



CODE OF GENERAL ORDINANCES OF SHEBOYGAN COUNTY *Wisconsin*

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This is an unofficial collection of Code of General Ordinances for Sheboygan County.
Please contact Corporation Counsel for the official copy.

www.sheboygancounty.com

SHEBOYGAN COUNTY BOOK OF ORDINANCES

TABLE OF CONTENTS

Title I	<u>COUNTY GOVERNMENT (Chapters 1 to 9)</u>
	1. County Organization and County Board of Supervisors
	2. Rules of Order to Govern the Sheboygan County Board of Supervisors
	3. Annual Reports of Health Care Centers and Departments
	4. Investment Policy and Procedures
	5. Budget Ordinance
	6. Land Information Council
	7. <i>RESERVED</i>
	8. <i>RESERVED</i>
	9. <i>RESERVED</i>
Title II	<u>HEALTH AND WELFARE (Chapter 10 to 19)</u>
	10. Health and Human Services Department
	11. <i>RESERVED</i>
	12. County Emergency Medical Services Council
	13. Trustees of County Health Care Centers
	14. Emergency "911" Telephone System
	15. Emergency Planning, Management and Government
	16. Lead Poisoning and Exposure
	17. Licensure and Regulation of Hotels, Motels, Restaurants, Tourist Rooming Houses, Bed and Breakfast Establishments, Campgrounds and Camping Resorts, Recreational and Education Camps, Public Swimming Pools and Establishments Possessing Class B and Class C Alcohol Beverage Licenses and Inspections of Food Vending Machines, their Operators and Vending Machine Commissaries
	18. Licensure and Regulation of Body Piercing and Tattooing
	19. Transportation Coordinating Committee
Title III	<u>TRAFFIC (Chapters 20 to 29)</u>
	20. Speed Zones
	21. Traffic Regulation
	22. County Traffic Safety Commission
	23. Regulation of Boat Operation
	24. Parks and Recreation Facilities
	25. Marsh Park Regulations
	26. Regulations on Use of Highway Rights-of-Way
	27. Gerber Lake Public Fish & Wildlife Area Regulations
	28. <i>RESERVED</i>
	29. <i>RESERVED</i>
Title IV	<u>SAFETY AND GOOD ORDER (Chapters 30 to 39)</u>
	30. <i>RESERVED</i>
	31. County Game Wardens
	32. Miscellaneous Animal Regulations
	33. Abandoned Property
	34. Regulating County Parking Areas
	35. Sheboygan County Criminal Justice Advisory Committee (SCCJAC)
	36. Uniform Rural Numbering System
	37. Regulation of Public Gathering
	38. Public Peace and Good Order
	39. Taylor Park Regulations
Title V	<u>COUNTY EMPLOYMENT (Chapters 40 to 49)</u>
	40. Table of Organization of County Departments
	41. Highway Engineer

- [42.](#) Corporation Counsel
- [43.](#) County Administrator
- [44.](#) Sheriff's Department Command and Promotion Procedures
- [45.](#) Reimbursement of Expenses Policy
- [46.](#) County Hiring and Employment
- [47.](#) Sheboygan County Compensation Program
- [48.](#) Employee Grievance Procedure
- [49.](#) Family Court Commissioner

Title VI COUNTY OPERATIONAL PROCEDURES (Chapters 50 to 59)

- [50.](#) County Purchasing Procedures
- [51.](#) Vending and Service Machines
- [52.](#) Maintenance and Board for County Jail Prisoners
- [53.](#) Miscellaneous County Operational Provisions
- [54.](#) *RESERVED*
- [55.](#) Retention of County Records
- [56.](#) County Operations
- [57.](#) Dog Damage Claims
- [58.](#) County-owned Vehicles
- [59.](#) *RESERVED*

Title VII AVIATION (Chapters 60 to 69)

- [60.](#) *RESERVED*
- [61.](#) Sheboygan County Memorial Airport
- [62.](#) Regulating Sheboygan County Memorial Airport Vehicular Traffic
- [63.](#) Regulating the Height of Structures and Trees and the Use of Property in the Vicinity of the Sheboygan County Memorial Airport
- [64.](#) Minimum Standards for Airport Services
- [65.](#) Airport Advisory Committee
- [66.](#) *RESERVED*
- [67.](#) *RESERVED*
- [68.](#) *RESERVED*
- [69.](#) *RESERVED*

Title VIII PLANNING AND DEVELOPMENT Chapters 70 to 79)

- [70.](#) Sanitary Regulations
- [71.](#) Subdivision Ordinance
- [72.](#) Shoreland Ordinance
- [73.](#) Floodplain Zoning Ordinance
- [74.](#) Planning and Conservation Department
- [75.](#) Erosion Control and Stormwater Management
- [76.](#) Board of Adjustments
- [77.](#) Animal Waste Storage
- [78.](#) Non-metallic Mining Reclamation Regulations
- [79.](#) Comprehensive Plan

Title IX EDUCATION (Chapters 80 to 89)

- [80.](#) Sheboygan County Federated Library System
- [81.](#) Truancy
- [82.](#) *RESERVED*
- [83.](#) *RESERVED*
- [84.](#) *RESERVED*
- [85.](#) *RESERVED*
- [86.](#) *RESERVED*
- [87.](#) *RESERVED*
- [88.](#) *RESERVED*
- [89.](#) *RESERVED*

Title X LAW ENFORCEMENT (Chapters 90 to 99)

- [90.](#) Law Enforcement
- [91.](#) Collection of Delinquent Taxes

- [92.](#) County Communications Council
- [93.](#) Motor Vehicle Towing and Roadside Services
- [94.](#) District Attorney Fees
- [95.](#) Impound Storage Fees
- [96.](#) Sheriff's and Coroner's Fees
- [97.](#) Child Support Fees
- [98.](#) *RESERVED*
- [99.](#) *RESERVED*

CODE OF GENERAL ORDINANCES OF SHEBOYGAN COUNTY

Compiled By:

April 2012

CARL K. BUESING, Corporation Counsel
Dianne Hohenstern, Legal Assistant

AN ORDINANCE TO REVISE, CONSOLIDATE, AND CODIFY THE GENERAL ORDINANCES OF SHEBOYGAN COUNTY

THE COUNTY BOARD OF SUPERVISORS OF SHEBOYGAN COUNTY DO ORDAIN AS FOLLOWS:

Section 1. **Adoption of Code**. The ordinances of Sheboygan County which are hereafter set forth are by the adoption of this Ordinance revised and consolidated into a Code of General Ordinances to be effective upon the date of the adoption of this enabling Ordinance.

Section 2. **Saving Clause**.

1. All vested rights, pending actions, and prosecutions shall continue as though no revision or change has been made in the general ordinances.
2. Processes issued or proceedings commenced shall be unaffected by the revision and all such proceedings commenced or pending may be continued and concluded under the provisions of the ordinance applicable at the time they were commenced.
3. This "Code of General Ordinances" shall not in any way alter or affect any special franchise ordinances, ordinances providing for the issue and sale of bonds or other securities or other ordinance of a nature other than general, as the same any be now existing; all such ordinances shall continue in full force and effect as before the passage of this ordinance.

Section 3. **Repeal**. Except as hereinabove specifically exempted from the operation of this ordinance, all ordinances of Sheboygan County inconsistent with the provisions of this ordinance are hereby repealed, except that all ordinances adopted prior hereto to which there is no reference made in the herein ordinance and which are not inconsistent with the provisions of this ordinance shall remain in full force and effect.

Section 4. **Penalty for Violation of Ordinances**. Any person who is convicted of violating any ordinance contained in this Code for which a penalty is not expressly provided in the Code shall forfeit and pay to the County a penalty of not more than Fifty Dollars (\$50.00) for each such violation together with the costs of prosecution, and in default of such payment, shall be imprisoned in the County Jail for such time as the Court deems fit not exceeding thirty (30) days unless such judgment is sooner paid.

Section 5. **Severability of Provisions**. It is the intention of the County Board of Sheboygan County that each section, paragraph, sentence, clause, and provision of this Code is severable, and if any provision shall be held unconstitutional or invalid for any reason, such decision shall not affect the remainder of the Code nor any part thereof other than those affected by such decision.

Section 6. **Procedure**. Pursuant to the provisions of sec. 66.035, Stats. (1969), this "Code of General Ordinances" need not be printed at length in the official journal or in the official newspaper or in pamphlet form showing County Board proceedings but shall be referred to therein by title, and after the enactment and passage of this "Code of General Ordinances" the same shall be published in book form. A copy of such Code shall be kept permanently on file and open for public inspection in the office of the County Clerk; likewise the Chairperson and County Clerk of the County Board shall provide for the distribution and sale of copies thereof to the public generally at a reasonable cost.

Section 7. **Name and Application**. This Code shall be referred to as the "Code of General Ordinances" of Sheboygan County, and all ordinances of a general nature are hereby revised and consolidated into such Code as follows:

Enacted: April 18, 1974

CHAPTER 1
COUNTY ORGANIZATION AND COUNTY BOARD OF SUPERVISORS

- 1.01 ELECTION TO BECOME SELF-ORGANIZED COUNTY
- 1.02 CREATION OF SUPERVISORY DISTRICTS
- 1.03 ELECTION AND TERM OF SUPERVISORS
- 1.04 QUALIFICATIONS
- 1.05 NOMINATION PAPERS
- 1.06 WHEN SPRING PRIMARY IS REQUIRED
- 1.07 RESIGNATIONS
- 1.08 VACANCY, HOW CAUSED
- 1.09 REMOVAL FROM OFFICE
- 1.10 VACANCIES
- 1.11 CONFLICT OF OFFICE-HOLDING
- 1.12 PRIVATE INTEREST IN PUBLIC CONTRACTS PROHIBITED
- 1.13 CODE OF ETHICS
- 1.14 COMPENSATION
 - (1) Basic Salary
 - (2) Per Diem Payments
 - (3) Group Health Insurance and Group Dental Insurance
- 1.15 COUNTY BOARD CHAIRPERSON'S COMPENSATION
- 1.16 VICE CHAIRPERSON'S COMPENSATION
- 1.17 MISSION STATEMENT, VISION STATEMENT, AND GUIDING PRINCIPLES
- 1.18 TERM LENGTHS FOR MISCELLANEOUS APPOINTMENTS

1.01 ELECTION TO BECOME SELF-ORGANIZED COUNTY. For purposes of improving the ability of county government to organize its administrative structure and to govern, the County elects to become a self-organized county and to act under the provisions of sec. 59.03(1), Stats.

(1) Creation of Offices. In carrying out the above election, except for the offices of Supervisor, County Executive, and County Assessor and those officers elected under Section 4 of Article VI of the Constitution, the County Board may:

- (a) Create any County office, Department, Committee, Board, commission, position, or employment it deems necessary to administer functions authorized by the legislature.
- (b) Consolidate, abolish, or re-establish any County office, Department, Committee, Board, commission, position, or employment to any other agency including a Committee of the Board.

(2) Establishing Size of County Board. The Board of Supervisors for Sheboygan County shall consist of twenty-five (25) Supervisors, each to be elected from a supervisory district.

1.02 CREATION OF SUPERVISORY DISTRICTS. The supervisory districts above referred to are hereby created, numbered, and described as follows:

SUPERVISORY DISTRICT NO. 1:

City of Sheboygan Wards 1, 5 and 6 – That portion of the City of Sheboygan North and West of the line commencing at the West City Limits at Saemann Avenue, East on Saemann Avenue to North 25th Street, North on North 25th Street to North Avenue, East on North Avenue to North 13th Street, North on North 13th Street to Eisner Avenue, West on Eisner Avenue to the City Limits.

SUPERVISORY DISTRICT NO. 2:

City of Sheboygan Wards 2, 3 and 12 – That portion of the City of Sheboygan commencing at the intersection of North 15th Street and North Avenue, East on North Avenue to North 13th Street, North on North 13th Street to Eisner Avenue, West on Eisner Avenue to the City Limits, North and East along the

City Limits to the shore of Lake Michigan, South along the shore of Lake Michigan to Superior Avenue, West on Superior Avenue to North 2nd Street, North on North 2nd Street to Prospect Avenue, West on Prospect Avenue to North 3rd Street, North on North 3rd Street to Lincoln Avenue, West on Lincoln Avenue to North 5th Street, North on North 5th Street to Bluff Avenue, West on Bluff Avenue to North 7th Street, North on North 7th Street to Geele Avenue, West on Geele Avenue to North 9th Street, North on North 9th Street to Bell Avenue, West on Bell Avenue to North 13th Street, North on North 13th Street to Annie Court, West on Annie Court to North 15th Street, North on North 15th Street to North Avenue.

SUPERVISORY DISTRICT NO. 3:

City of Sheboygan Wards 11 and 13 – That portion of the City of Sheboygan commencing at the intersection of North 9th Street and Geele Avenue, East on Geele Avenue to North 7th Street, South on North 7th Street to Bluff Avenue, East on Bluff Avenue to North 5th Street, South on North 5th Street to Lincoln Avenue, East on Lincoln Avenue to North 3rd Street, South on North 3rd Street to Prospect Avenue, East on Prospect Avenue to North 2nd Street, South on North 2nd Street to Superior Avenue, East on Superior Avenue to the shore of Lake Michigan, South along the shore of Lake Michigan to Pennsylvania Avenue, West on Pennsylvania Avenue to North 8th Street, North on North 8th Street to Niagara Avenue, West on Niagara Avenue to North 10th Street, North on North 10th Street to Michigan Avenue, West on Michigan Avenue to North 11th Street North on North 11th Street to Superior Avenue, East on Superior Avenue to North 10th Street, North on North 10th Street to Bluff Avenue, East on Bluff Avenue to North 9th Street, North on North 9th Street to Geele Avenue.

SUPERVISORY DISTRICT NO. 4:

City of Sheboygan Wards 4, 7 and 10 – That portion of the City of Sheboygan commencing at the intersection of North 25th Street and North Avenue, East on North Avenue to North 15th Street, South on North 15th Street to Annie Court, East on Annie Court to North 13th Street, South on North 13th Street to Bell Avenue, East on Bell Avenue to North 9th Street, South on North 9th Street to Bluff Avenue, West on Bluff Avenue to North 10th Street, South on North 10th Street to Superior Avenue, West on Superior Avenue to North 15th Street, North on North 15th Street to Saemann Avenue, West on Saemann Avenue to North 18th Street, North on North 18th Street to Cleveland Avenue, West on Cleveland Avenue to North 25th Street, North on North 25th Street to North Avenue.

