

SHEBOYGAN COUNTY ORDINANCE NO. 05 (2009/10)

Re: **Amending Chapter 70, Sanitary Code**

** Printed as amended*

WHEREAS, Wis. Stat. § 59.70(5)(a) provides that counties that enact private sewage system regulation ordinances must have such ordinances conform to the provisions of the state plumbing code, and

WHEREAS, effective October 1, 2008, the Department of Commerce enacted various modifications to Wis. Admin. Code Ch. Comm 83, and

WHEREAS, Sheboygan County needs to amend its Sanitary Ordinance in order to conform to the changes in Comm 83, and

WHEREAS, pursuant to § Comm 83.03(5), the Ordinance proposed herein was submitted to the Department of Commerce for review on May 14, 2009, and

WHEREAS, pursuant to § Comm 83.03(5), a public hearing on the Ordinance proposed herein was held by the Planning, Resources, Agriculture and Extension Committee on June 11, 2009, and

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

Section 1. **Amending Chapter 70**. Chapter 70 of the Sheboygan County Code of Ordinances is hereby amended as follows (only those Sections or portions of Sections affected appear; highlighting indicating additions, strikethroughs indicating deletions):

70.03 DEFINITIONS.

Failing Private Sewage System. "Failing private sewage system" has the meaning specified under Wis. Stat. § 145.245(4). ~~A holding tank which discharges sewage to the ground surface, including intentional discharges caused by neglect, shall be considered a failing private sewage system.~~

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(1) and (5) which during the year preceding application for a sanitary permit produced gross farm profits as defined in Wis. Stat. § ~~91.09(11)(a)(3m)~~ **71.58(4)** of not less than Six Thousand Dollars (\$6,000.00) or which during the three (3) years preceding application produced gross farm profits, as defined in Wis. Stat. § ~~91.09(11)(a)(3m)~~ **71.58(4)** of not less than Eighteen Thousand Dollars (\$18,000.00), unless upon review of all appropriate financial statements, the County waives any or all of the above income limitations.

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.

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 ~~or from any addition alteration, or remodeling that exceeds twenty-five (25%) of the total gross area of the existing dwelling unit.~~ 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.

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

Private Sewage 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.

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).

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), Wis. Stat. chs. 444 and 145, ~~446-20~~ **281, 283**, and § 968.10; Wis. Admin. Code Chs. Comm 52.63, Comm 81, Comm 82, Comm 83, Comm 84, Comm 85, **Comm 87**, Comm 91, NR 113, and NR 116. These rules, regulations, and laws shall apply until amended or renumbered and then shall apply as amended or renumbered.

70.08 Deleted, but reserved.

70.09 (c) Any private sewage system or portions(s) thereof installed within a floodplain shall comply with all applicable requirements of Wis. Admin. Code Ch. NR 116 and the Sheboygan County Shoreland-Floodplain Ordinance, Chapter 72 ~~72~~ 73 of the General Code of Ordinances for Sheboygan County.

(d) ~~Installation of a holding tank is prohibited if any other type of private sewage system permitted by Wis. Admin. Code Ch. Comm 83 may be utilized.~~ The installation of a holding tank as a private sewage system for new residential structures is prohibited except as provided in Subsections (1) through (5), below.

~~A sanitary permit for the installation of a holding tank, or which designates a holding tank as a replacement system, shall not be issued unless a Soil and Site Evaluation determines that the property is unsuitable for any other type of system permitted by Wis. Admin. Code Ch. Comm 83 except as provided in (1) or (2) below.~~

(2) A holding tank may be installed to serve a use with a Design Wastewater Flow (DWF) of less than one hundred fifty (150) gallons per day. In addition to items required in Section 70.13 of this Code, an application for a sanitary permit to install a holding tank to serve a use with a DWF of less than one hundred fifty (150) gallons per day shall include a written statement from the property owner, agreeing to install another type of system if any change of occupancy or use occurs which results in a DWF which equals or exceeds one hundred fifty (150) gallons per day.

