Containers are prohibited unless they are located within a campground permitted by the Department of Health and Family Services under Ch HFS 178.

13.26 ABANDONMENT OF PRIVATE SEWAGE SYSTEMS.

1. When public sewers approved by the Department of Natural Resources become available to the structure or premises served, the ~~private sewage system~~ POWTS shall be disconnected within one year and a connection made to the public sewer. Determination of whether sewer is available shall be made by the local sewer service entity.

Abandonment of the disconnected ~~private sewage system~~ POWTS shall be done in accordance with the provisions of ~~Comm~~ SPS 383, Wisconsin Administrative Code.

2. The components of an existing ~~private sewage system~~ POWTS that are not part of the approved design of a replacement system shall be abandoned per ~~Comm~~ SPS 383, Wisconsin Administrative Code at the time of the installation of the replacement system by the plumber installing the system.

13.27 NON-PLUMBING SANITARY SYSTEMS.

1. Non-plumbing sanitary systems shall comply with the minimum requirements of Wisconsin Administrative Code ~~Comm~~ SPS 391 and SPS 362.2900 (2)(a) & (b) unless this ordinance is more restrictive.
2. Pit and vault type ~~P~~privies shall be sturdily constructed and maintained in a clean and healthful condition.

3. Pit and Vault type ~~P~~privies shall be located at the minimum horizontal distance of:
 - (a) 25 feet from dwellings.
 - (b) 10 feet from lot line.
 - ~~(c)~~ 25 feet from a slope 15% or greater.
 - ~~(d)~~(c) 50 feet from any well.
 - ~~(e)~~(d) 75 feet from the Ordinary High Water Mark of a lake or stream.
 - ~~(f)~~ (e) 25 feet from a shoreland/wetland.

SUBCHAPTER 3 - PERMITS AND APPLICATIONS

13.30 SOIL AND SITE EVALUATION.

1. Soil and site evaluations shall be done prior to the issuance of sanitary permits as specified in ~~Comm~~ SPS 383, ~~Comm~~ SPS 385 and ~~Comm~~ SPS 391, Wisconsin Administrative Code.
2. Soil test pits shall be constructed which allow adequate visual observation of the soil profile in place. This is best accomplished by the excavation of backhoe pits ~~or other methods approved by the Department as referred to~~ in SPS 385.20(3)(c).
3. Department verification of a Soil and Site Evaluation Report may be necessary to determine the suitability of a lot for a ~~private sewage system~~ POWTS as specified in SPS 385.50(2). This verification will be made at the discretion of the Issuing Agent and will be made prior to the issuance of the sanitary permit. ~~Department verification shall be required on all sites that have less than 12 (twelve) inches of in-situ soil, suitable for the treatment and disposal of effluent, unless specifically waived by the Issuing Agent.~~ This verification will result in one of the following:
 - (a) Issuance of the permit, provided all information on the application is correct and complete.
 - (b) Establishment of a file indicating site suitability.
 - (c) Holding the application pending clarification of information or new information by the owner, the plumber, or the certified soil tester.
 - (d) Denial of the permit if the site does not meet all the provisions of this ordinance and appropriate Wisconsin Statutes and Administrative Codes.
4. A certified soil tester may request Department verification of a Soil and Site Evaluation Report before a complete sanitary permit application is submitted. Application for this verification shall include all information required in §13.31(2)(a)(1-6) on forms provided by the Department and the original copy of the Soil and Site Evaluation Report. The Department reserves the right to refuse verification of a Soil and Site Evaluation report in accordance with ~~Comm~~ SPS 385.30(5).

13.31 SANITARY PERMIT APPLICATIONS.

1. GENERAL.

- (a) Every ~~private sewage system~~ POWTS shall require a separate application and sanitary permit pursuant to Wisconsin Statutes 145.19.
- (b) A Sanitary Permit shall be obtained by the property owner, his agent or contractor, in the name of the property owner, prior to the installation, establishment or construction of any structure which requires a ~~private sewage system~~ POWTS or non-plumbing sanitation system. Any property owner, his agent or contractor, who starts construction prior to obtaining a sanitary permit is in violation and may be subject to the penalties provided in this ordinance.
- (c) A Sanitary Permit shall be obtained by the property owner, his agent or contractor, before any ~~private sewage system~~ POWTS or part thereof may be installed, replaced, repaired, reconnected or modified. A sanitary permit is not required for minor repairs.
- (d) A County Sanitary Permit shall be obtained prior to constructing or installing a non-plumbing sanitation system.
- (e) A County Sanitary Permit shall be required for soil remediation or renovation processes such as physical (i.e. Terralift™) or chemical (i.e. Porox™). A County Sanitary Permit is not required for soil remediation or renovation processes if the POWTS was installed after January 1, 1980.
- (f) If any part of a ~~private sewage system~~ POWTS has failed or requires replacement or modification, the entire system shall be evaluated for compliance with codes that existed at the time of installation prior to sanitary permit issuance. This shall include a soil and site evaluation for those components that utilize in situ soil for treatment or dispersal, unless a valid report is already on file with the Department.

If any part of the system is found to be defective or not in conformance with the applicable provisions of this ordinance, the sanitary permit application shall include specifications for the repair, renovation, replacement or removal of that part.