SUPERVISORY DISTRICT NO. 5:

City of Sheboygan Wards 8, 9, 16 and 17 – That portion of the City of Sheboygan lying West of the line commencing at the City Limits at Saemann Avenue, East on Saemann Avenue to North 25th Street, North on North 25th Street to Cleveland Avenue, East on Cleveland Avenue to North 18th Street, South on North 18th Street to Saemann Avenue, East on Saemann Avenue to North 15th Street, South on North 15th Street to Superior Avenue, West on Superior Avenue to North 17th Street, South on North 17th Street to Erie Avenue, West on Erie Avenue to North 18th Street, South on North 18th Street to Wildwood Avenue, Southwest on Wildwood Avenue to New Jersey Avenue, West on New Jersey Avenue to South Taylor Drive, South on South Taylor Drive to Union Avenue.

SUPERVISORY DISTRICT NO. 6:

City of Sheboygan Wards 18 and 19 – That portion of the City of Sheboygan commencing at the intersection of Union Avenue and South Taylor Drive, North on South Taylor Drive to New Jersey Avenue, East on New Jersey Avenue to Wildwood Avenue, Northeast on Wildwood Avenue to North 18th Street, North on North 18th Street to Erie Avenue, East on Erie Avenue to North 17th Street, North on North 17th Street to Superior Avenue, East on Superior Avenue to North 14th Street, South on 14th Street to Georgia Avenue, West on Georgia Avenue to the Union Pacific Railroad, South along the Union Pacific Railroad to Union Avenue, West on Union Avenue to South Taylor Drive.

SUPERVISORY DISTRICT NO. 7:

City of Sheboygan Wards 14, 15 and 21 – That portion of the City of Sheboygan commencing at the intersection of North 14th Street and Superior Avenue, East on Superior Avenue to North 11th Street, South on North 11th Street to Michigan Avenue, East on Michigan Avenue to North 10th Street, South on North 10th Street to Niagara Avenue, East on Niagara Avenue to North 8th Street, South on North 8th Street to Pennsylvania Avenue, East on Pennsylvania Avenue to the shore of Lake Michigan, South

along the shore of Lake Michigan to Broadway, West on Broadway to South 9th Street, South on South 9th Street to High Avenue, West on High Avenue to South 12th Street, North on South 12th Street to Broadway, West on Broadway to South 14th Street, North on South 14th Street to Georgia Avenue, West on Georgia Avenue to South 14th Street, North on 14th Street to Superior Avenue.

SUPERVISORY DISTRICT NO. 8:

City of Sheboygan Wards 20 and 24 – That portion of the City of Sheboygan commencing at the intersection of the Union Pacific Railroad and Georgia Avenue, East on Georgia Avenue to South 14th Street, South on South 14th Street to Broadway, East on Broadway to South 12th Street, South on South 12th Street to High Avenue, East on High Avenue to South 9th Street, North on South 9th Street to Broadway, East on Broadway to the shore of Lake Michigan, South along the shore of Lake Michigan to the southern City Limits, West and North along the City Limits to Greenfield Avenue, Northwest on Greenfield Avenue to South 9th Street, North on South 9th Street to Washington Avenue, West on Washington Avenue to South 10th Street, North on South 10th Street to Wilson Avenue, West on Wilson Avenue to Henry Street, North on Henry Street to Union Avenue, West on Union Avenue to the Union Pacific Railroad, North along the Union Pacific Railroad to Georgia Avenue.

SUPERVISORY DISTRICT NO. 9:

City of Sheboygan Wards 22 and 25 – That portion of the City of Sheboygan commencing at the West City Limits and Union Avenue, East on Union Avenue to Henry Street, South on Henry Street to Wilson Avenue, East on Wilson Avenue to South 10th Street, South on South 10th Street to Washington Avenue, East on Washington Avenue to South 9th Street, South on South 9th Street to Greenfield Avenue, West on Greenfield Avenue to South 12th Street, South on South 12th Street to Carmen Avenue, West on Carmen Avenue to South 18th Street, North on South 18th Street to Washington Avenue, West on Washington Avenue to the West City Limits, North along the City Limits to Union Avenue.

SUPERVISORY DISTRICT NO. 10:

City of Sheboygan Wards 23 and 26 – That portion of the City of Sheboygan South of the line commencing at the West City Limits and Washington Avenue, East on Washington Avenue to South 18th Street, South on South 18th Street to Carmen Avenue, East on Carmen Avenue to South 12th Street, North on South 12th Street to Greenfield Avenue, East and Southeast on Greenfield Avenue to the East City Limits.

SUPERVISORY DISTRICT NO. 11:

Town of Sheboygan Wards 4 through 9 – That portion of the Town of Sheboygan commencing at the intersection of Playbird Road and Rangeline Road, South on Rangeline Road to the Village of Kohler, East along the Village of Kohler to Interstate 43, North on Interstate 43 along the City of Sheboygan, East along the City of Sheboygan to North 40th Street, North on North 40th Street to County Road O, East on County Road O to the City of Sheboygan, North along the City of Sheboygan to Mueller Road, West on Mueller Road to Interstate 43, North on Interstate 43 to State Highway 42, Northwest on State Highway 42 to Playbird Road, West on Playbird Road to Rangeline Road.

SUPERVISORY DISTRICT NO. 12:

Town of Herman Wards 2 and 3 – That portion of the Town of Herman commencing at the intersection of County Line Road and Willow Road, South on Willow Road and the town line to Garton Road, East on Garton Road to Bridgewood Road, North on Bridgewood Road, which becomes County Road M, to County Road MM, East on County Road MM to Rangeline Road, North on Rangeline Road to County Line Road, West on County Line road to Willow Road. The entire **Town of Mosel. Town of Sheboygan – Wards 1-3** – That portion of the Town of Sheboygan commencing at the intersection of Playbird Road and State Highway 42, Southeast on State Highway 42 to Interstate 43, South on Interstate 43 to Mueller Road, East on Mueller Road to the City of Sheboygan, East along the City of Sheboygan to Lake Michigan, North along Lake Michigan to Playbird Road, West on Playbird Road to State Highway 42.

SUPERVISORY DISTRICT NO. 13:

Town of Herman Ward 1 – That portion of the Town of Herman commencing at the intersection of Garton Road and Willow Road, South on Willow Road to Playbird Road, East on Playbird Road to Rangeline Road, North on Rangeline Road to County Road MM, West on County Road MM to County Road M, South on County Road M, which becomes Bridgewood Road, to Garton Road, West on Garton Road to Willow Road. **Town of Sheboygan Falls Ward 2** – That portion of the Town of Sheboygan Falls commencing at the Northwest corner of the Town of Sheboygan Falls and Willow Road, South on Willow Road to County Road O, East on County Road O to Meadowlark Road, North on Meadowlark Road to County Road J, East on County Road J to Rangeline Road, North on Rangeline Road to Playbird Road, West on Playbird Road to the Northwest corner of the Town of Sheboygan Falls. The entire **Village of Howards Grove**.

SUPERVISORY DISTRICT NO. 14:

Town of Greenbush Ward 1 – That portion of the Town of Greenbush North of State Highway 23. The entire **Town of Rhine**, the entire **Town of Russell**, the entire **Village of Elkhart Lake**, and the entire **Village of Glenbeulah**.

SUPERVISORY DISTRICT NO. 15:

Town of Lyndon Ward 1 – That portion of the Town of Lyndon North and West of the line commencing at the Western boundary of the Town of Lyndon and State Highway 28, Northeast on State Highway 28 to County Road E, North on County Road E to County Road N, East on County Road N to Blueberry Lane, North on Blueberry Lane to the Northern boundary of the Town of Lyndon. The entire **Town of Plymouth** and the entire **Village of Cascade**.

SUPERVISORY DISTRICT NO. 16:

City of Plymouth Wards 1 through 6 – That portion of the City of Plymouth North of the line commencing at the Western boundary of the City of Plymouth and Summit Street, East on Summit Street to North Plymouth Pleasant Street, North on North Pleasant Street to West/East Mill Street, East on Mill Street to Eastern Avenue, East on Eastern Avenue to South Pleasantview Road, South on South Pleasantview Road to Valley Road, East on Valley Road to the Eastern boundary of the City of Plymouth.

SUPERVISORY DISTRICT NO. 17:

City of Plymouth Wards 7 through 12 – That portion of the City of Plymouth South of the line commencing at the Western boundary of the City of Plymouth and Summit Street, East on Summit Street to North Pleasant Street, North on North Pleasant Street to West/East Mill Street, East on Mill Street to Eastern Avenue, East on Eastern Avenue to South Pleasantview Road, South on South Pleasantview Road to Valley Road, East on Valley Road to the Eastern boundary of the City of Plymouth.

SUPERVISORY DISTRICT NO. 18:

Town of Sheboygan Falls Wards 1 and 3 – That portion of the Town of Sheboygan Falls South and East of the line commencing at the intersection of Willow Road and County Road O, East on County Road O to Meadowlark Road, North on Meadowlark Road to County Road J, East on County Road J to Rangeline Road. **City of Sheboygan Falls Wards 1, 2 and 9** – That portion of the City of Sheboygan Falls West of the line commencing at Bluebird Lane and County Road C, which becomes Fond du Lac Avenue, East on Fond du Lac Avenue to Leavens Avenue, East on Leavens Avenue to Second Street, South on Second Street to Western Avenue, East on Western Avenue to First Street, North on First Street to Leavens Avenue, East on Leavens Avenue to Main Street, South on Main Street to Broadway, Southeast on Broadway to Buffalo Street, South on Buffalo Street to Monroe Street, West on Monroe Street, which becomes County Road PPP to the boundary of the City of Sheboygan Falls. **City of Sheboygan Falls Ward 8** – That portion of the City of Sheboygan Falls North and East of the line commencing at the northern boundary of the City of Sheboygan Falls and State Highway 32, South on State Highway 32, which becomes North Main Street, to Forest Avenue, East on Forest Avenue to the eastern boundary of the City of Sheboygan Falls.

SUPERVISORY DISTRICT NO. 19:

City of Sheboygan Falls Wards 3 through 7 – That portion of the City of Sheboygan Falls East of the line commencing at the southern boundary of the City of Sheboygan Falls and County Road PPP, East on County Road PPP, which becomes Monroe Street, to Buffalo Street, North on Buffalo Street to Broadway, Northwest on Broadway to Main Street, North on Main Street to Leavens Avenue, West on Leavens Avenue to First Street, South on First Street to Western Avenue, West on Western Avenue to Second Street, North on Second Street to Leavens Avenue, West on Leavens Avenue to Fond du Lac Avenue, which becomes County Road C, West on County Road C to Bluebird Lane, North on Bluebird Lane to the boundary of the City of Sheboygan Falls, North and East along the boundary of the City of Sheboygan Falls to State Highway 32, South on State Highway 32 to Forest Avenue, East on Forest Avenue to the eastern boundary of the City of Sheboygan Falls.

SUPERVISORY DISTRICT NO. 20:

Town of Sheboygan Ward 10 – That portion of the Town of Sheboygan South of County Road O and East of the line commencing at the intersection of County Road O and North 40th Street, South on North 40th Street to State Highway 23, West on State Highway 23 to Interstate 43. **Town of Wilson Wards 3-4** – That portion of the Town of Wilson North of the line commencing at the Western boundary of the Town of Wilson at Stahl Road, East on Stahl Road, also known as County Road KK to South 12th Street, also known as County Road KK, North on South 12th Street to Indian Mound Road, East on Indian Mound Road to Evergreen Drive, North on Evergreen Drive to Wahgouly Road, East on Wahgouly Road to Curtiss Drive, North on Curtiss Drive to Pioneer Road, East on Pioneer Road to Lake Michigan. The entire **Village of Kohler**.

SUPERVISORY DISTRICT NO. 21:

Town of Wilson Wards 1 and 2 – That portion of the Town of Wilson South of the line commencing at the Western boundary of the Town of Wilson at Stahl Road, East on Stahl Road, also known as County Road KK, to South 12th Street, also known as County Road KK, North on South 12th Street to Indian Mound Road, East on Indian Mound Road to Evergreen Drive, North on Evergreen Drive to Wahgouly Road, East on Wahgouly Road to Curtiss Drive, North on Curtiss Drive to Pioneer Road, East on Pioneer Road to Lake Michigan. The entire **Village of Oostburg**.

SUPERVISORY DISTRICT NO. 22:

The entire **Town of Lima**. **Town of Lyndon Wards 2 and 3** – That portion of the Town of Lyndon South and East of the line commencing at the Western boundary of the Town of Lyndon and State Highway 28, Northeast on State Highway 28 to County Road E, North on County Road E to County Road N, East on County Road N to Blueberry Lane, North on Blueberry Lane to the Northern boundary of the Town of Lyndon. The entire **Village of Waldo**.

SUPERVISORY DISTRICT NO. 23:

Town of Greenbush Wards 2 and 3 – That portion of the Town of Greenbush South of State Highway 23. The entire **Town of Mitchell**. **Town of Scott Wards 2 and 3** – That portion of the Town of Scott North of the line commencing at the Western boundary of the Town of Scott and Tower Drive, East on Tower Drive to County Road A, South and East on County Road A to the Eastern boundary of the Town of Scott.

SUPERVISORY DISTRICT NO. 24:

Town of Scott Ward 1 – That portion of the Town of Scott South of the line commencing at the Western boundary of the Town of Scott and Tower Drive, East on Tower Drive to County Road A, South and East on County Road A to the Eastern boundary of the Town of Scott. The entire Town of Sherman, the entire Village of Adell, and the entire Village of Random Lake.

SUPERVISORY DISTRICT NO. 25:

The entire Town of Holland and the entire Village of Cedar Grove.