~~A. The property owner, agreeing to install another type of system if any change of occupancy or use occurs which results in a Design Wastewater Flow which equals or exceeds one hundred fifty (150) gallons per day.~~

~~(3) A holding tank may be installed to serve a seasonal use structure where it has been determined the only means of on-site treatment and disposal would require mechanical pretreatment and, based upon manufacturer's specifications, pretreatment will not function properly due to limited use. In addition to items required in Section 70.13 of this Code, an application for a sanitary permit to install a holding tank to serve a seasonal use structure shall include:~~

~~A. Written statement from the property owner agreeing to install an approved type of on-site treatment and disposal system if occupancy changes from seasonal to year-round use.~~

~~B. Information supporting claim that mechanical pretreatment units will not function properly due to proposed limited use.~~

~~(e) Furthermore, the installation and use of holding tanks for new residential structures is prohibited except as provided in Sections 70.09(d)(1)-(3) of this Code, and;~~

~~(43) New residential structures on farms as defined in Section 70.03 of this Code.~~

~~(24) New residential structures that are connected to a public collection system part of a sanitary district approved by or under the control of the local municipality and approved by the appropriate State agencies as set forth in this Ordinance.~~

~~(35) New residential structures constructed to replace an existing residential structure on property with an existing residential land use; provided the site meets one or more of the following:~~

~~C.2. Signed and notarized statement from past or present Town Zoning Administrator, Building Inspector, or Assessor Official who would have records or access to records supporting that property in question was used as a residence before May 17, 1983.~~

~~(e) Holding tanks are prohibited for a use as a replacement private sewage system for an existing residential structure unless a current Soil Evaluation Report determines the site is not suitable for the installation of a private sewage system that provides onsite treatment and disposal of domestic wastewater except as provided in Subsection 70.09(d)(1)-(4), above.~~

~~(f) The installation and use of holding tanks as a private sewage system for public buildings are permitted regardless if there is a suitable site that allows for the installation of a private sewage system that provides onsite treatment and disposal of domestic wastewater. In addition to complying with all applicable provisions of the Wisconsin Administrative Code, the holding tank installation shall comply with the following:~~

~~(1) Influent flows to the holding tank(s) shall be metered in accordance with Wis. Admin. Code Ch. 83.54(2)(d). The water meter shall include a remote reading device for each meter. The remote reader(s) shall be mounted in a conspicuous location on the exterior of the building(s) served by the holding tank(s) and shall have a numerical display of gallons used to the nearest 100 gallons.~~

(2) Inspection, evaluation, maintenance, and servicing reports, including water meter readings, shall be submitted to the Department within thirty (30) calendar days from the date of inspection, evaluation, maintenance, or servicing.

(fg) When a failing private sewage system is identified, it shall be brought into compliance with current code requirements, replaced with a code-compliant system, or its use discontinued within that period of time required by Department order, but not to exceed one (1) year.

70.10 (a) When public sewers approved by the Department of Natural Resources become available to the structure or premises served, the private sewage system shall be disconnected and abandoned in accordance with the provisions of Wis. Admin. Code Ch. Comm 83 within one (1) year and a connection made to the public sewer. Determination of whether sewer is available shall be made by the local sewer service entity.

~~Abandonment of the disconnected private sewage system shall be done in accordance with the provisions of Wis. Admin. Code Ch. Comm 83.~~

(b) Within thirty (30) days after completion of the abandonment, the appropriate permit application form and fee shall be submitted to the Department for issuance of an abandonment permit a Private Sewage System Abandonment Permit.

70.11 (c) Department verification of a Soil and Site Evaluation Report may be necessary to determine the suitability of a lot for a private sewage system. This verification will be made at the discretion of the Department and will be made prior to the issuance of the sanitary permit. This verification will result in one of the following:

(d) A certified soil tester may request Department verification of a Soil and Site Evaluation Report before a complete sanitary permit application is submitted.

