

NOTICE OF MEETING

SHEBOYGAN COUNTY BOARD OF SUPERVISORS

Sheboygan County Courthouse
615 North 6th Street, 5th Floor
Sheboygan WI

TUESDAY, December 20, 2016 at 6:00 P.M.

In compliance with Rule V under the Rules of Order of the Sheboygan County Board of Supervisors, as County Clerk of Sheboygan County, I herewith submit the following AGENDA.

AGENDA

CALL TO ORDER – Chairperson Thomas G. Wegner

CERTIFICATION OF COMPLIANCE WITH OPEN MEETING LAW

PLEDGE OF ALLEGIANCE

ROLL CALL

APPROVAL OF NOVEMBER 1, 2016 JOURNAL

CONSIDERATION OF APPOINTMENTS BY CHAIRPERSON

Monarch Library System (Re-appointments) (Subject to adoption of Ordinance No. 09)

William Goehring, N185 County Road DE, Random Lake
(Representing – County Board)

Kathie Norman, 3217 North 6th Street, Sheboygan
(Representing – Resource Library Board)

Tom Doane, W6320 Highway 144, Random Lake
(Representing – Participating Library Board)

Wendy Schobert, 2224 South 16th Street, Sheboygan
(Representing – Member at Large)

Veterans Service Commission (Re-appointment)

David Williams, 1024 Krumrey Street, Plymouth

CONSIDERATION OF APPOINTMENTS BY COUNTY ADMINISTRATOR

Airport Advisory Committee

Mindy Smith, W3244 County Road O, Sheboygan Falls
(Representing – Fixed Base Operator)

Communications Council

Daniel Althaus, N92 W7040 Evergreen Ct. #204, Cedarburg
(Representing – Private Ambulance Service)

Emergency Medical Services (EMS) Council

Daniel Althaus, N92 W7040 Evergreen Ct. #204, Cedarburg
(Representing – Private Ambulance Service)

POSTED
12.16.16
12:30 PM

CONSIDERATION OF APPOINTMENTS BY COUNTY ADMINISTRATOR-(Continued)

Local Emergency Planning Committee

Daniel Althaus, N92 W7040 Evergreen Ct. #204, Cedarburg
(Representing – First Aid)

PRESENTATIONS – NONE

PUBLIC ADDRESSES

As of the preparation of this Agenda no one has requested to speak. County Board rules allow interested persons to register to speak until 5:00 pm on the Monday before the County Board Meeting.

LETTERS, COMMUNICATIONS AND ANNOUNCEMENTS

Items introduced under this heading are either referred to a Committee for action, or received for information. No action is taken at this meeting.

COUNTY ADMINISTRATOR’S REPORT

The County Administrator’s Report is a monthly report by the Administrator in which noteworthy activities of County government are highlighted. In addition, the Administrator’s Report presents the Administrator’s perspective on the Resolutions and Ordinances being considered or introduced at this meeting. The Administrator’s Report is not an action item, and no debate or deliberation arises from the Report.

CONSIDERATION OF COMMITTEE REPORTS - EXECUTIVE COMMITTEE

Ordinance No. 08 (2016/17) Re: Modifying Taylor Park Regulations
Committee Recommendation: Enact
Signed in Opposition: None

Ordinance No. 09 (2016/17) Re: Amending Library System Provisions to Reflect Merger
Committee Recommendation: Enact
Signed in Opposition: None

RESOLUTIONS INTRODUCED - NONE

ORDINANCES INTRODUCED

Items introduced under this heading are referred to a Committee for recommendation. No formal action is taken at this meeting unless noted.

Ordinance No. 10 (2016/17) (From Planning, Resources, Agriculture, and Extension Committee)
Re: Repealing and Re-creating Chapter 70, Sanitary Regulations

ORDINANCES INTRODUCED-(Continued)

Ordinance No. 11 (2016/17) (From Planning, Resources, Agriculture, and Extension Committee)

Re: Repealing and Re-creating Chapter 75, Erosion Control and Stormwater Management Ordinance

ADJOURNMENT

Respectfully submitted this 16th day of December, 2016.



JON DOLSON, COUNTY CLERK

NOTES:

Reminder: Expense sheets for the period ending December 15, 2016 are due in the County Clerk's Office no later than **Tuesday, December 20, 2016.**

The Legislative Breakfast will be held on January 9, 2017 at 8:00 A.M. at the Fountain Park Family Restaurant.

The Legislative Breakfast is a monthly informational question and answer session between Sheboygan County's federal and state legislative delegation and Sheboygan County Supervisors and department heads. Because a majority of the Board or a Committee may attend, it is a meeting open to the public under the Open Meeting law even though there is no formal agenda, no action will be taken, and no minutes are being kept.

The Town's Association Meeting will be held on January 20, 2017 at the Town of Mosel at 7:30 p.m.

Persons with disabilities needing assistance to attend or participate are asked to notify the County Clerk's Office at 920.459.3003 prior to the meeting so that accommodations may be arranged.

**JOURNAL OF THE MEETING OF THE
SHEBOYGAN COUNTY BOARD OF SUPERVISORS**

November 1, 2016

Pursuant to Wis. Stat. § 59.11, the November 1, 2016 session of the Sheboygan County Board was called to order by Chairperson Thomas G. Wegner at 6:00 p.m. Chairperson Wegner noted that the notice of meeting was posted on October 28, 2016 at 2:00 p.m. in compliance with the open meeting law. The meeting opened with the Pledge of Allegiance by all present.

The roll call was taken and recorded with 24 Supervisors present; Absent: 1, Supervisor Abler.

Supervisor Winkel moved for approval of the October 18, 2016 and October 25, 2016 Journals, which were distributed to all supervisors prior to the meeting. The motion was seconded by Supervisor Uraynar and carried on unanimous roll call vote of the board.

APPOINTMENT

The Chairperson announced that the next order of business was the consideration of the reappointment by the County Administrator of **Thomas Trester** to the Airport Advisory Committee.

Supervisor Winkel moved to concur with the appointment. The motion was seconded by Supervisor Glavan and carried on unanimous roll call vote of the board.

PRESENTATIONS - NONE

LETTERS AND COMMUNICATIONS

The Clerk presented a resolution from the Outagamie County Board of Supervisors urging legislative support for communicable disease research funding. By Chairperson received for information.

COUNTY ADMINISTRATOR'S REPORT - NONE

COMMITTEE REPORTS

The Clerk read the report of the Executive Committee regarding **Resolution No. 26 (2016/17) Approving Revisions to Farmland Preservation Plan** recommending adoption.

Supervisor Goehring moved to adopt the resolution. The motion was seconded by Supervisor Damp and carried on unanimous roll call vote of the board.

The Clerk read the report of the Finance Committee regarding **Ordinance No. 07 (2016/17) Creating Property Assessed Clean Energy Financing (PACE) Ordinance** recommending enactment.

Supervisor Winkel moved to enact the ordinance. Supervisor Damp seconded the motion which carried on unanimous roll call vote of the board.

The Clerk read the report of the Finance Committee regarding the **2016 Dog Listing Claims Payment.**

Supervisor Te Stroete moved to concur with the committee report. Supervisor Goehring seconded the motion which carried on unanimous roll call vote of the board.

(Vice-Chairperson Marthenze presiding)

Pursuant to Rule IV of the Rules of Order, the following resolutions and ordinances were introduced by the Clerk and referred by the Vice-Chairperson as indicated:

Resolution No. 27 (2016/17) Re: Approving Borrowing in Excess of Budget Control Policy. Vice-Chairperson Marthenze announced that pursuant to County Code of Ordinances Section 5.07(b) this document is before the board for immediate action.

Supervisor Weggeman moved to adopt the resolution. The motion was seconded by Supervisor Te Stroete and carried on roll call vote of the board of Ayes: 23; Noes: 1, Supervisor Baumgart; Absent: 1, Supervisor Abler.

Resolution No. 28 (2016/17) Re: Approving 2017 Budget. Vice-Chairperson Marthenze announced that pursuant to County Code of Ordinances Section 5.06(a)(6) & (9) this document is before the board for immediate action.

Supervisor Winkel moved to adopt the resolution. Supervisor Te Stroete seconded the motion which carried on roll call vote of the board of Ayes: 23; Noes: 1, Supervisor Uraynar; Absent: 1, Supervisor Abler.

Resolution No. 29 (2016/17) Re: Levying and Apportioning the Tax. Vice-Chairperson Marthenze announced that pursuant to County Code of Ordinances Section 5.06(a)(6) & (9) this document is before the board for immediate action.

Supervisor Winkel moved to adopt the resolution. The motion was seconded by Supervisor Te Stroete and carried on unanimous roll call vote of the board.

Ordinance No. 08 (2016/17) Re: Modifying Taylor Park Regulations referred to the Executive Committee.

Ordinance No. 09 (2016/17) Re: Amending Library System Provisions to Reflect Merger referred to the Executive Committee.

ADJOURNMENT

Supervisor Bemis moved to adjourn. Supervisor Winkel seconded the motion which carried on unanimous roll call vote of the board. The meeting was adjourned at 6:22 p.m. The next scheduled meeting is Tuesday, December 20, 2016 at 6:00 p.m.



SHEBOYGAN COUNTY

Thomas G. Wegner
County Board Chairman

TO THE HONORABLE MEMBERS OF THE SHEBOYGAN COUNTY BOARD:

I, Thomas G. Wegner, Chairman of the Sheboygan County Board of Supervisors, pursuant to Section 43.05 and Ordinance No. 9 (2016/17) of the Sheboygan County Code, hereby submit for your confirmation the following re-appointments to the Monarch Library System Board:

One-year term expiring December, 2017

William Goehring, N185 County Road DE, Random Lake WI 53075
(Representing – County Board)

Two-year term expiring December, 2018

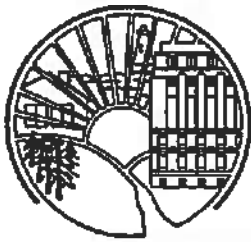
Kathie Norman, 3217 N 6th Street, Sheboygan WI 53083
(Representing – Resource Library Board)

Three-year term expiring December, 2019

Tom Doane, W6320 HWY 144, Random Lake WI 53075
(Representing – Participating Library Board)
Wendy Schobert, 2224 S 16th Street, Sheboygan WI 53081
(Representing – Member at Large)

Respectfully submitted this 20th day of December, 2016.

Thomas G. Wegner, Chairman of the Board



SHEBOYGAN COUNTY

Thomas G. Wegner
County Board Chairman

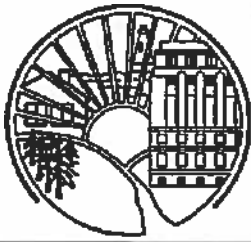
TO THE HONORABLE MEMBERS OF THE SHEBOYGAN COUNTY BOARD:

I, Thomas G. Wegner, Chairman of the Sheboygan County Board of Supervisors, pursuant to Wisconsin Statute 45.81, do hereby submit for your confirmation the following re-appointment to the Veterans Service Commission for a three-year term expiring December 2019:

David Williams, 1024 Krumrey Street, Plymouth, WI 53073

Respectfully submitted this 20th day of December, 2016.

Thomas G. Wegner, Chairman of the Board



SHEBOYGAN COUNTY

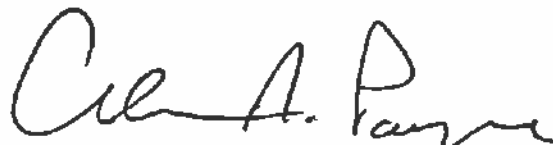
Adam N. Payne
County Administrator

TO THE HONORABLE MEMBERS OF THE SHEBOYGAN COUNTY BOARD:

I, Adam Payne, Sheboygan County Administrator, pursuant to Chapter 65 of the Sheboygan County Code of Ordinances, do hereby submit for your confirmation the following appointment to the Airport Advisory Committee to serve the remainder of a two-year term expiring September, 2017:

Mindy Smith, W3244 County Road O, Sheboygan Falls, WI 53085
(Representing – Fixed Base Operator)

Respectfully submitted this 20th day of December, 2016.



Adam N. Payne, County Administrator

MINDY M. SMITH

W3244 County Road O, Sheboygan Falls, WI 53085
Phone: 920.467.6151 E-Mail: msmith@burrowsaviation.com

OBJECTIVE

To represent and provide input for the current FBO, as a commercial tenant, on the Sheboygan County Memorial Airport Advisory Committee.

EXPERIENCE

Dec 2008 – Present

Burrows Aviation, Sheboygan Falls, WI

General Manager

Duties include but not limited too:

- Oversee all operations of FBO including: employee hiring, training, scheduling, supervising, monthly safety updates, payroll, product quality control, building and equipment maintenance.
- Responsible for budget, Profit & Loss, accounts payable and receivable of FBO.
- Compute and report monthly sales and fuel taxes for state and fuel flowage for County.
- Maintain compliance with all federal, state and local regulations.
- Make monthly reports to County Transportation Committee, interface with government boards for licenses and permits.
- Perform presentations and tours for community and business organizations.

Achievements:

- Turned around struggling FBO by reducing overhead by 30%, restructuring staffing requirements to reduce payroll by 20%, increased fuel sales by instituting a minimum purchase of fuel to waive handling fees increasing sales by 80% and incorporating an employee incentive program to upsell fuel.
- Successfully orchestrated the combining of the purchased on-field competition and ensured a smooth transition for both operations. Grew business into highly profitable operation in midst of recession through careful cost control, strategic fuel purchases, and aggressive up-selling.
- Negotiated a sign on bonus and lower fuel pricing and processing fees for credit cards with new fuel provider.
- Coordinated special events involving the FBO such as 2010 & 2015 PGA, annual T-28 Trojans clinic, NASCAR and other various Road America races, EAA AirVenture overflow and various visiting high-profile customers by working with planning committees, law enforcement agents and government officials.

Feb 2008 – Dec 2008

Customer Service Representative

- Provided superior customer service: Processed fuel purchases, made vehicle and hotel reservations, answered inbound calls, procured information and assistance, and ultimately ensured customer satisfaction.

Sep 2007 – Dec 2008

Line Support

- Performed and documented quality checks for aviation fuel truck fleet, fuel pumps and tanks.
- Refueled aircraft and provided ground support services ensuring safety of passengers and property.

EXPERIENCE CONTINUED

Feb 2012 – Present

Burrows Group of Wisconsin, Sheboygan Falls, WI

Property Manager

- Responsible for researching and procuring new tenants and marketing property to prospective businesses for retail shopping center and adjacent land.
- Tasked with leasing various properties and businesses at the Sheboygan County Memorial Airport.
- Work with local Chambers of Commerce as well as the Sheboygan Economic Development Corp to network potential prospects.
- Manage online advertising, books, schedule maintenance and draft leases for business.

Jan 2009 – Dec 2015

Burrows Transportation, Newton, WI

Sales Coordinator

- Manage all aspects of the buying, advertising, billing, selling and transportation of equipment for sale.
- Created and maintain website for the listing of equipment available for purchase.
- Coordinate transportation for the equipment sold and purchased.
- Maintain compliance with federal and state DOT regulations in regards to owners Motor Carriers License and other permits.

May 1998 – Sep 2007

Domestic Manager

- Oversaw annual budget, procured supplies and led short-term and long-term planning.
- Managed nutrition, education, sanitation and transportation needs for household.

Jan 1997 – May 1998

U.S. AIR FORCE, Hill AFB, UT

Debrief Office Assistant

- Debriefed pilots to obtain flight information; entered flight data into database for proficiency tracking, statistical analysis and maintenance history purposes.

F-16 Avionics Technician

- Maintained aircraft electronics using test equipment and technical manuals to isolate malfunctions and repair them.

SKILLS

Proven leadership and managerial aptitude. Solid knowledge of Microsoft Office suite, Quickbooks, Internet and email savvy. Quick learner of all types of software, computer programs and equipment. Created multiple web sites for restaurant, equipments sales business and retail shopping center. Created and maintain Excel spreadsheets tracking sales, fuel purchases, customer preferences, monthly and annual budgets. Type 55 wpm consistently. Self-motivated, prioritize with ease and drive tasks to completion. Great people skills, effective at understanding and communicating with people from all walks of life. Received multiple online comments and awards for outstanding Customer Service. Maintain flawless attendance record.

EDUCATION & TRAINING

- Graduated with Honors December 2012 – Business Management, Associates Degree
- Dean's List, Lakeshore Technical College 2010-2012
- Phi Theta Kappa Honor Society member since 2010
- Class A & B Underground Storage Tank Operator License 2012
- Safety 1st Line Service Technician Certification since 2008
- Aircraft Avionics Technician Training Certificate, U.S. AIR FORCE – 1997
- 35 hours towards a private pilots license - 1995



SHEBOYGAN COUNTY

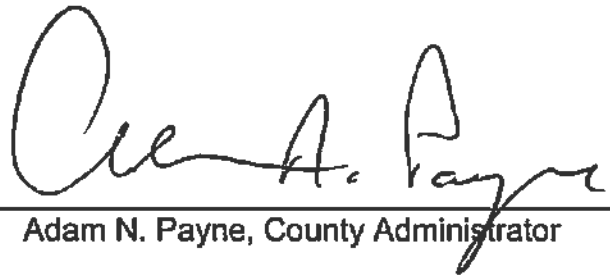
Adam N. Payne
County Administrator

TO THE HONORABLE MEMBERS OF THE SHEBOYGAN COUNTY BOARD:

I, Adam Payne, Sheboygan County Administrator, pursuant to Section 43.05 and Ordinance No. 6 (2006/07) of the Sheboygan County Code, having conferred with the County Board Chairperson and the appropriate standing Committee of the County Board, hereby submit for your confirmation the following appointment to the Communications Council for the remainder of a two-year term expiring May, 2017:

Daniel Althaus, N92 W7040 Evergreen Ct #204, Cedarburg WI 53012
(Representing – Private Ambulance Service)

Respectfully submitted this 20th day of December, 2016.



Adam N. Payne, County Administrator

Daniel J. Althaus

Dynamic proven leader with real world vision, strong relationships and a ground up understanding of the industry

- Experienced leader with strong communication skills who excels at creating as well as implementing effective structures, systems and processes which diminish the gap between the values the organization holds and the real world circumstances it faces.
- Hard-earned insight into the management principles necessary to create reliability, efficiency, and drive revenue as well as the leadership principles necessary to cultivate an engaging and inspired workplace.
- Highly motivated individual who has been promoted numerous times in a short period; cited by management and other senior leaders for having "great business sense and poise but he also understands the field aspects of the business".

PROFESSIONAL EXPERIENCE

Orange Cross Ambulance // 2015 - present Training Officer/CCP

Identify training needs and develop or expand programs to meet them in innovative and cost effective ways. Equip the workforce with the knowledge and skill set necessary to exceed the demands placed upon them in the field and provide industry leading emergency care. Oversee and motivate a team of field training officers to maintain standards and educate staff. Coordinate with Medical Director regularly to ensure the organization operates in accordance with state-wide guidelines. Evaluate and coach to improve performance.

Key Achievements:

- Created and implemented an original three phase on-boarding program utilizing tested development methods not only from EMS but outside industries which reduced training time by three months and on-boarding cost per new hire by 46%.
- Re-established company wide licensure/special skill compliance limiting liability through the use of digital system integration and standardized organization methods.
- Work with industry partners to develop interagency training initiatives and ensure Orange Cross remains on the cutting edge of emergency field care.

Orange Cross Ambulance // 2013 - 2015 Critical Care Paramedic/Field Training Officer

Instruct and evaluate assigned personnel during orientation, field training activities and ongoing skill maintenance scenarios. Provide excellent field and interfacility care to all patients utilizing the entire scope of EMS practice from Basic Life Support to Critical Care. Participate in quality assurance data collection and strategic planning based on identified trends.

Key Achievements:

- Received Flight for Life "Call of the Year" award 2013.
- Created an in depth statistical analysis of OCA pain management trends and reinforced improved care guidelines.

St. Nicholas Hospital // 2010 - present NREMT-Paramedic - Emergency Department

Provide high quality medical care and customer service to the patients of St. Nicholas Hospital. Participate in customer feedback programs. Integrate quickly with teams composed of a wide variety of medical professionals.

A&P Business Solutions // 2005-2011 Creative Director

Led a small team of artists creating exceptional unified marketing campaigns which focused on providing value and quantifiable returns for organizations in the service industry as well as healthcare and municipal sectors. Maintained tight deadlines and completed projects on budget with frequent urgent adaptations.

Key Achievements:

- Created successful unified marketing campaign for Sangria's Mexican Grill Restaurant Chain.
- Created successful internal sales campaign for OBOX Furniture.
- Development and creation of both 'Fit Weekly' and 'Frank Lloyd Wright TV' podcasts.
- Provided photography services as well as editorial consulting for the Wisconsin EMS Association, WEMSA Conference, and its bi-monthly EMS Professionals publication.

PROFESSIONAL EXPERIENCE CONTINUED

City of Mequon Fire Department // 2010-2012

Firefighter/Paramedic

Provided fire prevention, suppression, and rescue services to the people of the City of Mequon. Participated in review of planning for new construction, evacuation routes, and fire suppression for commercial, industrial, and multi-family structures. Participated in frequent interagency trainings with North Shore and the City of Milwaukee Fire Departments.

Grafton Fire Department // 2008-2010

Volunteer Firefighter/EMT-Basic

Participate in the provision of Fire Rescue services to the people of the Village and Town of Grafton, WI. Maintain all state, national, and interagency certifications.

Key Achievements:

- Participated in the development of a new training program for EMT-Basics utilizing scenario based competencies

Professional

<i>Adaptive Leadership</i>	<i>Coaching</i>
<i>Collaborative Development</i>	<i>Marketing</i>
<i>Strategic Planning</i>	<i>Viral Marketing</i>
<i>Creative Problem Solving</i>	<i>Social Media</i>
<i>Project Management</i>	<i>Management</i>
<i>Public Speaking</i>	<i>Sales</i>
<i>Business Writing</i>	<i>Customer Service</i>
<i>Process Improvement</i>	<i>Engagement Surveying</i>
<i>ROI Analysis</i>	
<i>Budget Planning</i>	
<i>Training/On-boarding</i>	
<i>Evaluation</i>	

Technical

<i>Critical Care EMS</i>	<i>Evernote Productivity</i>
<i>Hazmat Operations</i>	<i>Final Cut</i>
<i>State Firefighter 1/2</i>	<i>Linux</i>
<i>Graphic Design</i>	<i>Network Management</i>
<i>Photography</i>	<i>Videography</i>
<i>Print Media</i>	<i>RAID Systems</i>
<i>Microsoft Suite</i>	<i>Website Design</i>
<i>Mac OSX Suite</i>	<i>CGI</i>
<i>Adobe Suite</i>	<i>Cloud Networking</i>
<i>Canon Suite</i>	
<i>Avid Suite</i>	

- Flight for Life Call of the Year Award 2013
- Sheboygan Co EMS Council Highly Infections Disease Protocol 2015
- Volunteer on-site Medical for YMCA Camp U-Nah-Li-Ya
- Deployable Paramedic with Team Rubicon Region V
- UWM Student Senator At-Large
- University Subcommittee on Crime 5th district Police Liaison

Education

Excelsior College (In Progress)

Associate of Applied Science // 2015-Current
Nursing

University of Wisconsin Milwaukee

Bachelor of Arts // 2003-2011
History-Middle Eastern Studies

Lakeshore Technical College

Nationally Registered Paramedic with Critical Care Endorsement // 2009-2010 & 2015

Waukesha County Technical College

Tactical Emergency Medical Services Certification // 2010

Milwaukee Area Technical College

Firefighter 1, Firefighter 2, Hazmat Operations, NREMT-Basic // 2007-2010

REFERENCES

References available upon request.



