

**NOTICE OF MEETING**

**SHEBOYGAN COUNTY BOARD OF SUPERVISORS**

Sheboygan County Courthouse  
615 North 6<sup>th</sup> Street, 5<sup>th</sup> Floor  
Sheboygan WI

**TUESDAY, JANUARY 17, 2017 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 DECEMBER 20, 2016 JOURNAL**

**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.*

**\*POSTED\***  
**01.13.17**  
**10:00 AM**

**CONSIDERATION OF COMMITTEE REPORTS - EXECUTIVE COMMITTEE**

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

**Committee Recommendation: Enact**  
**Signed in Opposition: None**

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

**Committee Recommendation: Enact**  
**Signed in Opposition: None**

**RESOLUTIONS INTRODUCED**

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

**Resolution No. 30 (2016/17)** (From Finance Committee)  
Re: Carryover of Unexpended 2016 Appropriations to 2017

**Resolution No. 31 (2016/17)** (From Planning, Resources, Agriculture & Extension Committee)  
Re: Participating in Snowmobile Aids Program – 2017/18

**ORDINANCES INTRODUCED – NONE**

**ADJOURNMENT**

Respectfully submitted this 13<sup>th</sup> day of January, 2017.

  
\_\_\_\_\_  
JON DOLSON, COUNTY CLERK

**NOTES:**

**Reminder:** Expense sheets for the period ending January 15, 2017 are due in the County Clerk's Office no later than Tuesday, January 17, 2017.

The Legislative Breakfast will be held on February 13, 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.

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**

**December 20, 2016**

Pursuant to Wis. Stat. § 59.11, the December 20, 2016 session of the Sheboygan County Board was called to order by Chairperson Thomas Wegner at 6:00 p.m. Chairperson Wegner noted that the notice of meeting was posted on December 16, 2016 at 12:30 p.m. in compliance with the open meeting law. The meeting opened with the Pledge of Allegiance by all present led by Everett Poth of Boy Scout Troop 851 from Plymouth.

The roll call was taken and recorded with 23 Supervisors present; Absent: 2, Supervisors Ogea, and Weggeman.

**Supervisor Winkel moved for approval of the November 1, 2016 Journal, which was distributed to all supervisors prior to the meeting.** The motion was seconded by Supervisor Glavan and carried on unanimous roll call vote of the board.

**APPOINTMENTS**

The Chairperson announced that the next order of business was the consideration of the appointments by the Chairperson.

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

William Goehring (*Representing – County Board*)

Kathie Norman (*Representing – Resource Library Board*)

Tom Doane (*Representing – Participating Library Board*)

Wendy Schobert (*Representing – Member at Large*)

**Veterans Service Commission (Re-appointment)**

David Williams

**Supervisor Glavan moved to concur with the appointments.** The motion was seconded by Supervisor Te Stroete and carried on unanimous roll call vote of the board.

The Chairperson announced that the next order of business was the consideration of the appointments by the County Administrator.

**Airport Advisory Committee**

Mindy Smith (*Representing – Fixed Base Operator*)

**Communications Council**

Daniel Althaus (*Representing – Private Ambulance Service*)

**Emergency Medical Services (EMS) Council**

Daniel Althaus (*Representing – Private Ambulance Service*)

**Local Emergency Planning Committee**

Daniel Althaus (*Representing – First Aid*)

**Supervisor Uraynar moved to concur with the appointments from the County Administrator.** The motion was seconded by Supervisor Winkel and carried on unanimous roll call vote of the board.

## **PRESENTATIONS - NONE**

### **LETTERS AND COMMUNICATIONS**

The Clerk presented a resolution from the Marinette County Board of Supervisors requesting the state legislature to enact legislation authorizing counties to impose up to .1% sales tax exclusively for economic development, tourism and infrastructure. By Chairperson referred to the Finance Committee.

### **COUNTY ADMINISTRATOR'S REPORT**

County Administrator Adam Payne acknowledged Supervisor Goehring for the article he wrote for The Sounder entitled "County accomplished Much in 2016". Mr. Payne recognized Finance Director Wendy Charnon and her staff for Sheboygan County receiving the Certificate of Achievement for Excellence in Financial Reporting for a third consecutive year. Mr. Payne, along with Chairperson Wegner and Vice Chairperson Marthenze recognized Ellen Schleicher and Greg Schnell for 10 years, and Jim TeBeest for 15 years, of consecutive dedicated service to Sheboygan County. Finally, Mr. Payne then introduced Greg Schnell, and Supervisor Keith Abler, who entertained everyone singing two holiday songs.

### **COMMITTEE REPORTS**

The Clerk read the report of the Executive Committee regarding **Ordinance No. 08 (2016/17) Modifying Taylor Park Regulations** recommending enactment.

**Supervisor Goehring moved to enact the ordinance.** The motion was seconded by Supervisor Te Stroete and carried on unanimous roll call vote of the board.

The Clerk read the report of the Executive Committee regarding **Ordinance No. 09 (2016/17) Amending Library System Provisions to Reflect Merger** recommending enactment.

**Supervisor Goehring moved to enact the ordinance.** Supervisor Uraynar 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 ordinances were introduced by the Clerk and referred by the Vice-Chairperson as indicated:

**Ordinance No. 10 (2016/17) Re: Repealing and Re-creating Chapter 70, Sanitary Regulations** referred to the Executive Committee.

**Ordinance No. 11 (2016/17) Re: Repealing and Re-creating Chapter 75, Erosion Control and Stormwater Management Ordinance** 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 6:33 p.m. The next scheduled meeting is Tuesday, January 17, 2017 at 6:00 p.m.