- 1.03 ELECTION AND TERM OF SUPERVISORS. Supervisors are County officers and shall be elected for two- (2-) year terms at the election to be held on the first Tuesday in April on even numbered years and shall take office on the third Tuesday in April on that year.
- 1.04 QUALIFICATIONS. A candidate for the office of supervisor shall be a qualified elector and resident of his supervisory district at least ten (10) days prior to the earliest time for the commencement of the circulation of nomination papers.
- 1.05 NOMINATION PAPERS. Nomination papers shall be circulated and filed pursuant to the provisions of Wis. Stat. § 8.10. As authorized by Wis. Stat. § 8.10(3m) the number of required signatures on nomination papers for the office of County Supervisor in Sheboygan County shall not be less than fifty (50) nor more than two hundred (200) electors.
- 1.06 WHEN SPRING PRIMARY IS REQUIRED. If nomination papers propose three (3) or more candidates for members of the Board of Supervisors in any County supervisory district, no person's name shall be placed on the ballot in the spring election unless he or she is nominated at the spring primary pursuant to Wisconsin Statutes.
- 1.07 RESIGNATIONS. Resignations of County Supervisors shall be made in writing to the Sheriff who shall immediately transmit a notice thereof to the Chairperson of the County Board and after such transmittal, the Sheriff shall file the resignation with the County Clerk.
- 1.08 VACANCY, HOW CAUSED. The office of supervisor shall become or be deemed vacant upon the happening of any of the following events:
- (1) The death of the incumbent.
 - (2) His or her resignation.
 - (3) His or her removal.
 - (4) His or her ceasing to be an inhabitant of the district.
 - (5) For any of the other reasons set forth in Wis. Stat. § 17.03.
- 1.09 REMOVAL FROM OFFICE. Supervisors may be removed from office by the County Board, for cause, by a vote of 2/3 of the supervisors entitled to seats on such Board.
- 1.10 VACANCIES. In the event of a vacancy on the County Board caused by death, resignation, or removal from office, the County Board Chairperson, with the approval of the County Board, shall appoint a person who is a qualified elector and resident of the supervisory district to fill the vacancy for the unexpired portion of the term to which the supervisor was appointed and until the supervisor's successor is elected and qualified.
- 1.11 CONFLICT OF OFFICE HOLDING. No County officer or employee is eligible to the office of supervisor, but a supervisor may also be a member of a town board, the common council of his city, or the board of trustees of his or her village.
- 1.12 PRIVATE INTEREST IN PUBLIC CONTRACTS PROHIBITED. No County officer or employee shall have a private interest in a public contract to the extent the same is prohibited by Wis. Stat. § 946.13.
- 1.13 CODE OF ETHICS. Pursuant to the authority granted under Wis. Stat. § 19.59(1m) Sheboygan County adopts this Code of Ethics. This Code of Ethics is adopted to further the goals that public officials be impartial, that public office not be used for personal gain, and that the public have confidence in the integrity of their governmental bodies. This Code of Ethics shall apply to all full-time and part-time elected County officials.
- (1) Ethics Board. The Executive Committee of the Board of Supervisors shall constitute the Ethics Board and shall administer and enforce this Code of Ethics. The Chairperson of the Executive Committee shall serve as chair of the Ethics Board, and in the absence or inability to serve as the Chairperson, the Vice-Chairperson shall serve as Ethics Board chair. If a member of the Executive Committee is the subject of investigation by the Ethics Board or abstains from participation, the Chairperson shall designate another Supervisor to serve on the Ethics Board for

such investigation. The Ethics Board may issue subpoenas, administer oaths, and investigate any violation of this Ordinance on its own motion or upon complaint by any person. The Ethics Board is the exclusive entity for the determination of violation of the Code of Ethics as to elected County officials. The Ethics Board shall establish operating rules to assure that persons accused of violating the Code of Ethics shall be given a fair hearing process. Complaints received by the Ethics Board with respect to County employees shall be referred to the County Administrator for handling pursuant to Section 2.23 of the County Code. The Ethics Board may call upon the Corporation Counsel, County Administrator, or other County staff for consultation and clerical support. The Ethics Board shall determine on a case-by-case basis whether its investigations, meetings, and findings are closed in whole or in part to the public.

- (2) Advisory Opinions. The Ethics Board may issue advisory opinions to any County official or employee who wishes to have an advance determination as to whether a particular action would be prohibited by the Code of Ethics. The Ethics Board may delegate to the Corporation Counsel the responsibility of issuing advisory opinions. Advisory Opinions shall be confidential as required by Wis. Stat. § 19.59(5).
- (3) Violations. A finding of a violation of the Code of Ethics by the Ethics Board shall constitute grounds for a public or private reprimand of an elected official by the Ethics Board and/or for a referral of a resolution of public censure to the full County Board, and/or a public reprimand and a referral of the matter to the District Attorney for political prosecution.
- (4) Prohibited Activity.
 - (a) Conduct Constituting Violation. Conduct which constitutes a violation of Wis. Stat. § 19.59(1)(a), (b), (br), and (c) is a prohibited activity under this Code of Ethics.
 - (b) Use of Public Property. No County elected official shall use or permit the unauthorized use of County-owned vehicles, equipment, materials, or other property for personal convenience or profit. Authorization to use shall be determined by the Liaison Committee through the provisions of Chapter 58 for County-owned vehicles.
 - (c) Favoritism. No County elected official shall grant any special consideration, treatment, or advantage to any person beyond that which is available to other persons. This provision is not intended to prohibit elected officials from being more solicitous to their constituents than to non-constituents.
 - (d) Disclosure of Confidential Information. No County elected official shall, without proper legal authorization, disclose confidential information obtained in the course of service to the County nor use such information to advance the financial or other private interest of self or others. By way of illustration, "confidential information" includes matters that are discussed or presented during a closed meeting of any Committee or Board that are not part of the public record of the Committee or Board or matters disclosed in relation to deliberating or negotiating the purchase or sale of County property or deliberating or negotiating County contracts.
 - (e) Gifts and Favors. No County elected official may solicit or accept anything of substantial value, including gifts and favors, from any person who is known to be interested, directly or indirectly, in any business dealings with the County. Furthermore, no County elected official may solicit or accept anything of substantial value including gifts and favors that may create the perception of influence on the recipient in the discharge of County duties or create the perception that the recipient is being rewarded for action or inaction.

1. Definition of "Substantial Value". "Substantial value" is defined as Twenty Dollars (\$20.00) per occurrence or Fifty Dollars (\$50.00) per calendar year.
 2. Examples of Matters Included. This section shall apply to admission tickets to sports or entertainment events; meals and beverages; accommodations at a hotel or resort; ceremonial or business-related events such as groundbreaking, receptions, grand openings, conferences, outings, and parties; receipt of mementos such as coffee cups, pens, pencils, note pads, paperweights, or all other matters not excluded below.
 3. Matters Excluded. This section does not apply to compensation and expenses paid by the state, United States, or County; fees, honoraria and expenses paid for attendance, presentations, or other participation in a professional organization, conference or seminar; attendance or participation at events or functions on County property or sponsored or sanctioned by the County; and gifts from family and friends where there can be no perception that the gift might influence the recipient in the discharge of County duties.
- (f) Failure to Abstain. No County elected official shall fail to abstain from voting or participating in a matter pursuant to Section 2.22 of the County Code if the elected official has a conflict of interest otherwise deemed illegal under state law or this Code of Ethics.
- (5) Interpretation. To the extent that conduct prohibited under Subsection (4)(a) hereof is more restrictive than the conduct prohibited under Subsections (4)(b), (c), (d), and (e) hereof, the less restrictive prohibitions will be controlling.

1.14 COMPENSATION. The compensation for County Board Supervisors shall be as follows:

- (1) Basic Salary. Each County Board Supervisor shall receive a basic annual salary of Two Thousand One Hundred Dollars (\$2,100.00), payable in equal monthly payments of One Hundred Seventy-five Dollars (\$175.00) in the regular course of the County payroll.
- (2) Per Diem Payments. In consideration for County Board meetings and Committee service, each Supervisor shall, in addition to the basic salary, be paid a per diem as herein provided for each County Board meeting and for each Committee or Committee-authorized meeting attended, subject to the following provisions:
 - (a) The per diem payment shall be as follows:
 - \$20.00 for a meeting lasting up to 2 hours
 - \$35.00 for a meeting between 2 and 4 hours
 - \$50.00 for a meeting of more than 4 hours
 - (b) Per diem payments shall not exceed Fifty Dollars (\$50.00) per day or Four Thousand Two Hundred Dollars (\$4,200.00) in any Board year.
 - (c) Meetings of a Committee on different subjects or in different places on the same calendar day shall be counted as one (1) meeting and the combined meeting times shall be considered in calculating the amount of per diem to be paid unless there is a time lapse of more than one (1) hour between meetings in which case two (2) per diems will be paid.
 - (d) Attendance at County Board Committee meetings when not a member thereof, or attendance at public functions or hearings as a representative of a Committee of the Board, will entitle the Supervisor to per diem payments if such attendance is

authorized or ratified by majority vote of the Committee being represented or by the Executive Committee.

(e) Per diem claims shall be paid monthly in accordance with County Board RULE XVIII (County Code Section 2.18).

(3) Group Health Insurance and Group Dental Insurance. Each County Board Supervisor shall be eligible to participate in the County's group health insurance program and group dental insurance program by enrolling for such coverage at the beginning of each term of office and by advance payment of 100% of the applicable monthly premium as established for the employees of the County. Supervisors may enroll in one coverage and not the other coverage if they choose.

1.15 COUNTY BOARD CHAIRPERSON'S COMPENSATION. The Chairperson of the County Board, in lieu of the County Supervisor's basic salary and in lieu of any per diem payments, shall be paid an annual salary of Ten Thousand Dollars (\$10,000.00).

1.16 VICE CHAIRPERSON'S COMPENSATION. The Vice Chairperson shall be paid One Thousand Dollars (\$1,000.00) per year in addition to the basic compensation and per diem payments provided for in Section 1.14 above.

1.17 MISSION STATEMENT, VISION STATEMENT, AND GUIDING PRINCIPLES. This Section shall be applicable to all full-time and part-time elected and appointed County officials and employees.

(1) The mission of Sheboygan County is to provide courteous, responsive, efficient, and effective services to those we serve.

(2) The vision of Sheboygan County is to be recognized as a leader of responsive and cost-effective local government.

(3) The guiding principles of Sheboygan County are:

(a) to provide leadership,

(b) to be dedicated to the concept of democratic local government,

(c) to maintain a constructive, objective, and creative attitude,

(d) to maintain a deep sense of social responsibility as a trusted public servant,

(e) to be dedicated to the highest ideals of honor and integrity in all public and personal relationships,

(f) to recognize that the chief function of local government is to serve the best interests of all citizens,

(g) to improve the quality and image of public service, to encourage regular communication between citizens and County officials,

(h) to emphasize friendly and courteous service to the public,

(i) to treat your colleagues and staff with respect and courtesy,

(j) to foster problem-solving and continuous learning in the work environment,

(k) to train and empower staff to attain high standards of professionalism, and

(l) to actively seek shared services opportunities with local, state, and federal agencies.

1.18 TERM LENGTHS FOR MISCELLANEOUS APPOINTMENTS.

(1) The County Board has created and may create special-purpose or limited-time Committees pursuant to its authority under Section 2.08 of this Code. The County Board has created such Committees by Resolution or Ordinance or in fulfillment of statutory requirements. Similarly, the County Board has authorized and may continue to authorize persons on behalf of the County Board to serve as representatives to other organizations or bodies.

(2) Where the document authorizing the Committee or representative does not expressly recite a term length and where the appointing authority is not the County Administrator pursuant to Section 43.05 of this Code and the

appointment powers remain with the County Board Chairperson, such appointment shall be made and submitted for Board confirmation if required by the regular third Tuesday meeting in May in even numbered calendar years and the appointment shall expire at the end of the Board term the following even-numbered calendar year.

- (3) Where the document authorizing the Committee or representative does not expressly recite a term length and where the appointing authority is the County Administrator pursuant to Section 43.05 of this Code, the County Administrator shall make such appointments and shall cause them to be submitted for Board confirmation by the regular third Tuesday meeting in May in even-numbered calendar years, and the appointment shall expire at the end of the Board term the following even-numbered calendar year unless at the time of the appointment the County Administrator requests and the County Board agrees to a different term length at the time of confirmation.
- (4) Any appointments made to fill vacancies to appointments under Subsections (2) or (3) above shall serve for the balance of the original term.
- (5) The County Administrator shall prepare and maintain a list of all Committees and representative appointments made on behalf of the County. When appointed terms expire, the County Administrator shall make new appointments pursuant to Section 43.05 of this Code and shall inform the County Board at its April Organizational Meeting of such expired terms.
- (6) For expired terms where the appointing authority is the County Board Chairperson, the County Administrator shall provide the County Board with a list of appointments to be made for distribution at the Organizational Meeting.