SHEBOYGAN COUNTY

Adam N. Payne
County Administrator

TO THE HONORABLE MEMBERS OF THE SHEBOYGAN COUNTY BOARD:

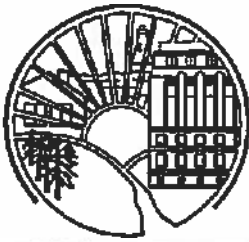
I, Adam Payne, Sheboygan County Administrator, pursuant to Section 43.05 and Ordinance No. 6 (2006/07) of the Sheboygan County Code, having conferred with the County Board Chairperson and the appropriate standing Committee of the County Board, hereby submit for your confirmation the following appointment to the Emergency Medical Services (EMS) Council for term expirations as listed below:

Appointment for remainder of 2-year term expiring May, 2018

Daniel Althaus, N92 W7040 Evergreen Ct #204, Cedarburg WI 53012
(Representing Private Ambulance Service)

Respectfully submitted this 20th day of December, 2016.

Adam N. Payne, County Administrator



SHEBOYGAN COUNTY

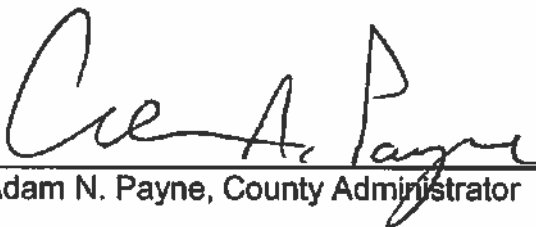
Adam N. Payne
County Administrator

TO THE HONORABLE MEMBERS OF THE SHEBOYGAN COUNTY BOARD:

I, Adam Payne, Sheboygan County Administrator, pursuant to Section 43.05 and Ordinance No. 6 (2006/07) of the Sheboygan County Code, having conferred with the County Board Chairperson and the appropriate standing Committee of the County Board, hereby submit for your confirmation the following appointment to the Local Emergency Planning Committee for the remainder of a two-year term expiring May, 2018:

Daniel Althaus, N92 W7040 Evergreen Ct #204, Cedarburg WI 53012
(Representing – First Aid)

Respectfully submitted this 20th day of December, 2016.


Adam N. Payne, County Administrator

SHEBOYGAN COUNTY ORDINANCE NO. 08 (2016/17)

Re: **Modifying Taylor Park Regulations**

WHEREAS, Sheboygan County's Code provisions relating to Taylor Park hours recite that the Park is closed between 9:00 p.m. and 6:00 a.m., and

WHEREAS, with recent improvements to the Taylor Park infrastructure, the Property Committee believes that it is in the best interests of the County that the Property Committee be given the authority to determine when the Park will be open to the public, pursuant to Section 39.04 of the County Code;

NOW, THEREFORE, the County Board of Supervisors of the County of Sheboygan does ordain as follows:

Section 1. **Modifying Park Regulations.** Section 39.02 of the Sheboygan County Code of Ordinances is hereby amended as follows:

39.02 USE OF PARK. Taylor Park is open for use by the public without charge except ~~the park shall be closed to users and vehicular traffic between 9:00 p.m. and 6:00 a.m.~~ During the hours when the Park is open, two (2) specific areas that may be reserved by permit obtained from the County Clerk. Such permit(s) shall be granted for a non-refundable fee, which fee shall be set by the Property Committee, and on the condition that the holder of the permit shall be responsible for clean-up and restoring the area to its condition prior to such use. In addition, each permit holder shall be charged a key deposit, which deposit shall be set by the Property Committee, and which shall be refunded by the County Clerk upon return of the keys and upon notification by the Building Services Department that the Park was clean and in good condition.

Section 2. **Effective Date.** The herein Ordinance shall take effect upon enactment.


Respectfully submitted this 1st day of November, 2016.


PROPERTY COMMITTEE


James P. Giavan, Chairperson


Henry Nelson, Vice-Chairperson


Robert Ziegelbauer


Steven Bauer


Brian Hilbelink

Opposed to Introduction:

Countersigned by:

Thomas Wegner, Chairperson

FISCAL NOTE
November 2016

Resolution No. 28 (2016/17) Re: Approving 2017 Budget

Resolution No. 29 (2016/17) Re: Levying and Apportioning the Tax

Ordinance No. 08 (2016/17) Re: Modifying Taylor Park Regulations

Ordinance No. 09 (2016/17) Re: Amending Library System Provisions to Reflect Merger

Funding:

No additional funding is required.

Respectfully Submitted,



Wendy A. Charnon
October 28, 2016

1 SHEBOYGAN COUNTY ORDINANCE NO. 09 (2016/17)

2
3 Re: **Amending Library System Provisions to Reflect Merger**

4
5
6 **WHEREAS**, through the adoption of Resolution No. 14 (2016/17), the Sheboygan
7 County Board approved the proposed merger of the Eastern Shores Library System, in which it
8 participates with Ozaukee County, with the Mid-Wisconsin Library System, comprised of Dodge
9 County and Washington County, and

10
11 **WHEREAS**, all four impacted County Boards passed merger resolutions, and

12
13 **WHEREAS**, with the approval of all four impacted counties, the merger will proceed to
14 establish a new entity to be called the "Monarch Library System," and

15
16 **WHEREAS**, Chapter 80 of the County Code needs to be amended to conform to the
17 terms of the merger;

18
19 **NOW, THEREFORE**, the County Board of Supervisors of the County of Sheboygan
20 does ordain as follows:

21
22 Section 1. **Amending Code.** Chapter 80 of the Sheboygan County Code of
23 Ordinances is hereby amended as follows (strikeouts indicating deletions, redlining
24 indicating additions):

25
26 80.01 **PURPOSE.** The purpose of this Ordinance is to establish a Joint Federated
27 Public Library System within the geographical boundaries of Sheboygan, ~~and~~
28 Ozaukee, Dodge, and Washington Counties. It is hereby intended that each
29 municipal public library be retained and maintained and that existing library
30 boards retain autonomy with regard to providing library services within their
31 individual community. The Joint Federated Public Library System is intended to
32 support, extend, and supplement the resources and services of the present
33 public libraries operating in Sheboygan, ~~and~~ Ozaukee, Dodge, and Washington
34 Counties so as to make accessible to their county residents a wider variety of
35 public library benefits.

36
37 80.02 **JOINT FEDERATED PUBLIC LIBRARY SYSTEM ESTABLISHED.** There is
38 hereby established a Joint Federated Public Library System for Sheboygan, ~~and~~
39 Ozaukee, Dodge, and Washington Counties ("Library System") as described in
40 Wis. Stat. § 43.19(1)(b) which system shall be in effect for all of Sheboygan
41 County, ~~and~~ all of Ozaukee County, all of Dodge County, and all of Washington
42 County, which shall be known as the **EASTERN-SHORES-MONARCH LIBRARY**
43 **SYSTEM.**

44
45 80.03 **GOVERNING BOARD.** Pursuant to the provisions of Wis. Stat. § 43.19 the
46 Library System shall be governed by a board to be known as the ~~Eastern~~
47 ~~Shores~~ Monarch Library System Board consisting of fifteen (15) members; ~~nine~~
48 ~~(9)~~ four (4) members shall be appointed by the Sheboygan County Board, ~~and six~~
49 ~~(6)~~ three (3) members shall be appointed by the Ozaukee County Board, three (3)
50 members shall be appointed by the Dodge County Board, and five (5) members
51 shall be appointed by the Washington County Board. (The Sheboygan County

52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72
73
74
75
76
77
78
79
80
81
82
83
84
85
86
87
88
89
90
91
92
93
94
95
96
97
98
99
100
101
102
103

appointments shall follow the usual procedure of appointment by the Executive Committee (to be subject to confirmation by the full County Board.)

- (a)(1) Membership. Sheboygan County membership of the Board shall be composed of ~~nine (9)~~four (4) members, including one (1) member from the County Board, one (1) member from the governing board of the resource library, ~~three (3)~~one (1) members of a participating local library boards, and ~~four (4)~~one (1) members-at-large.
- (b)(2) Term. The members initially appointed shall be divided as nearly as possible into three (3) equal groups to serve for terms expiring on January 1 of the second, third, and fourth years, respectively, following their appointment. Thereafter, regular terms shall be for three (3) years and shall commence on January 1. Vacancies shall be filled for the unexpired term in the same manner as regular appointments are made.
- (c)(3) Board Organization. As soon as practicable after the initial establishment of the System, and thereafter in January of each year, the Board shall organize by the election, from among its members, a president and such other officers as it deems necessary.
- (d)(4) Powers and Duties. The System Board shall possess the powers expressly declared in Wis. Stat. §§ 43.58 through ~~43.62~~and 43.60 and shall have such duties as set forth in Wis. Stat. § 43.17 and as may be delegated to it from time to time by the County Board, subject, however, to the statutory limitations of Wis. Stat. ch. 43 and particularly those which provide that local library boards shall retain responsibility for their own public libraries.

80.04 RESOURCES LIBRARY DESIGNATED. The resource library (also known as the headquarters library) for the Library System shall be the City of Sheboygan-Mead Public Library. As such, this library will serve as a reference and information referral center for inquiries from participating libraries.

80.05 FINANCING THE LIBRARY SYSTEM. Budget responsibility for the Library System shall rest with Sheboygan, ~~and~~Ozaukee, Dodge, and Washington Counties. The Library System is a joint agency of those counties but constitutes a separate legal entity for the following purposes: To have the exclusive custody and control of all System funds; to hold title to and dispose of property; to construct, enlarge, and improve buildings; to make contracts; and to sue and be sued.


- (1) Exemption from Levy. The County Board shall levy a tax to provide funds for the Library System and shall include the amount of any such tax in the general County tax. Any city, town, or village in Sheboygan County shall be exempted from that portion of the general County tax allocated for the Library System operation if such city, town, or village expends for a library fund, during the year for which the tax levy is made, a sum at least equal to the sum which it would have paid toward the County tax levy for the Library System in the prior year.

104
105
106
107
108
109
110
111
112
113
114
115
116
117
118
119
120
121
122
123
124
125
126
127
128
129
130
131
132
133
134
135
136
137
138
139
140
141
142
143
144
145
146
147
148
149
150
151

(2) State Aid. ~~Both Sheboygan, and Ozaukee, Dodge, and Washington~~ Counties and the Library System Board shall take all steps necessary to obtain available state funds for the operation of the Library System.

Section 2. Effective Date. The herein Ordinance shall take effect January 1, 2017.

Respectfully submitted this 1st day of November, 2016.



William C. Goehring

Countersigned by:

Thomas Wegner, Chairperson

FISCAL NOTE
November 2016

Resolution No. 28 (2016/17) Re: Approving 2017 Budget

Resolution No. 29 (2016/17) Re: Levying and Apportioning the Tax

Ordinance No. 08 (2016/17) Re: Modifying Taylor Park Regulations

Ordinance No. 09 (2016/17) Re: Amending Library System Provisions to Reflect Merger

Funding:

No additional funding is required.

Respectfully Submitted,



Wendy A. Charnon
October 28, 2016

52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72
73
74
75
76
77
78
79
80
81
82
83
84
85
86
87
88
89
90
91
92
93
94
95
96
97
98
99
100
101
102

Failing Private Sewage System. "Failing private sewage system" has the meaning specified under Wis. Stat. § 145.245(4).

Farm. "Farm" means a parcel of thirty-five (35) or more contiguous acres of land devoted primarily to agricultural use, as defined in Wis. Stat. § 91.01(2).

Flows and Loads Affidavit. A document in a form approved by the Department appropriate for recording with the Office of the Sheboygan County Register of Deeds required when basing wastewater flow to a private sewage system upon per capita occupancy or usage of the structure served by the private sewage system.

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

Licensed Individual. A licensed plumber, certified septage servicing operator, or private sewage system inspector authorized to inspect, evaluate, maintain, or service a private sewage system.

Modification in 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. Modified wastewater load in dwellings does not result from construction of garages, open air/unenclosed decks, patios, or porches; re-roofing; painting; wiring; re-siding; or replacement of windows, floor coverings, equipment, appliances, or cabinets.

Non-plumbing Sanitation System. Sanitation systems and devices within the scope of Wis. Admin. Code Ch. SPS 391 which are alternatives to water carried waste plumbing fixtures and drain systems; including, but not limited to, incinerating toilets, composting toilets, and privies.

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

Pre-treatment. A system component designed to pre-treat sewage effluent prior to final discharge of the waste to the disposal component.

Private Sewage System. Also referred to as a "Private On-Site Wastewater Treatment System" or "POWTS," has the meaning given under Wis. Stat. § 145.01(12).

Septic System Abandonment Permit. A permit issued by the Department for the abandonment of a private sewage system upon connection of the property to public sewer or when the use of the private sewage system has been discontinued.

Privy. An enclosed non-portable toilet into which non-water-carried human wastes are deposited.

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

103
104
105
106
107
108
109
110
111
112
113
114
115
116
117
118
119
120
121
122
123
124
125
126
127
128
129
130
131
132
133
134
135
136
137
138
139
140
141
142
143
144
145
146
147
148
149
150
151
152
153

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

Public Building. Any structure, including exterior parts of such building, such as a porch, exterior platform, or steps providing means of ingress or egress, used in whole or in part as a place of resort, assemblage, lodging, trade, traffic, occupancy, or use by the public or by three (3) or more tenants. When used in relation to building codes, "public building" does not include a previously constructed building used as a community-based residential facility as defined in Wis. Stat. § 50.01(1g) which serves twenty (20) or fewer residents who are not related to the operator or administrator or an adult family home as defined in Wis. Stat. § 50.01(1).

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.

State. The Wisconsin Department of Safety and Professional Services.

State Sanitary Permit. A permit issued by the Department for the installation or modification of a private sewage system, pursuant to Wis. Stat. §§ 145.135 and 145.19.

Structure. Anything constructed, erected, or relocated from another premises, that is either permanently or temporarily attached to or resting on or in either the ground, stream, lakebed, or another structure. "Structures" shall include, but not be limited to, buildings (regardless of size or use), mobile homes and manufactured homes and dwellings, gazebos, and swimming pools.

70.04 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 and inspected before the structure may be occupied.

70.05 REPEAL AND EFFECTIVE DATE. This Ordinance shall be effective after public hearing, adoption by the County Board and publishing or posting as required by law. The existing sanitary provisions for the County shall be repealed effective on the date of the enactment of this Ordinance.

70.06 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: Wis. Stat. §§ 59.70(5) and 968.10, Wis. Stat. chs. 145, 281, 283; Wis. Admin. Code § 361.04; Wis. Admin. Code Chs. SPS 381, SPS 382, SPS 383, SPS 384, SPS 385, SPS 387, SPS 391, NR 113, and NR 116. These rules, regulations, and laws shall apply until amended or renumbered and then shall apply as amended or renumbered

154
155 70.07 JURISDICTION. The jurisdiction of this Ordinance shall include all lands and waters within
156 the unincorporated and incorporated areas of Sheboygan County, as provided in Wis. Stat. §
157 59.70(5).
158
159 70.08 POWTS REQUIREMENTS.
160
161 (1) All domestic wastewater shall enter a private sewage system unless otherwise
162 exempted by the State or this Chapter.
163
164 (2) A non-plumbing sanitation system may be permitted only when the structure or
165 premises served by the non-plumbing sanitation system is not provided with an
166 indoor plumbing system. If plumbing is installed in the structure or running water is
167 supplied to the structure, an acceptable method of sewage disposal other than, or in
168 addition to, a non-plumbing sanitation system must be provided.
169
170 (3) Any private sewage system or portions(s) thereof installed within a floodplain shall
171 comply with all applicable requirements of Wis. Admin. Code Ch. NR 116 and the
172 Sheboygan County Floodplain Ordinance, Chapter 73 of the General Code of
173 Ordinances for Sheboygan County.
174
175 (4) The installation of a holding tank as a private sewage system for new residential
176 structures is prohibited except as provided in Subsections (a) through (d), below. A
177 water meter with remote reading device meeting the requirements of Wis. Admin.
178 Code § SPS 383.54(2)(d) shall be installed at the same time as the holding tank
179 approved under Subsections (b) and (d) below.
180
181 (a) A temporary holding tank may be installed when a public sewer, approved by
182 the Department of Natural Resources, will be installed to serve the property
183 within two (2) years of the date of sanitary permit issuance. In addition to
184 items required in Section 70.12 of this Code, an application for a sanitary
185 permit to install a temporary holding tank shall include written statements:
186
187 1. The municipality or sanitary district, verifying the date that public
188 sewer will be installed and available to serve the property;
189
190 2. The Department of Natural Resources, verifying approval of the
191 public sewer; and
192
193 3. The property owner, agreeing to connect to public sewer when it
194 becomes available and to abandon the temporary holding tank.
195
196 If public sewer does not become available within two (2) years of the date of
197 sanitary permit issuance, the holding tank must be replaced with another type
198 of system recognized by Wis. Admin. Code Ch. SPS 83.
199
200 (b) A holding tank may be installed to serve a use with an Estimated Wastewater
201 Flow (EWF) of less than one hundred (100) gallons per day. In addition to
202 items required in Section 70.12 of this Code, an application for a sanitary
203 permit to install a holding tank to serve a use with an EWF of less than one
204 hundred (100) gallons per day shall include a written statement from the

- 205 property owner, agreeing to install another type of system if any change of
206 occupancy or use occurs which results in an EWF which equals or exceeds
207 one hundred (100) gallons per day.
208
- 209 (c) New or existing residential structures that are part of a sanitary district
210 approved by or under the control of the local municipality.
211
- 212 (d) New residential structures on property where documentation acceptable to
213 the Department indicates the property was previously used for residential
214 purposes when a Soil Evaluation Report indicates the site is not suitable for a
215 private sewage system.
216
- 217 (5) Holding tanks are prohibited for use as a replacement private sewage system for an
218 existing residential structure unless a Soil Evaluation Report determines the site is
219 not suitable for the installation of a private sewage system that provides onsite
220 treatment and disposal of domestic wastewater. If the Soil Evaluation Report
221 determines a site is suitable for the installation of a private sewage system that
222 provides onsite treatment and disposal of domestic wastewater only with the aid of a
223 pre-treatment device or through soil interpretive review or individual site design, a
224 holding tank may be installed.
225
- 226 (6) The installation and use of holding tanks as a private sewage system for public,
227 commercial, or agricultural buildings are permitted regardless of whether there is a
228 suitable site that allows for the installation of a private sewage system that provides
229 onsite treatment and disposal of domestic wastewater. In addition to complying with
230 all applicable provisions of the Wisconsin Administrative Code, the influent flows to
231 the holding tank(s) shall be metered in accordance with Wis. Admin. Code SPS §
232 383.54(2)(d). The water meter shall include a remote reading device for each meter.
233 The remote reader(s) shall be mounted in a conspicuous location on the exterior of
234 the building(s) served by the holding tank(s) and shall have a numerical display of
235 gallons used to the nearest 100 gallons.
236
- 237 (7) The use of a camping unit transfer container as a POWTS holding tank component
238 shall be restricted to a campground permitted by the Department of Health Services
239 under Wis. Admin. Code Ch. DHS 178.
240
- 241 (8) When a failing private sewage system is identified, it shall be brought into
242 compliance with current code requirements, replaced with a code-compliant system
243 authorized by a sanitary permit, or its use discontinued within 12 months or such
244 other period of time required by Department order.
245
- 246 70.09 ABANDONMENT OF PRIVATE SEWAGE SYSTEMS.
247
- 248 (1) When public sewers approved by the Department of Natural Resources become
249 available to the structure or premises served, the private sewage system shall be
250 disconnected and abandoned in accordance with the provisions of Wis. Admin. Code
251 Ch. SPS 383.33. Determination of whether sewer is available shall be made by the
252 local sewer service entity.
253

- 254 (2) Within thirty (30) days after completion of the abandonment, the appropriate permit
255 application form and fee shall be submitted to the Department for issuance of a
256 Septic System Abandonment Permit.
257
258 (3) The components of an existing private sewage system that are not part of the
259 approved design of a replacement system shall be abandoned by the plumber
260 installing the system at the time of the installation of the replacement system. The
261 abandonment shall comply with Wis. Admin. Code Ch. SPS 383.
262

263 70.10 SOIL AND SITE EVALUATION.
264

- 265 (1) Soil and site evaluations shall be done prior to the issuance of permits as specified in
266 Wis. Admin. Code Chs. SPS 383 and SPS 385.
267
268 (2) Soil test pits shall be constructed which allow adequate visual observation of the soil
269 profile in place. At least one soil pit shall be an excavated backhoe pit pursuant to
270 Wis. Admin. Code § 385.20(3)(c), unless otherwise allowed by the Department.
271
272 (3) Department verification of a Soil Evaluation Report may be necessary to determine
273 the suitability of a lot for a private sewage system. This verification will be made at
274 the discretion of the Department and will be made prior to the issuance of the
275 sanitary permit. This verification will result in one of the following:
276
277 (a) Issuance of the permit, provided all information on the application is correct
278 and complete.
279
280 (b) Establishment of a file indicating site suitability.
281
282 (c) Holding the application pending clarification of information or new information
283 by the owner, the plumber, or the certified soil tester.
284
285 (d) Denial of the permit if the site does not meet all the provisions of this
286 Ordinance and appropriate Wisconsin Statutes and Administrative Codes. If
287 the permit application is denied, the fees will be returned to the submitting
288 party.
289
290 (4) A certified soil tester may request Department verification of a Soil Evaluation Report
291 before a complete sanitary permit application is submitted.
292

293 70.11 SANITARY PERMITS.
294

- 295 (1) Every private sewage system shall require a separate application and sanitary
296 permit.
297
298 (2) A sanitary permit shall be obtained by the property owner, his agent or contractor, in
299 the name of the property owner, prior to the installation, establishment, or
300 construction of any structure which requires a private sewage system or
301 non-plumbing sanitation system.
302
303 (3) A sanitary permit shall be obtained by the property owner, his agent, or contractor
304 before any private sewage system or part thereof may be installed, replaced,

305 reconnected, or modified. A sanitary permit is not required for the addition of
306 manhole risers or for the replacement of manhole covers, manhole risers, baffles, or
307 pumps.
308

309 (4) If any part of the private sewage system has failed or requires replacement or
310 modification, a sanitary permit shall be obtained, or a valid, existing permit revised,
311 and the remainder of the system shall be evaluated for compliance with regulations
312 in effect at the time the system was originally installed prior to the issuance of the
313 new sanitary permit or the revised existing permit. The new sanitary permit
314 application shall include specifications for the modification, replacement, alteration,
315 or addition of the private sewage system, and a Soil Evaluation Report for those
316 components that utilize soil for treatment or dispersal, unless a report acceptable to
317 the Department is already on file with the Department.
318

319 (5) When a sanitary permit is required, any other existing private sewage system located
320 on the same parcel shall be identified and evaluated by a licensed individual for
321 compliance with the regulations in effect at the time such system was originally
322 installed by submitting information specified in Sections 70.19(3)(b)-(e) of this Code
323 to the Department prior to issuance of the sanitary permit. If the system is found to
324 be non-code compliant, a sanitary permit shall be obtained to replace the subject
325 system or otherwise bring it into compliance
326

327 70.12 APPLICATION REQUIREMENTS.