1 SHEBOYGAN COUNTY ORDINANCE NO. 10 (2016/17)

2  
3 Re: Repealing and Re-creating Chapter 70, Sanitary Regulations

4  
5  
6 WHEREAS, Wis. Stat. § 59.70(5)(a) provides that counties that enact private sewage system  
7 regulation ordinances must have such ordinances conform to the provisions of the state plumbing  
8 code, and

9  
10 WHEREAS, effective January 1, 2012, Wis. Admin. Code Ch. Comm 83 was renumbered as  
11 Wis. Admin. Code Ch. SPS 383, and

12  
13 WHEREAS, consistent with these requirements, Sheboygan County has made proposed  
14 modifications to its Sanitary Regulations as set forth hereafter, and

15  
16 WHEREAS, Sheboygan County has held a public hearing on December 13, 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 70. Chapter 70 of the  
23 Sheboygan County Code of Ordinances is hereby repealed and re-created as follows:

24  
25 70.01 STATUTORY AUTHORITY. This Ordinance is adopted pursuant to the authorization in Wis.  
26 Stat. §§ 59.70(1), 59.70(5), 145.04, 145.19, 145.20, and 145.245.

27  
28 70.02 PURPOSE. This Ordinance is adopted to promote and protect public health and safety by  
29 assuring the proper siting, design, installation, inspection, management, and maintenance of  
30 private sewage systems.

31  
32 70.03 DEFINITIONS. The following terms shall have the meanings indicated in this Section.

33  
34 A.T.U. Aerobic Treatment Unit.

35  
36 Buildings. See Structure.

37  
38 Conventional Private Sewage System. A private sewage system consisting of a septic  
39 tank and an in-ground soil absorption component with gravity distribution of effluent.

40  
41 Committee: The Sheboygan County Board of Supervisors Liaison Committee which has  
42 jurisdiction over the Department.

43  
44 County Sanitary Permit. A permit issued by the Department for the reconnection of a  
45 private sewage system or for the installation of a non-plumbing sanitation system or for the  
46 replacement of piping associated with a private sewage system, pursuant to Wis. Stat. §§  
47 59.70 and 145.04.

48  
49 Department. The Sheboygan County Planning & Conservation Department, employing a  
50 full-time director and his/her duly appointed professional planning and zoning staff, charged  
51 with the duties of administering this Ordinance and other planning and zoning legislation.

52 **Failing Private Sewage System.** "Failing private sewage system" has the meaning  
53 specified under Wis. Stat. § 145.245(4).  
54

55 **Farm.** "Farm" means a parcel of thirty-five (35) or more contiguous acres of land devoted  
56 primarily to agricultural use, as defined in Wis. Stat. § 91.01(2).  
57

58 **Flows and Loads Affidavit.** A document in a form approved by the Department appropriate  
59 for recording with the Office of the Sheboygan County Register of Deeds required when  
60 basing wastewater flow to a private sewage system upon per capita occupancy or usage of  
61 the structure served by the private sewage system.  
62

63 **Human Habitation.** The act of occupying a structure as a dwelling or sleeping place,  
64 whether intermittently or as a principal residence.  
65

66 **Licensed Individual.** A licensed plumber, certified septage servicing operator, or private  
67 sewage system inspector authorized to inspect, evaluate, maintain, or service a private  
68 sewage system.  
69

70 **Modification in Wastewater Flow or Contaminant Load.** A modification in wastewater  
71 flow or contaminant load shall be considered to occur.  
72

73 In public buildings, facilities or places of employment, when there is a proposed change in  
74 occupancy of the structure; or the proposed modification affects either the type or number of  
75 plumbing appliances, fixtures, or devices discharging to the system; and In dwellings, when  
76 there is an increase or decrease in the number of bedrooms. Modified wastewater load in  
77 dwellings does not result from construction of garages, open air/unenclosed decks, patios, or  
78 porches; re-roofing; painting; wiring; re-siding; or replacement of windows, floor coverings,  
79 equipment, appliances, or cabinets.

80  
81 **Non-plumbing Sanitation System.** Sanitation systems and devices within the scope of  
82 Wis. Admin. Code Ch. SPS 391 which are alternatives to water carried waste plumbing  
83 fixtures and drain systems; including, but not limited to, incinerating toilets, composting  
84 toilets, and privies.  
85

86 **Plumber.** A person licensed by the State as a Master Plumber or Master  
87 Plumber-Restricted Service.  
88

89 **Pre-treatment.** A system component designed to pre-treat sewage effluent prior to final  
90 discharge of the waste to the disposal component.  
91

92 **Private Sewage System.** Also referred to as a "Private On-Site Wastewater Treatment  
93 System" or "POWTS," has the meaning given under Wis. Stat. § 145.01(12).  
94

95 **Septic System Abandonment Permit.** A permit issued by the Department for the  
96 abandonment of a private sewage system upon connection of the property to public sewer or  
97 when the use of the private sewage system has been discontinued.  
98

99 **Privy.** An enclosed non-portable toilet into which non-water-carried human wastes are  
100 deposited.  
101

