

**AMENDED**  
**Oneida County Board of Supervisors**  
**Regular Meeting August 18<sup>th</sup>**  
**2009**

Chair Smith 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, followed by the Pledge of Allegiance.

Members present: Supervisors **Gary Baier**, Ted Cushing, Paul Dean, Franklin H. Greb, **Larry Greschner**, John Hoffman, Scott Holewinski, Jack Martinson, Matt Matteson, David O'Melia, Sonny Paszak, Wilbur Petroskey, Tom Rudolph, Jim Sharon, Andrew Smith, Denny Thompson, **Romelle Vandervest**, Charles Wickman, Peter Wolk and John R. Young.

**Supervisors excused:** Patricia L. Peters

**Others present:** Robert Bruso, County Clerk, Mary Bartelt, Deputy County Clerk, Brian Desmond, Corporation Counsel and John Potters, County Coordinator.

Chair Smith reminded Supervisors to use their microphones when addressing the floor and those addressing the Board to sign the attendance form at the podium. Smith also reminded the Supervisors that if they did not want to keep their 2008 Audit Reports, to please leave on the table.

**Motion/second Hoffman/Petroskey** to accept the minutes of the June 16<sup>th</sup>, 2009 regular meeting. All "ayes" on voice vote.

**Motion/second O'Melia/Vandervest** to accept the August 18, 2009 amended agenda. All "aye" on voice vote.

Board consensus to take agenda items out of order.

**Presentations**

**Oneida County Economic Development Corporation – Presentation – Heal Creek Business Park**

Present from Foth Company, Green Bay, WI were Steve Marman, Fred Schnook, Tom Jordan and Craig Schowalter. Mr. Marman stated the reason for this presentation today was to review their findings up to today. The Heal Creek site has all the ingredients for a business park because it is located near a major highway, near an airport, rails accessible and is centrally located.

Finding reviewed for the Heal Creek Business Park plans are:

- A. Sustainable Development Concept
  - 1. Protecting the Environment
  - 2. Economy
  - 3. Society

All three must be in balance.

- B. Creating a Sustainable Development
  - 1. Pre-Planning (This is now finished)
  - 2. Planning Phase
  - 3. Design & Construction
  - 4. Management
- C. Pre-Planning
  - 1. Review Local & Regional Planning Efforts
  - 2. Prepare a Development Strategy
  - 3. Analyze Market & Financial Feasibility
  - 4. Conduct Stakeholder Meeting
  - 5. Prepare Conceptual Site Plan
  - 6. Stakeholder Review
  - 7. Creating an Integrated Vision for Forestry and Tourism

Mr. Marman also discussed the site development strategies. There are 3 sites within the Heal Creek two hundred and seventy-two acre site (127 acres of wetland, 58 acres logged off and 87 acres of sloped terrain),

the Westside (residential – light assembly- job creation), the Center side (Residential site for employees) and the Eastside (Technical Part-Jobs).

Mr. Marman presented the overall Heal Creek map showing each 3 sites (Westside, Center and Eastside) within the 272 acre parcel.

**Reports**

**Presentation of 2008 Audit -Dave Maccoux, Schenk and Associates.**

Dave Maccoux, from Schenk and Associates, reviewed the 2008 Audit report with the Board. Schenk & Associates expressed an unqualified opinion report on the annual financial statement. Mr. Maccoux reviewed the Management Letter which basically looks at control and compliance and no items were disclosed. Two financial comments which are located on page three of the Financial Report were the General Fund - 18.7 million dollars for 2008 compared to 17.6 million in 2007, of which 12.7 million dollars is undesignated for 2009-2010. The General Fund is in a strong financial position for the 2009-2010 budget year. The other financial comment included the Highway Department Operations, which generated income of approximately \$140,000.00 for years 2007 and 2008.

**Motion/second Wolk/Martinson** to accept both 2008 Audit Report as presented. All “ayes” on voice vote.

**Unfinished Business** - NONE

**Considerations of resolutions & ordinances**

**Resolution #72-2009 – offered by Supervisors of the Planning and Zoning Committee regarding amending Chapter 13 – POWTS (Private Onsite Wastewater Treatment Systems) fee schedule.**

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

**WHEREAS**, the Oneida County Planning and Zoning Department has the responsibility to review and approve Sanitary Permit applications and Soil and Site Evaluation Reports pursuant to Chapter 13 of the General Code of Oneida County pertaining to Private Onsite Wastewater Treatment Systems (POWTS); and

**WHEREAS**, the POWTS Ordinance was amended by way of Resolution #42-2006 to incorporate the review of existing POWTS including soil borings for properties transferring ownership effective September 30, 2006; and

**WHEREAS**, the Planning and Zoning staff is required to review Existing POWTS Evaluation/Maintenance Initiation Forms submitted to the Department when a real estate transfer takes place on a parcel of land; and

**WHEREAS**, the Planning and Zoning Department currently does not charge a fee associated with the submittal and review of the Existing POWTS Evaluation/Maintenance Initiation Form and proposes a \$50.00 review fee; and

**WHEREAS**, the Planning and Zoning Committee has reviewed the proposed fee and recommends that the fee schedule be changed to include a fee for the review of the Existing POWTS Evaluation/Maintenance Initiation Form and Soil and Site Evaluation Form in the amount of \$50.00; and

**NOW, THEREFORE, BE IT RESOLVED**, the Oneida County Board of Supervisors supports changing the fee schedule to charge a \$50.00 fee for the review of an Existing POWTS Evaluation/Maintenance Initiation Form and Soil and Site Evaluation Form associated with the transfer of property and shall become effective immediately upon passage and publication as provided by law.

Approved by the Planning and Zoning Committee this 5th day of August, 2009.

Offered and passage moved by Supervisors Scott Holewinski, Charles Wickman, Frank H. Greb, Larry Greschner and Ted Cushing.

Effective Date: \_\_\_\_\_  
Resolution: # \_\_\_\_\_

**APPLICATION REVIEW FEE SCHEDULE**

**ONEIDA COUNTY ZONING & SHORELANDS PROTECTION ORDINANCE  
ONEIDA COUNTY PRIVATE SEWAGE SYSTEM ORDINANCE**

**STAFF REVIEW FEE ASSOCIATED WITH:**

- 1. Zoning Permits: based on square footage as follows with a minimum fee of \$75.00**

(\*Note: Always round cents to nearest dollar)

- A. **Dwelling units**  
Each full story, unfinished or finished basement, ½ story or loft area . . . . . sq ft X .14
  
- B. **Commercial structures (including apartment bldgs & duplexes)**  
Each full story, unfinished or finished basement,  
½ story or loft area . . . . .sq ft X .16  
Commercial cold storage. . . . .sq ft X .14
  
- C. **Accessory buildings - garages, storage buildings, barns; additions, alterations or remodeling to same**  
Each full story, finished or unfinished basement, ½ story, loft area . . . . . sq ft X .12
  
- D. **Boathouses**  
One story only . . . . . sq ft X .20
  
- E. **Pole buildings**  
Each full story, basement, ½ story or loft area. . . . . sq ft X .12
  
- F. **Other**
  - 1. **Residential additions, alterations, remodeling**  
Each full story, unfinished or finished basement, ½ story or loft area. . . . . .sq ft X .14
  
  - 2. **Commercial additions, alterations, remodeling**  
Each full story, unfinished or finished basement, ½ story or loft area. . . . . sq ft X .16
  
  - 3. **Change of Use** . . . . .sq ft X .14
  
  - 4. **Anything that cannot be figured on square footage such as adding a fireplace, change pitch of roof, etc. fee shall be \$75.00.**
  
  - 5. **Deck**. . . . .sq ft X .12
  
  - 6. **Footings or crawl space** . . . . . sq ft X .10
  
  - 7. **Early Start** . . . . . \$75.00
  
  - 8. **Raze Structure** . . . . .No Charge  
A permit is required to remove/raze structure from a property, but there will be no charge for the permit.
  