- 328
- 329 (1) A sanitary permit application shall include the following information which shall be
330 furnished by the applicant on forms required by the State and/or the Department
331 along with all applicable fees:
332
- 333 (a) Names and addresses of the applicant (owner of the site) and the plumber
334 employed.
 - 335
 - 336 (b) Legal description of the subject site and the parcel identification or parcel
337 number.
 - 338
 - 339 (c) All lot dimensions.
 - 340
 - 341 (d) Building use (single family, duplex, etc.).
 - 342
 - 343 (e) Soil Evaluation report.
 - 344
 - 345 (f) System plans (see Section 70.13 of this Code).
 - 346
 - 347 (g) Appropriate agreements and contracts for system management and
348 maintenance.
 - 349
 - 350 (h) Copies of any documents required in Section 70.12(4) of this Code and
351 verification that they have been recorded.
 - 352
 - 353 (i) Any other information required by the Department.
 - 354

- 355
356
357
358
359
360
361
362
363
364
365
366
367
368
369
370
371
372
373
374
375
376
377
378
379
380
381
382
383
384
385
386
387
388
389
390
391
392
393
394
395
396
397
398
399
400
401
402
403
404
405
- (2) 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.
 - (3) Pit privy permit applications shall be accompanied by soil data provided by a Certified Soil Tester to determine compliance with Wis. Admin. Code Ch. SPS 391.
 - (4) The following documents must be recorded with the Sheboygan County Register of Deeds prior to sanitary permit issuance:
 - (a) Maintenance agreements or POWTS agreements, when recording is required by Wis. Admin. Code Ch. SPS 383 or this Code.
 - (b) When a private sewage system or parts thereof are located on a separate parcel of ownership than the structure served, an appropriate easement must be recorded.
 - (c) When 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 of the private sewage system must be recorded.
 - (d) When 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 limiting occupancy to that used in the design must be recorded.
 - (5) The Department reserves the right to require a floodplain and/or wetland delineation for a proposed private sewage system area prior to sanitary permit issuance. The Department may require elevations on plans to be tied to floodplain elevation datum using NAVD 88 (North American Vertical Datum 88)
 - (6) The Department reserves the right to refuse incomplete or incorrect permit applications or to delay permit issuance until corrected or completed applications are received.
- 70.13 PLANS. System plans shall be submitted for approval to the Department or to the State in accordance with Wis. Admin. Code Ch. SPS 383. Plans shall comply with the requirements of Wis. Admin. Code Ch. SPS 383 and this Ordinance.
- (1) Plans submitted to the Department shall include the original and two (2) copies.
 - (2) When plans are reviewed and approved by the State, at least two (2) sets of the plans submitted to the Department shall bear an original State approval stamp or seal.
 - (3) Plans submitted shall be clear, legible, and permanent copies.
 - (4) Plans submitted shall comply with Wis. Admin. Code Ch. SPS 383 and include the following:
 - (a) The name of the property owner and the legal description of the site;

- 406 (b) Estimated daily wastewater flow and design wastewater flow.
407
408 (c) A detailed plot plan (site plan), dimensioned or drawn to scale, on paper no
409 smaller than 8-1/2 inches by 11 inches in size. The plot plan shall delineate
410 the lot size and the location of all existing and proposed: private sewage
411 system components; building sewers; private interceptor main sewers; wells;
412 water mains or water services; buildings; lot lines; swimming pools; navigable
413 waters; and the benchmark established on the Soil Evaluation Report.
414 Adjoining properties shall be checked to ensure compliance with the
415 horizontal setback parameters in Wis. Admin. Code Ch. SPS 383.43. All
416 separating distances and dimensions shall be clearly shown on the plot plan.
417
418 (d) Details and configuration layouts depicting how the system is to be
419 constructed.
420
421 (e) A description of a contingency plan in the event the proposed private sewage
422 system fails and cannot be repaired. [See Section 70.08(5) of this Code].
423
424 (f) Sufficient supporting information to determine whether the proposed design,
425 installation, and management of the proposed private sewage system or
426 modification to an existing system complies with this Ordinance.
427
428 (5) Plans shall be signed or sealed as specified in Wis. Admin. Code Ch. SPS 383.
429
430 (6) A copy of the approved plans shall be maintained at the construction site until the
431 private sewage system installation is completed, inspected, and accepted. During
432 inspections, the plans shall be made available to the Department or the State upon
433 request.
434
435 (7) A modification to the design of a private sewage system which has been previously
436 approved shall be submitted to the Department or the State as specified in Wis.
437 Admin. Code Ch. SPS 383. Plan revisions must be approved prior to system
438 installation.
439

440 70.14 PERMIT CARDS.
441

- 442 (1) The permit card issued by the Department to the property owner or their agent shall
443 serve as the sanitary permit.
444
445 (2) The permit card shall contain all the information required by Wis. Stat. § 145.135.
446
447 (3) The permit card shall be displayed at the site in such a manner that it will be visible
448 from a road abutting the lot during all construction phases.
449
450 (4) The permit card may not be removed until the private sewage system has been
451 installed, inspected, and approved by the Department.
452
453 (5) Failure to display the permit card shall be considered a violation of this Section and
454 may subject the property owner, their agent, or contractor to penalty provisions of
455 this Ordinance.
456

457 70.15 PERMIT EXPIRATION.
458

- 459 (1) All installations or modifications to a septic system shall be completed within two (2)
460 years from the date the Department issues the sanitary permit. The Department will
461 renew a sanitary permit upon a property owner or his or her agent's submittal of a
462 new sanitary permit application, signed and completed by a plumber, together with
463 the fee, to the Department prior to the expiration date of the original permit.
464
465 (2) The renewal shall be based on regulations in force at the time of renewal.
466
467 (3) Changed regulations may impede or prevent the renewal.
468
469 (4) The property owner, their agent, or contractor shall return the original permit card at
470 the time application is made for renewal and receive a new card when the permit is
471 renewed.
472
473 (5) The Department, in its discretion, may place conditions on the renewal of a sanitary
474 permit to replace a private sewage system.
475
476 (6) A new sanitary permit shall be obtained by the owner or their agent prior to beginning
477 construction if a sanitary permit has expired.
478

479 70.16 TRANSFER OF OWNERSHIP. Transfer of ownership of a property for which a valid sanitary
480 permit exists and the system has not been installed or modified shall be subject to the
481 following:
482

- 483 (1) A new sanitary permit application bearing the name of the new owner and indicating
484 the transfer of ownership shall be submitted to the Department.
485
486 (2) The original sanitary permit card shall be returned to the Department so that a new
487 permit card may be issued.
488
489 (3) Transfer of ownership shall not affect the expiration date or renewal requirements.
490

491 70.17 CHANGE OF PLUMBERS.
492

- 493 (1) When an owner wishes to change plumbers, a new sanitary permit application
494 signed by the new plumber and indicating the change of plumber shall be submitted
495 to the Department.
496
497 (2) The transfer of sanitary permits shall take place prior to the installation of the private
498 sewage system.
499
500 (3) Sanitary permits for systems requiring State plan approval shall not be transferred to
501 a different plumber unless the plan bears the stamp of an architect or engineer,
502 plumbing designer, or State approval is obtained by the new plumber.
503
504 (4) The original sanitary permit card shall be returned to the Department so that a new
505 permit card may be issued.
506

507 70.18 PERMIT DENIAL. When applicable provisions of Wisconsin Statutes, Wisconsin
508 Administrative Code, or this Ordinance have not been complied with when applying for a
509 sanitary permit, the permit shall be denied. Reasons for the denial shall be forwarded to the
510 plumber, landowner, and when appropriate, the State.
511

512 70.19 RECONNECTION AND REPAIR.
513

514 (1) A Sheboygan County Sanitary Permit shall be obtained prior to:
515

516 (a) Construction of a new or replacement structure to be connected to an
517 existing private sewage system;
518

519 (b) Disconnection of a structure from an existing private sewage system and
520 connection of another structure to the system, except as permitted below;
521

522 (c) Renovation of an existing unplumbed building if the renovation includes
523 installation of plumbing fixtures that require connection to an existing private
524 sewage system;
525

526 (d) Construction or installation of a non-plumbing sanitation system; or
527

528 (e) Replacement or repair of piping, including but not limited to building sewer,
529 gravity effluent piping, suction line or force-main, along with tank component
530 repairs approved by the Department or tank manufacturer.
531

532 (2) Prior to issuing a Sheboygan County Sanitary Permit, a licensed individual shall
533 examine the existing private sewage system to:
534

535 (a) Determine if it is functioning properly and whether it is a failing system.
536

537 (b) Determine if it will be capable of handling the proposed wastewater flow and
538 contaminant load from the building to be served.
539

540 (c) Determine that all minimum setback requirements of Wis. Admin. Code Ch.
541 SPS 383 will be maintained.
542

543 (3) Application for a Sheboygan County Sanitary Permit shall include the following:
544

545 (a) All items in Sections 70.12(1)(a)-(i) of this Code;
546

547 (b) For all systems that utilize soil for treatment or disposal, a Soil Evaluation
548 Report verifying that the infiltrative surface of the existing treatment or
549 dispersal component is at least two feet (2') above groundwater or bedrock
550 for systems installed prior to December 1, 1969, and at least three feet (3')
551 above the groundwater or bedrock for systems installed on or after
552 December 1, 1969, unless a valid report meeting these criteria is on file with
553 the Department or a lesser separation is allowed by Wis. Admin. Code Ch.
554 SPS 383;
555

- 556 (c) A report provided by a licensed individual authorized to do so by Wis. Admin.
557 Code Ch. SPS 383 relative to the condition, capacities, baffles, and manhole
558 covers for any existing treatment or holding tanks;
559
- 560 (d) A report provided by a licensed individual authorized to do so by Wis. Admin.
561 Code Ch. SPS 383 relative to the condition and capacities of all other system
562 components and verifying that the system is not a failing system;
563
- 564 (e) A plot plan prepared by a plumber authorized to do so by Wis. Admin. Code
565 Ch. SPS 383 including information specified in Section 70.13(4)(c) of this
566 Code; and
567
- 568 (f) Complete plans, as specified in Section 70.13 of this Code, for any system
569 components which will be modified or replaced.
570
- 571 (g) Reconnection to existing holding tanks may require a new servicing contract
572 and an updated holding tank agreement which meets the requirements of this
573 Ordinance.
574
- 575 (h) Reconnection to an existing system other than a holding tank may require a
576 new maintenance agreement or servicing contract;
577
- 578 (i) If wastewater flow is to be based upon per capita occupancy or usage of the
579 structure to which the private sewage system is connected, a completed and
580 approved "Flow and Loads Affidavit" shall be signed and recorded in the
581 Office of the Sheboygan County Register of Deeds.
582
- 583 (4) All systems shall be inspected at the time of reconnection, prior to backfilling, to
584 ensure that proper materials and methods are being used.
585
- 586 **70.20 CONSTRUCTION AFFECTING WASTEWATER FLOW OR CONTAMINANT LOAD.**
587 Construction that is considered to be a modification of wastewater flow or contaminant load
588 is defined in Section 70.03 of this Code. Prior to commencing the construction of an addition
589 to or modification of a structure which will affect the wastewater flow and/or contaminant load
590 to an existing private sewage system, the owner(s) of the property shall:
591
- 592 (1) Possess a sanitary permit to construct a new private sewage system or modify an
593 existing private sewage system to accommodate the modification in wastewater flow
594 or contaminant load; or
595
- 596 (2) Provide the following to the Department:
597
- 598 (a) Documentation that a private sewage system of adequate capability and
599 capacity to accommodate the wastewater flow and contaminant load already
600 exists to serve the structure, as specified in Wis. Admin. Code Ch. SPS 383;
601
- 602 (b) Documentation showing that the location of the proposed structure conforms
603 to the applicable setback distances to all of the existing private sewage
604 system components; and
605
- 606 (c) Documentation specified in Sections 70.19(3)(b), (c), and (d) of this Code.

- 607
608
609
610
611
612
613
614
615
616
617
618
619
620
621
622
623
624
625
626
627
628
629
630
631
632
633
634
635
636
637
638
639
640
641
642
643
644
645
646
647
648
649
650
651
652
653
654
655
656
657
- (d) If wastewater flow is to be based upon per capita occupancy or usage of the structure to which the private sewage system is connected, a completed and approved "Flow and Loads Affidavit" shall be signed and recorded in the Office of the Sheboygan County Register of Deeds.
 - (3) Any installation, addition, or modification of a system must be completed and approved before the addition or modified area of the structure may be occupied.
- 70.21 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 their agent shall determine that the proposed structure conforms with applicable setback limitations of Wis. Admin. Code Ch. SPS 383. Documentation shall be submitted to the Department.
- 70.22 FEES AND CHARGES. Fees shall be as determined and adjusted from time to time by the Planning, Resources, Agriculture, and Extension Committee of the Sheboygan County Board and as maintained by the Department in its "Sheboygan County Planning Department Fee Schedule." Pursuant to Wis. Stat. § 66.0628(2), any fee imposed shall have a reasonable relationship to the service for which the fee is imposed.
- (1) Refunds. At the discretion of the Department, after a sanitary permit has been issued, the fee or a portion thereof may be refunded to the party who originally paid the fee, upon submittal to the Department of a written request signed by the permit holder, to void the permit.
 - (2) In addition to the foregoing fees as allowed by Wis. Stat. § 145.20(4), each owner of a private sewage system shall annually be charged a fee of Twelve and 50/100 Dollars (\$12.50) per private sewage system for the recordkeeping attributable to the inventory and tracking of the pumping and maintenance of each system, said fee to be recovered in the same manner as municipalities may make property assessments pursuant to Wis. Stat. § 66.0703.
- 70.23 INSPECTIONS; GENERAL.
- (1) The plumber responsible for the installation shall give the Department notice in accordance with Wis. Admin. Code Ch. SPS 383 for final inspection of all private sewage systems installed, modified, or reconnected.
 - (2) Private sewage systems shall be inspected by the Department for compliance with Wis. Admin. Code Chs. SPS 382, SPS 383, and SPS 384, all other appropriate Wisconsin Statutes, Administrative Codes, and this Ordinance.
 - (3) The entire system shall be left completely open until it has been inspected and approved unless the Department is unable to meet the inspection timeline set forth in Wis. Admin. Code Ch. SPS 383.
 - (4) 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.

- 658
- 659 (5) The Department shall inspect the interior plumbing to verify all domestic waste
- 660 discharges to an approved private sewage system.
- 661
- 662 (6) Private sewage systems may be inspected periodically, after the initial installation
- 663 inspection(s) and/or after the system is operative, as deemed necessary by the
- 664 Department.
- 665
- 666 70.24 INSPECTIONS; SITE-CONSTRUCTED HOLDING TANKS.
- 667
- 668 (1) All site-constructed holding tanks shall be inspected after the floor is poured and the
- 669 keyway and water stop are installed or after the forms for the tank walls have been
- 670 set, but in all instances before any concrete for the walls has been poured.
- 671
- 672 (2) Concrete walls may be poured only after it has been determined that the tank, as
- 673 formed, complies with the approved plans.
- 674
- 675 (3) A final inspection by the Department is required after all other work has been
- 676 completed, but prior to backfilling.
- 677
- 678 70.25 INSPECTIONS; NON-PLUMBING SANITARY SYSTEMS.
- 679
- 680 (1) All non-plumbing sanitary systems installed shall be inspected for compliance with
- 681 Wis. Admin. Code Ch. SPS 391, as amended, and this Ordinance.
- 682
- 683 (2) The property owner shall contact the Department for inspection immediately after the
- 684 non-plumbing sanitary system has been constructed or installed.
- 685
- 686 70.26 INSPECTIONS; MOUNDS.
- 687
- 688 (1) The plumber installing the mound shall contact the Department for inspection the
- 689 working day prior to or the morning of the installation, excluding Saturdays, Sundays,
- 690 and holidays.
- 691
- 692 (2) Mound systems may be inspected prior to the time the ground surface is plowed, at
- 693 the time the distribution piping installation has been completed, and after all other
- 694 work has been completed but prior to backfilling. At least one (1) inspection prior to
- 695 completion is required.
- 696
- 697 70.27 INSPECTIONS; AT-GRADE SYSTEMS.
- 698
- 699 (1) The plumber installing the at-grade shall contact the Department for inspection the
- 700 working day prior to or the morning of the installation, excluding Saturdays, Sundays,
- 701 and holidays.
- 702
- 703 (2) At-grade systems may be inspected prior to the time the ground surface is plowed, at
- 704 the time the distribution piping installation has been completed, and after all work has
- 705 been completed but prior to backfilling. At least one (1) inspection prior to
- 706 completion is required.
- 707
- 708 70.28 INSPECTIONS; SAND FILTERS.

709
710
711
712
713
714
715
716
717
718
719
720
721
722
723
724
725
726
727
728
729
730
731
732
733
734
735
736
737
738
739
740
741
742
743
744
745
746
747
748
749
750
751
752
753
754
755
756
757

(1) The plumber installing the sand filter shall contact the Department for inspection the working day prior to or the morning of the installation, excluding Saturdays, Sundays and holidays.

(2) Sand filters may be inspected at the time the liner or tank and underdrain piping are in place, before placement of aggregate or sand, at the time the distribution piping installation has been completed, and after all other work has been completed but prior to backfilling. At least one (1) inspection prior to completion is required.

70.29 EXPERIMENTAL SYSTEMS AND SYSTEMS NOT RECOGNIZED BY WIS. ADMIN. CODE § SPS 383.60.

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

(2) The plumber installing the system shall contact 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.

(3) Inspections shall be done pursuant to the approved plan requirements and as deemed necessary by the Department to assure compliance with appropriate codes and the plan approval.

70.30 TESTING.

(1) When testing of new systems or new system components is required by Wis. Admin. Code Chs. SPS 382, 383, or 384 or as a condition of plan approval, notice shall be given to the Department at least twenty-four (24) hours in advance of a testing 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) above.

70.31 MAINTENANCE AND MANAGEMENT.

(1) All private sewage systems shall be managed and maintained in accordance with Wis. Admin. Code Chs. SPS 383 and 384 and this Ordinance.

(2) The property owner or the owner's agent shall submit a copy of an appropriate maintenance agreement and/or maintenance servicing contract to the Department prior to sanitary permit issuance for treatment components requiring maintenance at intervals of twelve (12) months or less based upon product approval conditions.

- 758 (3) The property owner or the owner's agent shall submit a new or revised maintenance
759 agreement and/or maintenance servicing contract to the Department whenever there
760 is a change of ownership.
761
762 (4) The property owner or the owner's agent shall submit a new maintenance agreement
763 and/or maintenance servicing contract to the Department prior to expiration of any
764 existing maintenance agreement and/or maintenance servicing contract.
765
766 (5) The owner of a private sewage system is responsible for fulfillment of the
767 requirements of this Section.
768

769 70.32 PRIVATE SEWAGE SYSTEM MAINTENANCE PROGRAM.
770

- 771 (1) Private sewage systems shall be visually inspected within three (3) years of the date
772 of installation and at least once every three (3) years thereafter. If the inspection
773 reveals a combined sludge and scum volume greater than or equal to one-third (1/3)
774 of the volume of each tank, the tanks associated with the private sewage system
775 shall be pumped.
776
777 (2) The inspection, evaluation, or maintenance of private sewage systems that utilize
778 pre-treatment components which require maintenance at intervals of 12 months or
779 less shall be conducted in accordance with the requirements specified by the
780 manufacturer or designer of the component.
781
782 (3) The owner of a private sewage system shall contract with a licensed individual to
783 complete the maintenance of the septic system. Within thirty (30) days of completion
784 of the maintenance, the licensed individual shall file the maintenance report with the
785 Department through the Sheboygan County online reporting system. It shall be the
786 property owner's responsibility to verify the online report has been filed prior to the
787 deadline established for maintenance of the septic system.
788
789 (4) Visual inspection of private sewage system components may be conducted by any
790 licensed individual to verify the condition of the septic system components, determine
791 if pumping of the tank components is necessary, and whether wastewater or effluent
792 from the private sewage system is discharging on the ground surface.
793
794 (5) Pumping of tanks associated with a private sewage system shall be done by a
795 certified septage servicing operator in accordance with Wis. Admin. Code Ch. NR
796 113.
797
798 (6) Holding tanks that are not serviced on a regular basis due to minimal water usage in
799 the structure served by the holding tank shall be visually inspected within three (3)
800 years of the date of installation and at least once every three (3) years thereafter.
801 The visual inspection shall be completed by a licensed pumper, or plumber
802 authorized to do so by the Wisconsin Statutes and the Wisconsin Administrative
803 Code. Within thirty (30) calendar days of completing said inspection, the service
804 provider on behalf of the owner of the holding tank shall submit the completed
805 inspection report online.
806
807 (7) Servicing of holding tanks shall occur at least when the wastewater in the tank
808 reaches a level of one foot (1') below the inlet invert of the tank(s).