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

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**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 (2) When any official State action is required prior to the issuance of a sanitary permit,  
356 an original copy of the official action shall accompany the application.  
357
- 358 (3) Pit privy permit applications shall be accompanied by soil data provided by a  
359 Certified Soil Tester to determine compliance with Wis. Admin. Code Ch. SPS 391.  
360
- 361 (4) The following documents must be recorded with the Sheboygan County Register of  
362 Deeds prior to sanitary permit issuance:  
363
- 364 (a) Maintenance agreements or POWTS agreements, when recording is  
365 required by Wis. Admin. Code Ch. SPS 383 or this Code.  
366
- 367 (b) When a private sewage system or parts thereof are located on a separate  
368 parcel of ownership than the structure served, an appropriate easement must  
369 be recorded.  
370
- 371 (c) When a private sewage system serves more than one structure under  
372 different ownership, a document identifying all parties that have ownership  
373 rights and are responsible for the operation and maintenance of the private  
374 sewage system must be recorded.  
375
- 376 (d) When the design wastewater flow of a private sewage system for a dwelling  
377 is not based upon the number of bedrooms within the dwelling, a deed  
378 restriction limiting occupancy to that used in the design must be recorded.  
379
- 380 (5) The Department reserves the right to require a floodplain and/or wetland delineation  
381 for a proposed private sewage system area prior to sanitary permit issuance. The  
382 Department may require elevations on plans to be tied to floodplain elevation datum  
383 using NAVD 88 (North American Vertical Datum 88)  
384
- 385 (6) The Department reserves the right to refuse incomplete or incorrect permit  
386 applications or to delay permit issuance until corrected or completed applications are  
387 received.  
388
- 389 70.13 PLANS. System plans shall be submitted for approval to the Department or to the State in  
390 accordance with Wis. Admin. Code Ch. SPS 383. Plans shall comply with the requirements  
391 of Wis. Admin. Code Ch. SPS 383 and this Ordinance.  
392
- 393 (1) Plans submitted to the Department shall include the original and two (2) copies.  
394
- 395 (2) When plans are reviewed and approved by the State, at least two (2) sets of the  
396 plans submitted to the Department shall bear an original State approval stamp or  
397 seal.  
398
- 399 (3) Plans submitted shall be clear, legible, and permanent copies.  
400
- 401 (4) Plans submitted shall comply with Wis. Admin. Code Ch. SPS 383 and include the  
402 following:  
403
- 404 (a) The name of the property owner and the legal description of the site;  
405

- 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.



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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.

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- (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.
- 719 70.29 EXPERIMENTAL SYSTEMS AND SYSTEMS NOT RECOGNIZED BY WIS. ADMIN. CODE  
720 § SPS 383.60.  
721
- (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.
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- 733 70.30 TESTING.  
734
- (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.
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- 748 70.31 MAINTENANCE AND MANAGEMENT.  
749
- (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.
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- 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  
832 (2) Advise applicants concerning the provisions of this Ordinance and assist them in  
833 preparing permit applications.  
834  
835 (3) Review and approve plans for private sewage systems for one- and two-family  
836 residences or as approved through agent status by the State.  
837  
838 (4) Issue sanitary permits and inspect properties for compliance with this Ordinance and  
839 related Wisconsin Statutes and the Administrative Code.  
840  
841 (5) Keep records of all sanitary permits issued, inspections made, work approved, and  
842 other official actions.  
843  
844 (6) Report violations of this Ordinance to the District Attorney or Corporation Counsel for  
845 prosecution.  
846  
847 (7) Have access to any premises for the purpose of performing official duties between 8  
848 AM and 8 PM or at other times set by mutual agreement between the property owner  
849 or his agent and the Department or upon issuance of a special inspection warrant in  
850 accordance with Wis. Stat. § 66.0119. Application for a sanitary permit is considered  
851 for the purposes of this Ordinance as the owner's consent to enter the premises.  
852  
853 (8) Upon reasonable cause or question as to proper compliance, revoke or suspend any  
854 sanitary permit and issue cease and desist orders per Wis. Stat. § 254.59(2)  
855 requiring the cessation of any construction, alteration or use of a building which is in  
856 violation of the provisions of this Ordinance, until compliance with this Ordinance or  
857 applicable Wisconsin Statutes and the Administrative Code is obtained.  
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,  
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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.

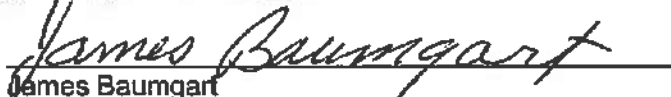
**PLANNING, RESOURCES, AGRICULTURE,  
AND EXTENSION COMMITTEE**

  
\_\_\_\_\_  
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**

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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  
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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  
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16                 **WHEREAS**, Sheboygan County has held a public hearing on November 8, 2016, in which  
17 the proposed changes were presented to the public  
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19                 **NOW, THEREFORE**, the County Board of Supervisors of the County of Sheboygan does  
20 ordain as follows:

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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

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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.  
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36                     (2)    The provisions of this Ordinance are deemed not to limit any other lawful  
37 regulatory powers of the County Board.  
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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.  
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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:  
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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.  
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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.

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**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.

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- (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, it 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.

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- (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

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

- 269 and that a lower level of performance is appropriate. In making the  
270 assertion that a performance standard is not achievable and that a level  
271 of performance different from the performance standard is the **maximum**  
272 **extent practicable**, the responsible party shall take into account the best  
273 available technology, cost-effectiveness, geographic features, and other  
274 competing interests such as protection of public safety and welfare  
275 protection of endangered and threatened resources, and preservation of  
276 historic properties.
- 277
- 278 (39) **Municipal separate storm sewer system (MS4)** means a conveyance  
279 or system of conveyance including roads with drainage systems,  
280 municipal streets, catch basins, curbs, gutters, ditches, constructed  
281 channels, or storm drains which meet all of the following criteria:  
282
- 283 (a) Owned or operated by a municipality;  
284 (b) Designed or used for collecting or conveying stormwater;  
285 (c) Which is not a combined sewer conveying both sanitary and  
286 storm water; and  
287 (d) Which is not part of a publicly-owned wastewater treatment  
288 works that provides secondary or more stringent treatment.
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- 290 (40) **Navigable waters or navigable waterway** means any body of water  
291 which is navigable under the laws of this State.
- 292
- 293 (41) **New development** means development resulting from the conversion of  
294 previously undeveloped land or agricultural land uses.
- 295
- 296 (42) **Non-stormwater discharge** means any discharge into the MS4 that is  
297 not composed entirely of stormwater.
- 298
- 299 (43) **Off-site** means located outside the property boundary described in the  
300 permit application.
- 301
- 302 (44) **On-site** means located within the property boundary described in the  
303 permit application.
- 304
- 305 (45) **Ordinary high water mark** has the meaning given in Wis. Admin. Code  
306 § NR 115.03(6).
- 307
- 308 (46) **Outfall** means the point at which stormwater is discharged to waters of  
309 the state or to a storm sewer.
- 310
- 311 (47) **Outstanding resource waters** means waters listed in Wis. Admin. Code  
312 § NR 102.10.
- 313
- 314 (48) **Owner** means any person holding fee title, an easement, or other  
315 interest in property.
- 316
- 317 (49) **Percent fines** means the percentage of a given sample of soil which  
318 passes through a #200 sieve.
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- 320 (50) **Perennial stream** has the meaning as identified on a United States  
321 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 a  
415 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.  
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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.  
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- (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  
 509 (1) Further the maintenance of safe and healthy conditions.  
 510 (2) Prevent and control soil erosion and water pollution.  
 511 (3) Protect spawning grounds, fish, and aquatic life.  
 512 (4) Control building sites, placement of structures, and land uses.  
 513 (5) Preserve ground cover and scenic beauty.  
 514 (6) Promote sound economic growth.  
 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.  
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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.