2. APPLICATION REQUIREMENTS.

- (a) A sanitary permit application shall include the following information which shall be furnished by the applicant on forms required by the State and/or the Department along with all applicable fees:
- (1) Names and addresses of the applicant (owner of the site) and the plumber employed (when applicable).
 - (2) Legal description of the subject site and the parcel identification number.
 - (3) All lot dimensions.
 - (4) Driving directions to the site.
 - (5) Building use (single family, duplex, etc.).
 - (6) Soil and Site Evaluation report.
 - (7) System plans (see §13.31(3)(a-f)).
 - (8) Appropriate agreements and contracts for system management and maintenance.
 - (9) Copies of any documents required in §13.31(2)(D)(1-5) and verification that they have been recorded.
 - (10) Any other information required by the Department, including verification of compliance with §13.61(11) of this ordinance.
- (b) When any official State action is required prior to the issuance of a sanitary permit, an original copy of the official action shall accompany the application.
- (c) Pit privy permit applications shall be accompanied by soil data provided by a Certified Soil Tester to determine compliance with ~~Comm~~ SPS 391, Wisconsin Administrative Code.
- (d) The following documents must be recorded with the Oneida County Register of Deeds prior to sanitary permit issuance:
- (1) Maintenance requirements, if recording is required by ~~Comm~~ SPS 383, Wisconsin Administrative Code, or §13.52 of this ordinance.
 - (2) If a ~~private sewage system~~ POWTS, or parts thereof, are located on a different parcel than the structure served an appropriate easement or Certified Survey Map combining the parcels must be recorded.
 - (3) If a ~~private sewage system~~ POWTS serves more than one structure under different ownership, a document identifying all parties that have ownership rights and are responsible for the operation and maintenance must be recorded.
 - (4) If a ~~private sewage system~~ POWTS is owned by a party other than the owner of the parcel on which it is installed, a document identifying the owner of the system, the structures to be served by the system, and the party

responsible for operation and maintenance must be recorded.

- (5) If the design wastewater flow of a ~~private sewage system~~ POWTS for a dwelling is not based upon the number of bedrooms within the dwelling, a deed restriction specifying maximum wastewater flow must be recorded.
 - (e) The Department reserves the right to refuse incomplete or incorrect permit applications or to delay permit issuance until corrected or completed applications are received.
3. PLANS. System plans shall be submitted for approval to the Department or to the State in accordance with ~~Comm~~ SPS 383, Wisconsin Administrative Code. Plans shall comply with the requirements of ~~Comm~~ SPS 383, Wisconsin Administrative Code, and this ordinance.
- a. Plans submitted to the Department shall include the original, ~~and two (2) copies.~~
 - b. If plans are reviewed and approved by the State, at least one set of the plans submitted to the Department shall bear an original State approval stamp or seal.
 - c. Plans submitted shall be clear, legible and permanent copies.
 - d. Plans submitted shall comply with ~~Comm~~ SPS 383, Wisconsin Administrative Code, and include the following:
 - (1) The name of the property owner and the legal description of the site, including parcel identification number;
 - (2) Estimated daily wastewater flow and design wastewater flow.
 - (3) A detailed plot plan (site plan), dimensioned or drawn to scale, on paper no smaller than 8½ inches by 11 inches in size. The plot plan shall delineate the lot size and the location of all existing and proposed: ~~private sewage system~~ POWTS components; building sewers; private interceptor main sewers; wells; water mains or water services; buildings; lot lines; swimming pools; navigable waters; and the benchmark established on the Soil and Site Evaluation Report. Adjoining properties shall be checked to insure that the horizontal setback parameters in ~~Comm~~ SPS table 383.43-1, Wisconsin Administrative Code, are complied with. All separating distances and dimensions shall be clearly shown on the plot plan.
 - (4) Details and configuration layouts depicting how the system is to be constructed.

- (5) A description of a contingency plan in the event the proposed ~~private sewage system~~ POWTS fails and cannot be repaired.
 - (6) Sufficient supporting information to determine whether the proposed design, installation and management of the proposed ~~private sewage system~~ POWTS or modification to an existing system complies with this ordinance.
- e. Plans shall be signed or sealed as specified in ~~Comm~~ SPS 383, Wisconsin Administrative Code.
 - f. A copy of the approved plans shall be maintained at the construction site until the ~~private sewage system~~ POWTS installation is completed, inspected and accepted. The plans shall be made available to the Department or the State upon request.
 - g. A modification to the design of a ~~private sewage system~~ POWTS which has been previously approved shall be submitted to the Department or the State as specified in ~~Comm~~ SPS 383, Wisconsin Administrative Code. Plan revisions must be approved prior to system installation. A fee may be charged when submitting revised plans, see §13.37.

13.32 SANITARY PERMIT - GENERAL APPROVAL & CONDITIONS

1. **CONDITIONAL APPROVAL.** When applicable provisions of Wisconsin Statutes, Wisconsin Administrative Code and this Ordinance have been complied with when applying for a sanitary permit, the permit shall be approved. Conditions may be attached to the permit application to provide clarifications.

The permit shall only be valid for an installation that completely complies with Wisconsin Statutes, Wisconsin Administrative Code and this Ordinance. Failure to denote an error and/or correction on the permit application does not lessen the requirements upon the applicant from installing a system and/or component that meets the Wisconsin Statutes, Wisconsin Administrative Code and this Ordinance.

2. **PERMIT CARDS.**
 - (a) The permit card issued by the Issuing Agent to the property owner or his agent shall serve as the sanitary permit.
 - (b) The permit card shall contain all the information required by ~~§145.435~~ 19, Wisconsin Statutes.
 - (c) The permit card shall be displayed at the site in such a manner that it will be visible from a road abutting the lot during all construction phases.

- (d) The permit card may not be removed until the ~~private sewage system~~ POWTS has been installed, inspected, and approved by the Issuing Agent.
- (e) Failure to display the permit card shall be considered a violation of this section and may subject the property owner, his agent or contractor, to penalty provisions of this ordinance.