809
810 (8) Any tank which discharges sewage to the ground surface, including intentional
811 discharges and discharges caused by neglect, shall be considered a failing private
812 sewage system which will need to be remediated to remain in compliance with the
813 requirements of the State Code and this Ordinance. This may include, by
814 Department order, the installation of a water meter with remote reading device to
815 monitor pumping compliance.
816

817 70.33 ADMINISTRATION, POWERS, AND DUTIES. The Department shall have the duty and
818 power to enforce the provisions of this Ordinance and all other ordinances, laws, and orders
819 of Sheboygan County and the State of Wisconsin which relate to the construction,
820 installation, operation, and maintenance of private sewage systems. Nothing in this
821 Ordinance, including such powers and duties listed below, shall limit the Department's
822 authority and power to inspect or require an evaluation of a POWTS, including an existing
823 POWTS, at times or for activities not covered under this Ordinance.
824

825 In the administration of this Ordinance, the Department shall have the following powers and
826 duties:
827

- 828 (1) Delegate duties to and supervise clerical staff and other employees to assure full and
829 complete compliance with this Ordinance and related Wisconsin Statutes and the
830 Administrative Code.
- 831 (2) Advise applicants concerning the provisions of this Ordinance and assist them in
832 preparing permit applications.
- 833 (3) Review and approve plans for private sewage systems for one- and two-family
834 residences or as approved through agent status by the State.
- 835 (4) Issue sanitary permits and inspect properties for compliance with this Ordinance and
836 related Wisconsin Statutes and the Administrative Code.
- 837 (5) Keep records of all sanitary permits issued, inspections made, work approved, and
838 other official actions.
- 839 (6) Report violations of this Ordinance to the District Attorney or Corporation Counsel for
840 prosecution.
- 841 (7) Have access to any premises for the purpose of performing official duties between 8
842 AM and 8 PM or at other times set by mutual agreement between the property owner
843 or his agent and the Department or upon issuance of a special inspection warrant in
844 accordance with Wis. Stat. § 66.0119. Application for a sanitary permit is considered
845 for the purposes of this Ordinance as the owner's consent to enter the premises.
846
- 847 (8) Upon reasonable cause or question as to proper compliance, revoke or suspend any
848 sanitary permit and issue cease and desist orders per Wis. Stat. § 254.59(2)
849 requiring the cessation of any construction, alteration or use of a building which is in
850 violation of the provisions of this Ordinance, until compliance with this Ordinance or
851 applicable Wisconsin Statutes and the Administrative Code is obtained.
852
853
854
855
856
857
858

- 859 (9) Issue and enforce orders to plumbers, pumpers, property owners, their agents or
860 contractors or the responsible party, to assure proper compliance with all provisions
861 of this Ordinance.
862
863 (10) Issue citations pursuant to Chapter 90.06 of the Sheboygan County Code of
864 Ordinances.
865
866 (11) Perform other duties regarding private sewage systems as considered appropriate by
867 the County or the State.
868

869 70.34 BOARD OF ADJUSTMENT. Any person who alleges that there is an error in any order,
870 requirement, or decision made in the enforcement of this Ordinance may appeal to the Board
871 of Adjustment as provided in Chapter 76 (Board of Adjustment) of this Code. Any appeal
872 shall be made on forms furnished by the Department within thirty (30) days of the date of that
873 administrative action. Any person who wants a variance from the terms of this Ordinance for
874 any provision which is more restrictive than the minimum standards required by the
875 Wisconsin Department of Safety and Professional Services may seek a variance from the
876 Board of Adjustment pursuant to Chapter 76 of this Code. Any requests for variance should
877 be made on forms furnished by the Department within thirty (30) days of the date of the
878 administrative determination from which the person seeks the variance. Other substantiating
879 evidence will be accepted.
880

881 70.35 WAIVER OF LIABILITY. This Ordinance shall not create a liability on the part of or a cause
882 of action against the County or any employee thereof for any private sewage system which
883 may not function as designed. There shall be no liability or warranty for the location of septic
884 system components, including but not limited to the setback requirements, soil suitability
885 determination, and site topography, regardless of whether the Department has approved the
886 sanitary permit. The issuance of a sanitary permit and the final inspection of such a system
887 does not warrant the system's function, nor is there a guarantee that the system is free of
888 defects or that all aspects of the system comply to Wisconsin Statute or Administrative Code
889 requirements.
890

891 70.36 VIOLATIONS AND PENALTIES. Any violations of the provisions of this Ordinance or any
892 obstruction of an employee of the County in the reasonable and proper discharge of his or
893 her duties, by any person shall be unlawful and may be forwarded to the Corporation
894 Counsel who shall expeditiously prosecute all such violators. A violator shall, upon
895 conviction, forfeit to Sheboygan County a penalty of not less than Twenty Dollars (\$20.00)
896 nor more than Two Thousand Dollars (\$2,000.00) for each offense, together with the cost of
897 prosecution, and in default of the payments of such forfeiture and costs, shall be imprisoned
898 in the County Jail of Sheboygan County until such forfeiture and costs are paid but not to
899 exceed thirty (30) days.
900

901 In addition thereto, every violation of the Ordinance is a public nuisance, and the creation
902 thereof or the continuation thereof is subject to injunctive relief for abatement as part of the
903 prosecution of the violation by the Corporation Counsel or by suit of the State or any
904 aggrieved citizen thereof.
905

906 In lieu of forwarding the subject violation to the Corporation Counsel for prosecution, the
907 Department may, pursuant to Chapter 90.06 of the Sheboygan County Code of Ordinances,
908

909
910
911
912
913
914
915
916
917
918
919
920
921
922
923
924
925
926
927
928
929
930
931
932
933
934
935
936
937
938
939
940
941
942
943
944
945
946
947
948
949
950
951
952
953
954
955
956
957
958

issue a citation to the offender. Issuance of the citation and payment of the required forfeiture does not preclude compliance with the terms and conditions of this Ordinance.

Each day a violation continues to exist shall constitute a separate offense.

Section 2. Effective Date. The herein Ordinance shall take effect upon enactment.

Respectfully submitted this 20th day of December, 2016.

**PLANNING, RESOURCES, AGRICULTURE,
AND EXTENSION COMMITTEE***

Keith Abler, Chairperson

Fran Damp, Vice-Chairperson

Libby Ogea, Secretary

Steven Bauer

James Baumgart

Opposed to Introduction:

*County Board Members signing only

Countersigned by:

Thomas Wegner, Chairperson

FISCAL NOTE
December 2016

Ordinance No. 10 (2016/17) Re: Repealing and Re-creating Chapter 70, Sanitary Regulations

Ordinance No. 11 (2016/17) Re: Repealing and Re-creating Chapter 75, Erosion Control and Stormwater Management Ordinance

Funding:

No additional funding is required.

Respectfully Submitted,



Wendy A. Charnon
December 14, 2016

1 SHEBOYGAN COUNTY ORDINANCE NO. 11 (2016/17)
2

3 Re: **Repealing and Re-creating Chapter 75, Erosion Control and Stormwater**
4 **Management Ordinance**
5

6
7 **WHEREAS**, the Wisconsin legislature, by the enactment of 2015 Wisconsin Act 55, 2015
8 Wisconsin Act 176, and 2015 Wisconsin Act 291, has made changes to the Wisconsin shoreland
9 zoning laws which require Sheboygan County to make changes to its Erosion Control and
10 Stormwater Management Ordinance, and
11

12 **WHEREAS**, consistent with these requirements, Sheboygan County has made proposed
13 modifications to its Erosion Control and Stormwater Management Ordinance as set forth hereafter,
14 and
15

16 **WHEREAS**, Sheboygan County has held a public hearing on November 8, 2016, in which
17 the proposed changes were presented to the public
18

19 **NOW, THEREFORE**, the County Board of Supervisors of the County of Sheboygan does
20 ordain as follows:
21

22 Section 1. **Repealing and Re-creating Chapter 75.** Chapter 75 of the
23 Sheboygan County Code of Ordinances is hereby repealed and re-created as follows:
24

25 CHAPTER 75
26 EROSION CONTROL AND STORMWATER MANAGEMENT
27

28 75.01 AUTHORITY.
29

- 30 (1) This Ordinance is adopted under the authority granted by Wis. Stat. §
31 59.693. This Chapter supersedes all conflicting and contradictory
32 regulations previously enacted by Sheboygan County or enacted under
33 Wis. Stat. § 59.69 or Wis. Stat. ch. 236 that relates to construction site
34 erosion control and stormwater management regulations.
35
36 (2) The provisions of this Ordinance are deemed not to limit any other lawful
37 regulatory powers of the County Board.
38
39 (3) The County Board hereby designates the Sheboygan County Planning &
40 Conservation Department (Department) as the County Department to
41 administer and enforce the provisions of this Ordinance.
42
43 (4) The requirements of this Ordinance do not preempt more stringent
44 erosion, sediment control, and stormwater management requirements
45 that may be imposed by any of the following:
46
47 (a) Wisconsin Department of Natural Resources administrative
48 rules, permits, or approvals including those authorized under
49 Wis. Stat. §§ 281.16 and 283.33.
50
51 (b) Targeted non-agricultural performance standards promulgated in
52 rules by the Wisconsin Department of Natural Resources under
53 Wis. Admin. Code § NR 151.004.

54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72
73
74
75
76
77
78
79
80
81
82
83
84
85
86
87
88
89
90
91
92
93
94
95
96
97
98
99
100
101
102
103
104
105
106
107

75.02 FINDINGS OF FACT. The County Board finds that runoff from land disturbing construction activity and post-construction runoff carries a significant amount of sediment and other pollutants to the waters of the State in Sheboygan County. The County Board also finds that uncontrolled, post-construction runoff has a significant impact upon water resources and the health, safety, and general welfare of the community and diminishes the public enjoyment and use of natural resources. Specifically, uncontrolled post-construction runoff can:

- (1) Degrade physical stream habitat by increasing stream bank erosion, increasing streambed scour, diminishing groundwater recharge, diminishing stream base flows, and increasing stream temperature.
- (2) Diminish the capacity of lakes and streams to support fish, aquatic life, recreational and water supply uses by increasing pollutant loading of sediment, suspended solids, nutrients, heavy metals, bacteria, pathogens, and other urban pollutants.
- (3) Alter wetland communities by changing wetland hydrology and by increasing pollutant loads.
- (4) Reduce the quality of groundwater by increasing pollutant loading.
- (5) Threaten public health, safety, property, and general welfare by overtaxing storm sewers, drainage ways, and other minor drainage facilities.
- (6) Threaten public health, safety, property, and general welfare by increasing major flood peaks and volumes.
- (7) Undermine floodplain management efforts by increasing the incidence and levels of flooding.

75.03 DEFINITIONS.

- (1) **Active construction period** means the period beginning on the day of land-disturbing construction activity and ending on the day of final stabilization.
- (2) **Administering authority** means the Sheboygan County Planning & Conservation Department empowered under Wis. Stat. § 59.693 and designated by the County Board to administer this Chapter.
- (3) **Agricultural facilities and practices** has the meaning in Wis. Stat. § 281.16(1).
- (4) **Applicant** means the person or entity that submits an erosion control or stormwater permit application with the Department.
- (5) **Average annual rainfall** means a calendar year of precipitation data, excluding snow, which is considered typical of rainfall conditions in the County. The following years and locations shall be as specified in the Sheboygan County Erosion Control and Stormwater Manual.

- 108
109
110
111
112
113
114
115
116
117
118
119
120
121
122
123
124
125
126
127
128
129
130
131
132
133
134
135
136
137
138
139
140
141
142
143
144
145
146
147
148
149
150
151
152
153
154
155
156
157
158
159
160
- (6) **Best management practice (or BMP)** means structural or non-structural measures, practices, techniques, or devices employed to avoid or minimize soil, sediment, or pollutants carried in runoff to waters of the State.
 - (7) **Cease and desist order** means a court-issued order to halt land disturbing construction activity that is being conducted without the required permit or in violation of a permit issued by the Department.
 - (8) **Combined sewer system** means a system for conveying both sanitary sewage and stormwater runoff.
 - (9) **Complete application** means an application that contains all the elements outlined in this Chapter and any additional information that Department has requested to properly evaluate the application.
 - (10) **Concentrated flow channel** means a non-navigable waterway that has a drainage area greater than one hundred thirty (130) acres.
 - (11) **Connected imperviousness** means an impervious surface that is directly connected to a separate storm sewer or water of the state via an impervious flow path, such as a storm sewer or concrete channel. Impervious surfaces connected to a storm sewer or water of the state by less than fifty (50) feet of swale or other conveyance constructed on pervious soil shall be included in connected imperviousness calculations.
 - (12) **Construction limits** means the area within the site outside which construction equipment is strictly prohibited.
 - (13) **Construction site** means an area upon which one or more land-disturbing construction activities occur, including areas that are part of a larger common plan of development or sale where multiple separate and distinct land-disturbing construction activities may be taking place at different times on different schedules but under one plan. A long-range planning document that describes separate construction projects, such as a twenty-year transportation improvement plan, is not a common plan of development.
 - (14) **Department** means the Planning & Conservation Director and his or her appointed designee charged with administering the provisions of this Ordinance.
 - (15) **Design storm** means a hypothetical discrete rainstorm characterized by a specific duration, temporal distribution, rainfall intensity, return frequency, and total depth of rainfall described in the Sheboygan County Erosion Control and Stormwater Manual.
 - (16) **Development** means residential, commercial, industrial, or institutional land uses and associated roads.
 - (17) **Double-ring infiltrometer test** means a test performed in accordance with ASTM standard 5093.

- 161
162
163
164
165
166
167
168
169
170
171
172
173
174
175
176
177
178
179
180
181
182
183
184
185
186
187
188
189
190
191
192
193
194
195
196
197
198
199
200
201
202
203
204
205
206
207
208
209
210
211
212
213
214
- (18) **Effective infiltration area** means the area of the infiltration system that is used to infiltrate runoff and does not include the area used for site access, berms, or pretreatment.
 - (19) **Enforcement standard** has the meaning given in Wis. Admin. Code § NR 140.05(7).
 - (20) **Erosion** means the process by which the land's surface is worn away by the action of wind, water, ice, or gravity.
 - (21) **Erosion control plan** means a comprehensive plan developed to address pollution caused by erosion and sedimentation of soil particles or rock fragments during construction.
 - (22) **Exceptional resource waters** means waters listed in Wis. Admin. Code Ch. NR 102.11.
 - (23) **Final stabilization** means that all land-disturbing construction activities at the construction site have been completed and that a uniform perennial vegetative cover has been established with a density of at least seventy percent (70%) of the cover, for the unpaved areas and areas not covered by permanent structures or that employ equivalent permanent stabilization measures.
 - (24) **Financial guarantee** means a performance bond, maintenance bond, surety bond, irrevocable letter of credit, or similar guarantees submitted to the Department by the responsible party to assure that requirements of the Chapter are carried out in compliance with the stormwater management plan.
 - (25) **Governing body** means the Sheboygan County Board of Supervisors.
 - (26) **Highly-susceptible wetland** means a regulatory wetland that has at least one of the following types: fens, sedge meadows, bogs, low prairies, conifer swamps, shrub swamps, other forested wetlands, fresh wet meadows, shallow marshes, deep marshes, and seasonally flooded basins.
 - (27) **Illicit discharge** means any direct or indirect discharge of pollutants other than stormwater into the storm drain system except as allowed under Section 75.28 (allowed discharges).
 - (28) **Illicit connection** means either of the following:
 - (a) Any drain or conveyance, whether on the surface or subsurface, that allows an illicit discharge to enter the municipal separate storm sewer system (MS4) including but not limited to any conveyances that allow any non-stormwater discharge including sewage, process wastewater, and wash water to enter the MS4 and any connections to the MS4 from indoor drains and sinks, regardless of whether said drain or connection had been previously allowed, permitted, or approved by an authorized enforcement agency; or

- 215 (b) Any drain or conveyance connected from a commercial or
 216 industrial land use to the MS4 which has not been documented
 217 in plans, maps, or equivalent records and approved by an
 218 authorized enforcement agency.
 219
- 220 (29) **Impervious surface** means an area that releases as runoff all or a large
 221 portion of the precipitation that falls on it, except for frozen soil.
 222 Rooftops, sidewalks, driveways, parking lots, and streets are examples
 223 of areas that typically are impervious. A compacted gravel surface shall
 224 be considered impervious.
 225
- 226 (30) **Industrial activity** means activities subject to Wisconsin Pollutant
 227 Discharge Elimination System (WPDES) Industrial Permits pursuant to
 228 Wis. Admin. Code Ch. NR 216 and Wis. Stat. ch. 283.
 229
- 230 (31) **Infiltration** means the entry of precipitation or runoff into or through the
 231 soil.
 232
- 233 (32) **Infiltration systems** means a device or practice such as a basin, trench,
 234 rain garden, or swale designed specifically to encourage infiltration, but
 235 does not include natural infiltration in pervious surfaces such as lawns,
 236 redirecting of rooftop downspouts onto lawns or minimal infiltration from
 237 practices, such as swales or roadside channels designed for conveyance
 238 and pollutant removal only.
 239
- 240 (33) **Infiltration volume** means to the total volume of infiltration accounting
 241 for infiltration systems and pervious surfaces.
 242
- 243 (34) **In-fill area** means an undeveloped area of land located within existing
 244 development.
 245
- 246 (35) **Intermittent stream** has the meaning as identified on a United States
 247 Geological Survey 7.5-minute series topographic map or the Sheboygan
 248 County Soil Survey Map, whichever is more current. The location of the
 249 intermittent stream shall be based on a site survey.
 250
- 251 (36) **Land-disturbing construction activity** means any man-made alteration
 252 of the land surface resulting in a change in the topography or existing
 253 vegetative or non-vegetative soil cover that may result in runoff and lead
 254 to an increase in soil erosion and movement of sediment into waters of
 255 the State. Examples of land-disturbing construction activities include but
 256 are not limited to clearing, grubbing, demolition, excavating, pit trench
 257 dewatering, filling, and grading activities.
 258
- 259 (37) **Maintenance agreement** means a legal document that provides for
 260 long-term maintenance of stormwater management practices.
 261
- 262 (38) **Maximum extent practicable (MEP)** means the highest level of
 263 performance that is achievable but not equivalent to a performance
 264 standard identified in this Chapter as determined by the Department and
 265 in accordance with Wis. Admin. Code § NR 151.006 and this Ordinance.
 266 **Maximum extent practicable** applies when a person who is subject to a
 267 performance standard of this Ordinance demonstrates to the
 268 Department's satisfaction that a performance standard is not achievable

269
270
271
272
273
274
275
276
277
278
279
280
281
282
283
284
285
286
287
288
289
290
291
292
293
294
295
296
297
298
299
300
301
302
303
304
305
306
307
308
309
310
311
312
313
314
315
316
317
318
319
320
321

and that a lower level of performance is appropriate. In making the assertion that a performance standard is not achievable and that a level of performance different from the performance standard is the **maximum extent practicable**, the responsible party shall take into account the best available technology, cost-effectiveness, geographic features, and other competing interests such as protection of public safety and welfare protection of endangered and threatened resources, and preservation of historic properties.

- (39) **Municipal separate storm sewer system (MS4)** means a conveyance or system of conveyance including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, constructed channels, or storm drains which meet all of the following criteria:
 - (a) Owned or operated by a municipality;
 - (b) Designed or used for collecting or conveying stormwater;
 - (c) Which is not a combined sewer conveying both sanitary and storm water; and
 - (d) Which is not part of a publicly-owned wastewater treatment works that provides secondary or more stringent treatment.

- (40) **Navigable waters or navigable waterway** means any body of water which is navigable under the laws of this State.

- (41) **New development** means development resulting from the conversion of previously undeveloped land or agricultural land uses.

- (42) **Non-stormwater discharge** means any discharge into the MS4 that is not composed entirely of stormwater.

- (43) **Off-site** means located outside the property boundary described in the permit application.

- (44) **On-site** means located within the property boundary described in the permit application.

- (45) **Ordinary high water mark** has the meaning given in Wis. Admin. Code § NR 115.03(6).

- (46) **Outfall** means the point at which stormwater is discharged to waters of the state or to a storm sewer.

- (47) **Outstanding resource waters** means waters listed in Wis. Admin. Code § NR 102.10.

- (48) **Owner** means any person holding fee title, an easement, or other interest in property.

- (49) **Percent fines** means the percentage of a given sample of soil which passes through a #200 sieve.