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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.

663 Projects that require the placement of these materials in waters  
664 of the State such as BMP installation are not prohibited by this  
665 Subsection.  
666

- 667 (4) PREVENTATIVE MEASURES. The plan shall incorporate all of the  
668 following:  
669  
670 (a) Maintenance of existing vegetation especially adjacent to surface  
671 waters whenever possible;  
672  
673 (b) Minimization of soil compaction and preservation of topsoil;  
674  
675 (c) Minimization of land-disturbing construction activity on slopes of  
676 twenty percent (20%) or more; and  
677  
678 (d) Development of spill prevention and response procedures if  
679 applicable.  
680
- 681 (5) LOCATION. The BMPs used to comply with this Section shall be located  
682 prior to runoff entering regulatory wetlands, waters of the State, or other  
683 natural resources as determined by the Department.  
684
- 685 (6) IMPLEMENTATION. The BMPs used to comply with this Section shall  
686 be implemented as follows:  
687  
688 (a) Erosion and sediment control practices shall be constructed or  
689 installed before land-disturbing construction activities begin in  
690 accordance with the plan developed.  
691  
692 (b) Erosion and sediment control practices shall be maintained until  
693 final stabilization.  
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- (c) Temporary stabilization activity shall commence when land-disturbing construction activities have temporarily ceased and will not resume for a period exceeding fourteen (14) calendar days.
  - (d) Final stabilization activity shall commence when land-disturbing activities cease and final grade has been reached on any portion of the site.
  - (e) BMPs that are no longer necessary for erosion and sediment control shall be removed by the responsible party once final stabilization is complete.
- (6) **TRANSPORTATION FACILITIES.** This Subsection applies to any transportation facility construction site that consists of one (1) acre or more of land-disturbing construction activity.
- (a) **Exceptions:** This Subsection does not apply to the following:
    1. Transportation facility construction projects that are exempted by federal statutes or regulations from the requirement to have a national pollutant discharge elimination system permit issued under 40 CFR, part 11, for land-disturbing construction activity.
    2. Transportation facility construction projects are part of a larger common plan of development such as a residential or industrial development and are otherwise in compliance with the provisions of this Subsection (a).
    3. Routine maintenance for transportation facilities 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.
  - (b) **Requirements.** Transportation facilities are required to comply with the provisions of Section 75.09 of this Chapter.
- (7) **ALTERNATE REQUIREMENTS.** The Department may establish erosion control requirements more stringent than those set forth in this Section if they determine that an added level of protection is needed for sensitive resources.
- 75.10 PERMITTING REQUIREMENTS, PROCEDURES, AND FEES.**
- (1) **PERMIT REQUIRED.** No responsible party may commence a land-disturbing construction activity subject to this **Subchapter A** without receiving prior approval of an erosion control plan for the site and a permit from the Department.
  - (2) **PERMIT APPLICATION AND FEES.** At least one (1) responsible party desiring to undertake a land disturbing construction activity subject to this **Subchapter A** shall submit an application for a permit and an erosion control plan that meets the requirements of Section 75.11 of this Code

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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.

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- (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

870 75.11 EROSION CONTROL PERMIT APPLICATION REQUIREMENTS.

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

- 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

998 (2) AMENDMENTS. The applicant shall amend the erosion control plan and  
 999 submit the proposed changes to the Department, and the Department  
 1000 shall have fourteen (14) days to review and approved the changes if any  
 1001 of the following occur:

- 1002  
 1003 (a) There is a change in design, construction, schedule, operation,  
 1004 or maintenance of the site which has not otherwise been  
 1005 addressed in the erosion control plan.  
 1006  
 1007 (b) The Department notifies the applicant of changes needed in the  
 1008 erosion control plan.  
 1009

1010 75.12 INSPECTION.

- 1011  
 1012 (1) If land-disturbing construction activities are being carried out without a  
 1013 permit required by this Subchapter A, the Department may enter the  
 1014 land pursuant to the provisions of Wis. Stat. § 66.0119(1), (2), and (3).  
 1015

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

1026 (b) The erosion control plan is not being implemented in a good faith  
1027 manner as determined by the Department.