- 2. **SUBDIVISION OF LAND** - \$100.00 per lot; \$100.00 per outlot
- 3. **CONDITIONAL USE PERMITS** - \$500.00
- 4. **MINING**
  - A. **SPECIAL CONDITIONAL USE PERMIT** - \$50,000.00
  - B. **EXPLORATION PERMIT** - \$1,500 Annually
- 5. **ADMINISTRATIVE REVIEW PERMIT** - \$250.00
- 6. **SEXUALLY ORIENTED BUSINESS PERMIT** - \$250.00; **BI-ANNUAL RENEWAL FEE** - \$75.00
- 7. **SHORELAND ALTERATION PERMIT** - \$150.00
- 8. **HOME OCCUPATION COMPLIANCE CHECKLIST** - \$50.00
- 9. **SIGN APPLICATION** - \$100.00 per sign
- 10. **AFTER THE FACT APPLICATION** - Triple the application fee.
  
- 11. **APPEALS TO THE BOARD OF ADJUSTMENT** - \$500.00; **Contested case appeals** – minimum fee of \$500.00 plus actual costs incurred as determined by the Oneida County Board of Adjustment.  
**Rescheduling of an appeal** - \$350.00 for each rescheduled event.
  
- 12. No fee is required for any structure or use by any municipality, public school, state or federal governmental agency. These agencies must, however, submit application for a permit.

13. A \$500.00 fee shall be charged to any individual or corporation, firm, etc., for filing a petition for amending the Ordinance. No fee shall be charged for any petition filed by a town, the Oneida County Planning and Zoning Committee, or the Oneida County Zoning Administrator.
14. **RENEWALS** – On or after 3/25/03 permits are good for two years from the date of issuance and may not be renewed. (Resolution #25-2003)
15. **COPY WORK or FAX** - \$.25 each page
16. **SEARCH REQUEST/SANITARY MAINTENANCE PROGRAM** - \$1.00/request
17. **CONDOMINIUM FEES** - \$100.00 for each unit.
18. **STAFF ONSITE INSPECTION** - As requested by public - \$75.00 and \$75.00 per hour after first hour.

**ONEIDA COUNTY PRIVATE SEWAGE SYSTEM FEE SCHEDULE IS SUBJECT TO CHANGE IF FEES ARE INCREASED BY DEPT OF COMMERCE OR THE DNR**

1. Conventional sewage system and/or septic tank	\$300.00
2. Alternate design: mound, at grade	\$410.00
3. In-ground pressure	\$410.00
4. Holding tank	\$425.00
5. Drip irrigation	\$425.00
6. Pretreatment units, sand filters, aerobic treatment units, etc	\$425.00
7. Soil remediation	\$100.00
8. Privy	\$200.00
9. Transfer fee (between owners only)	\$ 50.00
10. Renewal fee (can only be renewed once)	\$ 50.00
11. Reconnect or repair	\$ 75.00
12. Revisions (change in plans or change of plumber)	\$ 75.00
13. Filter installation	\$175.00
14. Administrative fee for receipt of the Wisconsin Fund Grant Program	\$125.00
15. Sewage system inspection fee for building additions or Remodeling	\$ 75.00
16. Return septic inspection fee (excluding regular alternative system inspections)	\$ 75.00
<b>17. Existing POWTS Evaluation submittal for a real estate transfer</b>	<b>\$ 50.00</b>
18. Large scale sewage systems (over 2,000 gallons based on daily wastewater flow) charged at \$.13 cents X gallonage (rounded off to the nearest dollar) In addition to the original permit cost.	
18. Copy work or FAX: \$.25 each page	

**ONEIDA COUNTY POWTS PLAN REVIEW FEE SCHEDULE IS SUBJECT TO CHANGE IF FEES ARE INCREASED BY DEPT OF COMMERCE OR THE DNR**

Plan review non-pressurized in-ground system, public or commercial

- |                                       |          |
|---------------------------------------|----------|
| A. 1000 gallons per day or less ..... | \$175.00 |
| B. 1001 – 5000 gallons per day.....   | \$225.00 |

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**Roll call: 20 ayes 0 nay 1 absent (Peters)**

**Resolution #73-2009 – offered by Supervisors of the Planning and Zoning Committee regarding the 2009 Assembly Bill 243 – Comprehensive Plan for Oneida County.**

Resolution offered by Supervisors of the Planning and Zoning Committee.

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

**WHEREAS**, The Oneida County Board of Supervisors approved resolution #12-2008; allowing for Oneida County to begin the Comprehensive Plan process; and

**WHEREAS**, Oneida County contracted with North Central Wisconsin Regional Planning Commission (NCWRPC) to develop a Comprehensive Plan for Oneida County; and

**WHEREAS**, the Oneida County Board of Supervisors approved resolution #21-2009; creating a "Comprehensive Plan Oversight Committee"; and

**WHEREAS**, on April 21, 2009 the Oneida County board Chairman appointed members to the Comprehensive Plan Oversight Committee.

**WHEREAS**, Oneida County is diligently moving forward with developing a Comprehensive Plan for Oneida County; and

**WHEREAS**, Oneida County cannot meet the January 2, 2010 deadline.

**NOW, THEREFORE, BE IT RESOLVED**, the Oneida County Board of Supervisors supports 2009 Assembly Bill 243 (Copy attached) that delays the implementation date in current law from January 2, 2010, until January 1, 2012; and

**BE IT FURTHER RESOLVED**, that copies of this resolution be sent to Governor Jim Doyle, Senator Jim Holperin, Representative Dan Meyer and Representative Dan Friske.

Approved by the Planning and Zoning Committee this 17<sup>th</sup> day of June, 2009.

Offered and passage moved by Supervisors Scott Holewinski, Ted Cushing, Larry Greschner, Charles Wickman and Frank H. Greb.

**Roll call: 19 ayes 1 nay (Martinson) 1 absent (Peters)**

**Resolution #74-2009/OA #1-2009 – offered by Supervisors of the Planning and Zoning Committee amending Chapter 13 – Oneida County Private Onsite Wastewater Treatment System Ordinance.**

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

**WHEREAS**, the Planning & Zoning Committee, having considered Petition #1-2009, (copy attached) which was filed May 12, 2009, to amend Chapter 13, The Oneida County Private Onsite Wastewater Treatment System Ordinance, and having given notice thereof as provided by law and having held a public hearing thereon June 3, 2009, and having been informed of the facts pertinent to the changes which are as follows:

**WHEREAS**, the proposed ordinance amendment addresses the Wisconsin Department of Commerce mandate to require Oneida County to inventory all private onsite wastewater treatment systems (POWTS) within three years and place them in a maintenance program within five (5) years; and

**WHEREAS**, the proposed ordinance amendment updates Chapter 13 due to revisions to Wisconsin Administrative Code Comm83; and

**WHEREAS**, the proposed ordinance amendment addresses the Wisconsin Department of commerce concerns regarding existing language.

And being duly advised of the people in the area affected as follows:

A public hearing was held on June 3, 2009 and no one in attendance opposed the changes. All Towns were sent a notice and no one provided comments. A special mailing to licensed POWTS installers, service providers and certified soil testers and none provided comment. The Wisconsin Department of commerce has reviewed and approved the proposed changes.

**NOW THEREFORE, BE IT RESOLVED**, that the Oneida County Board of Supervisors hereby accepts and approves Petition # 1-2009 and ordains 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: 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 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: Additions noted by underline; deletions noted by ~~striketrough~~.

Chapter 13, The Oneida County Private Onsite wastewater Treatment System (POWTS) Ordinance is amended as follows:

**CHAPTER 13**

**ONEIDA COUNTY  
PRIVATE ONSITE WASTEWATER TREATMENT SYSTEMS ORDINANCE**

**AS AMENDED TO  
JUNE 20, 2000  
AUGUST 20, 2002  
MAY 21, 2006**

**CHAPTER 13**

**ONEIDA COUNTY  
PRIVATE ONSITE WASTEWATER TREATMENT SYSTEMS**

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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 Wisconsin Statutes and Comm 82, 83, 84, 85, 86 and through 87 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 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) Maintain and improve the inspection and enforcement process for new system installation.
- (4) Improve the maintenance and tracking program for systems previously installed as well as new systems installed each successive year.
- (5) Allow municipal ownership of a private sewage system servicing multiple structures on different parcels.

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.

Conventional In-Ground Sewage System. A private sewage 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 system or for the installation of a non-plumbing sanitation system, pursuant to §59.70 and 145.04, Wisconsin Statutes.

Department. The Oneida County Planning & Zoning Department.

Failing Non-Plumbing Sanitation Systems.

- (a) The discharge of sewage into surface water or groundwater.
- (b) The introduction of sewage into zones of saturation which adversely affects the operation of the non-plumbing system.
- (c) The discharge of sewage to a drain tile or into zones of bedrock.
- (d) The discharge of sewage to the surface of the ground.