- (50) **Perennial stream** has the meaning as identified on a United States Geological Survey 7.5-minute series topographic map or the Sheboygan

- 322 County Soil Survey Map, whichever is more current. The location of the
323 perennial stream shall be based on a site survey.
- 324
- 325 (51) **Performance standard** means a narrative or measurable number
326 specifying the minimum acceptable outcome for a facility or practice.
- 327
- 328 (52) **Permit** means a written authorization made by the Department to the
329 applicant to conduct land disturbing construction activity or to discharge
330 post-construction runoff to waters of the State.
- 331
- 332 (53) **Permit administration fee** means a sum of money paid to the
333 Department by the permit applicant for the purpose of recouping the
334 expenses incurred by the authority in administering the permit.
- 335
- 336 (54) **Pervious surface** means an area that releases as runoff a small portion
337 of the precipitation that falls on it. Lawns, gardens, parks, forests, or
338 other similar vegetated areas are examples of surfaces that typically are
339 pervious.
- 340
- 341 (55) **Point of standards application** has the meaning given in Wis. Admin.
342 Code § NR140.05(15).
- 343
- 344 (56) **Pollutant** has the meaning given in Wis. Stat. § 283.01(13).
- 345
- 346 (57) **Pollution** has the meaning given in Wis. Stat. § 281.01(10).
- 347
- 348 (58) **Post-construction site** means a construction site following the
349 completion of land-disturbing construction activity and final site
350 stabilization.
- 351
- 352 (59) **Pre-development condition** means the extent and distribution of land
353 cover types present before the initiation of land-disturbing construction
354 activity, assuming that all land uses prior to development activity are
355 managed in an environmentally sound manner.
- 356
- 357 (60) **Premises** means any building, lot, parcel, or portion of land whether
358 improved or unimproved including adjacent sidewalks and parking strips.
- 359
- 360 (61) **Preventative action limit** has the meaning given in Wis. Admin. Code §
361 NR 140.05(17).
- 362
- 363 (62) **Rainfall event** means the amount of rainfall that occurs within a
364 twenty-four- (24-) hour period using measurement techniques outlined in
365 the Sheboygan County Erosion Control and Stormwater Manual or other
366 Department-approved methods.
- 367
- 368 (63) **Receipt of a permit application** means that Department has either
369 obtained an application in person at the Department offices or signed for
370 the application package received via registered mail.
- 371
- 372 (64) **Record drawing** means a scale drawing representing the site conditions
373 after final site stabilization including but not limited to topography,
374 buildings, infrastructure, impervious area, underground piping, and any

- 375 other information that would be necessary to accurately describe the
 376 features pertinent to this Chapter.
 377
- 378 (65) **Redevelopment** means areas where development is replacing older
 379 development.
 380
- 381 (66) **Regulatory wetland or wetland** has the meaning given in Wis. Admin.
 382 Code § NR 103.02(5). For this Chapter only, the regulatory wetland
 383 does not include the portion of wetlands where fill has been placed or
 384 approved to be placed in the wetland in accordance with all applicable
 385 state and federal regulations.
 386
- 387 (67) **Regulatory wetland boundary or wetland boundary** has the meaning
 388 given in Wis. Admin. Code § NR 103.08(1m).
 389
- 390 (68) **Responsible party** means any entity holding fee title to the property or
 391 performing services to meet the performance standards of this Chapter
 392 through a contract or other agreement. Examples of County-approved
 393 responsible parties are contained in the Sheboygan County Erosion
 394 Control and Stormwater Manual.
 395
- 396 (69) **Runoff** means stormwater or precipitation including rain, snow, or ice
 397 melt or similar water that moves on the land surface via sheet or
 398 channelized flow.
 399
- 400 (70) **Sediment** means settleable solid material that is transported by runoff,
 401 suspended within runoff, or deposited by runoff away from its original
 402 location.
 403
- 404 (71) **Separate storm sewer** means a conveyance or system or conveyances
 405 including roads with drainage systems, streets, catch basins, curbs,
 406 gutters, ditches, constructed channels, or storm drains, which meets all
 407 of the following criteria:
 408
- 409 (a) Is designed or used for collecting water or conveying runoff;
 - 410 (b) Is not part of a combined sewer system;
 - 411 (c) Is not draining to a stormwater treatment device or system; and
 - 412 (d) Discharges directly or indirectly to waters of the State.
- 413
- 414 (72) **Sheboygan County Erosion Control and Stormwater Manual** means
 415 a document prepared by the Department to provide an applicant with a
 416 checklist for compliance with the provisions of this Ordinance and
 417 outlining the standards required under this Ordinance.
 418
- 419 (73) **Silviculture** means activities including tree nursery operations, tree
 420 harvesting operations, reforestation, tree thinning, prescribed burning,
 421 and pest and fire control. Clearing and grubbing of an area of a
 422 construction site is not a silviculture activity.
 423
- 424 (74) **Site** means the entire area included in the legal description of the land
 425 on which the land-disturbing construction activity is proposed in the
 426 permit application.
 427

- 428
429
430
431
432
433
434
435
436
437
438
439
440
441
442
443
444
445
446
447
448
449
450
451
452
453
454
455
456
457
458
459
460
461
462
463
464
465
466
467
468
469
470
471
472
473
474
475
476
477
478
479
480
- (75) **Stop work order** means an order issued by the Department which requires that all construction activity on the site be stopped.
 - (76) **Stormwater** means runoff from precipitation including rain, snow, ice melt, or similar water that moves on the land surface via sheet or channelized flow.
 - (77) **Stormwater management plan** means a comprehensive plan designed to reduce the discharge of pollutants from stormwater after the site has undergone final stabilization following completion of the construction activity.
 - (78) **Technical standard** means a document that specifies design, predicted performance, and operation and maintenance specifications for a material, device, or method that is consistent with the technical standards identified, developed, or disseminated by the Wisconsin Department of Natural Resources under Wis. Admin. Code Ch. NR 151, Subchapter V.
 - (79) **Top of bedrock** means the elevation of the bedrock surface at the location in question. If site-specific information is available, the site-specific information shall be utilized. Otherwise, regional map(s) of the top of bedrock approved by the Department shall be utilized.
 - (80) **Top of channel** means an edge or point on the landscape landward from the ordinary high-water mark of a surface water of the State where the slope of the land begins to be less than twelve percent (12%) continually for at least fifty (50) feet. If the slope of the land is twelve percent (12%) or less continually for the initial fifty (50) feet, landward from the ordinary high-water mark, the top of the channel is the ordinary high-water mark.
 - (81) **TR-55** means the United States Department of Agriculture, Natural Resources Conservation Service (previously Soil Conservation Service), Urban Hydrology for Small Watersheds, Second Edition, Technical Release 55, June 1986, or its successor.
 - (82) **Transportation facility** means a highway, railroad, public mass transit facility, public-use airport, public trail, or any other public work for transportation purposes such as harbor improvements under Wis. Stat. § 85.095(1)(b). **Transportation facility** does not include building sites for the construction of public buildings and buildings that are places of employment that are regulated by the Department of Natural Resources pursuant to Wis. Stat. § 281.33. This includes but is not limited to the portions of County or Town roads classified as major collectors in the Sheboygan Area Transportation Plan.
 - (83) **Type II distribution** means a rainfall type curve as established in the "United States Department of Agriculture, Soil Conservation Service, Technical Paper 149, published 1973."
 - (84) **Waters of the State** has the meaning given in Wis. Stat. § 281.01(18).

- 481 (85) **Wisconsin Pollutant Discharge Elimination System (WPDES)**
 482 **stormwater discharge permit means a Wisconsin pollutant discharge**
 483 **elimination system permit issued pursuant to Wis. Stat. ch. 283.**
 484
 485 (78) **Work in conjunction with the stormwater management plan means**
 486 **any construction directly related to the stormwater management features**
 487 **designed to meet the performance standards outlined in this Chapter**
 488 **including but not limited to detention basins, infiltration systems,**
 489 **detention basin outlet structures, and conveyance features.**
 490

491 75.04 **SEVERABILITY.** If a court of competent jurisdiction judges any Section, clause,
 492 provision, or portion of this Chapter unconstitutional or invalid, the remainder of
 493 the Chapter shall remain in force and not be affected by such judgment.
 494

495 74.05 **FEE SCHEDULE.** The fees referred to in these Subchapters shall be
 496 established by the Sheboygan County Planning, Resources, Agriculture, and
 497 Extension Committee and may from time to time be modified. A schedule of the
 498 fees shall be available for review in the Department office and on its web page.
 499

500 **SUBCHAPTER A – EROSION CONTROL**
 501

502 75.06 **PURPOSE.** The general purpose of this **Subchapter A** is to establish
 503 construction-time runoff management requirements that will diminish the threats
 504 to public health, safety, welfare, and aquatic environment by minimizing the
 505 amount of sediment and other pollutants carried by runoff or discharged from
 506 land-disturbing construction activity to waters of the State in Sheboygan County.
 507 Specific purposes are to:

- 508 (1) Further the maintenance of safe and healthy conditions.
- 509 (2) Prevent and control soil erosion and water pollution.
- 510 (3) Protect spawning grounds, fish, and aquatic life.
- 511 (4) Control building sites, placement of structures, and land uses.
- 512 (5) Preserve ground cover and scenic beauty.
- 513 (6) Promote sound economic growth.
- 514

515
 516 75.07 **APPLICABILITY AND JURISDICTION.**
 517

- 518 (1) **APPLICABILITY.**
- 519
- 520 (a) This **Subchapter A** applies to land-disturbing construction
 521 activities on a construction site which has one (1) or more acres
 522 of land-disturbing construction activity and sites less than one (1)
 523 acre if they are part of a larger common plan of development or
 524 sale under the jurisdiction of the permittee, except as provided
 525 under Subsection 75.07(1)(b), below.
- 526
- 527 (b) This **Subchapter A** does not apply to the following:
- 528
- 529 1. Land-disturbing construction activity that includes the
 530 construction of a building that is otherwise regulated by
 531 the Wisconsin Department of Commerce Safety and
 532 Professional Services under Wis. Admin. Code §§
 533 COMM SPS 21.125 or 360.20.
 534

535
536
537
538
539
540
541
542
543
544
545
546
547
548
549
550
551
552
553
554
555
556
557
558
559
560
561
562
563
564
565
566
567
568
569
570
571
572
573
574
575
576
577
578
579
580
581
582
583
584
585
586
587

2. A construction project that is exempted by federal statutes or regulations from the requirement to have a national pollutant discharge elimination system permit issued under 40 CFR, part 122, for land-disturbing construction activity.
3. Nonpoint discharges from agricultural facilities and practices.
4. Nonpoint discharges from silviculture activities.
5. Routine maintenance for project sites, such as resurfacing pavement, that have less than five (5) acres of land disturbance, if performed to maintain the original line and grade, hydraulic capacity or original purpose of the facility.

(c) Notwithstanding the applicability requirements in Subsection (a), above, this Subchapter A applies to construction sites of any size that in the opinion of the Department are likely to result in runoff that exceeds the safe capacity of the existing drainage facilities or receiving body of water that causes undue channel erosion that increases water pollution by scouring or the transportation of particulate matter or that endangers property or public safety.

(2) JURISDICTION. This Subchapter A applies to land-disturbing construction activity meeting the applicability criteria in Subsection (1), above, located within the boundaries and jurisdiction of the:

- (a) Unincorporated portions of Sheboygan County with the exception of the Towns of Wilson and Sheboygan.
- (b) Any other Village or City within the County upon the Village or City's written request to the County and the County accepting the request.
- (c) Land-disturbing construction activity in other townships within Sheboygan County that adopt a separate stormwater ordinance that is equivalent or more stringent than this Subchapter A are exempt from this Section but are subject to the applicable township ordinance.

(3) EXCLUSIONS. This Subchapter A is not applicable to activities conducted by a state agency as defined under Wis. Stat. § 227.01(1) but also including the Office of the District Attorney which is subject to the State plan promulgated or a memorandum of understanding entered into under Wis. Stat. § 281.33(2).

75.08 TECHNICAL STANDARDS. All BMPs required to comply with this Subchapter A shall meet the design criteria, standards, and specifications based on any of the following:

- 588 (1) Technical standards identified, developed, or disseminated by the
589 Wisconsin Department of Natural Resources under Subchapter V of Wis.
590 Admin. Code Ch. NR 151.
591
592 (2) The Sheboygan County Erosion Control and Stormwater Manual
593 (hereafter referred to as Manual).
594
595 (3) Other technical standards, provided they are approved by the
596 Department.
597

598 75.09 PERFORMANCE STANDARDS.
599

- 600 (1) RESPONSIBLE PARTY. The landowner of the construction site or other
601 person contracted or obligated by other agreement with the landowner to
602 implement and maintain construction site BMPs is the responsible party.
603
604 (2) PLAN. The responsible party shall develop and implement a written plan
605 in accordance with Section 75.11 of this Code that incorporates the
606 requirements of this Section for each construction site as either a
607 separate document or as a portion of the construction plan.
608
609 (3) EROSION AND OTHER POLLUTANT CONTROL REQUIREMENTS.
610
611 (a) The plan required under Subsection (2), above, shall by design
612 limit the total off-site aggregate soil loss for exposed areas
613 resulting from sheet and rill erosion to an annual, cumulative soil
614 loss rate not to exceed five (5) tons per acre per year. Unless
615 more stringent requirements are mandated as outlined in
616 Subsection (5), below, no person shall be required to reduce the
617 annual, cumulative soil loss rate below the specified rate to meet
618 the requirements of this Subsection.
619
620 (b) Notwithstanding Subsection (a), above, if BMPs cannot be
621 designed and implemented to reduce the sediment load below
622 the rate specified in Section 75.08(3)(a) on an average annual
623 basis, the plan shall include a written and site-specific
624 explanation as to why the reduction goal is not attainable, and
625 the sediment load shall be reduced to the maximum extent
626 practicable as determined by the Department of Natural
627 Resources.
628
629 (c) Erosion and sediment control BMPs may be used alone or in
630 combination to meet the requirements of Subsection (a), above.
631
632 (d) In addition to the erosion control practices necessary to meet the
633 requirements outlined in Subsection (a) above, the plan shall
634 include erosion and sediment controls where appropriate to do
635 all of the following to the maximum extent practicable:
636
637 1. Prevent tracking of sediment from the construction site
638 onto roads and other paved surfaces.
639 2. Prevent the discharge of sediment as part of site
640 dewatering.

641
642
643
644
645
646
647
648
649
650
651
652
653
654
655
656
657
658
659
660
661
662
663
664
665
666
667
668
669
670
671
672
673
674
675
676
677
678
679
680
681
682
683
684
685
686
687
688
689
690
691
692
693
694

3. Protect the separate storm drain inlet structure from receiving sediment.
4. Prevent rill erosion on steep slopes and in areas of channelized flow.
5. Provide stable outlets at all discharge locations.
6. Divert off-site runoff around the construction limits.
7. Provide measure to clean up sediment that has migrated off-site from the site.
8. Prevent the discharge of sediment eroding from soil stockpiles left undisturbed for more than fourteen (14) days.
9. Prevent the transport of runoff from disturbed areas left for fourteen (14) days.
10. Prevent the discharge of sediment from disturbed areas any waters of the State.
11. Prevent the transport of runoff into waters of the State of untreated wash water from vehicle and wheel washing.
12. Prevent the transport of runoff into waters of the State of chemicals, cement, and other building compounds and materials on the construction site during the construction period.

Projects that require the placement of these materials in waters of the State such as BMP installation are not prohibited by this Subsection.

- (4) **PREVENTATIVE MEASURES.** The plan shall incorporate all of the following:
 - (a) Maintenance of existing vegetation especially adjacent to surface waters whenever possible;
 - (b) Minimization of soil compaction and preservation of topsoil;
 - (c) Minimization of land-disturbing construction activity on slopes of twenty percent (20%) or more; and
 - (d) Development of spill prevention and response procedures if applicable.
- (5) **LOCATION.** The BMPs used to comply with this Section shall be located prior to runoff entering regulatory wetlands, waters of the State, or other natural resources as determined by the Department.
- (6) **IMPLEMENTATION.** The BMPs used to comply with this Section shall be implemented as follows:
 - (a) Erosion and sediment control practices shall be constructed or installed before land-disturbing construction activities begin in accordance with the plan developed.
 - (b) Erosion and sediment control practices shall be maintained until final stabilization.

695 (c) Temporary stabilization activity shall commence when
696 land-disturbing construction activities have temporarily ceased
697 and will not resume for a period exceeding fourteen (14)
698 calendar days.
699
700 (d) Final stabilization activity shall commence when land-disturbing
701 activities cease and final grade has been reached on any portion
702 of the site.
703
704 (e) BMPs that are no longer necessary for erosion and sediment
705 control shall be removed by the responsible party once final
706 stabilization is complete.
707
708 (6) TRANSPORTATION FACILITIES. This Subsection applies to any
709 transportation facility construction site that consists of one (1) acre or
710 more of land-disturbing construction activity.
711
712 (a) Exceptions: This Subsection does not apply to the following:
713
714 1. Transportation facility construction projects that are
715 exempted by federal statutes or regulations from the
716 requirement to have a national pollutant discharge
717 elimination system permit issued under 40 CFR, part 11,
718 for land-disturbing construction activity.
719
720 2. Transportation facility construction projects are part of a
721 larger common plan of development such as a
722 residential or industrial development and are otherwise
723 in compliance with the provisions of this Subsection (a).
724
725 3. Routine maintenance for transportation facilities that
726 have less than five (5) acres of land disturbance if
727 performed to maintain the original line and grade,
728 hydraulic capacity, or original purpose of the facility.
729
730 (b) Requirements. Transportation facilities are required to comply
731 with the provisions of Section 75.09 of this Chapter.
732
733 (7) ALTERNATE REQUIREMENTS. The Department may establish erosion
734 control requirements more stringent than those set forth in this Section if
735 they determine that an added level of protection is needed for sensitive
736 resources.
737
738 75.10 PERMITTING REQUIREMENTS, PROCEDURES, AND FEES.
739
740 (1) PERMIT REQUIRED. No responsible party may commence a
741 land-disturbing construction activity subject to this **Subchapter A** without
742 receiving prior approval of an erosion control plan for the site and a
743 permit from the Department.
744
745 (2) PERMIT APPLICATION AND FEES. At least one (1) responsible party
746 desiring to undertake a land disturbing construction activity subject to this
747 **Subchapter A** shall submit an application for a permit and an erosion
748 control plan that meets the requirements of Section 75.11 of this Code

749
750
751
752
753
754
755
756
757
758
759
760
761
762
763
764
765
766
767
768
769
770
771
772
773
774
775
776
777
778
779
780
781
782
783
784
785
786
787
788
789
790
791
792
793
794
795
796
797
798
799
800
801
802

and shall pay an application fee as described in the Department's fee schedule. By submitting an application, the applicant is authorizing the Department to enter the site to obtain information required for the review of the erosion control plan.

- (3) **REVIEW AND APPROVAL OF PERMIT APPLICATION.** The Department shall review any permit application that has been submitted with an erosion control plan submitted in person or via registered mail and the required fee. The following approval procedure shall be used:
 - (a) Within thirty (30) calendar days of the receipt of a complete permit application as required by Subsection (2), above, the Department shall inform the applicant whether the application and plan are approved or disapproved based on the requirements of this **Subchapter A**.
 - (b) If the permit application and plan are approved, the Department shall issue the permit.
 - (c) If the permit application or plan is disapproved, the Department shall state in writing the reasons for disapproval.
 - (d) If the Department deems the application to be incomplete, the Department may request additional information from the applicant. If additional information is submitted, the Department shall have thirty (30) calendar days from the date the additional information is received to inform the applicant that the plan is either approved or disapproved.
 - (e) Failure by the Department to inform the permit applicant of a decision within thirty (30) calendar days of a receipt of a permit application shall be deemed to mean approval of the permit application. The applicant may proceed as if a permit had been issued. If application was not submitted in person, the applicant shall verify in writing that the application was received by Department prior to commencing land-disturbing construction activities.
- (4) **SURETY BOND.** As a condition of approval and issuance of the permit, the Department may require the applicant to deposit a surety bond or irrevocable letter of credit to guarantee a good faith execution of the approved erosion control plan and any permit conditions.
- (5) **PERMIT REQUIREMENTS.** Compliance with this permit does not relieve the responsible party of the responsibility to comply with other applicable federal, state, and local laws and regulations. All permits shall require the responsible party to:
 - (a) Notify the Department within two (2) business days of commencing any land-disturbing construction activity.
 - (b) Obtain permission in writing from the Department prior to any modification pursuant to Section 75.11(2), below, of the erosion control plan.

- 803
804
805
806
807
808
809
810
811
812
813
814
815
816
817
818
819
820
821
822
823
824
825
826
827
828
829
830
831
832
833
834
835
836
837
838
839
840
841
842
843
844
845
846
847
848
849
850
851
852
853
854
855
856
- (c) Install properly all BMPs as identified in the approved erosion control plan and according to the standards outlined in the Manual.
 - (d) Notify the Department of completion of any BMPs within fourteen (14) days after their installation.
 - (e) Maintain all road drainage systems, stormwater drainage systems, BMPs, and other facilities identified in the erosion control plan.
 - (f) Repair any siltation or erosion damage to adjoining surfaces and drainage ways resulting from land-disturbing construction activities and document repairs in a site inspection log.
 - (g) During the active construction period, inspect all erosion control BMPs once per week minimum and within twenty-four (24) hours after each rainfall event exceeding five-tenths (0.5) of an inch. Repairs shall be made within twenty-four (24) hours of the inspection unless the responsible party can demonstrate that additional erosion would be caused by the repair due to unsuitable working conditions. All inspections and repairs shall be documented in a site inspection log with the date of inspection, the name of the person conducting the inspection, a description of the present phase of the construction at the site, any repairs made, and corresponding date of repairs.
 - (h) Allow the Department to enter the site for the purpose of inspecting compliance with erosion control plan or for performing any work necessary to bring the site into compliance with the control plan. The Planning & Conservation Director and his or her staff designated to administer this Ordinance has inspection responsibility and enforcement authority.
 - 1. At minimum, the Department shall inspect the site prior to disturbance activities commencing to confirm the erosion control BMPs have been installed correctly every two (2) weeks during construction activities and after land-disturbing activities are complete. This does not limit the Department from performing additional inspections.
 - 2. The applicant must also allow Department staff to enter the site so that the Department can address information or complaints received by the public in regard to the subject construction site and enforce any violations Department staff finds.
 - (6) PERMIT CONDITIONS. Permits issued under this Section may include conditions established by Department in addition to the requirements set forth in Subsection (5), above, where needed to assure compliance with the performance standards in Section 75.09 of this Code.

- 857 (7) PERMIT DURATION. Permits issued under this Section shall be valid
- 858 for a period of one hundred eighty (180) days or the length of the building
- 859 permit or other construction authorizations, whichever is longer, from the
- 860 date of issuance. The Department may extend the period one or more
- 861 times for up to an additional one hundred eighty (180) days. The
- 862 Department may require additional BMPs as a condition of the extension
- 863 if they are necessary to meet the requirements of this Subchapter A.
- 864
- 865 (8) MAINTENANCE. The responsible party throughout the duration of the
- 866 construction activities shall maintain all BMPs necessary to meet the
- 867 requirements of this Subchapter A until the site has undergone final
- 868 stabilization.
- 869

75.11 EROSION CONTROL PERMIT APPLICATION REQUIREMENTS.

- 870
- 871 (1) EROSION CONTROL PLAN.
- 872
- 873
- 874 (a) An erosion control plan shall be prepared and submitted to the
- 875 Department. The plan submittal shall consist of a cover letter
- 876 identifying the applicant and landowner, an erosion control plan
- 877 summary checklist as described in the Manual, and the technical
- 878 elements of the plan described in this Chapter. A site map shall
- 879 also accompany the plan.
- 880
- 881 (b) The erosion control plan shall be designed to meet the
- 882 performance standards in Section 75.09 of this Code and other
- 883 requirements of this Subchapter A.
- 884
- 885 (c) The erosion control plan shall include at a minimum the following
- 886 items:
- 887
- 888 1. A narrative and supporting documents (or equivalent as
- 889 approved by Department), including:
- 890
- 891 A. The name(s), e-mail address(es), and mailing
- 892 address(es) of the owner or developer of the site
- 893 and of any consulting firm retained by the
- 894 applicant together with the name of the
- 895 applicant's principal contact at such firm.
- 896
- 897 B. Site location and approximate site boundaries
- 898 shown on a United States Geological Survey
- 899 7.5-minute series topographic map or equivalent
- 900 as approved by the Department.
- 901
- 902 C. The start and end dates for construction, and
- 903 where appropriate, any additional project
- 904 milestones pertinent to the erosion control plan.
- 905
- 906 D. Description of the site and the nature of the
- 907 construction activity.
- 908
- 909 E. A sequence of construction activities of the
- 910 development site, including but not limited to

- 911 clearing; topsoil stripping; rough grading,
- 912 construction of utilities, infrastructure, and
- 913 buildings; installation of erosion control
- 914 measures; final grading; and establishment of
- 915 permanent vegetation and landscaping.
- 916 Sequencing shall identify the expected start and
- 917 end dates of each construction activities.
- 918
- 919 F. Description of all erosion control measures and
- 920 their intended use to meet the performance
- 921 requirements of this Subchapter A.
- 922
- 923 G. Description of interim and permanent
- 924 stabilization practices and maintenance of
- 925 existing vegetation where possible, including a
- 926 practice implementation schedule.
- 927
- 928 H. Estimates of the total area of the site and the
- 929 total area of the site that is expected to be
- 930 disturbed by construction activities.
- 931
- 932 I. Estimates, including calculations if any of the
- 933 runoff coefficient of the site before and after
- 934 construction activities are completed.
- 935
- 936 J. Calculations demonstrating that the site plan
- 937 and proposed erosion control plan meets the
- 938 performance standards outlined in Section 75.08
- 939 of this Code.
- 940
- 941 K. Existing data describing the surface soil as well
- 942 as subsoils.
- 943
- 944 L. Depth to seasonal high-water table.
- 945
- 946 M. Name of the immediate named receiving water
- 947 from the United States Geological Survey
- 948 7.5-minute series topographic maps.
- 949
- 950 2. A site drawing including at a minimum the following
- 951 items at a legible scale not to exceed 1 inch equals 200
- 952 feet and at a contour interval not to exceed 2 feet if the
- 953 maximum elevation difference on the site is greater than
- 954 100 feet or at a contour interval not to exceed 1 foot
- 955 otherwise.
- 956
- 957 A. Existing and proposed topography, vegetative
- 958 cover, natural and engineered drainage
- 959 systems, roads, and surface waters. Lakes,
- 960 streams, wetlands, channels, ditches, and other
- 961 watercourses on and immediately adjacent to
- 962 the site shall be shown. Any identified one
- 963 hundred- (100-) year floodplains, flood fringes,

- 964 floodways, and the shoreland zoning district
- 965 shall also be shown.
- 966
- 967 B. Construction limits.
- 968
- 969 C. Topsoil and general fill stockpile locations.
- 970
- 971 D. Drainage patterns and approximate slopes
- 972 anticipated after major grading activities.
- 973
- 974 E. Area(s) used for infiltration of post-construction
- 975 stormwater runoff.
- 976
- 977 F. Areas of soil disturbance (if different than the
- 978 construction limits).
- 979
- 980 G. Location of all structural and non-structural
- 981 erosion controls identified in the plan.
- 982
- 983 H. Location of areas where stabilization BMPs will
- 984 be employed.
- 985
- 986 I. Areas which will be vegetated following
- 987 construction.
- 988
- 989 J. Area(s) and location(s) of wetland boundaries on
- 990 the site and locations where stormwater is
- 991 discharged to waters of the State or wetlands
- 992 within one-quarter (1/4) mile downstream of the
- 993 construction site.
- 994
- 995 K. An alphanumeric or equivalent grid overlying the
- 996 entire construction site map.
- 997

(2) AMENDMENTS. The applicant shall amend the erosion control plan and submit the proposed changes to the Department, and the Department shall have fourteen (14) days to review and approved the changes if any of the following occur:

- (a) There is a change in design, construction, schedule, operation, or maintenance of the site which has not otherwise been addressed in the erosion control plan.
- (b) The Department notifies the applicant of changes needed in the erosion control plan.