3. PERMIT EXPIRATION.

- (a) A sanitary permit for a ~~private sewage system~~ POWTS or non-plumbing sanitation system which has not been installed, replaced, repaired, modified or reconnected and approved shall expire two years after the date of issuance unless renewed. Permits may be renewed following submittal of an application to the Department by the property owner, his agent or contractor, prior to the expiration date of the original permit.
- (b) There shall be a fee for the renewal of a sanitary permit. (See §13.37)
- (c) The renewal shall be based on Wisconsin Administrative Code, Statute and ordinance requirements in force at the time of renewal.
- (d) Changed Wisconsin Administrative Code, Statute and ordinance requirements may impede the renewal.
- (e) A new permit card shall be issued when the permit is renewed.
- (f) Sanitary permits which have been renewed shall expire two years from the date of renewal.
- (g) A new sanitary permit shall be obtained by the owner or his agent prior to beginning construction if a sanitary permit has expired.

4. TRANSFER OF OWNERSHIP. Transfer of ownership of a property for which a valid sanitary permit exists shall be subject to the following:

- (a) The applicable form shall be submitted to the Department.
- (b) The sanitary permit card shall be returned to the Department so that a new permit card may be issued.
- (c) Transfer of ownership shall not affect the expiration date or renewal requirements. There shall be a fee for transfer of ownership (see 13.37).

5. CHANGE OF PLUMBERS.

- (a) When an owner wishes to change plumbers, it will be necessary

for the owner to furnish the Department with the applicable state form signed by the new plumber.

- (b) System plans requiring State plan approval shall not be transferred to a different plumber unless the plan bears the stamp of an architect or engineer, plumbing designer, or a State level approval is obtained by the new plumber.
 - (c) There shall be a fee for change of plumbers (see § 13.37).
6. PERMIT DENIAL. When applicable provisions of Wisconsin Statutes, Wisconsin Administrative Code or this Ordinance have not been complied with when applying for a sanitary permit, the permit shall be denied. The issuing agent shall issue written notice to the owner and the plumber whose sanitary permit application is denied. Each notice shall:
- (a) State the specific reason for disapproval or amendments to the application, if any, which would render the application approval.
 - (b) Inform the applicant of the right to appeal and the procedures for conducting an appeal under the provision of §68.10, Wisconsin Statutes, and Chapter 17 of the General Code. The Oneida County Board of Adjustment shall conduct the appeal.

13.33 SANITARY PERMIT - SPECIFIC REQUIREMENTS FOR APPROVAL.

- 1. ~~POWTS WITH PORTIONS CROSSING TOWN ROADS.~~ When portions of ~~private sewage systems~~ POWTS are proposed to cross Town Roads and/or encroach in a Town Road right-of-way, permission shall be obtained by the Town Board of that Town through an approved motion granting permission to cross the road at a Town Board meeting and/or through an easement granted by the Town Board. Certified copies of the minutes and/or the original easement shall be submitted with the sanitary permit application.
- 2. ~~POWTS WITH PORTIONS CROSSING PRIVATE ROADS.~~ When portions of a ~~private sewage system~~ POWTS cross Private Roads owned fully or partially by others, permission shall be obtained through an easement.
- 3. ~~MULTIPLE SOIL/SITE EVALUATIONS FOR SAME PARCEL.~~ When more than one soil/site evaluation has been performed on a parcel, a county soil and site verification ~~shall~~ may be performed. ~~A request for verification shall be made to the Department.~~ The applicant shall provide all necessary equipment to perform such verification. The Department may waive such verification provided the site/soil evaluations show similar findings.
- 4. ~~SYSTEMS~~ POWTS SERVING MORE THAN ONE STRUCTURE ON DIFFERENT PARCELS. When a POWTS is to serve two (2) or more structures or buildings that are located on more than one property with a

design flow of more than 3,000 gallons a day of design flow (actual x 150%), the system is required to be owned by a governmental entity or agency. Documentation is required to be recorded pursuant to 13.31(2)(d)(3)&(4).

5. ADMINISTRATIVE CODE VARIANCE APPLICATIONS. When petitioning the State for any Administrative Code Variance, a copy of the request shall be submitted by the petitioner to the Department. Additional documents shall provide background information, the options considered and the reasons why the options could not be used with strict adherence to the Administrative Code. The Department may request that other options be explored to eliminate the need for a variance. The Department shall be allowed to comment on the petition for variance.
6. PRE-TREATMENT COMPONENTS SUCH AS, BUT NOT LIMITED TO, AEROBIC TREATMENT UNITS, SAND FILTERS, RE-CIRCULATING SAND FILTERS, GRAVEL FILTERS, AND PEAT FILTERS. Prior to approval of a POWTS pre-treatment unit sanitary permit, a detailed management plan shall be submitted to the Department. This management plan shall provide a list of all replacement equipment, the location as to where the replacement equipment can be obtained, a list of approved maintainers (which includes full names, addresses, company names, corresponding phone numbers), the corporate name, address and phone numbers of the equipment manufacturer.

Also prior to approval of a POWTS pre-treatment unit sanitary permit, a meeting shall take place between the Department, the installer and the property owner to ensure the installer and property owner are aware of the necessary site and maintenance requirements. The owner shall recognize that these systems require additional operational maintenance resulting in additional operational expenses.

A pre-construction meeting may be required at the site prior to installation of the pre-treatment component at the discretion of the Department. During this meeting, an overview of the work schedule shall be outlined with Department staff and applicant. Appropriate notices shall be made by the installer to ensure Department staff is in attendance.

7. EXPERIMENTAL SYSTEMS AND OTHER SYSTEMS NOT RECOGNIZED BY ~~COMM~~ SPS 383.60. Prior to application for State experimental plan approval the applicant shall request a meeting with Department staff. During this meeting, information shall be presented to the Department which is detailed in ~~Comm~~ SPS 383.27. A comment period of no less than 30 days after the meeting shall be required by the Department prior to the applicant submitting the application to the State. Additional time may be requested by the Department.