History: Ord. 25 (2006/07); Ord. 3 (2011/12); Ord. 7 (2012/13)

CHAPTER 2
RULES OF ORDER TO GOVERN THE SHEBOYGAN
COUNTY BOARD OF SUPERVISORS

- 2.01 RULE I - TIME AND PLACE OF MEETING
- 2.02 RULE II - QUORUM
- 2.03 RULE III - PRESIDING OFFICER
- 2.04 RULE IV - ORDER OF BUSINESS
- 2.05 RULE V - AGENDA
- 2.06 RULE VI - VOTING
- 2.07 RULE VII - GENERAL APPOINTMENTS
- 2.08 RULE VIII - COMMITTEES
- 2.09 RULE IX - COMMITTEE APPOINTMENTS
- 2.10 RULE X - COMMITTEE ORGANIZATION AND MEETINGS
- 2.11 RULE XI - EXECUTIVE COMMITTEE
- 2.12 RULE XII - DUTIES OF COMMITTEES
 - (1) Executive Committee
 - (2) Finance Committee
 - (3) Health and Human Services Committee
 - (4) Health Care Centers Committee
 - (5) Human Resources Committee
 - (6) Law Committee
 - (7) Planning, Resources, Agriculture, and Extension Committee
 - (8) Property Committee
 - (9) Transportation Committee
- 2.13 RULE XIII - REFERRAL OF RESOLUTIONS AND ORDINANCES
- 2.14 RULE XIV - RESERVED
- 2.15 RULE XV - RULE CHANGES
- 2.16 RULE XVI - PRIVILEGE OF THE FLOOR
- 2.17 RULE XVII - PARLIAMENTARY PROCEDURE
- 2.18 RULE XVIII - REIMBURSEMENT FOR SERVICES
- 2.19 RULE XIX - DEBATE
- 2.20 RULE XX - NEWS MEDIA COVERAGE
- 2.21 RULE XXI - PUBLIC ADDRESSES TO THE BOARD
- 2.22 RULE XXII - CONFLICT OF INTEREST
- 2.23 RULE XXIII - COMPLAINTS

2.01 RULE I - TIME AND PLACE OF MEETING. The County Board of Supervisors shall meet in regular session on the following dates:

- (1) The third Tuesday in April. This meeting shall be the Organizational meeting in even numbered years.
- (2) The second and fourth Tuesdays in April, in even numbered years.
- (3) The third Tuesday in May, June, July, and August.
- (4) The Tuesday preceding the final Tuesday in October [being the commencement of the Annual Meeting, to the extent required by Wis. Stat. § 59.11, and being the date of the Initial Budget Presentation pursuant to Chapter 5 of this Code].
- (5) The final Tuesday in October [being a continuation of the Annual Meeting and being the time of the Budget Review and Public Hearing pursuant to Chapter 5 of this Code]. No other business shall be conducted at this meeting.

- (6) The first Tuesday in November. The meeting shall be the concluding day of the Annual Meeting and the Budget Adoption day pursuant to Chapter 5 of this Code.
- (7) The third Tuesday in December, January, February, and March.
- (8) The fourth Tuesday in September.

The Board shall meet in special session upon written request of a majority of the Supervisors in accordance with Wis. Stat. § 59.11(2). Any special session request shall include a proposed Agenda to be considered at the special session.

All Board meetings shall begin at 6:00 p.m., and all meetings shall be held with open doors in the County Board Chambers at the Courthouse in the City of Sheboygan, Wisconsin, and all persons conducting themselves in an orderly manner may attend.

2.02 RULE II - QUORUM. A majority of the members elected shall constitute a quorum.

2.03 RULE III - PRESIDING OFFICER. The Chairperson shall preside at all meetings of the Board. In the absence of the Chairperson or at the direction of the Chairperson, the Vice Chairperson shall preside. In the absence of both, the County Clerk shall call the Board to order and the Board shall elect one of its members as temporary chairperson.

The Chairperson shall first call the members to order at the hour fixed for the meeting and then order the County Clerk to call the roll of members, and if a quorum be present, the Journal of the preceding meeting shall be presented so that any mistakes can be corrected. (The Journal for the last meeting of the Board term shall be approved by the Chairperson.)

The Chairperson shall preserve and may speak on points of order in preference to other members and shall be required to vote on all questions and matters pertaining to the Board.

No Chairperson of the Board of Supervisors shall serve more than two (2) consecutive terms in that specific capacity. A term shall be defined as a period of two (2) full years.

Pursuant to Wis. Stat. § 59.12(1), at the Organizational Meeting, the Chairperson from the prior preceding Board shall preside until a successor is elected.

2.04 RULE IV - ORDER OF BUSINESS.

- (1) For the Organizational Meeting, the order of business shall be:
 - (a) Call to order.
 - (b) Certification of compliance with Open Meeting Law.
 - (c) Pledge of Allegiance.
 - (d) Invocation.
 - (e) Roll call.
 - (f) Administration of the oath of office.
 - (g) Introduction of Department Heads and Introductory Statements by County Administrator.
 - (h) Adoption of Rules.
 - (i) Election of Chairperson.
 - (j) Election of Vice-Chairperson.
 - (k) Election of additional Executive Committee members.
 - (l) Introductory Statements by Elected Chairperson and Vice-Chairperson.
 - (m) Adjournment to the next meeting.

- (2) The order of business for all other meetings except the budget review session, special sessions, and the Organizational Meeting shall be as follows:
- (a) Call to order.
 - (b) Certification of compliance with Open Meeting Law.
 - (c) Pledge of Allegiance.
 - (d) Roll call.
 - (e) Approval of Journal.
 - (f) Committee and other appointments.
 - (g) Presentations.
 - (h) Public Addresses to the Board.
 - (i) Letters, Communications, and Announcements.
 - (j) County Administrator's report.
 - (k) Public Hearings.
 - (l) Reports of Committees on referrals of Resolutions and Ordinances and action thereon in the following order:
 - 1. Executive Committee.
 - 2. Other standing committees in alphabetical order.
 - 3. Special committees.
 - (m) Elections.
 - (n) Other Committee reports and action thereon, if any.
 - (o) Introduction of Resolutions, discussion, and action thereon. (All new Resolutions referred to Committees shall be read, titles only.)
 - (p) Introduction of Ordinances, discussion, and action thereon. (All new Ordinances referred to Committees shall be read, titles only.)
 - (q) Adjournment.

2.05 RULE V - AGENDA. The Agenda for all County Board meetings shall be prepared by the County Clerk subject to the approval of the County Board Chairperson and Vice Chairperson. All Resolutions and Ordinances which at the previous board meeting were referred to Committee must be placed on the Agenda to be submitted to the Board unless at the time of the referral a longer period of time for reporting out was authorized by the County Board Chairperson or by action of the County Board.

The County Clerk shall at least five (5) days before each meeting of the Board [except when the Board is in its Annual Meeting session or in special session] mail to each Board member the Agenda. When the Board is in its Annual Meeting session or in special session, such mailing shall be at least two (2) working days prior to the Board meeting. Members may, in coordination with the County Clerk, receive the Agenda by electronic mail in lieu of regular mail. In the event that most members receive the Agenda by electronic mail, the County Clerk, with the approval of the Executive Committee, may modify the Agenda timelines under this Rule V provided that any modifications are in compliance with the Open Meetings Law. Any documents accompanying the Agenda as electronic mail attachments shall be considered as drafts if so identified and may not be relied upon for accuracy. Revised documents may be substituted for documents identified and drafts at any time up to the meeting by the County Clerk.

All matters to be included on the Agenda shall be in the office of the County Clerk by 4:00 p.m. of the day preceding the mailing date.

Any matter which was not timely presented to the Clerk's office and which it is desired to have presented to the County Board may be added to the Agenda on the day of the

session by majority vote of the Board if compliance with the Open Meetings Law has been accomplished.

- 2.06 RULE VI - VOTING. All voting required to be publicly recorded shall be done simultaneously through the voting machine and when voting is closed, such votes shall be recorded as cast.
- 2.07 RULE VII - GENERAL APPOINTMENTS. All appointments requiring confirmation or approval by the County Board except appointments of Board members to Committees shall be submitted at the time of submitting the Agenda to the County Board members so that the same may be acted on at the meeting to which said appointments are first presented. If the appointments are not submitted at such time, they shall be required to lay over until the next session of the Board.
- 2.08 RULE VIII - COMMITTEES. The following shall be the standing (liaison) committees of the County Board:
- (1) Executive Committee (Capital Improvement Committee).
 - (2) Finance Committee.
 - (3) Health and Human Services Committee (County Health and Human Services Board).
 - (4) Health Care Centers Committee (Trustees).
 - (5) Human Resources Committee.
 - (6) Law Committee (Emergency Management Committee).
 - (7) Planning, Resources, Agriculture, and Extension Committee (County Solid Waste Management Board and Committee on Agriculture and Extension Education).
 - (8) Property Committee.
 - (9) Transportation Committee (Highway Committee).

The above Committees shall also serve as the statutory committees as indicated in parentheses.

Special committees may be created by the County Board for such special purposes or limited time as the Board determines.

The Grievance Committee required by Wis. Stat. § 59.26(8)(b) shall be composed of five (5) persons, consisting of the Chairperson, Vice-Chairperson, and Secretary of the Law Committee, or their designees, and the Chairperson and Vice-Chairperson of the Human Resources Committee, or their designees. The jurisdiction of this Grievance Committee shall be limited to that set forth in Wis. Stat. § 59.26(8)(b) and shall apply to suspension, demotion, or dismissal of sworn law enforcement personnel and all employees of the Sheriff's Department who are not members of a bargaining unit. All other grievances arising from the Sheriff's Department shall be handled by the Human Resources Committee in accordance with past practice. The Grievance Committee shall be considered a special committee rather than a standing committee.

- 2.09 RULE IX - COMMITTEE APPOINTMENTS. All Committee appointments, unless otherwise required by Wisconsin Statutes or otherwise voted by the Board, shall be nominated by the Executive Committee and confirmed by the majority vote of the Board.

The Executive Committee shall meet within three (3) days following the Organizational Meeting of the County Board and on such days thereafter as may be necessary for the purposes of making the initial nominations for Committee appointments.

The length of term that a County Board member serves on a Committee shall be determined by the Executive Committee to provide the broadest background in the best

interest of the County and Committee operations, provided that consideration shall be given to the rotation of membership on Committees.

No member shall serve on more than three (3) Committees. First preference for third Committee assignments shall go to the elected Executive Committee members except for the County Board Chairperson who serves as an ex officio member of each Committee.

A County Board member shall not serve on a Committee that provides liaison oversight to a Department or office that employs a sibling, spouse, or child of the County Board member.

2.10 RULE X - COMMITTEE ORGANIZATION AND MEETINGS. Unless otherwise specifically provided, the organizational structure and duties of each Committee shall be as herein stated:

- (1) Membership. Each Committee shall have five (5) Supervisor members except for the Health and Human Services Committee which shall have six (6) Supervisor members. The County Board Chairperson shall be an ex-officio member of all Committees.
- (2) Organization. Each Committee shall as its first order of business elect its own chairperson, vice-chairperson, and secretary. No person shall serve as chairperson on more than one (1) standing committee nor shall any chairperson serve more than two (2) consecutive terms as chairperson of the same committee. A term shall be defined as a period of two (2) full years.
- (3) Committee Secretary. The secretary shall keep records and minutes of all Committee sessions and shall be permitted assistance in his or her duties when deemed necessary by the Committee. The Departments or offices for which such Committee acts as liaison to the Board shall, upon the Committee secretary's request, provide any required secretarial services to the Committee. Any Committee which does not act as liaison to the Board for a Department or office and all special Committees may request secretarial services be provided and the County Administrator shall direct a Department Head or elected official, as the County Administrator determines is appropriate under the circumstances, to provide such services. In the event extraordinary expenses are incurred (for non-wage items such as materials, supplies, printing, postage, etc.), the Executive Committee may authorize reimbursement therefor out of the County Board account.
- (4) Term. The Committee shall be organized for a two- (2-) year term.
- (5) Meetings. The organizational meetings shall be called by County Board action. Thereafter, all regular meetings shall be scheduled by Committee action. All **regular** Committee meetings may not be scheduled earlier than 4:00 p.m. without a 2/3 vote of all Committee members. **Special** meetings may be called with notice to all members by the Committee chairperson or on the written request of three (3) Committee members.
- (6) Quorum. A majority of the members of any Committee shall constitute a quorum for the transaction of business.
- (7) Minutes. All Committee secretaries shall as soon as is reasonably possible and convenient file a duplicate copy of the minutes of every meeting in the office of

the County Clerk, and said minutes shall be available for review and informational purposes by all County Board members and the general public.

(8) Joint Meetings. Committees may hold joint meetings. If Committees hold joint meetings, the following procedures apply:

- (a) A majority of the sum of the members of each Committee constitutes a quorum for the joint meeting.
- (b) All members of each Committee shall vote on all business at the joint meeting, and a majority of the sum of the members present voting affirmatively shall be required to pass any measure.
- (c) Nothing precludes each Committee from holding its own separate meeting before or after a joint meeting if properly noticed.
- (d) In the event of a disagreement between Committee Chairs, the Chairperson of the Committee whose Committee name is first in the alphabet shall preside over the joint meeting.

2.11 **RULE XI - EXECUTIVE COMMITTEE.** The Executive Committee shall consist of five (5) members elected by the Board at the Organizational Meeting. This Committee shall be composed of the County Board Chairperson, Vice-Chairperson, and three (3) Board members. The Chairperson of the Board shall preside over the Executive Committee and the Vice-Chairperson of the Board shall be Vice-Chairperson of the Executive Committee.

2.12 **RULE XII - DUTIES OF COMMITTEES.** Each Committee shall carry out the duties specifically delegated to it by the County Board together with such duties as may be authorized by Wisconsin Statutes. Notwithstanding the general duties delegated to a Committee, any action otherwise undertaken by a Committee may be reversed or modified by action of the full County Board. In carrying out Committee Liaison responsibilities, each standing Committee shall audit and authorize for payment all proper claims and expenses for such office or Department and shall review the annual budget requests from the operations of such office or Department prior to submittal of the same to the Finance Committee. A general statement of the respective Committee duties is as follows:

- (1) Executive Committee. It shall be the duty of the Executive Committee:
 - (a) To assist the Chairperson in the administration of the County Board's business and make recommendations as may expedite the business of County government as may from time to time be warranted.
 - (b) To serve as liaison with the County Administrator and in that capacity to confer with the County Administrator from time to time concerning the operation of such office and the administration and management of all County Departments and offices.
 - (c) To nominate for confirmation by the County Board the membership of all Committees not otherwise selected.
 - (d) To recommend changes in the standing rules as may from time to time be necessary.
 - (e) To review all criticism of Board and Committee operations and otherwise meet with and advise other Committees and their officers when so requested, and to meet with individual Board members to review with them procedural Board matters.
 - (f) To review legislative matters in which the County may have an interest and advise the Board accordingly and to promote the passage of legislation which the County Board feels is in the best interests of Sheboygan County.