75.12 INSPECTION.

(1) If land-disturbing construction activities are being carried out without a permit required by this Subchapter A, the Department may enter the land pursuant to the provisions of Wis. Stat. § 66.0119(1), (2), and (3).

1016 (2) The Planning & Conservation Director and his or her staff designated to
1017 administer this Ordinance has inspection responsibility and enforcement
1018 authority.
1019

1020 75.13 ENFORCEMENT.
1021

1022 (1) The Department may post a stop-work order if any of the following
1023 occurs:
1024

1025 (a) Any land-disturbing construction activity regulated under this
1026 Subchapter A is being undertaken without a permit.

1027
1028 (b) The erosion control plan is not being implemented in a good faith
1029 manner as determined by the Department.

1030
1031 (c) The conditions of the permit are not being met.
1032

1033 (2) If the responsible party does not cease activity as required in a stop-work
1034 order posted under this Section or fails to comply with the erosion control
1035 plan or permit conditions, the Department may revoke the permit.
1036

1037 (3) If the responsible party, where no permit has been issued, does not
1038 cease the activity after being notified by the Department or if a
1039 responsible party violates a stop-work order posted under Subsection (1), above, the Department may request the
1040 Corporation Counsel to seek a cease-and-desist order from the Circuit
1041 Court.
1042

1043
1044 (4) The County Board of Adjustments may retract the stop-work order issued
1045 under Subsection (1), above, or the permit revocation under Subsection
1046 (2), above.
1047

1048 (5) After posting a stop-work order under Subsection (1), the Department
1049 may issue a notice of intent to the responsible party of its intent to
1050 perform work necessary to comply with this Subchapter A. The
1051 Department may go on the land and commence the work after issuing
1052 the notice of intent.
1053

1054 (6) Any person violating any of the provisions of this Subchapter A shall be
1055 subject to a forfeiture of not less than Twenty-five Dollars (\$25.00) or
1056 more than Five Thousand Dollars (\$5,000.00) and the costs of
1057 prosecution for each violation to be prosecuted by the Corporation
1058 Counsel at the request of the Department. Each day a violation exists
1059 shall constitute a separate offense.
1060

1061 (7) As a substitute for or in addition to forfeiture actions, the Corporation
1062 Counsel, on behalf of the County, as requested by the Department, may
1063 seek enforcement of any and all parts of this Subchapter A by Court
1064 action seeking injunctive or restraining orders or orders for the
1065 restoration of the site.
1066

1067 (8) Any engineering, construction, legal, and other related costs plus interest
1068 incurred by the Department related to enforcement actions taken by the
1069 Department under this Section shall be billed to the responsible party,

1070 deducted from any financial guarantee posted pursuant to Section 75.10
1071 of this Code or entered on the tax roll as a special charge against the
1072 property and collected as a special assessment against the property
1073 pursuant to Wis. Stat. ch. 66, Subchapter VII.
1074

1075 **75.14 APPEALS.**
1076

- 1077 (1) **BOARD OF ADJUSTMENT.** The Board of Adjustment created pursuant
1078 to Chapter 76 of this Code pursuant to Wis. Stat. § 59.694:
1079
1080 (a) Shall hear and decide appeals where it is alleged that there is
1081 error in any Order, decision, or determination made by the
1082 Department in administering this **Subchapter A** except for
1083 cease-and-desist Orders obtained under Section 75.13(3) of this
1084 Code.
1085
1086 (b) Upon appeal, may authorize variances from the provisions of this
1087 **Subchapter A** which are not contrary to the public interest and
1088 where owing to special conditions a literal enforcement of the
1089 provisions of the Subchapter will result in unnecessary hardship,
1090 and
1091
1092 (c) Shall use the rules, procedures, duties, and powers authorized
1093 by statute in hearing and deciding appeals and authorizing
1094 variances.
1095
1096 (2) **WHO MAY APPEAL.** Appeals to the Board of Adjustments may be
1097 taken by any aggrieved person or by any office, Department, Board, or
1098 bureau of Sheboygan County affected by any decision of the
1099 Department.
1100

1101 **SUBCHAPTER B: STORMWATER MANAGEMENT**
1102

1103 **75.15 PURPOSE.** The General purpose of this **Subchapter B** is to establish long-term
1104 stormwater management requirements that will diminish the threats to public
1105 health, safety, welfare, and the aquatic environment by limiting the rate of runoff
1106 and sediment loads discharged from development to waters of the State and
1107 regulatory wetlands in Sheboygan County. Specific purposes are to:
1108

- 1109 (1) Further the maintenance of safe and healthy conditions.
1110 (2) Prevent and control soil erosion and water pollution.
1111 (3) Protect spawning grounds, fish, and aquatic life.
1112 (4) Preserve ground cover and scenic beauty.
1113 (5) Promote sound economic growth.
1114 (6) Control exceedance of the safe capacity of existing drainage facilities
1115 and receiving water bodies.
1116 (7) Prevent undue channel erosion.
1117 (8) Control increases in the scouring and transportation of total suspended
1118 solids.
1119 (9) Prevent conditions that endanger downstream property.
1120

1121 **75.16 INTENT.** It is the intent of the County Board that this **Subchapter B** regulates
1122 post-construction stormwater discharges to waters of the State. This
1123 **Subchapter B** may be applied on a site-by-site basis. The County Board

1124 recognizes, however, that the preferred method of achieving the stormwater
1125 performance standards set forth in this **Subchapter B** is through the preparation
1126 and implementation of comprehensive, systems-level stormwater management
1127 plans that cover hydrologic units, such as watersheds, on a municipal and
1128 regional scale. Such plans may prescribe regional stormwater devices,
1129 practices, or systems, any of which may be designed to treat runoff from more
1130 than one (1) site prior to discharge to waters of the State. Where such plans are
1131 in conformance with the performance standards developed under Wis. Stat. §
1132 281.16 for regional stormwater management measures and have been approved
1133 by the County Board, it is the intent of this **Subchapter B** that the approved plan
1134 be used to identify post-construction management measures acceptable for the
1135 community.
1136

1137 **75.17 APPLICABILITY AND JURISDICTION.**

1138
1139 (1) **APPLICABILITY.**

1140
1141 (a) Where not otherwise limited by law, this **Subchapter B** applies
1142 after final stabilization to a site of one (1) or more acres of
1143 land-disturbing construction activity and sites less than one (1)
1144 acre if they are part of a larger common plan of development or
1145 sale under the jurisdiction of the permittee unless the site is
1146 otherwise exempt from Subsection (b), below.
1147

1148 (b) A site that meets any of the criteria in this Subsection is exempt
1149 from the requirements of this **Subchapter B**.

1150
1151 1. A post-construction site with less than ten percent (10%)
1152 connected imperviousness based on complete
1153 development of the post-construction site, provided the
1154 cumulative area of all impervious surfaces is less than
1155 one (1) acre.
1156

1157 2. Nonpoint discharge from agricultural facilities and
1158 practices.
1159

1160 3. Nonpoint discharges from silviculture activities.
1161

1162 4. Routine maintenance for project sites if performed to
1163 maintain the original impervious area, line and grade,
1164 hydraulic capacity, or original purpose of the facility.
1165

1166 5. Underground utility construction such as water, sewer,
1167 and fiber optic lines. This exemption does not apply to
1168 the construction of any above-ground structures
1169 associated with utility construction.
1170

1171 (c) Notwithstanding the applicability requirements in Subsection (a),
1172 above, this **Subchapter B** applies to post-construction sites of
1173 any size that in the opinion of the Department is likely to result in
1174 runoff that exceeds the safe capacity of the existing drainage
1175 facilities or receiving body of water, that causes undue channel
1176 erosion, that increases water pollution by scouring or the

1177 transportation of particulate matter, or that endangers property or
1178 public safety.

1179
1180 (2) JURISDICTION. This Subchapter B applies to post-construction sites
1181 meeting the applicability criteria in Subsection (1), above, within the
1182 boundaries and jurisdiction of the:

1183
1184 (a) Unincorporated portions of Sheboygan County except the Towns
1185 of Wilson and Sheboygan.

1186
1187 (b) Any other Village or City within the County upon the Village or
1188 City's written request to the County and the County accepting the
1189 responsibility.

1190
1191 (c) Post-construction sites in townships within Sheboygan County
1192 that adopt a separate stormwater ordinance that is determined
1193 by the Sheboygan County Board to be equivalent or more
1194 stringent than this Subchapter B are exempt from this
1195 Subchapter B but are subject to applicable township
1196 ordinances.

1197
1198 (3) EXCLUSIONS. This Subchapter B is not applicable to activities
1199 conducted by a state agency as defined under Wis. Stat. § 227.01(1) but
1200 also including the office of District Attorney which is subject to the State
1201 plan promulgated or a memorandum of understanding entered into under
1202 Wis. Stat. § 281.33(2).

1203
1204 75.18 TECHNICAL STANDARDS. The following methods shall be used in designing
1205 the water quality, peak discharge, and infiltration components of stormwater
1206 practices needed to meet the standards of this Subchapter B:

1207
1208 (1) The Sheboygan County Erosion Control and Stormwater Manual.

1209
1210 (2) Technical standards identified, developed, or disseminated by the
1211 Wisconsin Department of Natural Resources under Wis. Admin. Code
1212 Ch. NR 151, Subchapter V.

1213
1214 (3) Other technical standards, provided they are approved by the
1215 Department.

1216
1217 (4) In this Subchapter B the following year(s) and location(s) have been
1218 selected as average annual rainfall(s): Green Bay, 1969 (Mar. 29 - Nov.
1219 25); Milwaukee, 1969 (Mar. 28 - Dec. 6). The location that shall be used
1220 shall be based on which location is closest to the site.

1221
1222 (5) Pre-development conditions shall assume "good hydrologic conditions" for
1223 appropriate land covers as identified in TR-55 or an equivalent
1224 methodology. The meaning of "hydrologic soil group" and "runoff curve
1225 number" are as determined in TR-55. However, when pre-development
1226 land cover is cropland and the curve number exceeds the values in
1227 Table 1 rather than using TR-55 values for cropland, the runoff curve
1228 numbers in Table 1 shall be used.
1229

Table 1 – Maximum Pre-development Runoff Curve Numbers for Cropland Areas				
Hydrologic Soil Group	A	B	C	D
Runoff Curve Number	5 6	7 0	7 9	8 3

1230
1231
1232
1233
1234
1235
1236
1237
1238
1239
1240
1241
1242
1243
1244
1245
1246
1247
1248
1249
1250
1251
1252
1253
1254
1255
1256
1257
1258
1259
1260
1261
1262
1263
1264
1265
1266
1267
1268
1269
1270
1271
1272
1273
1274

- (6) When utilizing the "DESIGN STORM METHOD" approach to designing infiltration systems, as outlined in Section 75.19(3)(c) of this Code, separate curve numbers for pervious and impervious surfaces shall be used to calculate runoff volumes and not composite curve numbers as defined in TR-55.

75.19 PERFORMANCE STANDARDS.

- (1) **RESPONSIBLE PARTY.** The landowner of the construction site or other person contracted or obligated by other agreement with the landowner to implement and maintain post-construction stormwater BMPs is the responsible party.
- (2) **PLAN.** The responsible party shall develop and implement a written stormwater management plan in accordance with Section 75.21 of this Code for each post-construction site.
- (3) **REQUIREMENTS.** The plan required under Subsection (2), above, shall include:
 - (a) **Total Suspended Solids.** BMPs shall be designed, installed, and maintained to control total suspended solids carried in runoff from the post-construction site as follows:
 1. New development must, by design, reduce the total suspended solids load by eighty percent (80%) based on the average annual rainfall or equivalent method as compared to no runoff management controls to the maximum extent practicable.
 2. For redevelopment, by design, reduce the total suspended solids load for TSS generated on parking areas and roads by forty percent (40%) based on the average annual rainfall or equivalent method approved by the Department as compared to no runoff management controls to the maximum extent practicable.
 3. In-fill development must, by design, reduce the total suspended solids load by eighty percent (80%) based on an average annual rainfall or equivalent method approved by the Department as compared to no runoff management controls to the maximum extent practicable.

1275
1276
1277
1278
1279
1280
1281
1282
1283
1284
1285
1286
1287
1288
1289
1290
1291
1292
1293
1294
1295
1296
1297
1298
1299
1300
1301
1302
1303
1304
1305
1306
1307
1308
1309
1310
1311
1312
1313
1314
1315
1316
1317
1318
1319
1320
1321
1322
1323
1324
1325
1326
1327
1328

- 4. For in-fill development under five (5) acres for which the Department received a complete permit application prior to October 1, 2012, by design reduce TSS load by forty percent (40%) using the parameters described in Section 75.19(3)(a)(3), above, to the maximum extent practicable

- 5. Notwithstanding Subsections 1 through 4, above, if the design cannot achieve the TSS reduction specified, the stormwater management plan shall include a written and site-specific explanation why that level of reduction is not attained and the total suspended solids load shall be reduced to the maximum extent practicable. The maximum extent practicable total suspended solids reduction shall not exceed the applicable performance standard outlined in Subsections 1 through 4, above.

- 6. When designing BMPs, runoff draining to the BMP from off-site shall be taken into account in determining the treatment efficiency of the practice. Any impact on the efficiency shall be compensated for by increasing the size of the BMP accordingly.

(b) Peak Discharge.

- 1. All stormwater facilities shall be designed, installed, and maintained to effectively accomplish the following to the maximum extent practicable.
 - A. Maintain or reduce the one- (1-) year, 24-hour and the two- (2-) year, twenty-four- (24-) hour post-construction peak runoff discharge rates to the one- (1-) year, twenty-four- (24-) hour and the two- (2-) year, twenty-four- (24-) hour pre-development peak runoff discharge rates respectively, or to the maximum extent practicable.
 - B. Maintain the pre-development peak runoff rate for the ten- (10-) year design storm.
 - C. Maintain the pre-development peak runoff rate for the one hundred- (100-) year design storm.

- 2. Stormwater facilities shall be of a type, size, and grade to hydraulically accommodate the following:
 - A. Storm sewer – ten- (10-) year design storm peak runoff rate with no surcharge in the manhole.
 - B. Open channel – twenty-five- (25-) year design storm peak runoff rate with minimum one- (1-) foot of freeboard.

1329
1330
1331
1332
1333
1334
1335
1336
1337
1338
1339
1340
1341
1342
1343
1344
1345
1346
1347
1348
1349
1350
1351
1352
1353
1354
1355
1356
1357
1358
1359
1360
1361
1362
1363
1364
1365
1366
1367
1368
1369
1370
1371
1372
1373
1374
1375
1376
1377
1378
1379
1380
1381

C. Detention basins – one hundred- (100-) year design storm peak elevation with minimum one- (1-) foot of freeboard.

D. The site shall be designed to provide safe conveyance of the one hundred- (100-) year peak runoff rate.

3. This Subsection does not apply to any of the following:

A. A redevelopment post-construction site.

B. An in-fill development area less than five (5) acres.

(c) Infiltration. BMPs shall be designed, installed, and maintained to infiltrate runoff to the maximum extent practicable in accordance with the following except as provided in Subsections 3 and 4 below.

1. For development up to forty percent (40%) connected imperviousness, such as parks and low-density residential developments, the following shall apply:

A. Infiltrate sufficient runoff volume so that the post-development infiltration volume shall be at least ninety percent (90%) of the pre-development infiltration volume based on an average annual rainfall.

B. When designing appropriate infiltration systems to meet the requirement in Subsection 1.A, above, no more than one percent (1%) of the site is required as an effective infiltration area.

2. For development with more than forty percent (40%) and up to eighty percent (80%) connected imperviousness, such as medium- and high-density residential, multi-family development, industrial and institutional development, and office parks, the following shall apply:

A. Infiltrate sufficient runoff volume so that the post-development infiltration volume shall be at least seventy-five percent (75%) of the pre-development infiltration volume based on an average annual rainfall.

B. When designing appropriate infiltration systems to meet the requirement in Subsection 2.A, above, no more than two percent (2%) of the impervious surface is required as an effective infiltration area.

1382
1383
1384
1385
1386
1387
1388
1389
1390
1391
1392
1393
1394
1395
1396
1397
1398
1399
1400
1401
1402
1403
1404
1405
1406
1407
1408
1409
1410
1411
1412
1413
1414
1415
1416
1417
1418
1419
1420
1421
1422
1423
1424
1425
1426
1427
1428
1429
1430
1431
1432
1433
1434
1435

3. For development with more than eighty percent (80%) connected imperviousness, such as commercial strip malls, shopping centers, and commercial downtowns, the following shall apply:
 - A. Annual average method.
 - (i) Infiltrate sufficient runoff volume so that the post-development infiltration volume shall be at least sixty percent (60%) of the pre-development infiltration volume based on an average annual rainfall.
 - (ii) When designing appropriate infiltration systems to meet the requirement in Subsection 3.A(i), above, no more than two percent (2%) of the impervious surface is required as an effective infiltration area.
4. Groundwater Quality and Clogging Protection.
 - A. Upstream of the infiltration systems, pretreatment to reduce sediment and pollutant inflow to the infiltration system shall be required for all impervious surfaces except for rooftops, sidewalks, and other impervious surfaces where the applicant can demonstrate that the sediment and pollutant inflow will not adversely affect the infiltration system or groundwater to the satisfaction of the Department.
 - B. Before infiltrating runoff, pretreatment shall be required for parking lot runoff and for runoff from new road construction in commercial, industrial, and institutional areas that will enter an infiltration system. The pretreatment shall be designed to protect the infiltration system from clogging prior to scheduled maintenance and to protect groundwater quality in accordance with this Subsection. Pretreatment options may include but are not limited to oil/grease separation, sedimentation, biofiltration, filtration, swales, or filter strips.
 - C. Infiltration systems designed in accordance with this Subsection shall, to the extent technically and economically feasible, minimize the level of pollutants infiltrating to groundwater and shall maintain compliance with the preventive action limit at a point of standards application. However, if site-specific information indicates that the preventative action limit has been exceeded, the infiltration system shall be

1436
1437
1438
1439
1440
1441
1442
1443
1444
1445
1446
1447
1448
1449
1450
1451
1452
1453
1454
1455
1456
1457
1458
1459
1460
1461
1462
1463
1464
1465
1466
1467
1468
1469
1470
1471
1472
1473
1474
1475
1476
1477
1478
1479
1480
1481
1482
1483
1484
1485
1486
1487
1488
1489

modified to prevent infiltration to the maximum extent practicable.

(d) Source Areas.

1. Prohibitions.

A. Runoff from the following source areas are prohibited from discharging to an infiltration system:

- (i) Areas associated with tier 1 industrial facilities identified in Wis. Admin. Code § NR 216.21(2)(a) including storage, loading, rooftop, and parking.
- (ii) Storage and loading areas of tier 2 industrial facilities identified in Wis. Admin. Code § NR 216.21(2)(b).
- (iii) Fueling and vehicle maintenance areas.

B. Runoff from the following source areas are credited toward meeting the requirements outlined in this Section when infiltrated, but the decision to infiltrate runoff from these areas is optional.

- (i) Parking areas and access roads less than five thousand (5,000) square feet for commercial development.
- (ii) Parking areas and access roads less than five thousand (5,000) square feet for industrial development not subject to the prohibitions under Subsection 1.A above.
- (iii) Redevelopment post-construction sites.
- (iv) In-fill development areas less than five (5) acres.
- (v) Roads on commercial, industrial, and institutional land uses, and arterial residential roads.

(e) Location of Practices.

1. Infiltration systems located in the following areas are prohibited. If locating infiltration systems outside the following areas goes beyond the maximum extent practicable, the site is excluded from meeting the requirements of this Subsection.

- 1490
1491
1492
1493
1494
1495
1496
1497
1498
1499
1500
1501
1502
1503
1504
1505
1506
1507
1508
1509
1510
1511
1512
1513
1514
1515
1516
1517
1518
1519
1520
1521
1522
1523
1524
1525
1526
1527
1528
1529
1530
1531
1532
1533
1534
1535
1536
1537
1538
1539
1540
1541
1542
1543
- A. Where the soil through which infiltration will occur has contaminants of concern as defined in Wis. Admin. Code § NR 720.03(2).
 - B. Where the infiltration systems are within four hundred (400) feet of a community water system as specified in Wis. Admin. Code § 811.16(4) or within the separate distances as specified in Wis. Admin. Code § NR 812.08 for any private well or non-community well for runoff infiltrated from industrial or institutional land uses, if the source area includes residential roadways or regional devices for one- and two-family residential development.
 - C. Areas within one thousand feet (1,000') upgradient or within one hundred feet (100') downgradient of direct conduits to groundwater.
 - D. Infiltration practices located in the following areas are credited toward meeting the requirements outlined in this Section, but the decision to infiltrate under these conditions is optional:
 - (i) Where the infiltration rate of the soil measured at the proposed bottom of the infiltration system is less than six-tenths (0.6) of an inch per hour using a scientifically credible field test method.
 - (ii) Where the least permeable soil horizon up to five (5) feet below the proposed bottom of the infiltration system using the US Department of Agriculture method of soils analysis is one of the following: sandy clay loam, clay loam, silty clay loam, sandy clay, silty clay, or clay.
 - E. A site that meets any of the criteria in this Section 75.19(3)(d)1 is exempt from the requirements of this Subsection.
 - (i) A redevelopment post-construction site.
 - (ii) An in-fill development area less than five (5) acres.
2. Where alternate uses of runoff are employed such as for toilet flushing, laundry or irrigation, such alternate use shall be given equal credit toward the infiltration volume required by this Subsection.