1028 (c) The conditions of the permit are not being met.  
1029

1030  
1031 (2) If the responsible party does not cease activity as required in a stop-work  
1032 order posted under this Section or fails to comply with the erosion control  
1033 plan or permit conditions, the Department may revoke the permit.  
1034

1035 (3) If the responsible party, where no permit has been issued, does not  
1036 cease the activity after being notified by the Department or if a  
1037 responsible party violates a stop-work order posted under Subsection (1), above, the Department may request the  
1038 Corporation Counsel to seek a cease-and-desist order from the Circuit  
1039 Court.  
1040

1041 (4) The County Board of Adjustments may retract the stop-work order issued  
1042 under Subsection (1), above, or the permit revocation under Subsection  
1043 (2), above.  
1044

1045 (5) After posting a stop-work order under Subsection (1), the Department  
1046 may issue a notice of intent to the responsible party of its intent to  
1047 perform work necessary to comply with this Subchapter A. The  
1048 Department may go on the land and commence the work after issuing  
1049 the notice of intent.  
1050

1051 (6) Any person violating any of the provisions of this Subchapter A shall be  
1052 subject to a forfeiture of not less than Twenty-five Dollars (\$25.00) or  
1053 more than Five Thousand Dollars (\$5,000.00) and the costs of  
1054 prosecution for each violation to be prosecuted by the Corporation  
1055 Counsel at the request of the Department. Each day a violation exists  
1056 shall constitute a separate offense.  
1057

1058 (7) As a substitute for or in addition to forfeiture actions, the Corporation  
1059 Counsel, on behalf of the County, as requested by the Department, may  
1060 seek enforcement of any and all parts of this Subchapter A by Court  
1061 action seeking injunctive or restraining orders or orders for the  
1062 restoration of the site.  
1063

1064 (8) Any engineering, construction, legal, and other related costs plus interest  
1065 incurred by the Department related to enforcement actions taken by the  
1066 Department under this Section shall be billed to the responsible party,  
1067  
1068  
1069

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

- (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.



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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.

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- 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.

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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 modified to prevent infiltration to the maximum  
1437 extent practicable.

1438  
1439 (d) Source Areas.

1440  
1441 1. Prohibitions.

1442  
1443 A. Runoff from the following source areas are  
1444 prohibited from discharging to an infiltration  
1445 system:

1446  
1447 (i) Areas associated with tier 1 industrial  
1448 facilities identified in Wis. Admin. Code  
1449 § NR 216.21(2)(a) including storage,  
1450 loading, rooftop, and parking.

1451  
1452 (ii) Storage and loading areas of tier 2  
1453 industrial facilities identified in Wis.  
1454 Admin. Code § NR 216.21(2)(b).

1455  
1456 (iii) Fueling and vehicle maintenance areas.

1457  
1458 B. Runoff from the following source areas are  
1459 credited toward meeting the requirements  
1460 outlined in this Section when infiltrated, but the  
1461 decision to infiltrate runoff from these areas is  
1462 optional.

1463  
1464 (i) Parking areas and access roads less  
1465 than five thousand (5,000) square feet  
1466 for commercial development.

1467  
1468 (ii) Parking areas and access roads less  
1469 than five thousand (5,000) square feet  
1470 for industrial development not subject to  
1471 the prohibitions under Subsection 1.A  
1472 above.

1473  
1474 (iii) Redevelopment post-construction sites.

1475  
1476 (iv) In-fill development areas less than five  
1477 (5) acres.

1478  
1479 (v) Roads on commercial, industrial, and  
1480 institutional land uses, and arterial  
1481 residential roads.

1482  
1483 (e) Location of Practices.

- 1484  
1485 1. Infiltration systems located in the following areas are  
1486 prohibited. If locating infiltration systems outside the  
1487 following areas goes beyond the maximum extent  
1488 practicable, the site is excluded from meeting the  
1489 requirements of this Subsection.

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- 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.

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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 wellands that have been partially filled in compliance  
1599 with all applicable state and federal regulations shall be  
1600 measured from the wetland boundary delineation after a  
1601 fill has been placed. Where there is a legally authorized  
1602 wetland fill, the protective area standard need not be met  
1603 in that location.

- 1604  
1605 6. This Subsection does not apply to:
- 1606 A. Redevelopment post-construction sites.
  - 1607 B. In-fill development areas less than five (5) acres.
  - 1608 C. Structures that cross or access surface waters  
1609 such as boat landings, bridges, and culverts.
  - 1610 D. Structures constructed in accordance with Wis.  
1611 Stat. § 59.692(1v).
  - 1612 E. Impervious areas from which runoff is treated to  
1613 the performance standards of this Subchapter  
1614 B prior to entering the resource described in  
1615 Subsection 1, above.

- 1616  
1617 7. The following requirements shall be met:
- 1618 A. Impervious surfaces shall not be located within  
1619 the protective area to the maximum extent  
1620 practicable. If impervious surfaces are located  
1621 within the protective area, a written site-specific  
1622 description shall be provided to Department  
1623 outlining the reason(s) that placing the  
1624 impervious surfaces outside the protective area  
1625 is beyond the maximum extent practicable.
  - 1626 B. Where land-disturbing construction activity  
1627 occurs within a protective area, a self-sustaining  
1628 vegetative cover or equivalent with greater than  
1629 seventy percent (70%) coverage within the  
1630 protective area shall be established and  
1631 maintained.
  - 1632 C. Best management practices outlined in the  
1633 Manual that are designed to control pollutants  
1634 from non-point sources may be located in the  
1635 protective area.

- 1636  
1637 (g) Fueling and Vehicle Maintenance Areas. Fueling and vehicle  
1638 maintenance areas shall, to the maximum extent practicable,  
1639 have BMPs designed, installed, and maintained to reduce  
1640 petroleum within runoff so that runoff that enters waters of the  
1641 State contains no visible petroleum sheen. A combination of the  
1642 following BMPs may be used: oil and grease separators,  
1643 canopies, petroleum spill clean-up materials, or any other  
1644

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

1654 (h) Transportation Facilities.

1655 1. Applicability. Except as provided in Subsection 2, below,  
1656 transportation facilities that cause or may cause runoff  
1657 pollution must meet all of the requirements of Sections  
1658 75.18 and 75.19 of this Subchapter B.

1659 2. Swale Treatment. Except as provided in Subsection 2,  
1660 below, transportation facilities that use swales for runoff  
1661 conveyance and pollutant removal meet all of the  
1662 requirements of Section 75.19(a), (b), and (c) of this  
1663 Subchapter B except (b)2., if the swales are designed  
1664 to the maximum extent practicable to do all of the  
1665 following:

1666 A. Be vegetated. However, where appropriate,  
1667 non-vegetative measures may be employed to  
1668 prevent erosion or provide for runoff treatment  
1669 such as rock riprap stabilization or check dams.