~~70.12 (d) A County Sanitary Permit shall be obtained prior to constructing or installing a non-plumbing sanitation system.~~

~~(e) If any part of a private sewage system has failed or requires replacement or modification, the entire system shall be evaluated for compliance with existing codes prior to sanitary permit issuance. This shall include a soil and site evaluation for those components that utilize in situ soil for treatment or dispersal, unless a valid report is already on file with the Department.~~

~~If any part of the system is found to be defective or not in conformance with the applicable provisions of this Ordinance, the~~

~~sanitary permit application shall include specifications for the repair, renovation, replacement, or removal of that part.~~

~~(f) Prior to issuance of a sanitary permit for a new or replacement private sewage system, other existing private sewage systems located on the same parcel shall be evaluated for Code compliance by submitting information specified in Sections 70.20(c)(2)-(5) of this Code. If the system is found to be non-code compliant, a sanitary permit shall be obtained to replace the subject system or otherwise bring it into compliance.~~

(d) If any part of the private sewage system has failed or requires replacement or modification, a new sanitary permit shall be obtained and the remainder of the system shall be evaluated for compliance with codes in effect at the time the system was originally installed prior to the issuance of the new sanitary permit. The new sanitary permit application shall include specifications for the modification, replacement, alteration, or addition of the private sewage system, and a Soil Evaluation Report for those components that utilize soil for treatment or dispersal, unless a report acceptable to the Department is already on file with the Department.

(e) Any other existing private sewage systems located on the same parcel on which a sanitary permit has been issued for a new private sewage system or replacement or repair of an existing system shall be evaluated for compliance with the Codes in effect at the time the system was originally installed by submitting information specified in Sections 70.20(c)(2)-(5) of this Code within thirty (30) calendar days of permit issuance. If the system is found to be non-code compliant, a sanitary permit shall be obtained to replace the subject system or otherwise bring it into compliance.

- 70.13 (a) (5) Soil and Site Evaluation report.
- (d) (1) Maintenance agreements or contract POWTS agreements, when recording is required by Wis. Admin. Code Ch. Comm 83 or Section 70.34 of this Code.
- (e) The Department reserves the right to require Floodplain and/or Wetland delineation for a building site or proposed private sewage system area prior to sanitary permit issuance. The Department may require elevations on plans to be tied to floodplain elevation datum.

- 70.14 (a) Plans submitted to the Department shall include the **original** and ~~as many copies as are required by the Department~~ **two (2) copies**.
- (c) (3) A detailed plot plan (site plan), dimensioned or drawn to scale, on paper no smaller than 8-1/2 inches by 11 inches

in size. The plot plan shall delineate the lot size and the location of all existing and proposed: private sewage system components; building sewers; private interceptor main sewers; wells; water mains or water services; buildings; lot lines; swimming pools; navigable waters; and the benchmark established on the Soil and Site Evaluation Report. Adjoining properties shall be checked to ~~insure~~ ensure that the horizontal setback parameters in Wis. Admin. Code Ch. Comm 83.43 are complied with. All separating distances and dimensions shall be clearly shown on the plot plan.

- (5) A description of a contingency plan in the event the proposed private sewage system fails and cannot be repaired. [See Section ~~70.09(d)~~ 70.09(e) of this Code.]

70.16 (a) ~~Any sanitary permit for a private sewage system or non-plumbing sanitation system which has not been installed, modified, or reconnected and approved shall expire two (2) years after the date of issuance. Permits may be renewed following written application to the Department by the property owner, their agent or contractor, prior to the expiration date of the original permit.~~

70.17 (a) ~~The applicable State transfer form shall submitted to the Department.~~ A new sanitary permit application bearing the name of the new owner and indicating the transfer of ownership shall be submitted to the Department.

70.18 (a) ~~When an owner wishes to change plumbers, it will be necessary for the owner to furnish the Department with the applicable transfer form signed by the new plumber~~ a new sanitary permit application signed by the new plumber and indicating the change of plumber shall be submitted to the Department.

70.20 (a) A Sheboygan County reconnection permit Sanitary Permit shall be obtained prior to:

- (3) Rebuilding a structure that is connected to a private sewage system; or

- (4) Renovation of an existing unplumbed building if the renovation includes installation of plumbing fixtures that require connection to an existing private sewage system;

- (5) Construction or installation of a non-plumbing sanitation system; or

- (6) Replacement or repair of piping other than distribution piping, e.g. building sewer, gravity effluent line, or force-main piping.