1544
1545
1546
1547
1548
1549
1550
1551
1552
1553
1554
1555
1556
1557
1558
1559
1560
1561
1562
1563
1564
1565
1566
1567
1568
1569
1570
1571
1572
1573
1574
1575
1576
1577
1578
1579
1580
1581
1582
1583
1584
1585
1586
1587
1588
1589
1590
1591
1592
1593
1594
1595
1596
1597

3. Where conditions limit or restrict the use of infiltration practices, the performance standards of this Subsection shall be met to the maximum extent practicable.

(f) Protective Areas.

1. "Protective area" means an area of land that commences at the top of the channel of lakes or streams or at the delineated wetland boundary and that is the greatest of the following widths as measured horizontally from the top of the channel or delineated wetland boundary to the closest impervious surface. However, in this Subsection, "protective area" does not include any area of land adjacent to any waters of the State enclosed within a pipe or culvert such that runoff cannot enter the enclosure at this location.
 - A. Seventy-five (75) feet for outstanding resource waters or exceptional resource waters.
 - B. Fifty (50) feet for lakes
 - C. Fifty (50) feet for perennial and intermittent streams.
 - D. Seventy-five (75) feet for highly susceptible wetlands as identified in Wis. Admin. Code § NR 151.125(1)(e).
 - E. For less susceptible wetlands as defined in Wis. Admin. Code § NR 151.125(1)(f), ten percent (10%) of the average wetland width but no less than ten (10) feet and no more than thirty (30) feet.
 - F. For wetland not subject to D, or E, fifty (50) feet.
 - G. Ten (10) feet for concentrated flow channels with drainage areas greater than one hundred thirty (130) acres.
3. The greatest protective area width shall apply where rivers, streams, lakes, and wetlands are contiguous.
4. Determinations of the extent of the protective area adjacent to wetlands shall be made on the basis of the sensitivity and runoff susceptibility of the wetland in accordance with the standards in Wis. Admin. Code § NR 103.03.
5. This paragraph does not apply to wetlands that have been completely filled in compliance with all applicable state and federal regulations. The protective area for

1598
1599
1600
1601
1602
1603
1604
1605
1606
1607
1608
1609
1610
1611
1612
1613
1614
1615
1616
1617
1618
1619
1620
1621
1622
1623
1624
1625
1626
1627
1628
1629
1630
1631
1632
1633
1634
1635
1636
1637
1638
1639
1640
1641
1642
1643
1644
1645
1646
1647
1648
1649
1650
1651

wetlands that have been partially filled in compliance with all applicable state and federal regulations shall be measured from the wetland boundary delineation after a fill has been placed. Where there is a legally authorized wetland fill, the protective area standard need not be met in that location.

- 6. This Subsection does not apply to:
 - A. Redevelopment post-construction sites.
 - B. In-fill development areas less than five (5) acres.
 - C. Structures that cross or access surface waters such as boat landings, bridges, and culverts.
 - D. Structures constructed in accordance with Wis. Stat. § 59.692(1v).
 - E. Impervious areas from which runoff is treated to the performance standards of this Subchapter B prior to entering the resource described in Subsection 1, above.

- 7. The following requirements shall be met:
 - A. Impervious surfaces shall not be located within the protective area to the maximum extent practicable. If impervious surfaces are located within the protective area, a written site-specific description shall be provided to Department outlining the reason(s) that placing the impervious surfaces outside the protective area is beyond the maximum extent practicable.
 - B. Where land-disturbing construction activity occurs within a protective area, a self-sustaining vegetative cover or equivalent with greater than seventy percent (70%) coverage within the protective area shall be established and maintained.
 - C. Best management practices outlined in the Manual that are designed to control pollutants from non-point sources may be located in the protective area.

- (g) Fueling and Vehicle Maintenance Areas. Fueling and vehicle maintenance areas shall, to the maximum extent practicable, have BMPs designed, installed, and maintained to reduce petroleum within runoff so that runoff that enters waters of the State contains no visible petroleum sheen. A combination of the following BMPs may be used: oil and grease separators, canopies, petroleum spill clean-up materials, or any other

1652 structural or non-structural method of preventing or treating
1653 petroleum in runoff.

1654
1655 (h) Transportation Facilities.

1656
1657 1. Applicability. Except as provided in Subsection 2, below,
1658 transportation facilities that cause or may cause runoff
1659 pollution must meet all of the requirements of Sections
1660 75.18 and 75.19 of this Subchapter B.

1661
1662 2. Swale Treatment. Except as provided in Subsection 2,
1663 below, transportation facilities that use swales for runoff
1664 conveyance and pollutant removal meet all of the
1665 requirements of Section 75.19(a), (b), and (c) of this
1666 Subchapter B except (b)2., if the swales are designed
1667 to the maximum extent practicable to do all of the
1668 following:

1669
1670 A. Be vegetated. However, where appropriate,
1671 non-vegetative measures may be employed to
1672 prevent erosion or provide for runoff treatment
1673 such as rock riprap stabilization or check dams.

1674
1675 B. Carry runoff through a swale for two hundred
1676 (200) feet or more in length that is designed with
1677 a flow velocity no greater than 1.5 feet per
1678 second for the peak flow generated using either
1679 a two- (2-) year, twenty-four- (24-) hour design
1680 storm or a two- (2-) year storm with a duration
1681 equal to the time of concentration as
1682 appropriate. If a swale of two hundred (200) feet
1683 in length cannot be designed with a flow velocity
1684 of 1.5 feet per second or less then the flow
1685 velocity shall be reduced to the maximum extent
1686 practicable.

1687
1688 C. The Department may, consistent with water
1689 quality standards, require other provisions of this
1690 Subchapter B be met on a transportation facility
1691 with an average daily traffic rate greater than
1692 2,500 and where the initial surface water of the
1693 State that the runoff directly enters is classified
1694 as one of the following:

- 1695
1696 (i). An outstanding resource water.
1697 (ii). An exceptional resource water.
1698 (iii). Waters listed in Section 303(d) of the
1699 Federal Clean Water Act that are
1700 identified as impaired in whole or in part,
1701 due to nonpoint source impacts.
1702 (iv). Waters where targeted performance
1703 standards are developed under Wis.
1704 Admin. Code § NR 151.004 to meet
1705 water quality standards.

1706
1707
1708
1709
1710
1711
1712
1713
1714
1715
1716
1717
1718
1719
1720
1721
1722
1723
1724
1725
1726
1727
1728
1729
1730
1731
1732
1733
1734
1735
1736
1737
1738
1739
1740
1741
1742
1743
1744
1745
1746
1747
1748
1749
1750
1751
1752
1753
1754
1755
1756
1757
1758
1759

3. Requirements. BMPs shall be designed, installed, and maintained to control total suspended solids carried in runoff from the transportation facility post-construction site. BMPs shall be designed as follows:
- A. For new transportation facilities, a TSS reduction of eighty percent (80%) based on average annual rainfall compared to no runoff management controls, to the maximum extent practicable.
 - B. For highway reconstruction projects, a TSS reduction of forty percent (40%) based on average annual rainfall compared to no runoff management controls, to the maximum extent practicable.
 - C. For non-highway transportation facility redevelopment, a TSS reduction of forty percent (40%) of the load from parking areas and roads based on average annual rainfall compared to no runoff management controls, to the maximum extent practicable.
 - D. If the design cannot achieve the TSS reduction specified, the stormwater management plan shall include a written and site-specific explanation why that level of reduction is not attained and the total suspended solids load shall be reduced to the maximum extent practicable. The maximum extent practicable total suspended solids reduction shall not exceed the applicable performance standard outlined in this Subsection 3.

(4) GENERAL CONSIDERATIONS FOR ON-SITE AND OFF-SITE STORMWATER MANAGEMENT MEASURES. The following considerations shall be observed in managing runoff:

- (a) Natural topography and land cover features such as natural swales, natural depressions, native soil infiltrating capacity, and natural groundwater recharge areas shall be preserved and used, to the extent possible, to meet the requirements of this Section.
- (b) Emergency overland flow for all stormwater facilities shall be provided to prevent exceeding the safe capacity of downstream drainage facilities and prevent endangerment of downstream property or public safety.
- (c) Runoff volume control, beyond the requirements outlined in Section 75.19(c) for sites located within closed drainage basins.

- 1760
1761
1762
1763
1764
1765
1766
1767
1768
1769
1770
1771
1772
1773
1774
1775
1776
1777
1778
1779
1780
1781
1782
1783
1784
1785
1786
1787
1788
1789
1790
1791
1792
1793
1794
1795
1796
1797
1798
1799
1800
1801
1802
1803
1804
1805
1806
1807
1808
1809
1810
1811
- (5) LOCATION.
- (a) The BMPs may be located on-site or off-site as part of a regional stormwater device, practice, or system.
- (b) Post-construction runoff within a non-navigable surface water that flows into a BMP, such as a wet detention pond, is not required to meet the performance standards of this Subchapter B. Post-construction BMPs may be located in non-navigable surface waters.
- (c) Except as allowed under Subsection (d), below, BMPs designed to treat post-construction runoff from any development may not be located within navigable waters.
- (d) Post-construction runoff from any development is allowed to flow into a navigable surface water prior to meeting the requirements of this Subchapter B if:
1. The BMP was constructed prior to the most recent effective date of this Subchapter B and the BMP received all applicable permits ; and
 2. The BMP complies with all of the requirements of this Subchapter B and functions or will function to provide runoff treatment for the new development.
- (e) Runoff from existing development and post-construction runoff from redevelopment and in-fill areas may be located within navigable waterways if any of the following are met.
1. To the maximum extent practicable, BMPs shall be located to treat runoff prior to discharge to navigable surface waters.
 2. The BMP is on an intermittent waterway.
 3. It conforms to Chapter 72 of the County Code, the County Shoreland Ordinance.
- (f) The Department may approve off-site management measures provided that all of the following conditions are met:
1. The Department determines that the post-construction runoff is covered by a stormwater management system plan that is approved by the municipality in which the measures are located and that it contains management requirements consistent with the purpose and intent of this Ordinance.
 2. The off-site facility is existing or established.

- 1812
1813
1814
1815
1816
1817
1818
1819
1820
1821
1822
1823
1824
1825
1826
1827
3. The off-site facility meets all the performance standards outlined in this **Subchapter B** and is approved by the Department.
 4. The off-site facility has a legally obligated entity responsible for its long-term operation and maintenance.

(g) Where a regional treatment option exists such that the Department exempts the applicant from all or part of the minimum on-site stormwater management requirements, the applicant may be required to pay a fee in an amount determined in negotiation with the Department. In determining the fee for post-construction runoff, the Department shall consider an equitable distribution of the cost for land, engineering design, construction, and maintenance of the regional treatment option.

(6) **ALTERNATE REQUIREMENTS.** The Department may establish stormwater management requirements more stringent than those set forth in this Section of the Department determines that an added level of protection is needed to protect sensitive resources.

1833 **75.20 PERMITTING REQUIREMENTS, PROCEDURES, AND FEES.**

1834
1835
1836
1837
1838
1839

(1) **PERMIT REQUIRED.** If a stormwater management permit is required as outlined in this **Subchapter B**, no responsible party may undertake a land-disturbing construction activity without receiving a stormwater management permit from the Department.

1840
1841
1842
1843
1844

(2) **PERMIT APPLICATION AND FEES.** Unless specifically excluded by this **Subchapter B**, any responsible party desiring a permit shall submit to the Department a permit application made on a form provided by the Department for that purpose.

1845
1846
1847
1848
1849
1850
1851

(a) Unless otherwise exempted by this **Subchapter B**, a permit application must be accompanied by a stormwater management plan, a maintenance agreement, and a non-refundable permit administration fee. The maintenance agreement shall be recorded with the Sheboygan County Register of Deeds' Office upon completion of construction activities.

1852
1853
1854
1855
1856
1857

(b) The stormwater management plan shall be prepared to meet the requirements of Section 75.21 of this Code the financial guarantee shall meet the requirements of Section 75.23 of this Code, if applicable, and fees shall be those established as set forth in the Department's fee schedule.

1858
1859
1860
1861

(3) **REVIEW AND APPROVAL OF PERMIT APPLICATION.** The Department shall review any complete permit application. The following approval procedure shall be used:

1862
1863
1864

(a) Within thirty (30) calendar days of the receipt of a complete permit application, including all items as required by Subsection (2), above, the Department shall inform the applicant whether the

1865 application, plan, and maintenance agreement are approved or
1866 disapproved based on the requirements of this **Subchapter B**.

- 1867
1868 (b) If the stormwater permit application, plan, and maintenance
1869 agreement are approved, or if an agreement upon payment of
1870 fees in lieu of stormwater management practices is made, the
1871 Department shall issue the permit.
1872
1873 (c) If the stormwater permit application, plan, or maintenance
1874 agreement is disapproved, the Department shall detail in writing
1875 the reasons for disapproval.
1876
1877 (d) If the Department deems the application to be incomplete, the
1878 Department may request additional information from the
1879 applicant. If additional information is submitted, the Department
1880 shall have thirty (30) calendar days from the date the additional
1881 information is received to inform the applicant that the plan and
1882 maintenance agreement are either approved or disapproved.
1883
1884 (e) Failure by the Department to inform the permit applicant of a
1885 decision within thirty (30) calendar days of receipt of the permit
1886 application shall be deemed to mean approval of the permit
1887 application. The applicant may proceed as if a permit had been
1888 issued. If application was not submitted in person, the applicant
1889 shall verify in writing with the Department prior to commencing
1890 land-disturbing construction activities that the application was
1891 received by the Department.
1892

1893 (4) **PERMIT REQUIREMENTS.** All permits issued under this **Subchapter B**
1894 shall be subject to the following conditions and holders of permits issued
1895 under this **Subchapter B** shall be deemed to have accepted these
1896 conditions. The Department may suspend or revoke a permit for
1897 violation of a permit condition, following written notification of the
1898 responsible party. An action by the Department to suspend or revoke
1899 this permit may be appealed in accordance with Section 75.26 of this
1900 Code. Compliance with this permit does not relieve the responsible party
1901 of the responsibility to comply with other applicable federal, State, and
1902 local laws and regulations.
1903

- 1904 (a) The responsible party shall design and install all structural and
1905 non-structural stormwater management measures in accordance
1906 with the approved stormwater management plan and this permit.
1907
1908 (b) The responsible party shall notify the Department of any
1909 significant modifications it intends to make to an approved
1910 stormwater management plan. The Department may require that
1911 the proposed modifications be submitted to the Department for
1912 approval prior to incorporation into the stormwater management
1913 plan and execution by the responsible party.
1914
1915 (c) The responsible party shall notify the Department within two (2)
1916 business days of commencing any work in conjunction with the
1917 stormwater management plan.
1918

- 1919
 - 1920
 - 1921
 - 1922
 - 1923
 - 1924
 - 1925
 - 1926
 - 1927
 - 1928
 - 1929
 - 1930
 - 1931
 - 1932
 - 1933
 - 1934
 - 1935
 - 1936
 - 1937
 - 1938
 - 1939
 - 1940
 - 1941
 - 1942
 - 1943
 - 1944
 - 1945
 - 1946
 - 1947
 - 1948
 - 1949
 - 1950
 - 1951
 - 1952
 - 1953
 - 1954
 - 1955
 - 1956
 - 1957
 - 1958
 - 1959
 - 1960
 - 1961
 - 1962
 - 1963
 - 1964
 - 1965
 - 1966
 - 1967
 - 1968
 - 1969
 - 1970
 - 1971
 - 1972
- (d) The responsible party shall permit property access to the Department or its designee for the purpose of inspecting the property for compliance with the approved stormwater management plan and this permit.
 - (e) The responsible party shall notify the Department within seven (7) calendar days upon completion of the stormwater management practices.
 - (f) Completed stormwater management practices must pass a final inspection by the Department or its designee to determine if they are in accordance with the approved stormwater management plan and Subchapter.
 - (g) The Department or its designee shall notify the responsible party in writing of any changes required in such practices to bring them into compliance with the conditions of this permit. The changes shall be completed within thirty (30) calendar days of the Department's written notification unless working conditions are unsuitable as determined by the Department.
 - (h) If the Department requests in writing, the responsible party shall provide record drawings completed by a licensed professional engineer at the expense of the responsible party. The record drawings shall be completed within thirty (30) calendar days of the Department's request.
 - (i) The responsible party authorizes the Department to perform any work or operations necessary to bring stormwater management measures into conformance with the approved stormwater management plan and consents to a special assessment or charge against the property as authorized under Wis. Stat. ch. 66, Subchapter VII or to charging such costs against the financial guarantee posted under Section 75.10 of this Code.
 - (j) If so directed by the Department the responsible party shall repair at the responsible party's own expense all damage to adjoining municipal facilities and drainage ways caused by runoff where such damage is caused by activities that are not in compliance with the approved stormwater management plan.
 - (k) Where site development or redevelopment involves changes in direction, increases in peak rate and/or total volume of runoff from a site, the Department may require the responsible party to make appropriate legal arrangements with affected property owners concerning the prevention of endangerment to property or public safety.
 - (l) The responsible party is subject to the enforcement actions and penalties detailed in Section 75.25 of this Code if the responsible party fails to comply with the terms of this permit.
 - (m) The responsible party shall maintain all stormwater management practices in accordance with the stormwater management plan

1973
1974
1975
1976
1977
1978
1979
1980
1981
1982
1983
1984
1985
1986
1987
1988
1989
1990
1991
1992
1993
1994
1995
1996
1997
1998
1999
2000
2001
2002
2003
2004
2005
2006
2007
2008
2009
2010
2011
2012
2013
2014
2015
2016
2017
2018
2019
2020
2021
2022
2023
2024
2025

until the practices either become the responsibility of the County Board or are transferred to subsequent private owners as specified in the approved maintenance agreement.

(5) **PERMIT CONDITIONS.** Permits issued under this Subsection may include conditions established by the Department in addition to the requirements needed to meet the performance standards in Section 75.19 of this Code or a financial guarantee as provided for in Section 75.23 of this Code.

(6) **PERMIT DURATION.** Permits issued under this Section shall be valid from the date of issuance through the date the Department notifies the responsible party that all stormwater management practices have passed the final inspection required under Subsection (4)(c), above.

(7) **RESPONSE TO COMPLAINTS.** The Department shall endeavor to respond to complaints received within two (2) business days of receiving the complaint regarding a party's stormwater management practices or other similar matters.

75.21 **STORMWATER MANAGEMENT PERMIT APPLICATION REQUIREMENTS.**

(1) **STORMWATER MANAGEMENT PLAN.**

(a) A stormwater management plan shall be prepared and submitted to the Department. The plan submittal shall consist of a cover letter identifying the applicant and landowner, a stormwater management plan summary checklist as described in the Manual, and the technical elements of the plan described in this **Subchapter B**.

(b) The stormwater management plan shall be designed to meet the performance standards in Section 75.19 of this Code and other requirements of this **Subchapter B**.

(c) All site investigations, plans, designs, computations, and drawings shall be certified by a licensed Wisconsin professional engineer to be prepared in accordance with accepted engineering practice and requirements of this **Subchapter B**.

(d) The stormwater management plan shall include at a minimum the following items:

1. A narrative and supporting documents (or equivalent as approved by the Department) including:

A. Name, address, e-mail address, and telephone number for the following or their designees: landowner, developer, project engineer for practice design and certification, person(s) responsible for installation of stormwater management practices, and person(s) responsible for maintenance of stormwater

- 2026
2027
2028
2029
2030
2031
2032
2033
2034
2035
2036
2037
2038
2039
2040
2041
2042
2043
2044
2045
2046
2047
2048
2049
2050
2051
2052
2053
2054
2055
2056
2057
2058
2059
2060
2061
2062
2063
2064
2065
2066
2067
2068
2069
2070
2071
2072
2073
2074
2075
2076
2077
2078
2079
- management practices prior to the transfer if any of maintenance responsibility to another party.
- B. A proper legal description of the property proposed to be developed, referenced to the U.S. Public Land Survey system, the Sheboygan County Coordinate System, or to block and lot numbers within a recorded land subdivision plat.
- C. Site location and approximate site boundaries shown on a United States Geological Survey 7.5-minute series topographic map, or equivalent as approved by the Department.
- D. Site location and approximate site boundaries shown on a Sheboygan County Soil Survey Map or equivalent as approved by the Department.
- E. Description of the soil classifications found on the site and their associated Hydrologic Soil Groups as identified on the Sheboygan County Soil Survey and TR-55.
- F. A description and installation schedule for the stormwater management practices needed to meet the performance standards in Section 75.19 of this Code.
- G. Results of investigations of soils and groundwater required for the placement and design of stormwater management measures.
- H. Hydrology and pollutant loading computations for pre-and post-development conditions as needed to show compliance with performance standards. The computations shall be made for each discharge point in the development and the geographic area used in making the calculations shall be clearly cross-referenced to the required plan(s) and/or map(s).
- I. All major assumptions used in developing input parameters for all required analyses shall be clearly stated.
- J. A maintenance plan developed for the life of each stormwater management practice including the required maintenance activities and maintenance activity schedule.
- K. Cost estimates for the construction, operation, and maintenance of each stormwater management practice.