1670 B. Carry runoff through a swale for two hundred  
1671 (200) feet or more in length that is designed with  
1672 a flow velocity no greater than 1.5 feet per  
1673 second for the peak flow generated using either  
1674 a two- (2-) year, twenty-four- (24-) hour design  
1675 storm or a two- (2-) year storm with a duration  
1676 equal to the time of concentration as  
1677 appropriate. If a swale of two hundred (200) feet  
1678 in length cannot be designed with a flow velocity  
1679 of 1.5 feet per second or less then the flow  
1680 velocity shall be reduced to the maximum extent  
1681 practicable.

1682 C. The Department may, consistent with water  
1683 quality standards, require other provisions of this  
1684 Subchapter B be met on a transportation facility  
1685 with an average daily traffic rate greater than  
1686 2,500 and where the initial surface water of the  
1687 State that the runoff directly enters is classified  
1688 as one of the following:

- 1689 (i). An outstanding resource water.  
1690 (ii). An exceptional resource water.  
1691 (iii). Waters listed in Section 303(d) of the  
1692 Federal Clean Water Act that are  
1693 identified as impaired in whole or in part,  
1694 due to nonpoint source impacts.  
1695 (iv). Waters where targeted performance  
1696 standards are developed under Wis.  
1697 Admin. Code § NR 151.004 to meet  
1698 water quality standards.  
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- 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.

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- (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.

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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.

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(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.

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

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

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(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.

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(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.

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(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.

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(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.

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

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(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**.

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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.

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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.

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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.

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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.

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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.

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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.

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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.

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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.

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- (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

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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

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- 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.

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- 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.



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- 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.
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- 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.
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- 2193 4. Detailed drawings including cross-sections and profiles
- 2194 of all permanent stormwater conveyance and treatment
- 2195 practices.
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(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.

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- (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.

2267 **75.23 FINANCIAL GUARANTEE.**

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- (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.

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- (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.**

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- (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**

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- 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:

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- (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.

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**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



2563 outlined in this Subsection or may be restrained by injunction or  
2564 otherwise abated in a manner provided by law.

2565  
2566 (b) In the event the violation constitutes an immediate danger to  
2567 public health or public safety, the Department is authorized to  
2568 enter upon the subject private property without giving prior notice  
2569 to take any and all measures necessary to abate the violation.  
2570 The Department is authorized to seek the costs of abatement  
2571 which may be pursued by entering the costs on the tax roll as a  
2572 special charge against the property and collected as a special  
2573 assessment against the property pursuant to Wis. Stat. Ch. 66,  
2574 Subchapter VII.  
2575

2576 (2) Warning notice. When the Department finds that any person has  
2577 violated or continues to violate any provisions of this Ordinance or any  
2578 order issued hereunder, the Department may serve upon that person a  
2579 written warning notice specifying the particular violation believed to have  
2580 occurred and requesting the discharger to immediately investigate the  
2581 matter and to seek a resolution whereby any offending charge will cease.  
2582 Investigation and/or resolution of the matter in response to the warning  
2583 notice does not relieve the alleged violator of liability for any violations  
2584 occurring before or after receipt of the warning notice unless expressly  
2585 made part of the resolution approved by the Department. Nothing in this  
2586 Subsection shall limit the authority of the Department to take action,  
2587 including emergency action or any other enforcement action, without first  
2588 issuing a warning notice.  
2589

2590 (3) Suspension due to illicit discharges in emergency situations. The  
2591 Department may without prior notice suspend MS4 discharge access to  
2592 a person when such suspension is necessary to stop a discharge which  
2593 presents or may present imminent and substantial danger to the  
2594 environment, or to the health or welfare of persons, or to the MS4 or  
2595 waters of the State. If the violator fails to comply with a suspension order  
2596 issued in an emergency, the Department may take such steps as  
2597 deemed necessary to prevent or minimize damage to the MS4 or waters  
2598 of the state, or to minimize danger to persons.  
2599

2600 (4) Termination of access due to the detection of an illicit discharge.

2601 (a) Any person discharging to the MS4 in violation of this  
2602 Subchapter may have their MS4 access terminated if such  
2603 termination would abate or reduce an illicit discharge. The  
2604 Department will notify a violator of the proposed terminations of  
2605 its MS4 access.  
2606

2607 (b) A person commits an offense if the person reinstates MS4  
2608 access to premises terminated pursuant to this Subchapter  
2609 without the prior approval of the Department.  
2610

2611 75.34 APPEALS.

2612 (1) Any person aggrieved by a decision made or violation issued according  
2613 to this Subsection may appeal to the Board of Adjustments pursuant to  
2614 Section 75.14.  
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- (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.

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

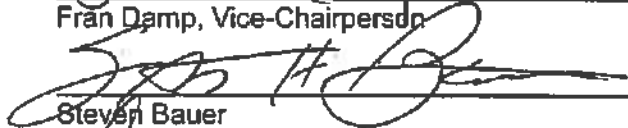
Respectfully submitted this 20th day of December, 2016.