Failing Private Sewage System. "Failing private sewage system" has the following meanings:

- (1) Those specified under §145.245(4), Wisconsin Statutes.
- ~~(2) A holding tank which discharges sewage to the ground surface, including intentional discharges and discharges caused by neglect, shall be considered a failing private sewage system.~~
- ~~(3) A POWTS system installed after December 1, 1969 that has less than 36" of vertical separation between the infiltrative surface of a POWTS and high groundwater, or bedrock pursuant to Wisconsin Administrative Code Comm 83.32(2)(b).~~
- (2) A private sewage 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 System Program.

Large Onsite Sewage Systems. An onsite sewage 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 system includes the replacement or repair of any of the following:

- a. manhole covers;
- b. manhole risers;
- c. septic tank baffles;
- d. effluent pumps and related controls or wiring;
- e. 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 91, 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.

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.

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 acres or more on the Wisconsin Wetland Inventory Map within 1,000’ of the ordinary highwater mark of navigable waters of a wetland less than 5 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.

State Sanitary Permit. A permit issued by the Department or the Department of Commerce 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.

## **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 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: §59.70(5), Chs. 145, 281.48, 283.31 and 968.10, Wisconsin Statutes; Chs. Comm 52.63, Comm 5, Comm 81, Comm 82, Comm 83, Comm 84, Comm 85, Comm 86, Comm 87, Comm 91, 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 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, or portion(s) 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 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, a private sewage system that has sewage bypassed or a holding tank which is discharging untreated or partially treated sewage ~~to~~ 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 DELAYED IMPLEMENTATION (Effective date to be inserted)~~

- ~~(1) Delayed Implementation.~~
  - ~~(A) The issuance of sanitary permits for the construction or use of POWTS designs that utilize a method or technology that is added to the list under Comm 83.61 after July 1, 2000 shall be prohibited for not more than 6 months, pursuant to Wisconsin Administrative Code Comm 83.04(2)(a) & (b).~~

~~(1) These subsections shall be limited to permits intended to serve new development.~~

~~(2) For the purpose of this subsection, a new development shall be considered a property without an existing habitable building.~~

### 13.25 PROHIBITION

- (1) The issuance of a sanitary permits 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 83.32(2)(a):
  - (a) An evapotranspiration bed as a POWTS treatment component.
- (2) No large onsite sewage system shall be installed or operated in Oneida County. This prohibition shall not apply to:
  - (a) Any large onsite sewage system for which a Water Pollution Discharge Elimination System (WPDES) permit has been issued by the Wisconsin Department Natural Resources (WDNR) pursuant to Wisconsin Statutes Section 283.31  

Any large-scale onsite sewage 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 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 83.32(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.

### 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 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 shall be done in accordance with the provisions of Comm 83, Wisconsin Administrative Code.
- (2) The components of an existing private sewage system that are not part of the approved design of a replacement system shall be abandoned per Comm 83, 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 91 unless this ordinance is more restrictive.
- (2) Privies shall be sturdily constructed and maintained in a clean and healthful condition.
- (3) 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) 50 feet from any well.
  - (e) 75' from the Ordinary High Water Mark of a lake or stream.
  - (f) 25' 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 83, Comm 85 and Comm 91, 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.
- (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. 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, ~~and as many copies as are required by the Department~~. The Department reserves the right to refuse verification of a Soil and Site Evaluation report in accordance with Comm 85.30(5).

**13.31 SANITARY PERMIT APPLICATIONS.**

- (1) General
  - (a) Every private sewage system shall require a separate application and sanitary permit.
  - (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 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 or part thereof may be installed, replaced, repaired reconnected or modified. A sanitary permit is not required for ~~the addition of manhole risers or for the replacement of manhole covers, manhole risers, baffles or pumps~~ 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 has failed or requires replacement or modification, the entire system shall be evaluated for compliance with ~~existing~~ 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 91, 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 83, Wisconsin Administrative Code, or §13.52 of this ordinance.
  - (2) If a private sewage system, or parts thereof, are located on a different parcel than the structure served an appropriate easement, ~~Quit-Claim Deed~~ or Certified Survey map ~~combining~~ combining the parcels must be recorded.
  - (3) If a private sewage system 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 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 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 require Floodplain and/or Wetland delineation for a building site or proposed private sewage system area prior to sanitary permit issuance. The Department may require elevations on plans to be tied to floodplain elevation datum.~~
- ~~(E)(F)~~ (F) 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 83, Wisconsin Administrative Code. Plans shall comply with the requirements of Comm 83, Wisconsin Administrative Code, and this ordinance.~~

- (A) Plans submitted to the Department shall include the original and two (2) ~~as many copies, as are required by the Department.~~
- (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 83, 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 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 83.43, 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 fails and cannot be repaired.
- (6) Sufficient supporting information to determine whether the proposed design, installation and management of the proposed private sewage system or modification to an existing system complies with this ordinance.
- (E) Plans shall be signed or sealed as specified in Comm 83, Wisconsin Administrative Code.
- (F) A copy of the approved plans shall be maintained at the construction site until the private sewage system 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 which has been previously approved shall be submitted to the Department or the State as specified in Comm 83, 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 §145.135, 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 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 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 written 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) ~~The property owner, his agent or contractor, shall return the original permit card and receive a~~ A new permit card shall be issued when the permit is renewed.
  - (f) ~~All Sanitary permits issued prior to the effective date of this ordinance which have been renewed shall expire two years from the date of issuance unless renewed~~ 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 ~~State Sanitary Permit 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 ~~him~~ the owner to furnish the Department with the applicable ~~transfer 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 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 cross Private Roads owned fully or partially by others, permission shall be obtained through an easement.

- ~~(3) POWTS utilizing 12 inches or less of in situ soil.~~

~~Prior to submitting state plan approval for POWTS utilizing less than 12 inches of soil, a county soil and site evaluation shall be performed unless specifically waived by the Issuing Agent. A request for verification shall be made to the Department. The applicant shall provide all necessary equipment to perform such evaluation.~~

- ~~(3)~~(4) 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 ~~evaluation~~ verification shall be performed. A request for verification shall be made to the Department. The applicant shall provide all necessary equipment to perform such ~~evaluation~~ verification. The Department may waive such verification provided the site/soil evaluations show similar findings.

- ~~(4)~~(5) Systems ~~servicing~~ servicing 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)(6)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 ~~of~~ on the petition for variance.

(6)(7)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, ~~companies~~ 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)(8)Experimental Systems and Other Systems not recognized by Comm ~~83.64~~ 83.60.

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 are is detailed in Comm 83.27. 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.

~~Also p~~Prior to approval of a POWTS Treatment Unit sanitary permit for an experimental design, a detailed management plan shall be submitted to the Department. This management plan shall provide a lists of all replacement equipment, the location as to where the replacement equipment can be obtained, a ~~minimum~~ list of approved maintainers (which includes full names, addresses, ~~companies~~ 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 ~~83.64~~ 83.60 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;
  - (b) Disconnection of a structure from an existing private sewage system 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.
- (2) Prior to issuing a reconnection permit, the existing private sewage system 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 83, 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 83, 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. 83, 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, or a POWTS inspector or other person(s) authorized to do so by Comm. 83, 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. 83, 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 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 83.25(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 system, ~~or~~ the owners of the property shall;
- (2) —Involves any addition, alteration or remodeling, that exceeds 25% of the total gross area of the exiting dwelling unit not including construction of decks, patios, garages, porches, re-roofing, painting, wiring, residing, window replacements, or replacement of equipment or appliance, the owners of the property shall;**
  - (a) Possess a sanitary permit to construct a new private sewage system or modify an existing private sewage system 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 of adequate