- 2080
2081
2082
2083
2084
2085
2086
2087
2088
2089
2090
2091
2092
2093
2094
2095
2096
2097
2098
2099
2100
2101
2102
2103
2104
2105
2106
2107
2108
2109
2110
2111
2112
2113
2114
2115
2116
2117
2118
2119
2120
2121
2122
2123
2124
2125
2126
2127
2128
2129
2130
2131
- L. Explanation of the provisions to preserve and use natural topography and land cover features to minimize changes in peak flow runoff rates and volumes to surface waters and wetlands.
 - M. Explanation of any restrictions on stormwater management measures in the development area imposed by wellhead protection plans and ordinances.
 - N. Other information requested in writing by the Department to determine compliance of the proposed stormwater management measures with the provisions of this **Subchapter B**.
2. An existing conditions site drawing(s) including at a minimum the following items at a legible scale not to exceed 1 inch equals 200 feet and at a contour interval not to exceed 2 feet if the maximum elevation difference on the site is greater than 100 feet or at a contour interval not to exceed 1 foot otherwise.
- A. Existing site topography.
 - B. Existing vegetative cover.
 - C. Existing impervious surfaces.
 - D. Existing roads.
 - E. Existing natural and engineered drainage systems.
 - F. Waters of the State and regulatory wetlands on the site or within two hundred (200) feet of the site limits.
 - G. One hundred- (100-) year floodplain, floodway, and floodfringe boundaries on the site or within two hundred (200) feet of the site limits, as applicable.
 - H. Property boundaries of the site.
 - I. Property boundaries and names of adjacent landowners.
 - J. All existing easements.
 - K. Watershed boundaries used in hydrologic and hydraulic computations.

- 2132
2133
2134
2135
2136
2137
2138
2139
2140
2141
2142
2143
2144
2145
2146
2147
2148
2149
2150
2151
2152
2153
2154
2155
2156
2157
2158
2159
2160
2161
2162
2163
2164
2165
2166
2167
2168
2169
2170
2171
2172
2173
2174
2175
2176
2177
2178
2179
2180
2181
2182
2183
2184
2185
- L. Hydrologic parameters for each watershed utilized in the hydrologic and hydraulic computations.
3. A post-development conditions site drawing(s) including at a minimum the following items at a legible scale not to exceed 1 inch equals 200 feet and at a contour interval not to exceed 2 feet if the maximum elevation difference on the site is greater than 100 feet or at a contour interval not to exceed 1 foot otherwise.
- A. Existing and post-development site topography.
 - B. Post-development vegetative cover extents and type.
 - C. Impervious surfaces and designations for all buildings, structures, pavement, etc., including designation of any remaining impervious area from existing conditions.
 - D. Existing and post-development roads.
 - E. Post-development natural and engineered drainage systems including but not limited to swales, culverts, inlets, and storm sewers.
 - F. Flow path and direction for all stormwater conveyance sections.
 - G. Location and type of all stormwater management conveyance and treatment practices.
 - H. Waters of the State and regulatory wetlands on the site or within two hundred (200) feet of the site limits.
 - I. One hundred- (100-) year floodplain, floodway, and floodfringe boundaries on the site or within two hundred (200) feet of the site limits as applicable.
 - J. Property boundaries of the site.
 - K. Property boundaries and names of adjacent landowners.
 - L. Location and type of all existing and post-development easements.
 - M. Watershed boundaries used in hydrologic and hydraulic computations.

- 2186 N. Hydrologic parameters for watershed utilized in
- 2187 the hydrologic and hydraulic computations.
- 2188
- 2189 O. Location of wells and wellhead protection areas
- 2190 covering the project area and delineated
- 2191 pursuant to Wis. Admin. Code § NR 811.16.
- 2192
- 2193 4. Detailed drawings including cross-sections and profiles
- 2194 of all permanent stormwater conveyance and treatment
- 2195 practices.
- 2196

(2) **ALTERNATE REQUIREMENTS.** The Department may prescribe alternative submittal requirements for applicants seeking an exemption to on-site stormwater management performance standards under Section 75.20(5) of this Code.

(3) **AMENDMENTS.** The applicant shall amend the stormwater management plan if any of the following occur:

(a) There is a change in the design or maintenance of any stormwater management BMPs or conveyance features which has not otherwise been addressed in the stormwater management plan.

(b) The Department notifies the applicant of changes needed in the stormwater management plan.

75.22 MAINTENANCE AGREEMENT.

(1) **MAINTENANCE AGREEMENT REQUIRED.** The maintenance agreement for stormwater management practices shall be an agreement between the Department and the responsible party to provide for maintenance of stormwater practices beyond the duration period of this permit. The maintenance agreement shall be filed with the Register of Deeds as a property deed restriction so that it is binding upon all subsequent owners of the land served by the stormwater management practices.

(2) **AGREEMENT PROVISIONS.** The maintenance agreement shall contain the following information and provisions and be consistent with the maintenance plan:

(a) Identification of the stormwater facilities and designation of the drainage area served by the facilities.

(b) A schedule for regular maintenance of each aspect of the stormwater management system consistent with the stormwater management plan.

(c) Identification of the responsible party approved by the Department responsible for long-term maintenance of the stormwater management practices identified in the stormwater management plan.

- 2240
2241
2242
2243
2244
2245
2246
2247
2248
2249
2250
2251
2252
2253
2254
2255
2256
2257
2258
2259
2260
2261
2262
2263
2264
2265
2266
2267
- (d) Requirement that the responsible party shall maintain stormwater management practices in accordance with the schedule included in Subsection (b), above.
 - (e) Authorization for the Department to access the property to conduct inspections of stormwater management practices as necessary to ascertain that the practices are being maintained and operated in accordance with the agreement.
 - (f) A requirement on the Department to maintain public records of the results of the site inspections, to inform the responsible party responsible for maintenance of the inspection results, and to specifically indicate any corrective actions required to bring the stormwater management practice into proper working condition.
 - (g) Agreement that the responsible party shall be notified by the Department of maintenance problems which require correction. The specified corrective actions shall be undertaken within a reasonable time frame as set by the Department.
 - (h) Authorization of the Department to perform the corrected actions identified in the inspection report if the responsible party does not make the required corrections in the specified time period. The Department shall enter the amount due on the tax rolls and collect the money as a special charge against the property pursuant to Wis. Stat. ch. 66, Subchapter VII.

2268
2269
2270
2271
2272
2273
2274
2275
2276
2277
2278
2279
2280
2281
2282
2283
2284
2285
2286
2287
2288
2289
2290
2291
2292
2293

75.23 FINANCIAL GUARANTEE.

- (1) ESTABLISHMENT OF THE GUARANTEE. The Department may require the submittal of a financial guarantee shall be in an amount determined by the Department to be the estimated cost of construction and the estimated cost of maintenance of the stormwater management practices during the period which the designated party in the maintenance agreement has maintenance responsibility. The financial guarantee shall give the Department the authorization to use the funds to complete the stormwater management practices if the responsible party defaults or does not properly implement the approved stormwater management plan upon written notice to the responsible party by the Department that the requirements of this Subchapter B have not been met.
- (2) CONDITIONS FOR RELEASE. Conditions for the release of the financial guarantee are as follows:
 - (a) The Department shall release the portion of the financial guarantee established under this Section less any costs incurred by the Department to complete installation of practices, upon submission of record drawings by a licensed professional engineer. The Department may make provisions for a partial pro-rata release of the financial guarantee based on the completion of various development stages.
 - (b) The Department shall release the portion of the financial guarantee established under this Section to assure maintenance

of stormwater practices less any costs incurred by the Department at such time that the responsibility for practice maintenance is passed on to another entity via an approved maintenance agreement.

75.24 ENFORCEMENT.

- (1) Any land-disturbing construction activity or post-construction runoff initiated after the effective date of this Subchapter B by any person, firm, association, or corporation subject to the Subchapter provisions shall be deemed a violation unless conducted in accordance with the requirements of this Subchapter B.
- (2) The Department shall notify the responsible party by certified mail of any non-complying land-disturbing construction activity or post-construction runoff. The notice shall describe the nature of the violation, remedial actions needed, a schedule for remedial action, and additional enforcement action which may be taken.
- (3) Upon receipt of written notification from the Department under Subsection (2), above, the responsible party shall correct work that does not comply with the stormwater management plan or other provisions of this permit. The responsible party shall make corrections as necessary to meet the specifications and schedule set forth by the Department in the notice.
- (4) If the violations issued pursuant to this Subchapter B are likely to result in damage to properties, public facilities, or waters of the State, the Department may enter the land and take emergency actions necessary to prevent such damage.
- (5) The Department is authorized to post a stop-work order on all land-disturbing construction activity that is in violation of this Subchapter B or to request the Corporation Counsel to seek a cease-and-desist order in any court with jurisdiction.
- (6) The Department may revoke a permit issued under this Subchapter B for non-compliance with Subchapter provisions.
- (7) Any permit revocation, stop-work order, or cease-and-desist order shall remain in effect unless retracted by the Department or by a court with jurisdiction.
- (8) The Department is authorized to refer any violation of this Subchapter B or of a stop-work order or cease-and-desist order issued pursuant to this Subchapter B to the Corporation Counsel for the commencement of further legal proceedings in any court with jurisdiction.
- (9) Any person, firm, association, or corporation who does not comply with the provisions of this Subchapter B shall be subject to a forfeiture of not less than Twenty-five Dollars (\$25.00) nor more than Five Thousand Dollars (\$5,000.00) per offense together with the costs of prosecution. Each day that the violation exists shall constitute a separate offense.

- 2348
2349
2350
2351
2352
2353
2354
2355
2356
2357
2358
2359
2360
2361
2362
2363
2364
2365
2366
2367
2368
- (10) Compliance with the provisions of this **Subchapter B** may also be enforced by injunction in any court with jurisdiction. It shall not be necessary to prosecute for forfeiture or a cease-and-desist order before resorting to injunctive proceedings.
 - (11) When the Department determines that the responsible party has failed to follow practices set forth in the stormwater management plan or has failed to comply with schedules set forth in said stormwater management plan, the Department or a party designated by the Department may enter upon the land and perform the work or other operations necessary to bring the condition of said lands into conformance with requirements of the approved plan.
 - (12) Any engineering, construction, legal, and other related costs plus interest incurred by the Department related to enforcement actions taken by the Department under this Section shall be billed to the responsible party, deducted from any financial guarantee posted pursuant to Section 75.23 of this Code or entered on the tax roll as a special charge against the property and collected as a special assessment against the property pursuant to Wis. Stat. ch. 66, Subchapter VII.

2369 **75.25 APPEALS.**

- 2370
2371
2372
2373
2374
2375
2376
2377
2378
2379
2380
2381
2382
2383
2384
2385
2386
2387
2388
2389
2390
2391
2392
2393
2394
- (1) **BOARD OF ADJUSTMENT.** The Board of Adjustment created pursuant to Chapter 76 of this Code pursuant to Wis. Stat. § 59.694:
 - (a) Shall hear and decide appeals where it is alleged that there is error in any order, decision, or determination made by the Department in administering this **Subchapter B** except for cease-and-desist orders obtained under Section 75.25(3) of this Code.
 - (b) Upon appeal, may authorize variances from the provisions of this **Subchapter B** which are not contrary to the public interest and where owing to special conditions a literal enforcement of the provisions of this **Subchapter B** will result in unnecessary hardship; and
 - (c) Shall use the rules, procedures, duties, and powers authorized by statute in hearing and deciding appeals and authorizing variances.
 - (2) **WHO MAY APPEAL.** Appeals to the Board of Adjustments may be taken by any aggrieved person or by an officer, Department, Board, or bureau of Sheboygan County affected by any decision of the Department.

2395 **SUBCHAPTER C: ILLICIT DISCHARGE DETECTION AND ELIMINATION**

- 2396
2397
2398
2399
2400
2401
- 75.26 **PURPOSE AND INTENT.** The purpose of this Subchapter is to provide for the health, safety, and general welfare of the citizens of Sheboygan County through regulation of non-stormwater discharges to the stormwater conveyance system to the maximum extent practicable as required by federal and State law. The intent of this Subchapter is:

- 2402
2403
2404
2405
2406
2407
2408
2409
2410
2411
2412
2413
2414
2415
2416
2417
2418
2419
2420
2421
2422
2423
2424
2425
2426
2427
2428
2429
2430
2431
2432
2433
2434
2435
2436
2437
2438
2439
2440
2441
2442
2443
2444
2445
2446
2447
2448
2449
2450
2451
2452
2453
2454
2455
- (1) To regulate the contribution of pollutants to the municipal separate storm sewer system (MS4) by stormwater discharges by any user.
 - (2) To prohibit illicit connections and discharges to the MS4.
 - (3) To establish legal authority to carry out all inspection and enforcement procedures necessary to ensure compliance with this Ordinance.
- 75.27 APPLICABILITY. This Subchapter C applies to all waters or discharges entering the Sheboygan County MS4 areas that are generated on any land within the boundaries and jurisdiction of the urbanized areas of Sheboygan County unless explicitly exempted by an authorized enforcement agency.
- 75.28 PROHIBITION OF ILLICIT DISCHARGES. No person shall discharge or cause to be discharged into the MS4 any pollutants or waters containing any pollutants other than stormwater, except as follows, which are allowed discharges.
- (1) Water line flushing, landscape irrigation, diverted stream flows that have been properly permitted, rising ground waters, uncontaminated pumped groundwater, discharges from potable water sources, foundation drains, air conditioning condensation, irrigation water, springs, water from crawl space pumps, footing drains, lawn watering, individual residential car washing, flows from riparian habitats and wetlands, de-chlorinated swimming pool discharges, and street wash water.
 - (2) Discharges or flow from firefighting and other discharges authorized by the Department as being necessary to protect public health and safety.
 - (3) Discharges associated with dye testing; however, this activity requires notification to the Department and the DNR a minimum of one (1) day prior to the time of the test.
 - (4) Any non-stormwater discharge permitted under WPDES permit, waiver, or waste discharge order issued to the discharger and administered under the authority of the DNR. Any person subject to such a WPDES stormwater discharge permit shall comply with all provisions of such permit.
- 75.29 PROHIBITION OF ILLICIT CONNECTIONS.
- (1) The construction, use, maintenance, or continued existence of illicit connections to the MS4 is prohibited.
 - (2) This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.
 - (3) A person is considered to be in violation of this Ordinance if the person connects a line conveying sewage to the MS4 or allows such a connection to continue.
 - (4) Improper connection in violation of this Ordinance must be disconnected and redirected, if necessary, to an approved onsite wastewater

2456 management system or the sanitary sewer system upon approval of the
2457 Department.

2458
2459 (5) Any drain or conveyance that has not been documented in plans, maps,
2460 or equivalent and which may be connected to the storm sewer system
2461 shall be located by the owner or occupant of that property upon receipt of
2462 written notice of violation from the Department requiring that such
2463 locating be completed. Such notice will specify a reasonable time period
2464 within which the location of the drain or conveyance is to be determined,
2465 that the drain or conveyance be identified as storm sewer ,sanitary
2466 sewer, or other, and that the outfall location or point of connection to the
2467 storm sewer system, sanitary sewer system, or other discharge point be
2468 identified. Results of these investigations are to be documented and
2469 provided to the Department.
2470

2471 75.30 COMPLIANCE MONITORING.

2472
2473 (1) Right of entry: inspecting and sampling. The Department shall be
2474 permitted to enter and inspect facilities subject to regulation under this
2475 Subchapter as often as may be necessary to determine compliance with
2476 this Subchapter.
2477

2478 (a) If a discharger has security measures in force which require
2479 proper identification and clearance before entry into its premises,
2480 the discharger shall make the necessary arrangements to allow
2481 access to representatives of the Department.
2482

2483 (b) Facility operators shall allow the Department ready access to all
2484 parts of the premises for the purposes of inspection, sampling,
2485 examination, and copying of records.
2486

2487 (c) The Department shall have the right to set up on any facility such
2488 devices as are necessary in the opinion of the Department to
2489 conduct monitoring and/or sampling of the facility's stormwater
2490 discharge.
2491

2492 (2) The Department has the right to require the discharger to install
2493 monitoring equipment as necessary. The facility's sampling and
2494 monitoring equipment shall be maintained at all times in a safe and
2495 properly operating condition by the discharger at its own expense. All
2496 devices used to measure stormwater flow and quality shall be calibrated
2497 to ensure their accuracy.
2498

2499 (3) Any temporary or permanent obstruction to safe and easy access to the
2500 facility to be inspected and/or sampled shall be promptly removed by the
2501 operator at the written or oral request of the Department and shall not be
2502 replaced. The costs of clearing such access shall be borne by the
2503 operator.
2504

2505 (4) Unreasonable delays in allowing the Department access to a facility are
2506 a violation. A person who is the operator of a facility commits an offense
2507 if the person denies the Department reasonable access to the facility for
2508 the purposes of conducting any activity authorized or required by this
2509 Ordinance.

2510
2511
2512
2513
2514
2515
2516
2517
2518
2519
2520
2521
2522
2523
2524
2525
2526
2527
2528
2529
2530
2531
2532
2533
2534
2535
2536
2537
2538
2539
2540
2541
2542
2543
2544
2545
2546
2547
2548
2549
2550
2551
2552
2553
2554
2555
2556
2557
2558
2559
2560
2561
2562

75.31 REQUIREMENT TO PREVENT, CONTROL, AND REDUCE STORMWATER POLLUTANTS BY THE USE OF BMPS

- (1) The owner or operator of any activity, operation, or facility which may cause or contribute to pollution or contamination of stormwater, the MS4, or waters of the State shall provide, at owner's own expense, reasonable protection from accidental discharge of prohibited materials or other wastes into the MS4 or watercourses through the use of structural and non-structural BMPs.
- (2) Any person responsible for a property or premise that is the source of an illicit discharge may be required to implement, at said person's expense, additional structural and non-structural BMPs to prevent the further discharge of pollutants to the MS4 or watercourses.
- (3) Compliance with all terms and conditions of a valid WPDES permit authorizing the discharge of stormwater associated with industrial activity, to the extent practicable, shall be deemed compliant with the provisions of this Section. These BMPs shall be part of a Stormwater Management Plan/Stormwater Pollution Prevent Plan (SWPPP) as necessary for compliance with the requirements of the WPDES permit.

75.32 NOTIFICATION OF SPILLS

- (1) Notwithstanding other requirements of law, as soon as any person responsible for a facility or operation or responsible for emergency response for a facility or operation has information of any known or suspected release of materials which are resulting or may result in illicit discharges or pollutants discharging into the stormwater, the MS4, or waters of the state, said person shall take all necessary steps to ensure the discovery, containment, and cleanup of such release. In the event of such a release of materials, said person shall immediately notify emergency response agencies of the occurrence via emergency dispatch services. In the event of a release of non-hazardous materials, said person shall notify the Department in person or by phone no later than the next business day. If the discharge of prohibited materials emanates from a commercial or industrial establishment, the owner or operator of such establishment shall also retain an on-site written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three (3) years.
- (2) Failure to provide notification of a release as provided above is a violation of this Subsection.

75.33 VIOLATIONS, ENFORCEMENT, AND PENALTIES

- (1) Violations.
 - (a) It shall be unlawful for any person to violate any provision or fail to comply with any of the requirements of this Subsection. Any person who has violated or continues to violate the provisions of this Subsection may be subject to the enforcement actions

outlined in this Subsection or may be restrained by injunction or otherwise abated in a manner provided by law.

(b) In the event the violation constitutes an immediate danger to public health or public safety, the Department is authorized to enter upon the subject private property without giving prior notice to take any and all measures necessary to abate the violation. The Department is authorized to seek the costs of abatement which may be pursued by entering the costs on the tax roll as a special charge against the property and collected as a special assessment against the property pursuant to Wis. Stat. Ch. 66, Subchapter VII.

(2) Warning notice. When the Department finds that any person has violated or continues to violate any provisions of this Ordinance or any order issued hereunder, the Department may serve upon that person a written warning notice specifying the particular violation believed to have occurred and requesting the discharger to immediately investigate the matter and to seek a resolution whereby any offending charge will cease. Investigation and/or resolution of the matter in response to the warning notice does not relieve the alleged violator of liability for any violations occurring before or after receipt of the warning notice unless expressly made part of the resolution approved by the Department. Nothing in this Subsection shall limit the authority of the Department to take action, including emergency action or any other enforcement action, without first issuing a warning notice.

(3) Suspension due to illicit discharges in emergency situations. The Department may without prior notice suspend MS4 discharge access to a person when such suspension is necessary to stop a discharge which presents or may present imminent and substantial danger to the environment, or to the health or welfare of persons, or to the MS4 or waters of the State. If the violator fails to comply with a suspension order issued in an emergency, the Department may take such steps as deemed necessary to prevent or minimize damage to the MS4 or waters of the state, or to minimize danger to persons.

(4) Termination of access due to the detection of an illicit discharge.

(a) Any person discharging to the MS4 in violation of this Subchapter may have their MS4 access terminated if such termination would abate or reduce an illicit discharge. The Department will notify a violator of the proposed terminations of its MS4 access.

(b) A person commits an offense if the person reinstates MS4 access to premises terminated pursuant to this Subchapter without the prior approval of the Department.

75.34 APPEALS.

(1) Any person aggrieved by a decision made or violation issued according to this Subsection may appeal to the Board of Adjustments pursuant to Section 75.14.

- 2617
2618
2619
2620
2621
2622
2623
2624
2625
2626
2627
2628
2629
2630
2631
2632
2633
2634
2635
2636
2637
- (2) If the violation has not been corrected pursuant to the requirements set forth in the notice of violations or, in the event of an appeal, the decision of the Board of Adjustments, then representatives of the Department are authorized to enter upon the subject private property and authorized to take any and all measures necessary to abate the violation. It shall be unlawful for any person, owner, agent, or person in possession of any premises to refuse to allow the Department or contractor to enter upon the premises for the purposes set forth above.
- (3) Any person who has violated or continues to violate this Ordinance shall be liable to prosecution to the fullest extent of the law. In the event the alleged violator fails to take the remedial measures set forth in the notice of violation or otherwise fails to cure the violations described therein within the set time period specified by the Department, the Department may impose a penalty of at least Twenty-five Dollars (\$25.00) and up to One Thousand Dollars (\$1,000.00) for each day the violation remains unremediated after receipt of the notice of violation. Representatives of the Department may issue citations pursuant to Chapter 90 of this Code to enforce the provisions of this Subchapter.

2638 Section 2. Effective Date. The herein Ordinance shall take effect upon
2639 enactment.

2640 Respectfully submitted this 20th day of December, 2016.

2641
2642
2643 **PLANNING, RESOURCES, AGRICULTURE, AND EXTENSION COMMITTEE***
2644

2645
2646
2647 _____
Keith Abler, Chairperson

2648
2649 _____
Fran Damp, Vice-Chairperson

2650
2651 _____
Libby Ogea, Secretary

2652
2653 _____
Steven Bauer

2654
2655 _____
James Baumgart

2656
2657 _____
Opposed to Introduction:
2658 _____

2659 *County Board members signing only
2660

2661
2662 Countersigned by:
2663

2664
2665 _____
2666 Thomas Wegner, Chairperson
2667

2668
2669 R:\CLIENT\08299\00018\00100756.DOCX

November 14, 2016, draft

FISCAL NOTE
December 2016


Ordinance No. 10 (2016/17) Re: Repealing and Re-creating Chapter 70, Sanitary Regulations

Ordinance No. 11 (2016/17) Re: Repealing and Re-creating Chapter 75, Erosion Control and Stormwater Management Ordinance

Funding:

No additional funding is required.

Respectfully Submitted,



Wendy A. Charnon
December 14, 2016