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

  
\_\_\_\_\_  
Keith Abler, Chairperson

  
\_\_\_\_\_  
Fran Damp, Vice-Chairperson

\_\_\_\_\_  
Libby Ogea, Secretary

  
\_\_\_\_\_  
Steven Bauer

  
\_\_\_\_\_  
James Baumgart

Opposed to Introduction:

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\_\_\_\_\_

\*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,



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Wendy A. Charnon  
December 14, 2016

1 SHEBOYGAN COUNTY RESOLUTION NO. 30 (2016/17)

2  
3 Re: Carryover of Unexpended 2016 Appropriations to 2017

4  
5  
6 WHEREAS, the 2016 County Budget included appropriations for certain items which  
7 were expected to be completed in 2016 but for a variety of reasons were not, and

8  
9 WHEREAS, the Finance Committee has asked each Department having a surplus and  
10 with unexpended 2016 appropriations supported by levy to justify carryover of the appropriation  
11 to 2017, and the Committee has carefully reviewed each such request and recommends that  
12 the items on the attached list be carried over to and authorized for expenditure in 2017, in the  
13 total amount of \$1,051,407.50; and

14  
15 WHEREAS, while the exact amount of the carryover cannot be determined until the  
16 books for 2016 have been closed, the amount requested for carryover will be adjusted to actual  
17 available balances,

18  
19 NOW, THEREFORE, BE IT RESOLVED that the aforementioned expenditures be and  
20 hereby are approved for carryover to and expenditure in 2017.  
21

22  
23 Respectfully submitted this 17th day of January, 2017.

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25  
26 FINANCE COMMITTEE

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30 \_\_\_\_\_  
Greg Weggeman, Chairperson

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33 \_\_\_\_\_  
George Marthenze, Vice-Chairperson

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Mark S. Winkel, Secretary

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39 \_\_\_\_\_  
William C. Goehring, Supervisor

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Roger L. TeStroete, Supervisor

43 Opposed to Introduction:  
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ACCOUNT NUMBERS	AMOUNT APPROVED	SUBTOTAL BY DEPT.	PROJECT	JUSTIFICATION
168.533925	\$ 1,000.00		General Operating - Other - Office F&E under \$500	Replacement of several chairs - The office furniture store rep brought two samples that were not well received. During December attention was on tax bills and more time is needed to find chairs that will work for the individuals that need them.
<b>Dept. Total</b>	<b>\$ 1,000.00</b>	<b>\$ 1,000.00</b>		<b>Treasurer</b>
149.533725	\$ 1,550.00		General Operating - Office Supplies - Postage	Postage - Needed for documents recorded in 2016 but not ready to be mailed prior to end of year. Due to unexpected medical leaves and the retirement of one person, our office got behind on auditing our documents that were recorded. We currently are about 2 1/2 months behind. The average postage cost per month is roughly \$480.00.
<b>Dept. Total</b>	<b>\$ 1,550.00</b>	<b>\$ 1,550.00</b>		<b>Register of Deeds</b>
127.532145	\$35,000.00		Repair & Maintenance - Maintenance Service - Structural	New Privy - A new privy at the Marsh north campground area is an overwhelming popular request, due to the odor the current outdated facilities offer. Floodplain study is required prior to installing privy. Study was not completed until Sept/Oct, so it became too late in season to install.
1063.531505	5,200.00		Purchased Services - Client Service	Conservation BMPs installed using cost-share dollars improve soil and water quality on waterways in the County. Helmer and Schultz farms are under contract to have BMPs installed. Coordination of construction meant that 2017 is a more appropriate timeframe.
1102.532145	13,000.00		Repair & Maintenance - Maintenance Service - Structural	Amsterdam Dunes observation platform - Platform will provide a useful and enjoyable amenity to Amsterdam Dunes. Donation was received for platform, but Department was unable to build/install platform during this construction season due to timing of the donation.
<b>Dept. Total</b>	<b>\$53,200.00</b>	<b>\$53,200.00</b>		<b>Planning and Conservation</b>
191.56501	\$ 103,087.00		Capital Outlay - Communication Equipment	New sound system - new sound system for all five courtrooms. Includes all new wiring, speakers, microphones, boardroom control on judges' bench and new telephone interface module. Life exhausted over 25 years old. New updating to be more efficient. Project was not yet complete in 2016.
<b>Dept. Total</b>	<b>\$ 103,087.00</b>	<b>\$ 103,087.00</b>		<b>Clerk of Courts</b>
101.532145	38,000.00		Repair & Maintenance - Maintenance Service - Structural	Administration Building recarpet 1st floor. Existing carpet worn and separating from backing. Project requires bid specifications that Director has been too busy to write. Avoids prevailing wage.
101.532145	40,000.00		Repair & Maintenance - Maintenance Service - Structural	Administration Building recarpet 2nd floor. Existing carpet worn and separating from backing. Project requires bid specifications that Director has been too busy to write. Avoids prevailing wage.
101.533926	3,500.00		General Operating - Other - Non Cap Equip over \$500	Upgrade Administration Building lobby cameras to digital. Cannot identify faces with analog equipment (part of PO #212533). Radio Project involvement delayed progress.
103.533955	48,504.00		General Operating - Other - Contingency	Remaining Building Services contingency. Unknown emergencies helped through carryover of unspent budgeted amount. Emergency expenses less than budget and prior year carryover, Rocky Knoll returning \$27,500.