- (b) Prior to issuing a ~~reconnection permit~~ Sheboygan County Sanitary Permit, the existing private sewage system shall be examined to:
- (c) Application for a Sheboygan County ~~reconnection permit~~ Sanitary Permit shall include the following:
- (2) For all systems that utilize ~~in-situ~~ soil for treatment or disposal, a ~~Soil and Site Evaluation report~~ Soil Evaluation Report verifying that the infiltrative surface of the existing treatment or dispersal component is at least ~~thirty-six inches (36")~~ two feet (2') above groundwater or bedrock for systems installed prior to December 1, 1969, and at least three feet (3') above ~~the estimated high~~ groundwater elevation and or bedrock for systems installed on or after December 1, 1969, unless a valid report meeting these criteria is on file with the Department or a lesser separation is allowed by Wis. Admin. Code Ch. Comm 83;
 - (3) A report provided by a licensed plumber, certified septage servicing operator ~~or a POWTS~~, private sewage system inspector, or other person(s) authorized to do so by Wis. Admin. Code Ch. Comm 83 relative to the condition, capacities, baffles, and manhole covers for any existing treatment or holding tanks;
 - (4) A report provided by a licensed plumber ~~or POWTS~~, private sewage system inspector, or other person(s) authorized to do so by Wis. Admin. Code Ch. Comm 83 relative to the condition and capacities of all other system components and verifying that the system is not a failing system;
 - (5) A plot plan prepared by a plumber or other person(s) authorized to do so by Wis. Admin. Code Ch. Comm 83 including information specified in Section 70.14(d)(3) of this Code; and
 - (8) Reconnection to an existing system other than a holding tank may require a new maintenance agreement or servicing contract;
 - (9) 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.
- ~~(e) When reconnection to an undersized system is permitted by Wis. Admin. Code Chs. Comm 83 and 84, an affidavit for the use of the undersized system must be recorded in the Register of Deeds' office.~~

(f)(e) All systems shall be inspected at the time of reconnection, prior to backfilling, to ensure that proper materials and methods are being used.

70.21 (b) (4) 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.

~~(c) If the existing private sewage system is found to be undersized, construction of the building addition or modification shall be allowed only if permitted by Comm 83 and Comm 84, Wisconsin Administrative Code, and an affidavit for the use of the undersized system is recorded in the Register of Deeds Office.~~

(dc) Any installation, addition, or modification of a system must be completed and accepted before the addition or modified area of the structure may be occupied.

70.23 FEES. Fees shall be as follows.

- (a) State Sanitary Permits
- (1) Conventional private sewage system (with or without use of A.T.U.)\$300.00
 - (2) In-ground Pressure private sewage system (with or without use of A.T.U.)\$350.00
 - (3) Holding tank\$450.00
 - (4) Systems other than (1)-(3) above and recognized in Wis. Admin. Code Ch. Comm 83.61 (i.e., mounds, at grades, sand filters).....\$625.00
 - (5) Replacement or addition of treatment tank, pump tank, A.T.U., or dispersal systems requiring State approval \$200.00
 - (6) Systems not recognized in Wis. Admin. Code Ch. Comm 83.61 and Experimental systems.....\$650.00
- (b) County Sanitary Permits
- (1) Non-plumbing sanitary systems\$200.00
 - (2) Reconnection permits\$200.00
 - (3) Replacement of piping other than distribution/dispersal piping (i.e., building sewer, effluent line, forcemain) \$200.00
- (c) Septic tank abandonment permits\$30.00

70.23 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.

(da) Refunds. At the discretion of the Department, After after a sanitary permit has been issued, the fee or a portion thereof shall 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 of the following:

~~(1) Written request for refund signed by permit holder and explaining reason for refund request; fee will be refunded to party that originally paid.~~

(eb) New fees. If a new fee is imposed or if a fee is increased before an application has been completed or a permit issued, the new fee or fee increase shall apply to the application and shall be paid before the permit is issued.