- (g) To provide guidance to the County Administrator and participate in the development of the County budget and the Five-year Capital Plan as set forth at Chapter 5 of this Code.
 - (h) To act in areas not otherwise delegated by these rules.
 - (i) To review, audit, and give final approval to Board members' per diem, mileage charges, and reimbursement of expense claims.
 - (j) To function as the Ethics Board pursuant to Chapter 1 of this Code.
 - (k) To act as the County Economic Development Committee to provide oversight to the County's Community Development Block Grant for Economic Development program.
- (2) Finance Committee. It shall be the duty of the Finance Committee:
- (a) To carry out the financial policy of the County as established in the County Budget, Board Ordinances and Resolutions, and make recommendations as to the interpretation and administration of such policy.
 - (b) To serve as liaison with the Finance and Information Technology Department, County Clerk, and County Treasurer and in that capacity to confer with them from time to time concerning the operation of their offices and Departments. To the extent that the functions of the Finance and Information Technology Department affect constitutional officers, it shall coordinate with such officers the responsibilities of such office and the work of the centralized accounting department.
 - (c) To examine and schedule all accounts, claims, demands, or causes of action against the County, unless otherwise delegated.
 - (d) To audit the claims of all Departments not otherwise delegated and to keep supervisory check over those audited by other Committees.
 - (e) The Committee shall have the authority to authorize payment of any and all dog damage claims so long as at the time of the consideration of the claim that the Town Chairperson, Village President, or Mayor of the municipality wherein the claim arises, or his delegated representative, may participate (without voting rights) in the consideration of the claim; and so long as said claim shall not exceed One Thousand Dollars (\$1,000.00). The Committee shall further be authorized to approve payment of Circuit Court claims within its authority of Subparagraph (c) above.
 - (f) Pursuant to Chapter 5 of this Code, to prepare the budget for the County, arrange for its publication and notice of hearing thereon.
 - (g) To examine the financial condition of the County each month and when necessary advise the County Administrator and Department Heads thereof.
 - (h) To designate the depositories for all County funds pursuant to Wis. Stat. §§ 34.01(1) and 34.05.
 - (i) To recommend temporary investments and otherwise advise the County Treasurer in the management of County funds.
 - (j) To authorize expenditures not included in the budget pursuant to Chapter 5 of this Code.
 - (k) To make settlement with all officers and Department Heads at the end of their respective terms or upon the termination of their employment as the case may be.
 - (l) To have jurisdiction of all matters relating to taxes and assessments, illegal taxing, and all questions pertaining to tax certificates.
 - (m) To have charge of all *In Rem*. proceedings instituted by the County on tax delinquent property.

- (n) To have charge of advertising and disposal of all County lands acquired by tax deed.
 - (o) To invite in connection with any discussions concerning the sale of property, the Board Member elected from the area in which the property is located. Such Board members shall have the full powers of a regular committee member in connection with any votes or discussion relating to the sale of said property in the area represented by said Board members.
 - (p) To consult with the County Treasurer when carrying out its responsibilities under the provisions of Subsections (l) through (o), above.
 - (q) The Finance Committee is authorized to contract for audit services as it deems appropriate. In making audit determinations, the Committee shall consult with the Committees of the Departments being audited for their recommendations as to the nature of the audit to be performed and the determination of who shall make such audit.
 - (r) To have charge of all property and liability insurance policy issues for the County, including all issues relating to the procurement and sufficiency of bonds pursuant to Wis. Stat. § 59.21. The Chairperson shall be a voting member of the Committee when carrying out this function. The Committee may seek bids for a combination of liability and worker's compensation insurance policies, but the administration of worker's compensation insurance and the awarding of a purchase order for the same shall remain within the jurisdiction of the Human Resources Department under the oversight of the Human Resources Committee.
 - (s) Pursuant to Wis. Stat. § 74.69(3), to make determinations for the County Board of postal service delay or error.
- (3) Health and Human Services Committee. It shall be the duty of the Health and Human Services Committee:
- (a) To serve as the County Health and Human Services Board as provided in Wis. Stat. §§ 46.23(4) and 251.02 and as more particularly set forth in Chapter 10 of this Code of Ordinances.
 - (b) To serve as liaison for the Health and Human Services Department and the Veterans' Service Office and in that capacity to confer with them from time to time concerning the operation of their offices.
- (4) Health Care Centers Committee (Trustees). The Health Care Centers Committee shall consist of the five (5) trustees appointed (pursuant to Wis. Stat. § 46.18). It shall be the duty of the Health Care Centers Committee:
- (a) To manage the County Health Care Centers and carry out the duties and responsibilities required by Wisconsin law.
 - (b) To be responsible for the administration of Sunny Ridge Health Care and Rehabilitation Center, Rocky Knoll Health Care Center buildings, and related property.
- (5) Human Resources Committee. It shall be the duty of the Human Resources Committee:
- (a) To consider and review all adjustment of salaries of County officers and employees and recommend the same to the County Board, unless otherwise provided.
 - (b) To have general supervision of all personnel policies of the County including such things as methods of recruitment, sick leave, vacations, paid holidays, and leaves of absence and to authorize the granting of increases for all employees within the provisions of Chapter 47 of this Code if such increases have had prior approval of the Department's Liaison Committee.

- (c) To cooperate with the County Administrator and the Department Heads in the enforcement of County personnel policies.
- (d) To serve as liaison with the Human Resources Department and Corporation Counsel and in that capacity to confer with them from time to time concerning the operation of their offices and Departments.
- (e) To examine and investigate grievances and enforce necessary discipline in cooperation with the County Administrator and Department Heads as may from time to time be required under collective bargaining agreements or County policies.
- (f) To act in an advisory capacity to the Finance Director in the administration of the Wisconsin Retirement Fund.
- (g) To have oversight of all insurance such as medical expense, life, dental, worker's compensation, or otherwise which would be benefits to the employees of Sheboygan County and to authorize payment of benefits by County check countersigned by the County Board Chairperson, Treasurer, and Clerk.
- (h) To act as the negotiating committee for all labor negotiations under Wis. Stat. § 111.70.
- (i) To present to the October County Board meeting an annual report of the actual cost of health insurance for claims paid during the preceding September through August twelve- (12-) month period which shall include the actual cost converted to a monthly rate for the following category groups:
 - 1. Retirees age 65 and over;
 - 2. Retirees under age 65;
 - 3. Active employees.
 - A. Full-time employees;
 - B. Part-time employees, including County Board Supervisors.

Said report shall also include a recommended monthly single and family rate for the current year for each of the above and any other required classifications for County Board approval.

(6) Law Committee. It shall be the duty of the Law Committee:

- (a) To serve as liaison between the Sheriff, Clerk of Courts, Child Support Enforcement Agency, District Attorney, Coroner, and Circuit Court Commissioner and in that capacity to confer with them from time to time concerning the operation of their offices and Departments.
- (b) To audit and approve all claims and expenses pertaining to the jail, meals to prisoners and contracts therefor, charges of transportation of patients and prisoners to various institutions, claims of any law enforcement officer for services, and to submit a quarterly summary of its audits to the Finance Committee.
- (c) To consider for confirmation the persons appointed by the Sheriff to positions of employment as may be required and approved for the good operation of said office.
- (d) To act as the Emergency Management Committee for the County pursuant to Wis. Stat. § 166.03(4)(c). In such capacity, it shall be the duty of the Committee:
 - 1. To adopt an effective program of emergency management within the County consistent with the state plan of emergency management.
 - 2. To prepare budget requests for funds for the program and audit the expenditures thereof.

3. To control and direct the activities of the Emergency Management Director and otherwise carry out the provisions of Wis. Stat. § 166.03(4).

- (7) Planning, Resources, Agriculture, and Extension Committee. It shall be the duty of the Planning, Resources, Agriculture, and Extension Committee:
 - (a) To serve as liaison with the County Planning Department and conservation, snowmobile, and recreation clubs; and in that capacity to confer with them from time to time concerning the operation of their offices and to provide oversight for the supervision, management, and control of the operation of the Marsh Park, Gerber Lakes, and County-owned or operated public access to public waters, and County-administered recreation trails.
 - (b) To work toward the coordination of the zoning and building ordinances and land use planning of the various municipalities.
 - (c) To develop data regarding the industrial needs, advantages, and sites in the County, to otherwise promote the industrial and commercial activity of the County and to provide the continued improvement of the industrial and commercial climate of the County.
 - (d) To cooperate with the Transportation Committee in the oversight of wayside and highway parks and access highway rights-of-way.
 - (e) To have the responsibility and authority for carrying out the purposes of the County Solid Waste Management System and when acting in that capacity, it shall be known as the County Solid Waste Authority [Wis. Stat. § 59.70(2)].
 - (f) To serve as liaison between the County Board and the Board of Adjustments.
 - (g) To act as the County Rural Planning Committee pursuant to Wis. Stat. § 27.019.
 - (h) To exercise the oversight responsibilities of the non-motorized transportation pilot program with the Transportation Committee. The Chairperson of the Planning, Resources, Agriculture, and Extension Committee shall act as the Chair of any joint meeting held with the Transportation Committee for this purpose.
 - (i) To act as the Committee on Agriculture and Extension Education [Wis. Stat. § 59.56(3)].
 - (j) To serve as the Land Conservation Committee of Sheboygan County (Wis. Stat. § 92.06). [The chairperson of the County USDA Farm Service Agency Committee created under 16 U.S.C., § 590h(b), shall also be a member when the Committee is acting in this capacity, all in accordance with Wis. Stat. § 92.06(1)(b)(2).]
 - (k) This Committee is hereby specifically delegated the authority to enter into agreements and memoranda of understanding on behalf of Sheboygan County with regard to those matters within its statutory authority enumerated in the above mentioned under Wis. Stat. chs. 91 and 92.
 - (l) To consider applications for Farmland Preservation Agreements under the provisions of Wis. Stat. §§ 91.11 through 91.23 and to make the determination for the County Board as to whether the applications should be granted or rejected. In the event the Committee rejects an application, the Committee shall include a written statement of the reasons for its recommendation for rejection. The Committee shall use only the statutory criteria in making its rejection. The Committee shall use only the statutory criteria in making its determination unless this County Board by resolution has specifically established other criterion which enhances the agricultural preservation purposes of the law, which additional criterion

shall be on file with the County Clerk and available to any applicants if such other criterion is so established.

- (m) To serve as liaison with the Register of Deeds.
- (n) To cooperate with the University of Wisconsin and the local U.W. College staff whenever necessary and requested in the development of the educational phases of the U.W. College or other related matters.

(8) Property Committee. It shall be the duty of the Property Committee:

- (a) To serve as liaison with the Building Services Department as it provides building services to the Administration Building, Detention Center, Human Services Building, Courthouse, Law Enforcement Center, Taylor Park, Aging & Disability Resource Center, the former Sunny Ridge building and campus, and the Museum and in that capacity to confer with the administrative officials from time to time concerning the operation of their facilities.
- (b) To have charge of permanent improvements, repairs, leases, rentals, and maintenance concerning all County buildings and grounds, including parking lots, not otherwise assigned by these rules.
- (c) To audit and approve all claims referred to them for building repairs and capital improvements for any of the aforesaid buildings and grounds.
- (d) To serve as liaison to the property related to the U.W. College.
- (e) To have charge of the U.W. College buildings and the property surrounding said buildings known as the U.W. site and the access roads adjacent thereto.

(9) Transportation Committee. It shall be the duty of the Transportation Committee:

- (a) To act as the statutory Highway Committee (Wis. Stat. § 83.015) and to carry out the provisions of Wis. Stat. § 83.015(2).
- (b) To serve as liaison with the Transportation Director and in that capacity to confer with the Transportation Director from time to time concerning the operation of that office and the Highway Division of the Transportation Department.
- (c) Pursuant to Wis. Stat. § 83.035 to supervise contracts entered into with Cities, Villages, and Towns within the County borders to construct and maintain streets and highways in such municipalities.
- (d) To serve as the liaison committee for the Airport Division of the Transportation Department supervising all operations and in that regard to lease, regulate, and manage the Airport property; to enforce existing leases, contracts, and operational agreements relating to said Airport; to negotiate all new contracts and leases that may arise from time to time with regard to operations and management of the Airport.
- (e) To exercise the oversight responsibilities of the non-motorized transportation pilot program with the Planning, Resources, Agriculture, and Extension Committee.

2.13 RULE XIII - REFERRAL OF RESOLUTIONS AND ORDINANCES. Except as otherwise provided, all Resolutions and main motions (other than procedural or memorial) and all Ordinances submitted to the Board shall first be referred by the Chairperson to a Board Committee or Committees for a recommendation. The Committee or Committees shall report their recommendation as to said matter to the Board at the next regular meeting of the Board except when the Board is in the annual meeting when said report shall be made within two (2) session days after referral.

The referral decision of the Chairperson may be modified if on motion and majority vote the Board decides to refer the matter in a different manner.

The sponsor of any Resolution or Ordinance which contemplates the expenditure of County funds shall submit the proposal to the Finance Department for a fiscal analysis of the proposal. The fiscal analysis shall accompany the Resolution or Ordinance when introduced.

Resolutions and Ordinances shall be automatically placed on the Agenda by the Clerk when the report of the Committee is due and shall thereupon be considered by the Board. Where the Committee Report recommends adoption or enactment subject to amendatory language, the Resolution or Ordinance may be brought forward on the Board floor by a motion to adopt or enact, by a motion to adopt or enact as amended in accordance with the Committee Report, or by a motion to "file." A motion may also be made to grant the Committee additional time upon 2/3 vote of the Board members present or if authorized by the County Board Chairperson. Where a motion is made to "file" a Resolution or Ordinance indefinitely without further action, the file motion is debatable.

Resolutions and Ordinances may be withdrawn (pulled) from Committee without action by the said Committee at any time by 2/3 vote of the Board members present as to Ordinances and majority vote as to Resolutions, provided that adequate notice of anticipated withdrawal action is made to the Clerk and Chairperson so that the Agenda reflects the anticipated withdrawal action. The Board member who moves for the measure to be withdrawn shall offer an explanation as to why the measure should be withdrawn from Committee.

No Resolutions or Ordinances may be introduced at the final meeting of the term of a Board (second Tuesday in April in even numbered calendar years) or at the first regular meeting of a term of a Board (fourth Tuesday in April in even numbered calendar years).