103.533926	2,706.00	General Operating - Other - Non Cap Equip over \$500	Upgrade Courthouse lobby cameras to digital. Cannot identify faces with analog equipment (part of PO #212533). Radio Project involvement delayed progress.
104.532125	2,720.00	Repair & Maintenance - Maintenance Service - Electrical	Detention Center parking lot lights. Many burned out; now time to upgrade to LED (PO #212624). Radio Project involvement delayed progress.
104.532145	3,865.00	Repair & Maintenance - Maintenance Service - Structural	Detention Center sign and lighting. Sign was dated, lacked address and logo. Sign installed. Radio Project delayed progress.
104.532145	2,000.00	Repair & Maintenance - Maintenance Service - Structural	Detention Center elevator flooring. Vinyl flooring cracked and wore out. Unable to order before year end.
104.532145	12,436.00	Repair & Maintenance - Maintenance Service - Structural	Detention Center door maintenance (2015). Door mechanicals ok, but controls outdated. Radio Project involvement delayed progress.
104.532145	12,436.00	Repair & Maintenance - Maintenance Service - Structural	Detention Center door maintenance (2016). Door mechanicals ok, but controls outdated. Radio Project involvement delayed progress.
104.532145	1,200.00	Repair & Maintenance - Maintenance Service - Structural	Detention Center add FOB to Room 105. Bracelet program requires frequent use of secure door. Radio Project involvement delayed progress.
105.533926	6,500.00	General Operating - Other - Non Cap Equip over \$500	Upgrade Health & Human Services lobby cameras to digital. Cannot identify faces with analog equipment (part of PO #212533). Radio Project involvement delayed progress.
106.532125	2,000.00	Repair & Maintenance - Maintenance Service - Electrical	Law Enforcement Center generator maintenance contract. Needs of Dispatch dictate diesel generator expert maintenance. Radio Project involvement delayed progress.
106.532145	13,500.00	Repair & Maintenance - Maintenance Service - Structural	Law Enforcement Center basement vinyl floor replacement. Gaps in floor tile and dated (PO #210239). Work in progress; not completed.
106.532145	8,000.00	Repair & Maintenance - Maintenance Service - Structural	Law Enforcement Center 1st floor vinyl floor replacement. Gaps in floor tile and dated (PO #210239). Work in progress; not completed.
106.532145	2,550.00	Repair & Maintenance - Maintenance Service - Structural	Law Enforcement Center Garage move two support columns. Columns not equally spaced and stall is too narrow. On hold; garage may be sold with Pennsylvania Avenue properties.
106.532145	11,100.00	Repair & Maintenance - Maintenance Service - Structural	Law Enforcement Center Garage paint exterior. Water penetrating concrete block. On hold; garage may be sold with Pennsylvania Avenue properties.
198.565020	4,070.00	Machinery & Equipment	Courthouse boiler replacement. Summer boiler failed (PO #205328). Supplier has not provided final part.
198.565020	4,555.00	Machinery & Equipment	Detention Center water heating boiler - Phase I. Water heater failed (PO #210471). Unit on back order; may be installed before year end.
198.565020	3,805.00	Machinery & Equipment	Detention Center water heating boiler - Phase II. Water heater failed (PO #211444). Unit on back order.
<b>Dept. Total</b>	<b>\$ 222,747.00</b>	<b>Building Services</b>	
154.532125	\$ 20,000.00	Repair & Maintenance - Maintenance Service - Electrical	Cabling and installation of cabling for the pod kiosks at the Detention Center. Pod kiosks will allow the detention center to become more efficient by allowing the inmates to order commissary, phone time, check their accounts, and file grievances. The County electrician did not have the time to complete his portion before the contracted electrician could come in and pull the cable, due to the radio project.
<b>Dept. Total</b>	<b>\$ 20,000.00</b>	<b>Sheriff</b>	

143.533955	\$214,600.00	General Operating - Other - Contingency Expense	City of Sheboygan Chargeback for Nemak/JL French Settlement and NFRC Memorial Mall. Settlements not communicated to us during budget development and is due February 15, 2017.
143.533926	\$356,801.00	Non Cap Equip	Subscriber Radio purchases. Delays in the Radio Project have pushed final invoicing for the Subscriber Radios into late January, early February
<b>Dept. Total</b>	<b>\$571,401.00</b>		Non-Departmental
<b>Subtotal</b>	<b>\$ 972,985.00</b>		<b>General Fund</b>
2511.531105	\$ 42,500.00		Consulting - Continuation of Trauma Informed Care Training - Trauma Informed Care Coordinator position was filled late June of 2016 which delayed the start of the planned training curriculum.
<b>Dept. Total</b>	<b>\$ 42,500.00</b>		Health & Human Services
<b>Subtotal</b>	<b>\$ 42,500.00</b>		<b>Special Revenue Fund</b>
423.531105	\$5,350.00	Purchased Services - Consulting	Consulting services to migrate archived emails out of old system and into new system. PO# 205117. This is a PO that was issued in 2015. The work was approximately 50% complete at the end of 2015 and is still in progress.
423.531105	\$8,822.50	Purchased Services - Consulting	Consulting services for Finance/HHS systems integration. PO# 211796. Project is in progress and approximately 50% complete as of 12/6/2017.
423.531105	\$6,750.00	Purchased Services - Consulting	Consulting services for JD Edwards environment split. PO# 211795. Project is in progress and approximately 70% complete as of 12/6/2017.
423.531105	\$15,000.00	Purchased Services - Consulting	Consulting services for Security Posture Review. PO#212755. Project is in progress and approximately 75% complete as of 12/6/2017.
<b>Dept. Total</b>	<b>\$35,922.50</b>		IT
<b>Subtotal</b>	<b>\$35,922.50</b>		<b>Internal Service Fund</b>
<b>Grand Total</b>	<b>\$ 1,051,407.50</b>		

SHEBOYGAN COUNTY RESOLUTION NO. 31 (2016/17)

Re: Participating in Snowmobile Aids Program – 2017/18

WHEREAS, Sheboygan County is interested in maintaining, acquiring, and developing lands for public outdoor motorized snowmobile trail use, and

WHEREAS, counties are eligible to receive state funding for public motorized snowmobile trail purposes under Wis. Stat. § 23.09(26);

THEREFORE, BE IT RESOLVED that Sheboygan County desires to receive aids under Wis. Stat. § 23.09(26) for the purposes described therein.

BE IT FURTHER RESOLVED, that the Sheboygan County Planning & Conservation Director is authorized and directed to act on behalf of Sheboygan County to submit an application to the State of Wisconsin Department of Natural Resources for any financial aid that may be available; sign any required documents; and take necessary action to undertake, direct, and complete any project approved for state funding.

Respectfully submitted this 17th day of January, 2017.

**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



**FISCAL NOTE**  
**January 2017**

**Resolution No. 31 (2016/17) RE: Participating in Snowmobile Aids Program – 2017/18**

**Funding:**

No additional funding is required.

Respectfully Submitted,

A handwritten signature in blue ink that reads "Wendy A. Charon" followed by a horizontal line.

---

Wendy A. Charon, Finance Director  
January 11, 2017