~~(1) The balance of the new fee shall be paid before the sanitary permit may be issued for any incomplete applications on file on the date the new fees become effective.~~

~~(f) Wisconsin Fund Grant application fee.....\$100.00~~

~~(g) In addition to the foregoing fees as allowed by Wis. Stat. § 145.20(4), each owner of a Private On-site Wastewater Treatment System (POWTS) shall annually be charged a fee of Seven and 50/100 Dollars (\$7.50) per POWTS for the record keeping 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.~~

**(c) In addition to the foregoing fees as allowed by Wis. Stat. § 145.20(4), each owner of a Private On-site Wastewater Treatment System (POWTS) shall annually be charged a fee of Seven and 50/100 Dollars (\$7.50) per POWTS for the record keeping 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.*

70.24 (b) These private sewage systems shall be inspected by the Department for compliance with Wis. Admin. Code Chs. Comm 82, Comm 83, and Comm 84, and ~~Comm 91~~ all other appropriate Wisconsin Statutes, Administrative Codes, and this Ordinance.

70.27 (b) Mound systems shall may be inspected prior to the time the ground surface is plowed, 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.

70.28 (b) At-grade systems shall may be inspected prior to the time the ground surface is plowed, at the time the distribution piping installation has been completed, and after all work has been completed but prior to backfilling. At least one (1) inspection prior to completion is required.

70.29 (b) Sand filters shall may be inspected at the time the liner or tank and underdrain 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.

70.30 EXPERIMENTAL SYSTEMS AND SYSTEMS NOT RECOGNIZED BY WIS. ADMIN. CODE CH. COMM ~~83.64~~ 83.60.

70.32 (b) The property owner or the owner's agent shall report to the Department each inspection, maintenance, or servicing event, in accordance with Wis. Admin. Code Ch. Comm 83 and this Ordinance.

(c) 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.

(d) The property owner or the owner's agent shall submit a new or revised maintenance agreement and/or maintenance servicing contract to the Department whenever there is a change to such document(s).

(e) The property owner or the owner's agent shall submit a new maintenance agreement and/or maintenance servicing contract to the Department prior to expiration of any existing maintenance agreement and/or maintenance servicing contract.

(f) The owner of a private sewage system is responsible for fulfillment of the requirements of this Section.

70.33 ~~SEPTIC TANK~~ PRIVATE SEWAGE SYSTEM MAINTENANCE PROGRAM.

(a) ~~All septic tanks permitted and installed on or after October 23, 1984, shall be visually inspected and pumped within three (3) years of the date of installation and at least once every three (3) years thereafter.~~ Private sewage systems shall be visually inspected within three (3) years of the date of installation and at least once every three (3) years thereafter. If the inspection reveals combined sludge and scum volume greater than or equal to one-third (1/3) of the volume of the tank, the tanks associated with the private sewage system shall be pumped.

- (b) ~~If, upon inspection, it is determined less than one-third (1/3) of the volume of the septic tank is occupied by sludge and scum, pumping and/or inspection may be deferred for one (1) year.~~ The inspection, evaluation, or maintenance of private sewage system treatment components which require maintenance at intervals of less than twelve (12) months shall be conducted in accordance with the requirements specified by the manufacturer or designer of the component.
- (c) Servicing of holding tank private sewage systems shall occur at least when the wastewater in the tank reaches a level of one foot (1') below the inlet invert of the tank(s).
- (d) Holding tanks that are not serviced on a regular basis due to minimal water usage in the structure served by the holding tank shall be visually inspected within three (3) years of the date of installation and at least once every three (3) years thereafter. The visual inspection shall be completed by a licensed pumper, plumber, or other person authorized to do so by the Wisconsin Statutes and the Wisconsin Administrative Code. Within thirty (30) calendar days of completing said inspection, the owner of the holding tank shall furnish the Department with inspecting person's report which details the condition of the tank, whether sewage is ponding on the ground surface, and the date of the inspection.
- (ee) Pumping of ~~a septic tanks~~ associated with a private sewage system shall be done by a certified septage servicing operator in accordance with Wis. Admin. Code Ch. NR 113.
- (f) Any holding tank which discharges sewage to the ground surface, including intentional discharges and discharges caused by neglect, shall be considered as a failing private sewage system which will need to be remediated to remain in compliance with the requirements of the State Code and this Ordinance.
- (dg) Visual inspection of a private sewage system may be conducted by a plumber, a person licensed under Wis. Stat. § 281.48, or ~~by an authorized County or state employee~~ other person(s) authorized to do so by Wis. Admin. Code Ch. Comm 83 to determine the condition of the tank and whether wastewater or effluent from the ~~POWTS~~ private sewage system is ponding on the ground surface.
- (eh) The owner of such ~~septic tank~~ private sewage system shall furnish the Department with ~~a copy of~~ the inspection report verifying the condition of the tank, whether wastewater or effluent from the ~~POWTS~~ private sewage system is ponding on the ground surface and the date of ~~pumping~~ maintenance of the tank components, within ~~ten (10)~~ thirty (30) calendar days of the date of inspection and/or pumping. Reports shall include all information required in