- 2.14 RULE XIV - RESERVED.
- 2.15 RULE XV - RULE CHANGES. No standing rule shall be rescinded, changed, or suspended except by a 2/3 vote of the Board.
- 2.16 RULE XVI - PRIVILEGE OF THE FLOOR. The privilege of the floor is limited to County Board members and its Clerk, County Administrator, and Corporation Counsel unless the same is granted by majority consent of the Board. The Chairperson may grant privilege of the floor to County Department Heads or elected officials or others with pertinent information to answer questions regarding matters before the Board unless objection thereto is voiced by any member present, and if such objection is made, a motion and majority vote will then be required. Any person granted privilege of the floor by vote of the Board shall limit his or her remarks to ten (10) minutes unless for good cause such time limitation is extended by the Chairperson.
- 2.17 RULE XVII - PARLIAMENTARY PROCEDURE. Except as modified by the herein rules or as required by the Wisconsin Statutes, the rules of parliamentary practice in Robert's Rules of Order shall govern in all cases where they are applicable, and a copy of said Robert's Rules of Order shall be placed on the desk of each member.
- 2.18 RULE XVIII - REIMBURSEMENT FOR SERVICES. Each Board member shall for each day he or she attends a meeting of the Board receive mileage as determined by Chapter 5 of this Code for each mile traveled in going and returning from said meetings by the most usual traveled route and he or she shall be entitled to compensation at the rate as determined by County Board Resolution for all mileage necessarily and actually traveled in connection with all Committee services.

Each Board member shall, by the 20th day of each month, submit to the County Clerk's office an expense account statement indicating County Board and Committee Meetings attended, together with mileage and other allowable expenses incurred during the preceding 16th to 15th thirty- (30-) day period. The County Clerk's office shall review the statement for accuracy and compliance with County Ordinances and shall prepare a proper voucher authorizing payment. Such payment shall be made monthly subject to reimbursement for any payments not approved upon subsequent audit by the Executive Committee.

Non-board members who serve on standing or special committees shall be entitled to meals and mileage reimbursement as provided for in Chapter 45 of the County Code of Ordinances unless there is a specific prohibition against such reimbursement.

- 2.19 RULE XIX - DEBATE. The Board recognizes the fundamental right of each of its members to be heard on every debatable issue and to that end no call of the question nor other motion to limit debate shall be in order so long as any member shall desire to speak to the same question if such member has not already addressed the issue for more than ten (10) minutes or has been recognized to speak three (3) times on the issue.
- 2.20 RULE XX - NEWS MEDIA COVERAGE. In furtherance of the declaration of the open meetings policy of Wis. Stat. § 19.81 which provides that the public is entitled to the fullest and most complete information regarding the affairs of government as is compatible with the conduct of governmental business; and whenever the Board or its Committees are meeting in open session, such body shall make a reasonable effort to accommodate any person desiring to record, film, or photograph the meeting as provided by Wis. Stat. § 19.90.
- (1) Use of Equipment. Recording, filming, or photographing shall not be carried on in a manner that interferes with the conduct of the meeting or the rights of participants.
 - (2) Sound and Light Criteria. Only audio and visual equipment which does not produce distracting light or sound may be used to cover County proceedings. Artificial lighting devices shall not be used in connection with equipment except in those circumstances where such auxiliary devices are necessary and then only with the advance consent of the Chairperson.
 - (3) Location of Equipment and Personnel. Operators of camera equipment and news reporters shall have free access to all areas open to the public. The Executive Committee may make provisions for placement of equipment and accommodations for news reporters and equipment operators within the Board area. Operators and news personnel may set up their equipment within such area prior to the proceedings but shall not move about so as to distract during the proceedings themselves.
- 2.21 RULE XXI - PUBLIC ADDRESSES TO THE BOARD. Public addresses to the Board which are permitted shall be subject to the following limitations:
- (1) Persons desiring to address the Board shall register such intention with the County Clerk's Office after the prior County Board meeting, but not later than 5:00 p.m. on the Monday preceding the County Board meeting.
 - (2) Not more than ten (10) persons shall be permitted under the provisions of this rule to speak at any County Board meeting.

- (3) Reservation for public addresses shall be granted on a first come, first served basis. Persons who have not previously addressed the Board shall have priority over other registrants.
- (4) Announced candidates for public office may be granted the privilege to address the County Board during the term of the candidacy, provided, in the judgment of the Chairperson, subsections (5), (6), and (7) are strictly followed.
- (5) Addresses shall be on subjects relevant to County government.
- (6) Addresses shall be limited to five (5) minutes.
- (7) No personal attacks shall be made on any individual nor shall disrespect for the County Board rules of procedure or its decorum be engaged in.

The Chairperson shall be responsible for enforcing the conditions of public appearances.

2.22 RULE XXII - CONFLICT OF INTEREST. If a Supervisor has a conflict of interest deemed illegal by state law or by the County Code of Ethics such that the Supervisor should abstain from voting on a matter in committee and/or at a Board meeting, such Supervisor must abstain from direct and indirect participation in all proceedings related to such matter. If a Supervisor concludes that no illegal conflict exists in a matter but intends to abstain from voting on such matter to avoid the appearance of a conflict, the Supervisor shall also abstain from direct and indirect participation in all proceedings related to such matter. A violation of this Rule shall constitute a violation of the Code of Ethics and shall be subject to Chapter 1 of this Code.

2.23 RULE XXIII - COMPLAINTS. Complaints or concerns about Sheboygan County employees which come to the attention of a County Board member shall be referred to the County Administrator. The County Administrator may investigate the matter in such manner as he or she determines is appropriate or may refer the matter to another person or persons for investigation. If the complaint relates to the County Administrator, it shall be referred to and investigated or referred by the County Board Chairperson.

The County Administrator or other person to whom the investigation was delegated will report the outcome of the investigation to the County Board member or to the Liaison Committee if it is appropriate to do so. Anonymous complaints may be investigated if the interests of the County will be served by doing so, but there is no obligation to respond to an anonymous complaint.

History: Ord. 2 (2011/12); Ord. 1 (2012/13)

CHAPTER 3
ANNUAL REPORTS OF HEALTH CARE CENTERS AND DEPARTMENTS

- 3.01 REPORTING REQUIREMENTS
- 3.02 REPORTING PERIOD
- 3.03 PUBLICATION

CHAPTER 3
ANNUAL REPORTS OF HEALTH CARE CENTERS AND DEPARTMENTS

3.01 REPORTING REQUIREMENTS. All I County Health Care Centers and Departments shall be required to continue to file annual reports with the Sheboygan County Clerk.

3.02 REPORTING PERIOD.

(a) Calendar Year Reports. All calendar-year reports shall be submitted to the County Clerk by February 28.

3.03 PUBLICATION.

(a) Complete Report. The clerk shall maintain a complete copy of each detailed report for a period of three years and the same shall be available for public inspection during courthouse hours by any interested parties.

CHAPTER 4
INVESTMENT POLICY AND PROCEDURES

- 4.01 INTRODUCTION
- 4.02 GENERAL STATEMENT OF POLICY
- 4.03 EXECUTION AND IMPLEMENTATION OF POLICY
- 4.04 DEALER POLICY
- 4.05 DUTIES OF THE COUNTY TREASURER AND DEPUTY
- 4.06 DUTIES OF THE COUNTY TREASURER
- 4.07 DUTIES OF THE FINANCE COMMITTEE
- 4.08 CONSTRUCTION OF POLICY

INVESTMENT POLICY AND PROCEDURES

- 4.01 INTRODUCTION. These procedures are meant to implement the Investment Policy which has been approved by the County Board of Sheboygan County ("County") and is for the use and guidance of the County Finance Committee, the County Finance Department, and the County Treasurer.
- 4.02 GENERAL STATEMENT OF POLICY. This policy may apply to any of the County's assets which the County Board is authorized by law to invest.
 - (1) Sheboygan County shall operate the investment activity in conformity with federal, state, and other legal requirements.
 - (2) Except as otherwise set forth herein, the Finance Committee, the County Finance Director, and the County Treasurer shall be guided by the principles outlined in this Investment Policy of the Government Finance Officers Association as modified, copies of which are on file with the County Clerk, the Finance Department, and the Treasurer and which may be further modified periodically by the Finance Committee as circumstances warrant.
 - (3) This policy is adopted by the Board to provide direction and overall guidance in investing the County's assets.
- 4.03 EXECUTION AND IMPLEMENTATION OF POLICY. The Finance Committee ("Committee") will recommend portfolio strategies to the Finance Director.
 - (1) All investments will be placed by the Finance Director.
 - (2) The Finance Committee shall be regularly apprised of all investment transactions at its regular Committee meetings.
- 4.04 DEALER POLICY. The Finance Director is authorized to deal with multiple brokers and dealers, on-line investment auctions, and other entities in managing the County investment portfolio with the advice and consent of the Finance Committee. If the Finance Committee determines that all purchase and sale transactions of investment securities will be executed through a specific investment advisor the Finance Committee will select the investment advisor with consideration of recommendations made by the Finance Director. All brokers, dealers, and investment advisors shall review the County's Investment Policy and Procedures prior to engaging in investment activity on behalf of Sheboygan County and shall agree to adhere to such policies and shall so certify by signing a form provided by the Finance Director.
- 4.05 DUTIES OF THE COUNTY FINANCE DIRECTOR. The Finance Director Treasurer shall:
 - (1) Recommend investment strategies to the Finance Committee based on market analysis. Strategies may include infrequent portfolio restructuring, and the adoption of new, appropriate securities to improve portfolio performance.
 - (2) Direct all investment transactions and activities. Responsibilities include execution, reporting, and communication of activities to the Finance Committee.

- (3) Ensure compliance of all investment activities with federal and state regulations as applicable.
- (4) Utilize market technology to improve operational procedures, i.e., safekeeping, software applications.
- (5) Reporting Requirements. The Finance Director, when initiating an order to purchase or sell securities, shall immediately prepare a written memorandum with a copy of the Finance Department so that the investment may be booked. This memorandum shall include the following:
 - (a) Date of order.
 - (b) Name of dealer.
 - (c) Dealer's representative.
 - (d) Description of the issue.
 - (e) Par value.
 - (f) Maturity date.
 - (g) Coupon rate.
 - (h) Yield to maturity (basis).
 - (i) Purchase or sale price per 100 par value.
 - (j) Credit rating by Moody or Standard & Poor.
 - (k) Anticipated settlement date.
 - (l) Delivery instructions.
- (6) Be responsible for undertaking the real property lister duties as set forth in Wis. Stat. § 70.09.

4.06 DUTIES OF THE COUNTY TREASURER. The County Treasurer shall:

- (1) Advise the Finance Director with respect to County finances, collections, and obligations, and
- (2) Assist in the development and calculation of the reporting requirements of the policy.

4.07 DUTIES OF THE FINANCE COMMITTEE. The Finance Committee shall review all investments based on the following:

- (1) Responsibilities.
 - (a) Review economic data based on current economic conditions and the outlook for interest rates.
 - (b) Review adequacy of County liquidity.
- (2) Investment Operating Policy.
 - (a) The exchange, sale, or purchase of portfolio securities shall be made by the Finance Director.
 - (b) Acquisition of large Certificates of Deposit over One Hundred Thousand Dollars (\$100,000.00) will be coordinated by the Finance Director with regard to amount, maturity, and rates.
 - (c) Public fund deposits requiring collateral will be coordinated through the County Finance Director to ensure proper rate setting and pledging.
 - (d) Repurchase Agreements will be coordinated through the County Finance Director or deputy.
- (3) The following reports will be reviewed monthly by the Finance Committee:

- (a) All bond purchases.
 - (b) All bond sales and net profits (losses).
 - (c) Portfolio balances.
 - (d) Portfolio maturities.
 - (e) Portfolio yield.
 - (f) Market appreciation or depreciation of bond portfolio.
 - (g) Proposed changes and/or exceptions to the policy.
- (4) The Finance Committee may develop and maintain investment policy guidelines in addition to the above that it determines necessary and appropriate as between itself, the Treasurer's Office, and the Finance Department.
- 4.08 CONSTRUCTION OF POLICY. The herein policy shall be constructed so as to comply with the statutory limitations as to County investments which are in effect at the time. Presently, such statutes are Wis. Stat. § 66.0603 and Wis. Stat. chs. 34 and 219.

History: Ord. 15 (2010/11)

CHAPTER 5
BUDGET ORDINANCE

5.01 TITLE
5.02 DEFINITIONS
5.03 FISCAL YEAR
5.04 ACCOUNTING AND BUDGETING PROCEDURE
5.05 BUDGET GOALS
5.06 BUDGET FORMULATION
5.07 BUDGET CONTROL POLICIES
5.08 FUND BALANCE REPORTING

5.01 TITLE. This Ordinance may be cited as the Budget Ordinance.

5.02 DEFINITIONS. In this Chapter, unless the context clearly requires otherwise:

- (1) **"Appropriation"** means an expenditure amount set aside in the County's annual adopted budget for a specified purpose.
- (2) **"Appropriation units"** means wages and benefits, operating expenses, interdepartmental charges, and capital outlay.
- (3) **"Board"** means the Sheboygan County Board of Supervisors.
- (4) **"Committee"** means the Finance Committee of the Board of Supervisors.
- (5) **"Director"** means the Sheboygan County Finance Director.
- (6) **"Department"** includes all County Departments, Boards, Commissions, institutions, offices, and other agencies of Sheboygan County government for which funds may be legally appropriated.
- (7) **"Liaison Committee"** means the Committees of the Board of Supervisors which serve as the oversight Committee for a Department.
- (8) **"Plan"** means the five-year capital projects plan.
- (9) **"Capitalization limit"** means the cost at which capital purchases will be depreciated, rather than expensed, in the current year.

5.03 FISCAL YEAR. The fiscal year for Sheboygan County shall be the calendar year.

5.04 ACCOUNTING AND BUDGETING PROCEDURE. Every accounting and budgeting procedure applied under this Section shall comply with generally accepted accounting principles for government as promulgated by the Governmental Accounting Standards Board or other authoritative sources. The Director shall inform the Committee of the source used by the County and of any changes thereof.

5.05 BUDGET GOALS. Between June 1 and July 1 of each year, the Finance Committee and the Executive Committee, using input from the County Administrative Coordinator and the Finance Director, shall establish budget goals and budget instructions for each Department Head to utilize in preparing their budget for the upcoming year.