The applicant shall provide a detailed contingency plan, outlining the steps that will be taken upon failure of the experimental system. Further, the Department may require surety bonds to insure that if the experimental system fails, necessary funds are available to restore the

site and/or to promote the health and general welfare of residents and visitors of Oneida County.

The Department may require additional assurances from the applicant that the experiment will have no deleterious effects upon surface and groundwater. Examples of these assurances include requiring periodic Department inspections, regular-interval results examining the short-term and long-term effects at the site, applicant inspections at pre-determined intervals as well as any other similar requirement ensuring health and resource protection.

Prior to approval of a sanitary permit for an experimental design, a detailed management plan shall be submitted to the Department. This management plan shall provide a list of all replacement equipment, the location as to where the replacement equipment can be obtained, a list of approved maintainers (which includes full names, addresses, company names, and corresponding phone numbers), the corporate name, address and phone numbers of the equipment manufacturer.

Also prior to approval of a sanitary permit for Experimental and Other Systems not recognized by ~~Comm~~ SPS 383.60 a meeting shall take place between the Department, the installer and the property owner to ensure the installer and property owner are aware of the necessary site and maintenance requirements. The owner shall recognize that these systems may require additional operational maintenance resulting in additional operational expenses.

13.34 RECONNECTION.

1. A County reconnection permit shall be obtained prior to:
 - (a) Construction of a structure to be connected to an existing ~~private sewage system~~ POWTS;
 - (b) Disconnection of a structure from an existing ~~private sewage system~~ POWTS and connection of another structure to the system, except as permitted in §13.34(4); or
 - (c) Rebuilding a structure that is connected to a ~~private sewage system~~ POWTS.
2. Prior to issuing a reconnection permit, the existing ~~private sewage system~~ POWTS shall be examined to:
 - (a) Determine if it is functioning properly and whether it is a failing system.
 - (b) Determine if it will be capable of handling the proposed wastewater flow and contaminant load from the building to be served.

- (c) Determine that all minimum setback requirements of ~~Comm~~ SPS 383, Wisconsin Administrative Code, will be maintained.
3. Application for a County reconnection permit shall include the following:
- (a) All items in §13.31(2)(a)(1-5) and §13.31(2)(a)(9-11);
 - (b) For all systems that utilize in situ soil for treatment or disposal, a Soil and Site Evaluation report verifying that the vertical separation distance between the infiltrative surface of the existing treatment or dispersal component and estimated high groundwater elevation and/or bedrock complies with ~~Comm~~ SPS 383, Wisconsin Administrative Code, unless a valid report meeting these criteria is on file with the department;
 - (c) A report provided by a licensed plumber, certified septage servicing operator or a POWTS inspector or other person(s) authorized to do so by ~~Comm~~. SPS 383, Wisconsin Administrative Code relative to the condition, capacities, baffles and manhole covers for any existing treatment or holding tanks;
 - (d) A report provided by a licensed plumber, a POWTS inspector or other person(s) authorized to do so by ~~Comm~~. SPS 383, Wisconsin Administrative Code relative to the condition and capacities of all other system components and verifying that the system is not a failing system;
 - (e) A plot plan prepared by a plumber or other person(s) authorized to do so by ~~Comm~~. SPS 383, Wisconsin Administrative Code, including information specified in §13.31(3)(d)(3); and
 - (f) A state sanitary permit for any system components which will be modified or replaced.
 - (g) Reconnection to existing holding tanks may require a new servicing contract and an updated holding tank agreement which meets the requirements of this ordinance.
 - (h) Reconnection to an existing system other than a holding tank may require a new maintenance agreement or contract.
4. Replacing a structure with a new or different structure within two years of the date of permit issuance will only require a statement that the system has not been altered, a statement that a modification in wastewater flow or contaminant load will not occur, a plot plan that documents all setbacks between the structure and system components and a re-inspection fee.
5. All ~~systems~~ POWTS shall be inspected at the time of reconnection, prior to backfilling, to insure that proper materials and methods are being used.

6. Pre-construction site meetings may be required for all technologies and installations as deemed necessary by the Department. Specific technologies shall require pre-construction site meetings.

13.35 CONSTRUCTION AFFECTING WASTEWATER FLOW OR CONTAMINANT LOAD.

Construction that is considered to be a modification of wastewater flow or contaminant load is defined in ~~Comm~~ SPS 383.25(2)(c)2. a. & b., Wisconsin Administrative Code.

Prior to commencing the construction of an addition to or modification of a structure which will;

1. Affect the wastewater flow and/or contaminant load to an existing private ~~sewage on-site wastewater treatment~~ system, the owners of the property shall;
 - (a) Possess a sanitary permit to construct a new ~~private sewage system~~ POWTS or modify an existing ~~private sewage system~~ POWTS to accommodate the modification in wastewater flow or contaminant load; or
 - (b) Provide the following to the Department:
 - (1) Documentation that a ~~private sewage system~~ POWTS of adequate capability and capacity to accommodate the wastewater flow and contaminant load already exists to serve the structure, as specified in ~~Comm~~ SPS 383, Wisconsin Administrative Code;
 - (2) Documentation showing that the location of the proposed structure conforms to the applicable setback distances to all of the existing ~~private sewage system~~ POWTS components; and
 - (3) Documentation specified in §13.34(3)(b)(c)&(d).
2. Any installation, addition or modification of a system must be completed and accepted before the addition or modified area of the structure may be occupied.

13.36 CONSTRUCTION NOT AFFECTING WASTEWATER FLOW OR CONTAMINANT LOAD.

Prior to commencing construction of any structure or addition to a structure on a site where there exists a ~~private sewage system~~ POWTS the owner or his agent shall determine that the proposed structure conforms with applicable setback limitations of ~~Comm~~ SPS 383, Wisconsin Administrative Code. Documentation shall be submitted as required in ~~Comm~~ SPS 383, Wisconsin Administrative Code.