- capability and capacity to accommodate the wastewater flow and contaminant load already exists to serve the structure, as specified in Comm 83, 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 components; and
  - (3) Documentation specified in §13.34(3)(b)(c)&(d).
- ~~(2)~~(3) 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 the owner or his agent shall determine that the proposed structure conforms with applicable setback limitations of Comm 83, Wisconsin Administrative Code. Documentation shall be submitted as required in Comm 83, 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 ~~transfer~~ 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.
- (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 installed, modified or reconnected.
- (2) These private sewage systems shall be inspected by the Department for compliance with Comm 82, Comm 83, 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 83 Wisconsin Administrative Code.
- (4) The entire system shall be left completely open until it has been inspected and accepted ~~by the Department as provided in Wisconsin Administrative Code Comm 83.26(2) unless the requirements of Comm 83, Wisconsin Administrative Code, are not met by the Department.~~
- (5) When a private sewage system 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 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 91, 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 52.63, 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 ~~83.64-83.60.~~
  - (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 plans 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 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 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 82, 83 or 84, 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 and non-plumbing sanitation systems shall be managed and maintained in accordance with Comm 83, 84 and 91, 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 83, 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 83.54 Oneida County shall continue to cooperate with Lake Protection & Rehabilitation Districts to evaluate, condemn and replace existing failing private sewage systems.
- (7) The applicant for a sanitary permit for a holding tank system shall sign a holding tank agreement with the county. ~~in accordance with Comm. 83, Wisconsin Administrative Code.~~

#### 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 permitted and installed on or after July 1, 1980 shall be visually inspected by a plumber, POWTS inspector or a person licensed under sec. 281.48 Wis. Stats., and pumped within three years of the date of installation and at least once every three years thereafter. unless upon inspection the septic tank is found to have less than 1/3 of the volume occupied by sludge and scum.~~
- (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)~~(3) Pumping of a septic tank shall be done by a certified septage servicing operator in accordance with NR 113, Wisconsin Administrative Code.
- ~~(5)~~(4) Visual inspection of a private sewage system may be conducted by individuals specified in Comm 83.54(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)~~(5) The owner or owner's agent of ~~such septic tank~~ 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 ~~40~~ 30 calendar days of the date of inspection and pumping. Reports shall include all information required in Comm 83.55, 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 83 or 84, Wisconsin Administrative Code, ~~should~~ shall be included with this report.

- ~~(7)~~(6) 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 ~~not~~ 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 written evaluation of the general condition of the POWTS, by a Master Plumber, Master Plumber-Restricted Service, POWTS Inspector, or Certified Soil Tester, or other person(s) authorized to do so by Comm. 83, Wisconsin Administrative Code, which explains the presence and condition of all of the following components:
      - ~~(a) Inlet and outlet baffles.~~
      - ~~(b) Vents, observation ports.~~
      - ~~(c) High water alarms.~~
      - ~~(d) Treatment tanks including risers and covers.~~
      - ~~(e) Absorption area including ponding, surface discharge.~~
      - ~~(f) Presence of any outfall pipe or connection to a drain tile.~~
      - ~~(g) All applicable setbacks require an accurate site diagram if none exists on file at the Zoning Office.~~~~

- (2) A report provided by a plumber, certified septage servicing operator, certified POWTS inspector or other person(s) authorized to do so by Comm 83, 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 83, 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 83, 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 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, 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, ~~pumpers~~ 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 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, Wisconsin Statutes. (Effective February 26, 2006, Resolution #9-2006)
- (12) Enforce the provisions of § 145.11 Wisconsin Statutes advertising restrictions.
- (13) Pursuant to Comm 83.20(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)~~(14) Perform other duties regarding private sewage systems as considered appropriate by the County or the State.

13.62 BOARD OF ADJUSTMENT.

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.

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) 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 82 through Comm 85 that was violated.

(7) 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 #1-2009 by the Oneida County Board of Supervisors, cause a certified copy thereof to be transmitted by mail to all the Town Clerks and the Wisconsin Department of Commerce and Ordinance Amendment #1-2009 shall become effective immediately upon passage and publication as provided by law.

Approved by the Planning and Zoning Committee this 1st day of July, 2009.

Offered and passage moved by Supervisors Scott Holewinski, Larry Greschner, Charles Wickman and Frank H. Greb.

**Motion/second Cushing/Greschner** to waive the reading of Resolution #74-2009. All "aye" on voice vote.

**Roll call: 20 ayes 0 nay 1 absent (Peters)**

**Resolution #75-2009/OA #7-2009 – offered by Supervisors of the Planning and Zoning Committee amending the Oneida County Zoning and Shoreland Protection Ordinance – Town of Minocqua.**

Ordinance Amendment offered by Supervisors of the Planning and Zoning Committee.

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

**WHEREAS**, the Planning & Zoning Committee, having considered Ordinance Amendment #7-2009, (copy attached) which was filed April 15, 2009 to amend the Oneida County Zoning and Shoreland Protection Ordinance, and having given notice thereof as provided by law and having held a public hearing thereon June 3, 2009 pursuant to Section 59.69(5), Wisconsin Statutes, and having been informed of the facts pertinent to the changes which are as follows:

**WHEREAS**, the Town of Minocqua requested that in Business B-1 and B-2 (District 6 and 7) multi-tenant buildings of four or fewer units require an Administrative Review Perm (ARP) while five or more units require a Conditional Use Permit (CUP); and

**WHEREAS**, Planning and Zoning staff agreed with said request, it is similar to how the Department is permitting multi-family units in multiple family residential (District 3); and

**WHEREAS**, all Towns were provided with written notice of said changes and no Town objected; and

**WHEREAS**, the Planning & Zoning Committee has carefully studied the proposed changes after listening to comments made at the public hearing and recommends approval; and

And being duly advised of the wishes of the people in the area affected as follows:

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

Section 1: Any existing ordinances, codes, resolutions, or portion thereof in conflict with this ordinance shall be and are hereby 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: Additions noted by underline; deletions noted by ~~striketrough~~.

Chapter 9 of the Oneida County Zoning & Shoreland Protection Ordinance is amended as follows:

9.26 BUSINESS B-1 AND B-2 (DISTRICTS 6 AND 7) (#19-2001,83-2003,1-2005 & 28-2005,11-2008)

A. BUSINESS B-1 (DISTRICT 6)

1. Purpose

The purpose of the Business District (B-1) is to provide an area for general retail and commercial business use.

2. Permitted Uses

Subject to section 9.26(A) (4) (c) below, the following are permitted uses in the Business District (B-1):

- a. All the permitted uses of District 3 Multiple Family Residential
- b. Any retail business use to the extent lawfully existing and operating in District B-1 on the effective date of this ordinance
- c. Any office, professional and service use customary in a business district to the extent lawfully existing and operating in District B-1 on the effective date of this ordinance
- d. Any amusement enterprise uses such as theaters, bowling and amusement parlors to the extent lawfully existing and operating in District B-1 on the effective date of this ordinance
- e. Warehouses accessory to retail or service establishments

3. Administrative Review Uses

- a. Any new retail business that does not have a drive-through or drive-in component and does not have any outdoor operations (other than customer or employee parking)
- b. Any new office, professional and service establishment customary in a business district that does not have a drive-through or drive-in component and does not have any outdoor operations (other than customer or employee parking)
- c. All the Administrative Review Uses of District 3 Multiple Family Residential
- d. Multi-tenant use involving an existing building with 4 units or less

4. Conditional Uses

- a. Any new amusement enterprise such as theaters, bowling and amusement parlors, that do not have a drive-through or drive-in component and do not have any outdoor operations (other than customer or employee parking)
- b. Any retail business, office, professional or service establishment that involves a drive-through or drive-in component or has any outdoor operations (other than customer or employee parking)
- c. Mall and multi-tenant buildings
- d. Hotels, motels, and resorts (with 5 or more units)
- e. Any permitted use or administrative review use in this district, which is located on property adjacent to or across the street from a residential district
- f. Dog kennel and/or cat boarding facilities
- g. Animal shelters, as defined in Wis Stats., 173.40(c).
- h. Wildlife rehabilitation centers pursuant to Wis. Administrative Code NR19 or facilities subject to a federal permit
- i. Veterinary clinics or animal hospitals

- j. Communication structures located on existing government structures, or on existing sanitary district owned facilities
- k. Co-location on a legal pre-existing communication structure
- l. Multi-tenant use involving an existing building with 5 or more units

5. Minimum Lot Sizes

The minimum lot size requirements for the Business (B-1) District are contained in Appendix A, which is incorporated herein by reference. For any lot or tract of land that does not meet the minimum size requirements for this district as set forth in Appendix A, see Section 9.75 of this ordinance.

B. BUSINESS B-2 (DISTRICT 7)

1. Purpose

The purpose of the Business District (B-2) is to provide an area for some additional types of commercial businesses than those allowed in Business District (B-1).

