

TO THE WINNEBAGO COUNTY BOARD OF SUPERVISORS

Your Planning and Zoning Committee begs leave to report:

WHEREAS, it has reviewed the Petition for Zoning Amendment # 19-TA-003 filed with the County Clerk by: Winnebago County Zoning Department,

and referred to the Planning & Zoning Committee on 07/16/19 and

WHEREAS, a Public Hearing was held on 07/30/19 pursuant to mailed and published notice as provided by law on the following:

PROPERTY INFORMATION:

Applicant(s): Winnebago County Zoning Department

WHEREAS, applicant is requesting an amendment to the Winnebago County Sanitary Ordinance to add item (f) to Chapter 16.05 Holding Tanks: "Chapter 16.05(f) The property or structure served is located within a mapped active sanitary district or incorporated municipality where sewer has been installed but is not available to specific properties or structures located within the district"

WHEREAS, we received notification from the TOWNS OF Algoma, Clayton, Omro, Oshkosh, Poygan, Winchester and Winneconne recommending approval, and there was no response or action taken by the TOWNS OF Black Wolf, Neenah, Nekimi, Nepeuskun, Rushford, Utica, Vinland and Wolf River, (town action is optional and advisory only) and

WHEREAS, your Planning & Zoning Committee, being fully informed of the facts, and after full consideration of the matter, make the following findings:

1. Active sanitary districts and incorporated areas located within Winnebago County have certain areas where sanitary sewer is not available and property owners who wish to develop their property must use Private On-site Wastewater Treatment Systems.
2. Holding tank(s) is/are the most practical and economical option for short term investment and use in these areas.
3. The proposed amendment allows for orderly development of the properties within the Town's Sanitary Districts while the public infrastructure is being extended.
4. The proposed amendment allows for orderly development and extension of the municipal sanitary sewer and infrastructure within the District..

NOW THEREFORE BE IT RESOLVED, that this committee has prepared the enclosed amendatory ordinance effectuating this change for your consideration and is hereby recommending approval by a vote of 5-0.

NOW BE IT FURTHER RESOLVED, by the Winnebago County Board of Supervisors, that the enclosed ordinance is hereby [ADOPTED] or [DENIED].

For the Planning & Zoning Committee

AMENDATORY ORDINANCE # 08/04/19

The Winnebago County Board of Supervisors do ordain Zoning Amendment # 19-TA-003 as follows:

Applicant is requesting an amendment to the Winnebago County Sanitary Ordinance to add item (f) to Chapter 16.05 Holding Tanks: "Chapter 16.05(f) The property or structure served is located within a mapped active sanitary district or incorporated municipality where sewer has been installed but is not available to specific properties or structures located within the district"

Adopted/ Denied this _____ day of _____, 20_____ .

Shiloh Ramos, Chairperson

ATTEST:

Sue Ertmer (County Clerk)

APPROVED BY WINNEBAGO COUNTY EXECUTIVE THIS _____ DAY OF _____, 20 _____

Mark Harris
(County Executive)

16.05 HOLDING TANKS

- (1) **Sanitary Permit:** A sanitary permit for holding tank(s) shall be granted only if one or more of the following conditions exists, regardless of whether for new construction or replacement:
- (a) The property is in a flood plain with no contiguous higher area.
 - (b) The soil survey of Winnebago County has the entire property mapped as an Udorthent soil type.
 - (c) The property has size limitations which prevent the installation of a soil absorption system.
 - (d) A soil test has been conducted on the property by a certified soil tester and all soil types on the property, as identified in the soil survey of Winnebago County, have been identified and verified by the certified soil tester to be unsuitable for any type of soil absorption system.
 - (e) The installation and use of holding tanks, or alternative systems as approved by Wisconsin Department of Commerce and Winnebago County, as a private sewage system for festival or event grounds are permitted regardless of whether there is a suitable site that allows for the installation of a private sewage system that provides onsite treatment and disposal of domestic wastewater. In addition to complying with all applicable provisions of the Wisconsin Administrative Code, the holding tank installation shall comply with the following:
 - (1) The festival or event shall provide evidence, typically in the form of ticket sales or recorded gate attendance, that the festival or event has exceeded an attendance of more than 100,000 for five (5) or more consecutive years.
 - (2) Grounds shall be owned, or bound by lease for ten (10) or more years, by the festival or event utilizing the grounds.
 - (3) Property owner shall provide written approval of the holding tanks or alternative system installation prior to permit issuance.
 - (4) Influent flows to the holding tank(s) shall be metered in accordance with Wis. Admin. Code Ch. 83.54(2)(d). The water meter shall include a remote reading device for each meter. The remote reader(s) shall be mounted in a conspicuous location on the exterior of the building(s) served by the holding tank(s) and shall have a numerical display of gallons used to the nearest 100 gallons.
 - (5) Inspection, evaluation, maintenance, and servicing reports, including water meter readings, shall be submitted to the Department within thirty (30) calendar days from the date of inspection, evaluation, maintenance, or servicing.
 - (6) Holding tanks shall be abandoned in accordance with Wis. Admin. Code Ch. 83.33 at the time the lease expires, the property is sold, or municipal sewer becomes available.

- (7) Financial Security for Removal. For each tank installed, a minimum \$5,000 (five thousand dollar) bond, letter of credit, or other similarly approved financial guarantee shall be filed with the County at the time of permit application and shall be maintained until the lease of the property expires, property is sold, municipal sewer becomes available, or at a time that is mutually agreed to by the applicant or owner and the County.

(f) ***The property or structure served is located within a mapped active sanitary district or incorporated municipality where sewer has been installed but is not available to specific properties or structures located within the district.***

- (2) **Holding Tank Agreement:** Any property owner who applies for a sanitary permit for a holding tank(s) must first enter into a Holding Tank Agreement with the County. Holding Tank Agreements in effect within each town shall hereby be assigned to Winnebago County. A licensed staff member will sign the Holding Tank Agreement on behalf of the County.

(a) Holding Tank Agreement Conditions:

- (1) The property owner shall enter into a Holding Tank Servicing Contract with a licensed pumper who shall be responsible for pumping out the holding tank(s) when required and disposing of the waste in accordance with Wis. Admin. Code Chapter NR 113.
- (2) The property owner shall maintain the holding tank(s) so as to conform to all requirements of Wis. Adm. Code Chapter COMM 83 relating to holding tanks.
- (3) The property owner shall properly maintain the holding tank(s) by notifying the contracted licensed pumper to have the holding tank(s) pumped out when the tank(s) are full. Holding Tank(s) that serve a structure that has seasonal or intermittent use shall be pumped out when full but no less than once during each calendar year.
- (4) Where holding tank(s) are not properly maintained and are consequently causing a nuisance as described in Sec. 254.01(2) and 281.01(18) Wis. Stats., the County shall order the tank(s) to be maintained by a private contractor at the County's expense. The County shall then invoice the property owner for all such costs incurred. If the invoice is not paid within 30 days, the County shall place the amount on the tax roll as a special assessment against the property in question.
- (5) The Holding Tank Agreement shall be recorded in the Winnebago County Register of Deeds Office prior to issuance of a sanitary permit.

- (3) **Holding Tank Servicing Contract:** All owners of existing and future holding tank(s) shall enter into a Holding Tank Servicing Contract with a licensed pumper.

(a) Holding Tank Servicing Contract Conditions:

- (1) The property owner shall permit the pumper to have access and enter upon the property for the purpose of servicing the holding tank(s).