13.37 PERMIT FEES.

1. The applicant upon filing his application shall pay a fee in accordance with the fee schedule adopted by the County Board.
2. State sanitary permits for public buildings.
3. State sanitary permits for non-public buildings.
4. County sanitary permits.
 - (a) Non-plumbing sanitation system.
 - (b) Soil remediation or renovation processes
 - (c) Reconnection permit (not requiring replacement, addition or modification of system components).
5. Other Fees.
 - (a) Renewal of sanitary permits.
 - (b) Plumber change.
 - (c) Owner transfer.
 - (d) Re-inspection and additional inspection.
 - (e) Revision.
 - (1) A fee may be charged for any plan revision which is not submitted and approved by the department before inspection of the system has commenced. Revisions received after 30 days of system installation shall automatically be charged a revision fee.
 - (2) If a plan revision results in a change to a system type or site for which a higher sanitary permit or plan is required, the difference between the fee already paid and the fee for the system installed will be charged.
 - (f) Soil saturation determination.
 - (g) Wisconsin Fund Application.
 - (h) Monitoring and management tracking.
 - (i) Soil and Site Evaluation Filing.
 - (j) At –risk facilities monitoring.

6. Refunds. After the sanitary permit has been reviewed and/or issued, the fees shall not be refunded.
7. New fees. The balance of the new fee shall be paid before the sanitary permit may be issued for any soil test or incomplete applications on file on the date the new fees become effective.
8. After-the-fact permit fees. A triple fee will be charged for all after-the-fact permit applications to partially recover the cost of obtaining compliance.

SUBCHAPTER 4 - INSPECTIONS

13.40 INSPECTIONS - GENERAL.

1. Notice for final inspection shall be given to the Zoning Department for all ~~private sewage systems~~ POWTS installed, modified or reconnected.
2. These private sewage systems shall be inspected by the Department for compliance with ~~Comm SPS 382~~, ~~Comm SPS 383~~, 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 ~~Comm SPS 383~~ Wisconsin Administrative Code.
4. The entire system shall be left completely open until it has been inspected and accepted unless the requirements of ~~Comm SPS 383~~, Wisconsin Administrative Code, are not met by the Department.
5. When a ~~private sewage system~~ POWTS is ready for inspection, the plumber in charge shall make arrangements to enable the inspector to inspect all parts of the system. The plumber shall provide the proper apparatus, equipment and necessary assistance to make a proper inspection.
6. ~~Private sewage systems~~ POWTS may be inspected periodically, after the initial installation inspection(s) and/or after the system is operative, as deemed necessary by the Issuing Agent

13.41 INSPECTIONS – SPECIFIC.

1. INSPECTIONS: SITE CONSTRUCTED HOLDING TANKS.
 - (a) All site constructed holding tanks shall be inspected after the floor is poured and the keyway and water stop are installed or after the forms for the tank walls have been set but in all instances before any concrete for the walls has been poured.
 - (b) Concrete walls may be poured only after it has been determined that the tank, as formed, complies with the approved plans.

- (c) This inspection shall not eliminate the need for an inspection after the installation has been completed.
2. INSPECTIONS: NON-PLUMBING SANITARY SYSTEMS.
- (a) All non-plumbing sanitary systems installed shall be inspected for compliance with ~~Comm~~ SPS 391, Wisconsin Administrative Code, or as amended, and this ordinance. Non-plumbing sanitary systems serving uses other than one and two family dwellings shall also be inspected for compliance with ~~Comm SPS 352.63~~ SPS 391 and SPS 362.2900 (2) (a) & (b), Wisconsin Administrative Code.
 - (b) The property owner shall notify the Department for inspection immediately after the non-plumbing sanitary system has been constructed or installed.
3. INSPECTIONS: MOUNDS.
- (a) The plumber installing the mound shall notify the Department the working day prior to the installation, excluding Saturdays, Sundays and holidays.
 - (b) Mound systems shall be inspected at the time the ground surface is plowed at the time the distribution piping installation has been completed and after all work has been completed.
4. INSPECTIONS: AT-GRADE.
- (a) The plumber installing the at-grade shall notify the Department the working day prior to the installation, excluding Saturdays, Sundays and holidays.
 - (b) At-grade systems shall be inspected at the time the ground surface is plowed, at the time the distribution piping installation has been completed and after all work has been completed.
5. INSPECTIONS: SAND FILTERS.
- (a) The plumber installing the sand filter shall notify the Department the working day prior to the installation, excluding Saturdays, Sundays and holidays.
 - (b) 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.
6. EXPERIMENTAL SYSTEMS AND SYSTEMS NOT RECOGNIZED BY ~~COMM~~ SPS 383.60.

- (a) The plumber installing the system shall coordinate any required pre-construction meeting(s).
- (b) The plumber installing the system shall notify the Department at least two (2) workdays prior to beginning the installation of the system to schedule the inspection(s) and shall notify the State as may be required by the approved plans.
- (c) Inspections shall be done pursuant to the approved plan requirements and as deemed necessary by the Department to assure compliance with appropriate codes and the plan approval.

13.42 REINSPECTION.

- 1. A reinspection fee shall be assessed when a reinspection of a ~~private sewage system~~ POWTS is required because the initial inspection disclosed that the installation is incomplete at the scheduled inspection time or does not comply with applicable Wisconsin Statutes, Administrative Codes, the approved plans or this ordinance. Each additional reinspection required at the site ~~will~~ may require a fee.
- 2. The reinspection fee shall be due within ten working days of written notification by the Department. Failure to pay this fee within that period shall constitute a violation of this ordinance.