5.06 BUDGET FORMULATION. Two separate budget processes take place each year. One process generates the capital projects budget, also known as the five- (5-) year plan, and the other generates the departmental operating budgets. Both the capital projects budget and the departmental operating budgets are combined into one final budget document for Sheboygan County. Each process is separately described below in Subsection (a) for the operating budget and Subsection (b) for the capital projects budget.

- (1) Operating Budget.
 - (a) Initial Department Budget. Between June 1 and July 15 of each year, each Department shall prepare a proposed operating budget utilizing goals and instructions prepared by the Committee.
 - (b) Initial Department Budget Format. The budget shall be in a form developed by the Finance Department as approved by the Committee which provides at least the following:
 1. Projection of annual revenues and expenditures for the current fiscal year;
 2. The Department's estimated revenues and expenditures for the ensuing fiscal year;
 3. Any other information the Committee requests.
 - (c) Administrative Review. Between July 1 and August 15, the Department Head shall meet with the County Administrative Coordinator and Finance Director on a staggered schedule to review and refine the Department budget in anticipation of presenting the proposed budget to the Liaison Committee.
 - (d) Liaison Committee Review. Between August 1 and September 15, each Department Head shall meet with the Department's Liaison Committee. The Liaison Committee shall review the proposed budget and approve and modify the proposed budget as it deems appropriate.
 - (e) Finance Committee Review. Prior to the October session of the County Board, the Department Head and the Liaison Committee shall meet with the Committee to review the Department's requested budget as approved and modified by the Liaison Committee.
 - (f) Committee Recommendation. The Finance Committee shall make such changes in each Department's proposed budget as in the Committee's discretion may be deemed desirable or proper and shall on or after October 1 submit to the Board the full budget in Resolution form. The budget shall include:
 1. a general summary of the detail contents of the budget;
 2. a summary for each Department showing the actual revenue and expense of the preceding fiscal year, the budgeted revenue and expense for the current year, the actual revenue and expense for not less than the first six (6) months of the current year, the estimated revenue and expense for the fiscal year currently ending, and the Department's budget recommendation for revenue, expense, use of fund balance, and tax levy for the fiscal year next succeeding;
 3. a comparative statement of any surplus and/or deficit from the preceding fiscal year not otherwise appropriated along with any other funds being applied or reserved;
 4. the anticipated revenues, fund balance use, and tax levy for the fiscal year next succeeding shall be equal in amount to the recommended expenditure appropriations;
 5. the capitalization limit for capital expenditure items will be determined by the Finance Committee;
 6. the budget shall be accompanied by a message which shall outline the important features of the budget plan and indicate any major changes in policy or in recommended appropriations or revenues as compared with

the fiscal year then ending and shall set forth the reasons for such changes;

7. the Capital Projects portion of the budget as outlined in Section 5.06(b) and approved at the September Board meeting is included in the proposed budget presented by the Committee;
8. the budget shall not include any funds for personnel positions unless such position exists in the Table of Organization at the time of the presentation of the proposed budget.

(g) Initial Budget Presentation.

1. The proposed budget shall be presented to the Board at its October session.
2. At such time, the Finance Committee shall present supplementary budget information that it determines to be helpful in the understanding of the document. Reading of the document or any parts thereof shall not be required.

(h) Budget Review and Public Hearing.

1. The Board shall hold a public hearing on the budget not later than the second Wednesday in November of each year at which time citizens may appear and express their opinions. The public hearing may be held in conjunction with the October Board meeting.
2. The Clerk shall publish as a Class I notice, under Wis. Stat. ch. 985, at least fifteen (15) days prior to the time of the public hearing, a summary of the Committee's budget as required by Wis. Stat. § 65.90(3) and the place where the budget in detail is available for public inspection, and the date, hour, and place of the Board's public hearing on the executive budget in the official County newspaper.
3. The Board shall review the budget at its scheduled budget review session. The review shall be by category except that any Board member may require line-by-line reading and review within any and all categories. Motions to amend the budget shall be considered and voted on as presented. Upon completion of its review, the budget shall be re-referred to the Finance Committee. The Finance Committee shall report its recommendations as to the "reviewed" budget at the next succeeding Board meeting.
4. The public hearing and line-by-line review may be performed at the same meeting.

(i) Adoption.

1. The Board shall consider the proposed budget Resolution with any final recommendations by the Finance Committee at its November meeting and shall make such changes it deems proper and advisable. To the extent the Resolution is approved, the same shall constitute the County budget as defined in Wis. Stat. § 65.90. Fiscal information which is not designated as an appropriation in the Resolution shall not be considered an appropriation. Such fiscal data is for informational purposes only and is not an appropriation.
2. At the same meeting as the budget Resolution is adopted, the Board shall pass as a separate Resolution—the tax levy necessary to implement the budget.

(2) Five-Year Capital Plan (Capital Projects).

- (a) The Committee, as part of the annual budget development process, shall propose in Resolution form a Plan for submission to the County Board at its August monthly meeting. The Plan shall be generated from the requests of each Liaison Committee and shall be comprised of all capital projects of One Hundred Thousand Dollars (\$1,000,000.00) or more in total cost which a Liaison Committee requests and which the Finance Committee endorses. Capital projects are defined as active or proposed non-operating expenditures, completed in one or more specified Plan years with an expected life of more than one year.
- (b) Between May 1 and June 1 of each year, each Department will prepare a request for projects to be included in the five- (5-) year capital improvements Plan. The Plan shall be approved by the respective Liaison Committee before consideration by the Committee.
- (c) After approval, the Plan shall be sent to the Finance Department for compilation in a summary worksheet to be reviewed by the Finance Committee. The Committee will meet prior to the August Board meeting to review and prioritize the requested projects, to amend, add, or delete projects from the Plan, and to determine appropriate sources of funding. Liaison Committee members are encouraged to be present to provide input to the Committee.
- (d) The Committee shall send a Resolution to the County Board at its August meeting recommending a specific five- (5-) year Plan. The Board shall refer the Plan to the Executive Committee without regard to the timing of the public hearing under Section 5.06(a)(8), above.
- (e) The Executive Committee shall report back to the full Board at the September meeting. When the Executive Committee report is submitted to the Board at its September monthly meeting, the Board may adopt the Plan as proposed by the Committee or it may adopt it as amended by the Executive Committee or as amended on the floor.
- (f) That portion of the Plan as adopted by the Board at its September meeting which identifies capital projects approved for the upcoming budget year shall constitute the capital projects portion of the full budget for the coming year.

5.07 BUDGET CONTROL POLICIES. The County budget is a financial plan for Sheboygan County developed in accordance with the Sheboygan County Code of General Ordinances, the Resolutions duly adopted by the County Board, Uniform Accounting Manual for Wisconsin Counties, and the pronouncements of the Governmental Accounting Standards Board. Budget control policies are as follows:

- (1) Change After Levy. As used in this Section, "appropriation" means departmental appropriation unit. The departmental appropriation units are: Salaries and benefits; operating expenses, interdepartmental charges; and capital outlay expenditures. Capital projects are separately budgeted, are not part of departmental budgets, and are not covered by this Section. The amounts of the various appropriations and the purposes for such appropriations stated in the budget may not be changed unless authorized by two-thirds (2/3) vote of the Board, all in accordance with Wis. Stat. § 65.90(5)(a), except that the Finance Committee may authorize expenditures, transfers, and variances without Board approval in the following circumstances:
 - (a) Capital Outlay Reprioritizations. Upon request of a Liaison Committee, the Finance Committee may authorize capital outlay account expenditures for items in substitution for those budgeted, provided the expenditure does not exceed the amount budgeted for the deleted items.
 - (b) Underfunded Appropriation Units. Upon request of a Liaison Committee, the Finance Committee may transfer funds between appropriation units of a

Department, so long as such transfers are not in excess of ten percent (10%) of the funds originally provided for such Department in the budget. The Finance Committee may also authorize expenditures in excess of the original budget provided that:

1. additional, unbudgeted revenues will affect the extra cost, or
2. contingency funds are approved for the additional expenditure, or
3. fund balance is to be used to absorb the extra expense, so long as such additional expense is not in excess of ten percent (10%) of the funds originally provided for such departmental appropriation unit in the budget.

Any transfer from the Contingency Fund shall also be subject to the following Subsections:

- (c) Contingency fund Transfers. The County Board may annually provide an allocation for the Contingency Fund which is intended to be used only for emergency needs that were not anticipated during the budget development process. The Finance Committee may, if approved by two-thirds (2/3) vote of the Committee, transfer funds from the Contingency Fund for underfunded or unbudgeted items of up to the lesser of Twenty-five Thousand Dollars (\$25,000.00) or ten percent (10%) of the Contingency Fund appropriation. All other transfers from the Contingency Fund may be made only by majority vote of the Board. If a Department receives less third-party (non-levy) revenue than budgeted, corresponding reductions in budgeted expenditures shall be made unless the Liaison Committee and Finance Committee approve to the contrary. Any time a change to a budgetary appropriation is made pursuant to this Section, the Clerk shall publish a notice thereof within ten (10) days after such change is made. Transfers within a departmental appropriation unit do not constitute a change to a budgetary appropriation.
- (d) Use of Fund Balance. The Finance Committee may use General Fund Undesignated Fund Balance if Contingency Funds are not available. Use of fund balance is subject to the provisions of Section 5.07(a)(3).

- (2) General Obligation Debt. After 2002, no budget may be adopted which provides for new capital project expenditures financed through bonds issued pursuant to Wis. Stat. § 67.05 in excess of Four Million Dollars (\$4,000,000.00) for current year expenditures and Four Million Dollars (\$4,000,000.00) for prior year expenditures not already financed unless the Board, as part of the budget process, adopts by two-thirds (2/3) vote a companion Resolution to the budget authorizing the additional bonding.

5.08 FUND BALANCE REPORTING. The Sheboygan County Finance Department shall implement the use of fund balance reporting and fund type definitions consistent with Government Accounting Standards Board (GASB) Statement 54.

- (a) Delegation of Authority. Subject to Subsection (b), below, the County Administrator and the Finance Director, acting jointly, are delegated the authority to assign amounts to be used for specific purposes to the various "assigned fund balances" to be reported in the County's financial statements.
- (b) Finance Committee Oversight. The Finance Committee, acting for the County Board, is empowered to revise any fund balance amounts assigned by the County Administrator and the Finance Director.
- (c) Commitment of Uses. The resources/revenues of the current Health and Human Services Funds, Public Safety Funds, Revolving Loan Funds, Debt Service Funds, and Capital Project Funds are committed for use for the respective purposes of these funds.

History: Ord. 8 (2011/12)

CHAPTER 6
LAND INFORMATION COUNCIL

- 6.01 COUNTY LAND INFORMATION COUNCIL
- 6.02 OFFICERS
- 6.03 RESPONSIBILITIES AND DUTIES
- 6.04 MODERNIZATION PLAN REVISION

6.01 COUNTY LAND INFORMATION COUNCIL. In accordance with Wis. Stat. §§ 16.967 and 59.72, there is created a County Land Information Council consisting of the following members:

- (1) The County Surveyor/Engineer.
- (2) The Register of Deeds
- (3) The County Treasurer
- (4) The Planning Director
- (5) The County Conservationist
- (6) The County Finance and Information Technology Director
- (7) The Emergency Management Director
- (8) A realtor or member of the Sheboygan County Realtor's Association as appointed by the County Administrator
- (9) A public safety or emergency communications representative employed within Sheboygan County as appointed by the County Administrator
- (10) A County Supervisor as appointed by the County Board Chairperson

6.02 OFFICERS. The County Surveyor/Engineer is designated as the County Land Information Officer for purposes of compliance with Wis. Stat. § 59.72(3) and shall serve as Chairperson of the Council. The members shall periodically select such officers from their membership as may be necessary to conclude the business of the Council.

6.03 RESPONSIBILITIES AND DUTIES. It shall be the duty and responsibility of the Council to:

- (1) review the present system of land records management to determine where improvements are needed; to follow state and federal initiation; and to ascertain costs and benefits involved;
- (2) to develop and recommend revisions to the County land Information Modernization Plan;
- (3) to review County compliance with the County Land Information Modernization Plan;
- (4) to coordinate land information projects with the County and between the County and other units of government and the private sector;
- (5) to review and recommend projects for grants, pursuant to Wis. Stat. § 16.967(7);
- (6) to report regularly to the Finance Committee of the County Board.

6.04 MODERNIZATION PLAN REVISION. The Land Information Council is authorized and directed to revise and amend the County Modernization Plan which was adopted by the County Board through Resolution No. 21 (2005/06) and amended by Resolution Nos. 24 and 37 (2008/09) as may be necessary to conform to any changes which may be required by the enactment of 2009 WI Act 314.

History: Ord. 1 (2010/11); Ord. 2 (2011/12)

CHAPTER 7

RESERVED

CHAPTER 8

RESERVED

CHAPTER 9

RESERVED

CHAPTER 10
HEALTH AND HUMAN SERVICES DEPARTMENT

- 10.01 CREATION OF HEALTH AND HUMAN SERVICES DEPARTMENT
- 10.02 PURPOSE
- 10.03 HEALTH AND HUMAN SERVICES BOARD
- 10.04 TERM OF OFFICE
- 10.05 VACANCIES
- 10.06 REMOVAL
- 10.07 DUTIES
- 10.08 PROGRAM DIRECTOR

CHAPTER 10
HEALTH AND HUMAN SERVICES DEPARTMENT

10.01 CREATION OF HEALTH AND HUMAN SERVICES DEPARTMENT. In accordance with sec. 46.23, Stats., there is hereby created and established a Sheboygan County Health and Human Services Department, which Department shall consist of the County Health and Human Services Board, the County Health and Human Services Director and any necessary personnel authorized by the County's Table of Organization of County Departments and Health Care Centers (Chapter 40 of the County Code of Ordinances).

10.02 PURPOSE. The purpose of the Department is to develop a comprehensive range of human services which shall include health care, public health services, mental illness treatment, developmental disabilities services, general relief, income maintenance, probation and parole services, alcohol and drug abuse services, services to children, youth and aging, family counseling, exceptional educational services and manpower services. Its programs responsibilities shall include providing community services and facilities for the prevention and amelioration of social, mental, and physical disabilities.