2. Permitted Uses / Administrative Review Uses

All the same provisions pertaining to permitted uses and administrative review uses as set forth above in section 9.26(A) for Business District (B-1) are incorporated herein by reference.

3. Conditional Uses

- a. All the conditional uses of Business District (B-1)
- b. Any permitted use or administrative review use in this district, which is located on property adjacent to a residential district
- c. Mall and multi-tenant buildings
- d. Hotels, motels, and resorts (with 5 or more units)
- e. Mobile home, manufactured home and house trailer parks, only in accordance with the provisions of section 9.52 and provided they otherwise comply with this ordinance
- f. Light industry
- g. Structures used in communications subject to Section 9.54

4. Minimum Lot Sizes

The minimum lot size requirements for the Business (B-2) District are contained in Appendix A, which is incorporated herein by reference. Except for public or private parks, wetland or floodplain designated areas shall not be included in calculating minimum lot size. For any lot or tract of land that does not meet the minimum size requirements for this district as set forth in Appendix A, see Section 9.75 of this ordinance.

The County Clerk shall, within seven (7) days after adoption of Ordinance Amendment #7-2009 by the Oneida County Board of Supervisors, cause a certified copy thereof to be transmitted by mail to all Town Clerks.

Approved by the Planning and Zoning Committee this 5<sup>th</sup> day of August, 2009.

Offered and passage moved by Supervisors Scott Holewinski, Charles Wickman, Frank H. Greb, Larry Greschner and Ted Cushing.

**Motion/second Cushing/Vandervest** to waive the reading of Resolution #75-2009. All "aye" on voice vote.

**Motion/second Rudolph/Matteson** to amend Resolution #75-2009 at Line #14 and change the word "Perm" to "Permit".

All "aye" on voice vote with Mrs. Peters absent.

**Roll call: 20 ayes 0 nay 1 absent (Peters)**

**Other business**

**Motion/second Cushing/Vandervest** to adjourn into closed session pursuant to section 19.85(1)(c), (f), & (g), Wis Stats., to: (1) consider the employment and performance evaluation data of an Oneida County employee; (2) for purposes of considering financial, medical, social, or personal histories or disciplinary data of specific persons, preliminary consideration of specific personnel problems or the investigation of specific charges,

which, if discussed in public would likely have an adverse effect on the reputation of the person referred to in such data, and (3) for purposes of conferring with legal counsel concerning strategy to be adopted by the governmental body with respect to litigation in which it is or is likely to become involved.

**Roll Call: 20 aye 0 nay 1 absent (Peters)**

**Time: 11:00 a.m.**

**Motion/second Cushing/Baier** to return to open session and continue with the remaining of the agenda items.

**Roll Call: 20 aye 0 nay 1 absent (Peters)**

**Time: 11:15 a.m.**

Chair Smith stated that it was unanimously approved to accept the settlement agreement with regard to litigation.

**Resolution #67-2009 – offered by Supervisor Andrew Smith regarding the Department on Aging Building Committee resuming their duties.**

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

**WHEREAS**, Resolution #77-2007 created a Department on Aging Building Committee; and

**WHEREAS**, Resolution #70-2008 suspended the activities of the Department on Aging Building Committee until such time as a decision was made by the Oneida County Board of Supervisors regarding Oneida County's continued participation in the Tri-County Human Service Center; and

**WHEREAS**, Resolution #70-2008 stated that the Department on Aging Building Committee could resume its activities only upon passage of a resolution by the Oneida County Board of Supervisors authorizing that Committee resume its duties; and

**WHEREAS**, Resolution #35-2009 (as amended) authorized Oneida County's continued participation in the Tri-County Human Service Center; and

**WHEREAS**, local older adults have made repeated inquiries regarding the Department on Aging Building Committee resuming its duties; and

**WHEREAS**, it would be in the best interest of Oneida County and its older adult populous to have the Department on Aging Building Committee resume its activities for another 6 months, consistent with the duties previously set forth in resolution #77-2007.

**NOW, THEREFORE, BE IT RESOLVED**, the Department on Aging Building Committee is hereby authorized to resume its duties as set forth in resolution #77-2007.

**BE IT FURTHER RESOLVED**, the Department on Aging Building Committee shall complete their duties within six months of passage of this resolution, after six months the Committee will be deemed to be terminated unless the Oneida County Board grants an extension of that deadline;

**BE IT FURTHER RESOLVED**, the Oneida County Board of Supervisors approves and accepts the attached fiscal impact statement.

Approved by Supervisor Andrew Smith this 12<sup>th</sup>.day of August 2009.

Offered and passage moved by Supervisor Andrew P. Smith.

Seconded by Supervisor David O'Melia.

<b>FISCAL IMPACT</b>				
<b>DEPARTMENT ON AGING BUILDING COMMITTEE</b>				
Per Diem	12 meetings/4 Co Bd Members		2,280	
Per Diem	12 meetings/1 Citizen Member		420	
			2,700	
Social Security			207	
Workers Comp			4	
Subtotal			5,611	
Mileage estimated			1,000	
			6,611	

Mileage dependant on members selected				
Funding Source: Commission and Committee Budget for Per Diems, Fringe Benefits and Mileage				

**Roll call: 20 ayes 0 nay 1 absent (Peters)**

**Postponed Resolution #58-2009/General Code/OA – offered by Supervisor Matt Matteson - Amending Section 1.35 – Courthouse Hours.**

**Ordinance Amendment offered by Supervisor Matt Matteson.**

**Whereas**, The Labor Relations/Employee Services Committee has declared that the Courthouse will be closed on October 12, November 11, and December 31, 2009, and

**Whereas**, section 1.35 of the General Code of Oneida County enumerates the Courthouse closure days and must be amended to include these three business days.

**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 1.35 of the General Code of Oneida County, Wisconsin, is amended as follows [additions noted by underline, deletions noted by strikethrough]:

**1.35 COURTHOUSE HOURS.** (Rep. & recr. #83-95; Am. #22-97; #01-2002)

(1) The County offices shall be open from 8:00 a.m. to 4:30 p.m., Monday through Friday, except on New Year's Day, the Friday before Easter, Memorial Day, July 4th, Labor Day, October 12, 2009, November 11, 2009 Thanksgiving Day, the day after Thanksgiving, December 24th and 25<sup>th</sup> and December 31, 2009. In the event any of the above listed days fall on a Saturday, the Courthouse will be closed the preceding Friday and if the day falls on a Sunday, the following Monday the Courthouse will be closed.

Sections 2 and 3 remain unchanged.

Approved by Supervisor Matteson on June 10, 2009.  
Offered and passage moved by Supervisor Matt Matteson.  
Seconded by Supervisor Wilbur Petroskey.

**4.02 DEFINITIONS,**

**(19) FURLOUGH** By action of the Labor Relations and Employee Committee, designated time off without pay. Furlough days are distinct and separate from Closed Days.

**4.42 PAID TIME OFF/UNPAID TIME OFF.**

**LOA.** Employees on an unpaid Leave of Absence of seventy-five (75) hours or more do not earn PTO days. An employee's PTO earnings will be adjusted accordingly. If an employee has PTO balance they may not be granted an unpaid LOA.

**Closed Days.** When the Courthouse and its outlying offices are closed, (a) an employee may elect to be paid for that day, excluding Saturdays and Sundays, using earned or borrowed paid Time Off days, or an employee may elect to not be paid for this time.

**Furlough Time.** For legitimate business reasons the Labor Relations and Employee services Committee may designate furlough time. Furlough time is employee time off without pay, which may result in the cessation of certain County operations and the closing of the courthouse and other County facilities. Employees may not use PTO while on furlough. Furlough time will be prorated for part-time employees. Furlough time will not be considered unpaid leave for the calculation of PTO accruals or additional employee share of health insurance.

**Working.** The Department Head may authorize an employee to work on a day that the Courthouse and/or outlying offices are closed. It is expected that this will be a rare occurrence. Department Heads must obtain their Committee of Jurisdiction's approval when the Department Head realizes this may be an on-going occurrence, with notification to the Labor Relations and employee Services and Finance Offices. Employees will be paid at their straight time hourly rate unless the pay qualifies as overtime according to the Compensatory Time and Overtime rules.

**Motion/second Rudolph/Martinson** to waive the reading of Postponed Amended Res. #58-2009. All "aye" on voice vote.  
**Motion/second Matteson/Cushing** to postpone Postponed Amended Res. #58-2009 indefinitely. All "aye" on voice vote.