13.43 TESTING.

- 1. If testing of new systems or new system components is required by ~~Comm~~ SPS 382, SPS 383 or SPS 384, Wisconsin Administrative Code, or as a condition of plan approval, notice shall be given to the Department as specified in §13.40(3), so that the Department may make an inspection during the test.
- 2. The Department 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.

SUBCHAPTER 5 - SYSTEM MANAGEMENT AND MAINTENANCE

13.50 MAINTENANCE AND MANAGEMENT.

- 1. All ~~private sewage systems~~ POWTS and non-plumbing sanitation systems shall be managed and maintained in accordance with ~~Comm~~ SPS 383, SPS 384 and SPS 391, Wisconsin Administrative Code, and this ordinance.

2. The property owner or owner's agent shall report to the Department each inspection, maintenance or servicing event, in accordance with ~~Comm SPS 383~~ 383.55, 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 Department prior to sanitary permit issuance.
4. The property owner shall submit a new or revised maintenance agreement and/or servicing contract to the Department 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 Department prior to expiration of any existing maintenance agreement and/or servicing contract.
6. In order to satisfy the requirements of ~~Comm SPS 383.54~~ Oneida County shall continue to cooperate with Lake Protection & Rehabilitation Districts to evaluate, condemn and replace existing failing ~~private sewage systems~~ POWTS.
7. The applicant for a sanitary permit for a holding tank system shall sign a holding tank agreement with the county.

13.51 SEPTIC TANK MAINTENANCE PROGRAM.

1. The applicant for a sanitary permit shall be provided with written notice of the maintenance program at the time the sanitary permit is issued. The records of this notification shall be maintained by the Issuing Agent. Upon sale of this property, the owner shall provide written notification of the maintenance program to the buyer.
2. All new and existing POWTS shall be visually inspected within three years of the date of installation and at least once every three years thereafter.
3. All new and existing septic tanks shall be pumped within three (3) years of the date of installation and at least once every three (3) years thereafter, unless upon inspection the tank is found to have less than 1/3 of the volume occupied by sludge and scum.
4. Pumping of a septic tank shall be done by a certified septage servicing operator in accordance with NR 113, Wisconsin Administrative Code.
5. Visual inspection of a private sewage system may be conducted by individuals specified in ~~Comm SPS 383.54(4)(d)(2)~~, to determine the condition of the tank and whether wastewater or effluent from the POWTS is ponding on the ground surface.
6. The owner or owner's agent of a POWTS shall furnish the Department with a copy of the inspection report verifying the condition of the tank,

whether wastewater or effluent from the POWTS is ponding on the ground surface and the date of pumping within 30 calendar days of the date of inspection and pumping. Reports shall include all information required in ~~Comm~~ SPS 383.55, Wisconsin Administrative Code, and be signed by the person(s) inspecting and pumping the private sewage system. Other maintenance or management reports required by ~~Comm~~ SPS 383 or SPS 384, Wisconsin Administrative Code, shall be included with this report.

7. If the septic tank is not maintained or inspected in conformance with state regulations, the Zoning Director shall order it to be maintained or pumped by a certified septage servicing operator 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 pursuant to WI State Statutes 145.20(4) against the property in question.

13.52 HOLDING TANK MAINTENANCE AGREEMENT.

1. The owner of the holding tank shall enter into a Maintenance Agreement with Oneida County before the sanitary permit is issued. The agreement shall be signed on a form provided by the Zoning Director, who shall sign the agreement on behalf of the county. 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 Director shall order it to be maintained or pumped by a certified septage servicing operator, 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 pursuant to WI State Statutes 145.20(4) against the property in question. This Maintenance Agreement shall be filed in the Register of Deeds office and shall be recorded in a manner that will permit the existence of the agreement to be determined by reference to the property where the holding tank is installed. (Effective 5/21/2006)
2. The owner or agent shall submit a copy of the holding tank Maintenance Agreement when plans are submitted to the Department for review.

13.53 PROPERTY TRANSFER REQUIREMENTS. (Effective 9/30/2006)

1. Property transfers for properties enrolled in the Oneida County POWTS Maintenance Program (Installed after July 1, 1980).
 - (a) Prior to the transfer of property enrolled in the Oneida County POWTS Maintenance Program, the owner shall provide written notification of the maintenance program to the buyer. The notification shall include the date of installation, the type of system, the management plan, the legal description and the county Parcel Identification Number (PIN).

2. Property transfers for developed properties enrolled in the Oneida County Maintenance Program (Installed prior to July 1, 1980).
 - (a) An existing system inspection is required for all property transfers in which a real estate transfer fee is collected and land divisions in which the property contains a structure serviced by a POWTS. A system regulated by the mandatory maintenance program specified in 13.53(1) at the time of division or transfer may be precluded from this section at the discretion of the Zoning Administrator. An existing system inspection is not required if a letter from the host municipality is submitted to the Zoning Office stating a date by which the structure is required to be connected to a sanitary sewer.
 - (b) To adequately determine whether an existing POWTS is failing under conditions defined in s.145.245(4), Stats., an existing system inspection must include:
 - (1) An observation boring described by a certified soil tester extending 3' 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 Director.
 - (2) A report provided by a plumber, certified septage servicing operator, certified POWTS inspector or other person(s) authorized to do so by ~~Comm~~ SPS 383, Wisconsin Administrative Code, relative to the condition, capacities, and code compliance of any existing treatment or holding tanks;
 - (3) A report provided by a plumber, certified POWTS inspector, or other person(s) authorized to do so by ~~Comm~~ SPS 383, Wisconsin Administrative Code, relative to the condition, capacities, and code compliance of all other system components;
 - (4) A plot plan prepared by a plumber, certified soil tester, certified POWTS inspector, or other person(s) authorized to do so by ~~Comm~~ SPS 383, Wisconsin Administrative Code, including information specified in §13.31(3)(D)3, unless an accurate plot plan is on file with the department;
 - (5) An evaluation of the use and wastewater flow of the structure(s) served relative to the capacity of the existing POWTS.