Wis. Admin. Code Ch. Comm 83.55 and be signed by the person(s) inspecting and/or pumping the private sewage system. Other maintenance or management reports required by Wis. Admin. Code Ch. 83 or 84 should be included with this report.

- (i) Inspection, maintenance, servicing, and/or pumping of private sewage components shall be reported in a manner as prescribed by the Department. Where applicable, reporting shall be done using forms supplied by the Department. The original report bearing the original signature of the person authorized by State statutes and/or the Wisconsin Administrative Code to do the work shall be submitted to the Department within thirty (30) days of the date of inspection, maintenance, servicing, and/or pumping.

70.36 BOARD OF ADJUSTMENTS. Any person who alleges that there is an error in any order, requirement, or decision made in the enforcement of this Ordinance may appeal to the Board of Adjustments as provided in Chapter 76 (Board of Adjustments) of this Code. Any appeal shall be made on forms furnished by the Department within thirty (30) days of the date of that administrative action. Any person who wants a variance from the terms of this Ordinance for any provision which is more restrictive than the minimum standards required by the Wisconsin Department of Commerce may seek a variance from the Board of Adjustments pursuant to Chapter 76 of this Code. Any requests for variance should be made on forms furnished by the Department within thirty (30) days of the date of the administrative determination from which the person seeks the variance. Other substantiating evidence will be accepted.

70.38 VIOLATIONS AND PENALTIES. Any violations of the provisions of this Ordinance or any obstruction of an employee of the County in the reasonable and proper discharge of their duties, by any person shall be unlawful and shall may be forwarded to the appropriate authority Corporation Counsel who shall expeditiously prosecute all such violators. A violator shall, upon conviction, forfeit to Sheboygan County a penalty of not less than Twenty Dollars (\$20.00) nor more than Two Thousand Dollars (\$2,000.00) for each offense, together with the cost of prosecution, and in default of the payments of such forfeiture and costs, shall be imprisoned in the County Jail of Sheboygan County until such forfeiture and costs are paid but not to exceed thirty (30) days. In addition thereto, every violation of the Ordinance is a public nuisance, and the creation thereof or the continuation thereof is subject to injunctive relief for abatement as part of the prosecution of the violation by the Corporation Counsel or by suit of the State or any aggrieved citizen thereof.

In lieu of forwarding the subject violation to the District Attorney or Corporation Counsel for prosecution, the Department may, pursuant to Chapter 90.06 of the Sheboygan County Code of Ordinances, 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. ~~Every violation of this Ordinance is a public nuisance and the creation thereof may be enjoined and the maintenance thereof may be abated by action at the suit of Sheboygan County, the State, or any citizen thereof.~~

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

Respectfully submitted this 16th day of June, 2009.

PLANNING, RESOURCES, AGRICULTURE, AND EXTENSION COMMITTEE*

Jacob Van Dixhorn
Jacob Van Dixhorn, Chairperson

Keith Abler
Keith Abler, Vice-Chairperson

Michael S. Ogea, Secretary

James Baumgart
James Baumgart

Al Bosman
Al Bosman

ENACTED 07.21.2009

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