**Roll call: 20 ayes 0 nay 1 absent (Peters)**

**Resolution #63-2009/General Code/OA – offered by the Supervisors of the Labor Relations and Employee Services Committee amending Section 4.02 (Definitions) and Section 4.42 (Paid Time Off/Unpaid Time Off). Ordinance Amendment offered by Labor Relations and Employee Services Committee**

**Whereas**, The Labor Relations/Employee Services Committee has declared that the Employees of Oneida County will take three (3) Furlough days by or before December 31, 2009

**Whereas**, Section 4.02 of the General Code of Oneida County shall include the definition of Furlough Days.

**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 4.02 and Section 4.42 of the General Code of Oneida County, Wisconsin, is amended as follows [additions noted by underline, deletions noted by strikethrough]:

4.02 DEFINITIONS,

(19) FURLOUGH By action of the Labor Relations and Employee Committee, designated time off without pay. Furlough days are distinct and separate from Closed Days.

4.42 PAID TIME OFF/UNPAID TIME OFF.

LOA. Employees on an unpaid Leave of Absence of seventy-five (75) hours or more do not earn PTO days. An employee's PTO earnings will be adjusted accordingly. If an employee has PTO balance they may not be granted an unpaid LOA.

Closed Days. When the Courthouse and its outlying offices are closed, (a) an employee may elect to be paid for that day, excluding Saturdays and Sundays, using earned or borrowed paid Time Off days, or an employee may elect to not be paid for this time.

Furlough Time. For legitimate business reasons the Labor Relations and Employee services Committee may designate furlough time. Furlough time is employee time off without pay, which may result in the cessation of certain County operations and the closing of the courthouse and other County facilities. Employees may not use PTO while on furlough. Furlough time will be prorated for part-time employees. Furlough time will not be considered unpaid leave for the calculation of PTO accruals or additional employee share of health insurance.

Working. The Department Head may authorize an employee to work on a day that the Courthouse and/or outlying offices are closed. It is expected that this will be a rare occurrence. Department Heads must obtain their Committee of Jurisdiction's approval when the Department Head realizes this may be an on-going occurrence, with notification to the Labor Relations and employee Services and Finance Offices. Employees will be paid at their straight time hourly rate unless the pay qualifies as overtime according to the Compensatory Time and Overtime rules.

Approved by the LRES Committee on August 12, 2009.

Offered and passage moved by Supervisors John R. Young, Paul Dean, Ted Cushing, Scott Holewinski and Charles Wickman.

**Motion/second Young/O'Melia** to amend Resolution #63-2009 at Line #30 and change "19" to "54".

**Roll call to amend: 20 ayes 0 nay 1 absent (Peters) Resolution amended.**

**Motion/second Rudolph/Matteson** to amend amended resolution on Lines 30, 42 & 43 and delete the words "Labor Relations and Employee Committee" and insert "County Board".

**Roll call: 7 aye 13 nay (Wickman, Young, O'Melia, Wolk, Thompson, Dean Greschner, Greb, Cushing, Vandervest, Holewinski, Sharon, Smith. 1 absent (Peters). Amendment Fails.**

**Roll call on resolution as amended: 16 aye 4 nay (Hoffman, Martinson, Rudolph, Matteson) 1 absent (Peters).**

**Resolution #64-2009/General Code/OA- offered by Supervisors of the Agricultural and Extension Committee amending Section 2.59- Oneida County Fair.**

**Ordinance Amendment offered by Supervisors of the Agricultural and Extension Committee**

**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 2.59 of the General Code of Oneida County, Wisconsin, is amended as follows [additions noted by underline, deletions noted by strikethrough]:

**2.59 ONEIDA COUNTY FAIR.**

(1) An Exhibition and Education Subcommittee (Subcommittee) shall be established for the Agricultural and Extension Education Committee, which shall consist of the Chairperson of the Oneida County Agricultural and Extension Education Committee or the Chairperson's designee from the Committee, plus ~~9~~ 14 additional citizen members ~~preferably to be drawn from 4 H, Scouting, Camp Fire, public and/or private schools, and senior citizens.~~ Members of the Subcommittee shall be appointed by the Agricultural and Extension Education Committee. Subcommittee members shall be appointed annually and shall serve for one year from the date of appointment.

(2) The committee of jurisdiction for the Subcommittee shall be the Agricultural and Extension Education Committee. The Agricultural and Extension Education Committee shall approve members of the subcommittee on an annual basis and when vacancies need to be filled.

(3) The County Board shall designate the Subcommittee to plan, organize and carry out ~~Junior, Open and Senior Citizens Division exhibitions and educational components of the Oneida County Fair.~~

(4) The Subcommittee shall submit their annual budget to the Agricultural and Extension Education Committee for review and approval per the Oneida County budgeting schedule. Thereafter, the budget shall be submitted for review and approval by the Finance and Insurance Committee and the County Board for the following year for the Oneida County Fair.

(5) Citizen members serving on the Subcommittee will not receive per diem or other compensation from the County.

(6) Insurance covering the Oneida County Fair, the Subcommittee and registered Fair volunteers will be included in the overall County insurance.

(7) The Subcommittee shall make an annual report to the County Board, and provide monthly activity and financial reports to the Agricultural and Extension Education Committee and Finance and Insurance Committee.

Approved by the Agricultural and Extension Education Committee on July 14, 2009.

Offered and passage moved by Supervisors Paul Dean, Thomas D. Rudolph, Romelle Vandervest, Wilbur Petroskey and Denny Thompson,

**Motion/second Rudolph/Vandervest** to waive the reading of Resolution #64-2009. All "aye" on voice vote.

**Motion/second Rudolph/Cushing** to amend Resolution #64-2009 at Line #22 and delete ~~9~~ and add "up to" before 14.

**Roll call to amend resolution: 20 aye 0 nay 1 absent (Peters)**

**Roll call on Amended Resolution: 20 aye 0 nay 1 absent (Peters)**

**Resolution #65-2009** offered by Supervisors of the Solid Waste and Labor Relations and Employee Services Committees eliminating the part-time (45%) Chemist position and create a part-time (48%) Chemist/Scale Operator position.

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

**WHEREAS**, resolution #09-2009 did create a part-time (45%) Chemist position, and

**WHEREAS**, the Solid Waste Director conducted a complete review of the Solid Waste Department, taking into consideration loss of Hazmat Grant funding, current economic effects, work load, pricing, serving the public of Oneida County and staffing, and

**WHEREAS**, based on the findings of the review, the Solid Waste Committee and the Solid Waste Director did recommend to the Labor Relations and Employee Services Committee to eliminate the part-time (45%) Chemist position and create a part-time (48%) Chemist/Scale Operator position, and

**WHEREAS**, the Chemist/Scale Operator position shall be paid at Grade Level 13 of the Courthouse Union pay schedule for all hours worked as a Chemist and shall be paid at Grade Level 3 of the Courthouse Union pay schedule for all hours worked as a Scale Operator, and

**WHEREAS**, the Labor Relations and Employee Services Committee did review the request and is in support of the recommendation of the Solid Waste Committee and Solid Waste Director.

**NOW, THEREFORE, BE IT RESOLVED, by the Oneida County Board of**

Supervisors that, effective August 19, 2009 the position of part-time (45%) Chemist position shall be eliminated and a part-time (48%) Chemist/Scale Operator position shall be created.

**BE IT FURTHER RESOLVED**, by the Oneida County Board of Supervisors that by Adoption of the resolution it shall be deemed that all projected costs as set forth in the fiscal impact statement which is attached hereto and made a part hereof with 100% of the monies to come from grants and revenues and any reduction in funding will be off-set by a reduction in position hours.

Approved by the Finance Committee this 29<sup>th</sup> day of June 2009.

Approved by the Solid Waste Committee this 8th day of July 2009.

Approved by the Labor Relations and Employee Services Committee this 8th day of July 2009.

Offered and passage moved by Supervisors Ted Cushing, John Hoffman, John R. Young, Scott Holewinski, Charles Wickman, Matt Matteson, Frank H. Greb, Denny Thompson and Jack Martinson.