- (6) Verification that all domestic wastewater from the structure discharges into the POWTS.
- (7) A county inspection to verify the results of the existing system inspection may be required. Any cost associated with the inspection including, but not limited to backhoe pits or pumping fees are the responsibility of the owner at the time of the inspection.
- (8) Existing system inspection reports must be submitted to the Zoning Office on forms obtained from the Zoning Office within thirty days of completion of inspection.

SUBCHAPTER 6 - ADMINISTRATION AND ENFORCEMENT

13.60 ADMINISTRATION.

The Issuing Agent shall be responsible for the administration of this ordinance. The Issuing Agent may delegate the responsibilities to personnel employed by the Oneida County Planning & Zoning Department and in the case of issuing abatement orders, to the County Health Department.

13.61 POWERS AND DUTIES.

In the administration of this ordinance, the Issuing Agent shall have the following powers and duties:

- 1. Delegate duties to and supervise clerical staff and other employees to assure full and complete compliance with this ordinance and related Wisconsin Statutes and the Administrative Code.
- 2. Advise applicants concerning the provisions of this ordinance and assist them in preparing permit applications.
- 3. Review and approve plans for ~~private sewage systems~~ POWTS for one and two family residences or as approved through agent status by the State.
- 4. Issue sanitary permits and inspect properties for compliance with this ordinance and related Wisconsin Statutes and the Administrative Code.
- 5. Keep records of all sanitary permits issued, inspections made, work approved, and other official actions.
- 6. Report violations of this ordinance to the Corporation Counsel.
- 7. Have access to any premises for the purpose of performing official duties between 8 a.m. and 8 p.m. or at other times set by mutual agreement between the property owner or his agent and the Issuing Agent or upon issuance of a special inspection warrant in accordance with ~~§66.122~~ §66.0119, Wisconsin Statutes. Application for a sanitary permit is

considered for the purposes of this ordinance as the owner's consent to enter the premises.

8. Upon reasonable cause or question as to proper compliance, revoke or suspend any sanitary permit and issue cease and desist orders requiring the cessation of any construction, alteration or use of a building which is in violation of the provisions of this ordinance, until compliance with this ordinance or applicable Wisconsin Statutes and the Administrative Code is obtained.
9. Issue and enforce orders to plumbers, certified septage servicing operators, property owners, their agents or contractors or the responsible party, to assure proper compliance with all provisions of this ordinance or delegate this authority to the County Health Department.
10. Apply for and distribute grants obtained through the Wisconsin Fund Grant Program.
11. Assess the owner of a ~~private sewage system~~ POWTS a special assessment for costs related to pumping of a septic or holding tank as determined to be reasonable and necessary pursuant to Chapter 145, Wisconsin Statutes, specifically including §145.20(4), Wisconsin Statutes, and in the same manner that a village or town makes an assessment under ~~§66.073~~ 66.0703 Wisconsin Statutes. (Effective February 26, 2006, Resolution #9-2006)
12. Enforce the provisions of § 145.11 Wisconsin Statutes advertising restrictions.
13. Pursuant to ~~Comm~~ SPS 383.20(2) nothing in this chapter shall limit the issuing agent's authority and power to inspect or require an evaluation of a POWTS, including an existing POWTS at times or for activity not covered in this section.
14. Perform other duties regarding private sewage systems as considered appropriate by the County or the State.

13.62 BOARD OF ADJUSTMENT.

1. APPEALS

- (a) Any person who alleges that there is an error in any order, requirement or decision made in the enforcement of this ordinance may appeal to the Oneida County Board of Adjustment as provided in Ch. 17 (Zoning Ordinance) of the General Code. Any appeal shall be made on forms furnished by the Zoning Department within 30 days of the date of that administrative action. Other substantiating evidence will be accepted.

2. WISCONSIN FUND APPEALS.

- (a) Request for initial review of determination. Pursuant to Wisconsin State Statute 68.08, any person in disagreement with the denial of a Wisconsin Fund application may have a written or oral determination reviewed by written request mailed or delivered to the Zoning Office within 30 days of notice to such person of such determination. The request for review shall state the ground or grounds upon which the person aggrieved contends that the decision should be modified or reversed. A request for review shall be made to the employee who made the determination.
- (b) Appellate Review. Pursuant to Wisconsin State Statute 68.11, an appellate review of the initial determination shall be made to the Committee for Administrative review pursuant to 2.57 of the General Code of Oneida County Wisconsin.

13.63 VIOLATIONS AND PENALTIES.

The provisions of this ordinance shall be administered, and enforced by and under the direction of the County Board of Supervisors.

1. INVESTIGATION AND COMPLIANCE; NOTICE OF VIOLATION.
 - (a) The Department is responsible for conducting the necessary inspection and investigation to insure compliance with this ordinance and, through field notes, photographs and other means, documenting the presence of violations.
 - (b) If, upon investigation, the Department becomes aware of a violation of this ordinance, it shall immediately notify responsible parties and those potentially liable. Such notice shall include a demand that the condition that is alleged to constitute a violation be halted or remedied, and a statement that a complaint about the condition will be transmitted to the County corporation counsel for prosecution if remedial action has not occurred within 10 days. Responsible parties and those potentially liable shall include but not be limited to the landowner, tenants, and contractors.
 - (c) If the same or similar violation recurs within a two-year period, whether or not it involves the same property or the same or similar conduct by the owner, agent or contractor, notification of violation may be waived by the Department or corporation counsel and immediate legal action can be commenced to prosecute the violation.
 - (d) The Department may issue a citation for any violation within the ten-day notification period.
2. PROSECUTION, INJUNCTIONS, FINES AND FORFEITURES, IMPRISONMENT.