**48% Chemist/Scale Operator**

<b>Courthouse Union</b>	<b>Grade 13, Step 2</b>	<b>Grade 3, Step 5</b>	<b>Total</b>
	<b>33%-636 hrs Annual</b>	<b>15%-300 hrs Annual</b>	
Wages	12,793	3,775	16,568
Social Security	979	289	1,268
Retirement-er	704	208	912
Retirement-ee	755	223	978
Health Ins-incumbent	-	-	-
Life Ins-Incumbent	8	4	12
Workers Comp	331	98	429
Income Continuation Ins	<u>33</u>	<u>10</u>	<u>43</u>
	15,603	4,607	20,210

**45% Chemist  
Grade 13, Step 1  
Courthouse Union**

	<b>Annual</b>
Wages	(17,234)
Social Security	(1,318)
Retirement-er	(948)
Retirement-ee	(1,017)
Health Ins-Incumbent	-
Life Ins-Incumbent	(12)
Workers Comp	(446)
Income Continuation Ins	<u>(45)</u>
	(21,020)

Net Reduction

Revenue Source: Landfill Fees

**Unanimous vote to correct Fiscal Impact typo and change 5% to 15%.  
Roll call: 20 ayes 0 nay 1 absent (Peters)**

**Resolution #66-2009/General Code/OA – offered by Supervisors of the Land Records Committee amending Chapter 18.**

**Ordinance Amendment offered by Supervisors of the Land Records Committee**

**Whereas**, Chapter 18 is titled County Real Estate Transactions, and

**Whereas**, The Land Records Committee was assigned the jurisdiction of said Chapter per Resolution #35-2007, and

**Whereas, The Committee recommends that the Ordinance be revised as set forth below.**

**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. Chapter 18 of the General Code of Oneida County, Wisconsin, is amended as follows [additions noted by underline, deletions noted by strikethrough]:

**A) 18.02 DELEGATION OF COUNTY REAL ESTATE TRANSACTIONS**

(2) ...

(l): After the time has expired as indicated in the County Treasurers letter to the landowner to vacate premise or remove personal property, dispose of any personal property left on property consistent with the Committees policy.

~~B) 18.08~~ **18.09 USE OF PROPERTY** [Remainder of section is unchanged]

~~C) 18.09~~ **18.10 ENFORCEMENT** [Remainder of section is unchanged]

**D) 18.08 RESIDENTIAL RELEASE:**

(1) The Committee shall review requests for releases of deed restrictions relating to residential use, that were placed on record by the County in conveyances of County owned property as follows:

- (a) The requestor must submit in writing their interest in obtaining a release of restrictions, reservations or covenants along with title evidence, the description detailing the release sought and other information as may be determined by the Committee to make a decision with regard to granting or denying the release.
- (b) The requestor must pay for a title search and survey associated with securing the release if it is determined by the Committee they are needed to make a decision, and to pay the recording fee if the release is granted.
- (c) Any release must be reviewed by the Corporation Counsel prior to being granted.
- (d) The County Clerk shall issue and record a quit claim deed for the release or execute an appropriate document on behalf of the County for such release and as directed by County Board action.

Approved by the Land Records Committee on August 12th, 2009.

Offered and passage moved by Supervisors Gary Baier, David O'Melia, Denny Thompson, Peter Wolk and Frank H. Greb.

**Motion/second Cushing/Vandervest to waive the reading of Resolution #66-2009. All "aye" on voice vote.**

**Roll call: 20 ayes 0 nay 1 absent (Peters)**

**Resolution #68-2009 – offered by Supervisors of the Finance and Insurance Committee regarding WI Statutes 770.15 – Fees for issuing a Declaration of Domestic Partnership or a Certificate of Termination of Domestic Partnership.**

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

**WHEREAS**, The marriage license fee in Oneida County is presently \$60.00 and,  
**WHEREAS**, The County Clerk may issue a marriage license within less than 5 days after completing an application if the applicant pays a waiver fee of an additional \$10.00, and,  
**WHEREAS**, WI Statutes 770 establishes a legal status of Domestic Partnership, and,  
**WHEREAS**, WI Statutes 770.15 states that the fee for issuing a Declaration of Domestic Partnership or a Certificate of Termination of Domestic Partnership shall be the same as that for issuing a marriage license, and,  
**WHEREAS**, The County Clerk may issue a Declaration of Domestic Partnership within less than 5 days after completing an application if the applicant pays a waiver fee of not more than \$10.  
**NOW, THEREFORE, BE IT RESOLVED**, effective August 19, 2009, the marriage license fee in Oneida County shall be \$60.00 and the less than 5 day waiting period waiver fee shall be \$10.00, and,  
**BE IT FURTHER RESOLVED**, the Declaration of Domestic Partnership fee shall be \$60.00 and the less than 5 day waiting period waiver fee shall be \$10.00, and,  
**BE IT FURTHER RESOLVED**, the Certificate of Termination of a Domestic Partnership fee shall be \$60.00, and,  
**BE IT FURTHER RESOLVED**, that the appropriate fees required in this resolution shall be collected by the County Clerk and will be paid by the Clerk into the County Treasury, and,  
**BE IT FURTHER RESOLVED**, that, upon adoption, a copy of this resolution shall be forwarded to the State of Wisconsin, Division of Public Health, Department of Health Services.

Approved by the Finance & Insurance Committee on August 10, 2009.  
Offered and passage moved by Supervisors Ted Cushing, John R. Young, Frank H. Greb, John Hoffman, and Andrew P. Smith.

**Motion/second Baier/Paszak** to waive the reading of Resolution #68-2009. All "aye" on voice vote.  
**Roll call: 20 ayes 0 nay 1 absent (Peters)**

**Resolution #69-2009 – offered by Supervisors of the Finance and Insurance Committee regarding Line Item Transfers.**

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

**WHEREAS**, Section 65.90(5)(a) dictates that appropriations in the Oneida County budget may not be changed unless authorized by a vote of two-thirds of the entire membership of the County Board of Supervisors, and  
**WHEREAS**, the Finance and Insurance Committee has reviewed and does recommend the 2009 transfers listed below,

**NOW, THEREFORE, BE IT RESOLVED** the Oneida County Board of Supervisors authorizes and directs the budget transfers as listed below:

Transfer from:	Comm: Board of Health Fund Balance Applied-Maternal Child Health
Transfer to:	Maternal Child Health Expenses
Amount:	\$2,304
Re:	To apply carryforward monies to 2009 budget

Transfer from:	Comm: Emergency Mgmt State Aid-Domestic Preparedness
Transfer to:	Domestic Preparedness Expenses
Amount:	\$4,994
Re:	To apply additional state aids received to related expenses

Transfer from:	Comm: Emergency Mgmt State Aid-SARA Hazmat
Transfer to:	SARA Hazmat Expenses
Amount:	\$4,600
Re:	To apply additional state aids received to related expenses

Transfer from:	Comm: Emergency Mgmt Applied Cont. Appn-Ambulance Subsidy
Transfer to:	Hospital Subsidies
Amount:	\$107,417
Re:	To apply carryforward monies to 2009 budget

Transfer from:	Comm: Comm on Aging Congregate/Home Delivered Meal Expenses
Transfer to:	State Aid-USDA

Amount:	\$2,350
Re:	To adjust budget to reflect actual grant awards

  

Transfer from:	Comm: Comm on Aging State Aid-IIIB
Transfer to:	Senior Center Expenses
Amount:	\$320
Re:	To adjust budget to reflect actual grant awards

  

Transfer from:	Comm: Comm on Aging State Aid-C-1
Transfer to:	Congregate Meals Expenses
Amount:	\$260
Re:	To adjust budget to reflect actual grant awards

  

Transfer from:	Comm: Comm on Aging State Aid-C-2
Transfer to:	Home Delivered Meal Expenses
Amount:	\$2,825
Re:	To adjust budget to reflect actual grant awards

  

Transfer from:	Comm: Comm on Aging State Aid-III-E
Transfer to:	Information/Assistance Expenses
Amount:	\$124
Re:	To adjust budget to reflect actual grant awards

  

Transfer from:	Comm: Comm on Aging State Aid-Recovery Act
Transfer to:	Congregate/Home Delivered Meal Expenses
Amount:	\$18,421
Re:	To apply additional federal aids received to related expenses

  

Transfer from:	Comm: Highway Administration Revenue
Transfer to:	Radio Expenses
Amount:	\$3,675
Re:	To apply additional revenues received to related expenses

  

Transfer from:	Comm: Law Enforcement State Aid-Safety/Body Armor Grant
Transfer to:	Safety Equipment
Amount:	\$27,475
Re:	To apply additional state aids received to related expenses

  

Transfer from:	Comm: Law Enforcement Applied Cont. Appn-Sheriff's Vehicles
Transfer to:	Sheriff's Vehicles
Amount:	\$66,735
Re:	To apply carryforward monies to 2009 budget

  

Transfer from:	Comm: Law Enforcement Dive Team Donations
Transfer to:	Dive Team Expenses
Amount:	\$4,500
Re:	To apply additional donations received to related expenses

  

Transfer from:	Comm: Social Services State Aid-Independent Living
Transfer to:	Independent Living Expenses
Amount:	\$692
Re:	To apply additional state aids received to related expenses

Approved by the Finance Committee this 10th day of August 2009.  
Offered and passage moved by Supervisors Frank H. Greb, John Hoffman, Andrew P. Smith, Ted Cushing and John R. Young.

**Motion/second Greschner/Rudolph** to waive the reading of Resolution #69-2009. All “aye” on voice vote.  
**Roll call: 20 ayes 0 nay 1 absent (Peters)**

**Resolution #70-2009 – offered by Supervisors of the Land & Water Conservation Committee regarding an application for a one-year grant through the “Aquatic Invasive Species” grant program through the WDNR. Resolved by the Board of Supervisors of Oneida County, Wisconsin:**

**WHEREAS**, Oneida County has over 1100 lakes, and one of the highest concentrations of natural lakes in the world, and

**WHEREAS**, the quality of these waters is being threatened by aquatic invasive species; and

**WHEREAS**, education is one of the keys to making the public aware of the adverse impact of aquatic invasive species on the quality of our waters; and

**WHEREAS**, Oneida County recognizes the need for a workable plan that will prevent the introduction of aquatic invasive species into a waterbody, and reduce or eliminate aquatic invasive species already present in some bodies of water; and

**WHEREAS**, the Oneida County Land & Water Conservation Department (Department) will continue to increase public awareness of the aquatic invasive species problem by implementing planning and prevention activities to control the spread of aquatic invasive species at an estimated cost of \$66,666.00, which includes Oneida County’s 25% match and

**WHEREAS**, 75% percent of the cost of such planning and prevention activities may be paid by a grant from the Wisconsin Department of Natural Resources (WDNR).

**WHEREAS**, the Land & Water Conservation Department must apply for a grant through the “Aquatic Invasive Species” Grant Program through WDNR to receive funding.

**NOW, THEREFORE, BE IT RESOLVED**, that the Department is authorized to apply for 75% funding assistance for such programming under the “Aquatic Invasive Species” Grant Program from the WDNR.

**BE IT FURTHER RESOLVED**, that the Oneida County Board of Supervisors hereby authorizes the Chairman of the Oneida County Land & Water Conservation Committee, to submit an application for a one-year grant to the WDNR not to exceed \$50,000.00 in grant funds for an aquatic invasive species education, planning, and prevention program, to sign documents and take the necessary action to undertake, direct, and complete the approved aquatic invasive species control grant.

**BE IT FURTHER RESOLVED**, that the Department is authorized to meet the County’s 25% share of the financial obligations of this aquatic invasive species grant, through the assignment of Department personnel to work on and complete the project, including timely publication of the results.

Approved by the Oneida County Land & Water Conservation Committee this 15<sup>th</sup> day of July 2009.

Offered and passage moved by Supervisors Thomas D. Rudolph, Wilbur Petroskey, Matt Matteson and Rod Kuczmariski.

#### **FISCAL IMPACT –AQUATIC INVASIVE SPECIES GRANT**

##### Proposed Budget

Salaries (Staff & LTE’s)	\$36,330.00
Purchased Services-Printing and Mailing	\$ 9,040.00
Other Purchased Services (Training, Travel, Mileage)	\$ 9,190.00
Supplies (General Office)	\$ 4,828.00
Other (Education, Awards, and Workshop Costs)	\$ 7,289.00
<hr/>	
Total Project Cost Estimate	\$66,677.00
State Portion of Grant (Up to 75%)	<u>\$47,147.00</u>
AIS Coordinator’s Time to Oversee Project	\$19,530.00
Oneida County’s Estimated Grant Match (In Kind)	\$19,530.00
Oneida County’s Required 25% Grant Match	<u>\$15,715.00</u>
<u>Estimated Amount Over Grant Match</u>	<u>\$ 3,815.00</u>
Total Revenues	\$47,147.00

**TOTAL PROJECT EXPENSE: \$66,677.00**

\*\*For further detail of Project Budget please refer to 2009 Grant Proposal/Application.

Approved by the Land & Water Conservation Committee this 15th day of August 2009.

Offered and passage moved by Supervisors Thomas D. Rudolph, Wilbur Petroskey, Matt Matteson and Rod Kuczmariski.

Roll call: 20 ayes 0 nay 1 absent (Peters)

**Resolution #71-2009 – offered by Supervisors of the Land and Water Conservation and Labor Relations and Employee Services Committee regarding adding the duties of AIS Coordinator to the Conservation Specialist position.**

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

**WHEREAS**, the Aquatic Invasive Species (AIS) coordinator is vacant

**WHEREAS**, the Land and Water Conservation Committee and the Labor Relations and Employee Services Committee did review the vacant position and have determined that the Land and Water Conservation Department and specifically the positions of the AIS Coordinator, the County Conservationist and the Conservation Specialist primary duties and responsibilities are promoting the stewardship of natural resources by providing leadership, education, technical and financial assistance to the citizens of the county. This assistance helps individuals wisely use, conserve, consistently improve, and perpetually sustain our natural resources and physical environment.

**WHEREAS**, the consolidation of the Oneida County Agricultural and Extension Department with the Land and Water Conservation Department will leverage resources of the University of Wisconsin system in order to best educate the residents of Oneida County especially in regard to Aquatic Invasive Species prevention, management, and control.

**NOW, THEREFORE, BE IT RESOLVED**, by the Oneida County Board of Supervisors that effective August 19<sup>th</sup>, 2009, the positions of AIS Coordinator, County Conservationist and Conservation Specialist and all clerical staff currently under the jurisdiction of the Land and Water Conservation Department along with all duties and responsibilities, shall be under the jurisdiction of the Oneida County Agricultural and Extension Education Department. The department will henceforth be called Oneida County Agricultural and Extension Education/Land and Water Conservation Department.

**BE IT FUTHER RESOLVED**, by the Oneida County Board of Supervisors that effective August 19<sup>th</sup>, 2009 the duties and responsibilities of AIS Coordinator position be added to the Conservation Specialist on an interim basis until this AIS position is reevaluated by the committee of Jurisdiction and the Labor Relations and Employee Services Committee or until the six (6) month vacancy review has expired.

An estimated fiscal Impact statement is attached hereto and made a part hereof.

Approved by the Labor Relations and Employee Services Committee and the Land and Water Conservation Committee this 24th day of June 2009.

Offered and passage moved by Supervisors John R. Young, Ted Cushing, Charles Wickman, Wilbur Petroskey, Thomas D. Rudolph, Matt Matteson and Rod Kuczumski.

**Motion/second O'Melia/Young** to refer Resolution #71-2009 back to Land and Water Conservation and Labor Relations and Employee Services Committees and bring back as an Ordinance Amendment to the County Board at the September 22, 2009 meeting.

Roll call: 19 aye 1 nay (Petroskey) 1 absent (Peters).

**County Treasurer declaration of unlawful tax WI Stats 74.35/74.33. – NONE**

**Appointments to committees, commissions and other organizations –**

**Appoint Dave Schatzley to the Oneida County Mining Oversight/Local Impact Committee as an ex-officio member.**

**Appoint Larry Greschner to the Oneida County Mining Oversight/Local Impact Committee to fill the appointment vacated by Andrew P. Smith. This appointment will expire April 2010.**

**Appoint John R. Young to the Oneida County Economic Development Corporation Board to fill the appointment vacated by Franklin H. Greb. This appointment will expire April 2010.**

**Appoint Nick Scholtes to the Local Emergency Planning Committee.**

**Appoint Doug Duchac to the Local Emergency Planning Committee.**

**Appoint Elmer Goetsch to the Local Emergency Planning Committee.**

**Motion/second O'Melia/Martinson** to accept all appointments. All "aye" on voice vote.

**Adjournment – Motion/second Petroskey/Vandervest** to adjourn at 12:31p.m. All "aye" on voice vote.