- (a) It shall be the duty of the corporation counsel to expeditiously review all violations of this ordinance reported by the Department or Committee and take action as appropriate.
 - (b) A forfeiture of not less than \$25, nor more than \$250, plus costs, shall be imposed for each violation of this ordinance.
 - (c) Upon failure to pay a forfeiture, the violator may be confined in the County jail until such forfeiture is paid, for a period not exceeding six months.
 - (d) Each day a violation exists or continues shall be considered a separate and distinct offense.
 - (e) As a substitute for or in addition to forfeiture actions, the corporation counsel may, on behalf of the County, seek enforcement of any and all parts of this ordinance by court actions seeking injunctive orders or restraining orders and/or by pursuing nuisance actions against the violator.
 - (f) Compliance with this ordinance may be enforced pursuant to sec. 145.20, Wis. Stats.
3. VIOLATIONS OF PERMITS ISSUED UNDER THIS ORDINANCE. Violation of a permit issued under this ordinance shall be deemed a violation of this ordinance and shall constitute grounds for revocation of the permit, as well as fines and forfeitures and any other available remedies. Any person who has applied for and received a permit and begins work on the project authorized by the permit acknowledges that they have read, understand, and agree to follow all conditions and requirements of the permit.
4. REVOCATION OF PERMITS. The Committee shall retain continuing jurisdiction over all activities authorized by the permit for the purpose of assuring compliance with this ordinance and other ordinances and the terms of the permit. Such authority shall be in addition to the enforcement authority of the Zoning Administrator. Upon written complaint by any citizen, the Zoning Administrator, or any other official, the Committee shall hold a public hearing to consider amending, suspending or revoking the permit. Notice of the hearing and alleged violation shall be served upon the property owner and permit holder either in person or via certified mail to the address provided on the permit application form or otherwise provided to the Department a minimum of 72 hours prior to conducting the public hearing. The notice shall contain the date, time and place of the hearing, a description of the property, a description of the activity authorized by the permit, and a statement of the alleged violation(s). Notice shall also be published as a class 2 notice. Any person may appear at such hearing and testify in person or be represented by an agent or attorney. The Committee at its sole discretion may hold additional public hearings. If the Committee finds after the hearing that the permit holder is not in compliance with the terms of the

permit, it may amend, suspend or revoke the permit. The decision of the Committee shall be furnished to the permit holder in writing, stating the reasons therefore.

5. PERMIT ISSUED IN VIOLATION OF THIS ORDINANCE. A permit issued in violation of this ordinance, the Wisconsin Administrative Code or the Wisconsin Statutes, gives the permit holder no vested right to continue the activity authorized by the permit, and the permit is considered voidable.
6. CONSTRUCTION IN VIOLATION OF THIS ORDINANCE. Any construction which is in violation of this ordinance shall cease upon written orders from the Issuing Agent or the placement of a notification of violation at the site. A notification of violation shall state the following:
 - (a) POWTS Inspector's name and telephone number.
 - (b) Time and date of violation notice.
 - (c) List of code section within Chapter 13 or Wisconsin Administrative Code chapters ~~Comm~~ SPS 382 through ~~Comm~~ SPS 385 that was violated.
7. RELEASE OF ORDER. All construction shall remain stopped until the order is released by the Issuing Agent.

The County Clerk shall, within seven (7) days after adoption of Ordinance Amendment #1-2013 by the Oneida County Board of Supervisors, cause a certified copy thereof to be transmitted by mail to the Town Clerks of Oneida County and the Wisconsin Department of Safety and Professional Services and Ordinance Amendment #1-2013 of Chapter 13 shall become effective immediately upon passage and publication as provided by law.

Approved by the Planning & Development Committee this 5th day of June, 2013.
Offered and passage moved by Supervisors: Holewinski, J.Sorensen, Hintz, Baier and Timmons.

Motion/Second: Rudolph/Vandervest to amend line 9 – and take out the duplicate “to amend the”.

Roll call vote on amendment: 21- Ayes, 0 - Nays, 0 - Absent

Motion-passes.

Roll Call vote on Amended Resolution #47-2013/ General Code O/A: 21- Ayes, 0 -Nays, 0 - Absent.

Amended Resolution #47-2013/General O/A – enacted.

OTHER BUSINESS: none

Closed Session:

The Committee may consider a motion to adjourn into Closed Session pursuant to Section 19.85(1)(e) & (g) for the purposes of (1) Deliberating or negotiating the purchasing of public properties, the investing of public funds, or conducting other specified public business, whenever competitive or bargaining reasons require a closed session & (2) conferring with legal counsel for the governmental body who is rendering oral or written advice concerning the strategy to be adopted by the body with respect to litigation in which it is or is likely to become involved.

1. Easement behind the DOA building.

Upon completion of this portion of the meeting, it is anticipated the Committee will make a motion to return to open session to consider the remainder of the meeting agenda and announce any action taken in closed session.

Motion/Second: Vandervest/ Intrepidi to enter into closed session at 10:41 a.m. All “aye” on Roll Call vote, motion carries.

Excused: Supervisor Berard – 11:48 a.m.

Motion/Second: Martinson/ Vandervest to return to open session – 11:49 a.m. All “aye” on Roll Call vote, motion carries.

Chair Cushing announced there was no action taken in Closed Session.

ADJOURNMENT:

Motion/Second: J.Sorensen / Vandervest to Adjourn at 11:50 a.m. “All aye on voice vote, motion carries.”