10.03 HEALTH AND HUMAN SERVICES BOARD. The Health and Human Services Department shall be administered by a Human Services Board composed of nine (9) persons of recognized ability and demonstrated interest in human services. Six (6) members shall be County Board of Supervisors and three (3) members shall be consumers of services or citizens at large. A good faith effort shall be made to appoint a registered nurse and a physician to the Board. Such members shall be appointed by the Executive Committee and confirmed by the County Board of Supervisors.

10.04 TERM OF OFFICE. The term of office of any member of the Board shall be three (3) years but of the members first appointed, at least 1/3 shall be appointed for one (1) year; 1/3 for two (2) years and the remainder for three (3) years, all with an April term ending date to coincide with the County Board's Organizational meetings; the staggered terms to be indicated at the time of appointment. County Board Supervisors' terms, however, shall terminate upon their failure to hold such office.

10.05 VACANCIES. Vacancies shall be filled for the residue of the unexpired term in the manner that original appointments are made.

10.06 REMOVAL. A County Health and Human Services Board member may be removed from office for cause by a 2/3 vote of the County Board of Supervisors participating in the appointment, on due notice in writing and hearing of the charges against the member.

10.07 DUTIES. The County Health and Human Services Board:

(a) Shall determine administrative and program policies within limits established by the Wisconsin Department of Health and Social Services (the "DEPARTMENT"). Policy decisions not reserved by statute for the Department may be delegated by its Secretary to the County Health and Human Services Board.

(b) Shall establish priorities in addition to those mandated by the Department.

- (c) Shall determine whether state mandated services are provided or purchased or contracted for with local providers, and monitor the performance of such contracts. Purchase of services contracts shall be subject to the conditions specified in sec. 46.036, Stats.
- (d) Shall determine, subject to the budgetary approval of the County Board of Supervisors and with the advice of the County Health and Human Services Director whether services are to be provided directly by the County Department of Health and Human Services or contracted for with other providers and make such contracts. The County Board of Supervisors may at any time elect to require the approval of any such contract by the County Board of Supervisors.
- (e) Shall represent human service agencies, professionals and consumers of services in negotiations with the state and federal governments.
- (f) Shall appoint a County Health and Human Services Director on the basis of recognized and demonstrated interest in and knowledge of human services problems, with due regard to training, experience, executive and administrative ability and general qualification and fitness for the performance of the duties of the County Health and Human Services Director. The appointment shall be subject to the personnel policies and procedures established from time to time by the County Board.
- (g) Shall appoint advisory committees for the purpose of receiving community, professional or technical information concerning particular policy considerations. Members of Advisory Committees shall serve without compensation except that they shall be entitled to out-of-pocket costs and reimbursement for meals and mileage, all as in accordance with Chapter 45 of the Sheboygan County Code of Ordinances.
- (h) Shall determine the number and location of any outstations when appropriate to meet service demands.
- (i) May recommend the removal of the County Health and Human Services Director for cause to the County Board and the County Board may remove the County Health and Human Services Director for cause by a 2/3 vote, on due notice in writing and hearing of the charges against the County Health and Human Services Director.
- (j) Shall develop County Health and Human Services Board organization and operating procedures.
- (k) Shall oversee the operation of one or more service delivery programs.
- (l) Shall evaluate services delivery.
- (m) May perform such other general functions necessary to administer its programs authorized herein.
- (n) Shall submit a proposed budget in accordance with Wis. Stat. § 46.031(l) for authorized services. Notwithstanding the categorization of or limits specified for funds allocated under Wis. Stat. §§ 49.51(l)(d) or 51.423(2) with the approval of the Department of Health and Social Services, the County Health and Human Services Board may expend these funds consistent with any service provided under Wis. Stat. §§ 49.52(l)(d) or 51.42.
- (o) Shall cooperate to the extent feasible with the school board, health planning agencies, law enforcement agencies, and other human service agencies, committees and planning bodies in Sheboygan County.
- (p) Shall comply with State requirements.
- (q) Shall have charge of operations and space utilization for the building known as the Health and Human Services Building.

(r) Shall carry out such other duties as may from time to time be delegated to it by the County Board of Supervisors.

10.08 PROGRAM DIRECTOR. The County Health and Human Services Director appointed under Section 10.07(f) of this Code shall:

(a) Have all of the administrative and executive powers and duties of managing, operating, maintaining and improving the programs of the County Health and Human Services Department, subject to the rules promulgated by the Department of Health and Social Services under Wisconsin law. In consultation with the County Health and Human Services Board and subject to its approval, the County Health and Human Services Director shall prepare:

(1) An annual comprehensive plan and budget of all funds necessary for the program and services authorized by this section in which priorities and objectives for the year are established as well as any modifications of long-range objectives.

(2) Intermediate-range plans and budget.

(3) Such other reports as are required by the Secretary and the County Board of Supervisors.

(b) Make recommendations to the County Health and Human Services Board for:

(1) Personnel and salaries of employees.

(2) Changes in the organization and management of the program.

(3) Changes in program services.

(c) Comply with State requirement.

(d) Carry out such other duties as may be required by the Health and Human Services Board.

CHAPTER 11

RESERVED

CHAPTER 12
COUNTY EMERGENCY MEDICAL SERVICES COUNCIL

- 12.01 CREATION OF COUNCIL
- 12.02 COUNCIL ORGANIZATION
- 12.03 DUTIES
- 12.04 STAFF SERVICES
- 12.05 COUNCIL MEETINGS
- 12.06 RULES OF ORDER AND OPERATING PROCEDURES

CHAPTER 12
COUNTY EMERGENCY MEDICAL SERVICES COUNCIL

12.01 CREATION OF COUNCIL. There is hereby established a County Emergency Medical Services Council to be appointed by the Chairperson of the County Board and confirmed by the County Board to serve Sheboygan County representing the following agencies, disciplines, or areas of expertise, but not to exceed a total of 20 members:

- (a) County Board.
- (b) Hospital Administration.
- (c) Sheboygan Fire Department.
- (d) Sheboygan County Fire Departments.
- (e) Law Enforcement - City.
- (f) Law Enforcement - County.
- (g) Private Ambulance Services.
- (h) Rescue Services.
- (i) County Bar Association.
- (j) Consumers interested but not involved in provision of EMS Services.
- (k) City Government.
- (l) Village Government.
- (m) Town Government.
- (n) Emergency Management and Highway Safety Coordination.
- (o) First Responder.
 - (p) Nursing.
 - (q) County Medical Society.
 - (r) County Medical Society.
 - (s) Industry.
 - (t) Member at-large.

12.02 COUNCIL ORGANIZATION. The officers of the Council shall be a chairperson, vice chairperson, and secretary who shall annually be elected by members of the Council.

12.03 DUTIES. The Council shall have the following duties:

- (a) To act as an advisor to the County Traffic Safety Commission concerning matters of County Emergency Medical Services.
- (b) To advise the Health and Human Services Board and Law Committee on all matters of County Emergency Medical Services when appropriate and shall work with the Law Committee in an advisory capacity in the administration of ambulance and rescue services agreements.
- (c) To have responsibility for county-wide coordination and planning of EMS services and in carrying out such responsibilities it shall develop and annually update a county-wide plan and act as the resource agency under state- and area-wide plans for Emergency Medical Services.
- (d) To carry out such other duties as may from time to time be assigned to it by the County Board or Law Committee.

12.04 STAFF SERVICES. The professional staff services, i.e. secretarial services including distribution of minutes and other such duties required by the Council, shall be provided by the Sheboygan County Sheriff's Department.

12.05 COUNCIL MEETINGS. The Council shall hold regular meetings quarterly at such times and places as it determines. Special meetings may be called pursuant to any additional rules of order as may be adopted by the Council. Meetings will be open and notices of said meetings shall be posted in advance of the meeting.

12.06 RULES OF ORDER AND OPERATING PROCEDURES. The Council may, by majority vote, establish such additional Rules of Order and operating procedures as it determines necessary except such rules shall not be inconsistent with the authority herein granted.

CHAPTER 13
TRUSTEES OF COUNTY HEALTH CARE CENTERS

- 13.01 BOARD OF TRUSTEES
- 13.02 APPOINTMENT
- 13.03 DUTIES
- 13.04 QUORUM
- 13.05 OFFICERS
- 13.06 MEETINGS

CHAPTER 13
TRUSTEES OF COUNTY HEALTH CARE CENTERS

13.01 BOARD OF TRUSTEES. There is hereby created a five - (5-) member board of trustees (also to be known as the Health Care Centers Committee) to manage the Rocky Knoll Health Care Center (Rocky Knoll), and Sunny Ridge Health Care and Rehabilitation Center (Sunny Ridge).

13.02 APPOINTMENT. At the April session, the Executive Committee, subject to the confirmation of the Board, shall appoint members to the above Board of Trustees for staggered three - (3-) year terms ending the third Tuesday in April, it being understood that the incumbent at the end of the three - (3-) year term shall hold over until the successor is appointed at the April session. Any vacancy shall be filled for the unexpired term by the County Board; but the County Board Chairperson may appoint a trustee to fill the vacancy until the County Board acts at its next County Board meeting.

13.03 DUTIES. The trustees shall have the duties prescribed by Wisconsin Statutes for institution trustees (e.g. Wis. Stat. ch. 46) and carry out such other duties as may, from time to time, be delegated to them by the County Board.

13.04 QUORUM. Three (3) members shall be present to constitute a quorum.

13.05 OFFICERS. The trustees at a special meeting held in April immediately after the appointment of trustees, shall elect a Chairperson, Vice Chairperson, and Secretary. The administrator of one of the health care facilities shall be ex-officio secretary. The trustees shall determine which institution administrator shall so act and the administrator shall serve as such secretary on a yearly rotational basis commencing with the April meeting.

13.06 MEETINGS. The trustees shall meet at such times and at such places as they may determine, but at least once each month, the trustees shall audit all claims against the County incurred on behalf of the health care facilities.

CHAPTER 14
EMERGENCY "911" TELEPHONE SYSTEM

- 14.01 EMERGENCY 911 SYSTEM
- 14.02 COST ASSESSMENT
- 14.03 COST LEVY AND COLLECTION

CHAPTER 14
EMERGENCY "911" TELEPHONE SYSTEM

14.01 EMERGENCY 911 SYSTEM. There is hereby established a sophisticated emergency telephone system to be operated and maintained by the Sheboygan County Sheriff's Department at its Law Enforcement Center in the City of Sheboygan which shall be in accordance with the plan submitted to the telephone utilities involved in its operation, all pursuant to the provisions of Wis. Stat. § 146.70.

14.02 COST ASSESSMENT. All telephone service users in Sheboygan County which have access to a 911 telephone system shall be required to pay the costs of said system as authorized by State Law, Wis. Stat. § 146.70(3) and as determined by the telecommunications utilities serving such users in Sheboygan County.

14.03 COST LEVY AND COLLECTION. All telecommunications utilities serving Sheboygan County shall bill the service users for all of the costs referred to in Section 14.02 of this Code of Ordinances and as approved by the appropriate agency of the State of Wisconsin, all as part of the regular billing to those service users.

CHAPTER 15
EMERGENCY PLANNING, MANAGEMENT, AND GOVERNMENT

- 15.01 PURPOSES AND AUTHORITY
- 15.02 CREATING COMMITTEE
- 15.03 MEMBERSHIP OF LEPC
- 15.04 ORGANIZATION AND OPERATIONS PROCEDURES
- 15.05 DUTIES OF COMMITTEE
- 15.06 EXPENDITURES
- 15.07 ADMINISTRATION AND ENFORCEMENT
- 15.08 DEFINITIONS
- 15.09 EMERGENCY MANAGEMENT COMMITTEE - DUTIES
- 15.10 EMERGENCY MANAGEMENT DIRECTOR - STATUS, DUTIES, AND POWERS
- 15.11 COUNTY BOARD CHAIRPERSON AUTHORITY
- 15.12 COUNTY BOARD DECLARATION OF STATE OF EMERGENCY
- 15.13 POWERS IMPOSED UPON DECLARATION OF EMERGENCY
- 15.14 TAKING LIMITATIONS
- 15.15 PENALTIES

15.01 PURPOSES AND AUTHORITY. The purposes of this Chapter are to:

- (1) carry out the provisions of emergency planning and notification as established and required by 42 USC §§ 11000 through 11050 and the hazardous substances information and emergency planning provisions of Wis. Stat. §§ 323.60 through 323.71 and any acts amendatory or supplementary;
- (2) prepare Sheboygan County to cope with emergencies resulting from enemy action and natural or man-made disaster by establishing an organization for emergency management pursuant to duties and responsibilities imposed upon counties under Wis. Stat. ch. 323;
- (3) allow for the continued operation of governmental functions during a state of emergency pursuant to the authority granted under Wis. Stat. §§ 323.52, 323.54, and 323.55.

SECTION A—EMERGENCY PLANNING

15.02 CREATING COMMITTEE. Pursuant to the provisions of Wis. Stat. § 59.54(8) there is hereby established a Local Emergency Planning Committee (LEPC).

15.03 MEMBERSHIP OF LEPC. The LEPC shall include representatives from each of the following groups or organizations, but not to exceed fifteen (15) members:

- (1) elected state and local officials
- (2) law enforcement
- (3) emergency management
- (4) fire fighting
- (5) first aid
- (6) health
- (7) local environmental
- (8) hospital
- (9) transportation personnel
- (10) broadcast and print media
- (11) community groups
- (12) owners and operators of facilities that generate, utilize, or transport hazardous substances (two representatives).

Membership to the Committee shall be by appointment by the County Board Administrator after consultation with the Law Committee subject to ratification by the County Board, except that if the County Board Chairperson wishes to appoint a County Supervisor as a representative of elected state and local officials, such appointment shall be made by the County Board Chairperson subject to ratification by the County Board. Appointments shall be made for a two- (2-) year term and shall be submitted for ratification at the County Board's May meeting in even numbered years unless the

appointment is made to fill a vacancy, and the members shall serve without pay unless otherwise specifically provided.

15.04 ORGANIZATION AND OPERATIONS PROCEDURES. The Committee shall convene an organizational meeting in June of even-numbered years and shall elect such officers as it deems appropriate and may from time to time meet and establish such rules as it deems necessary for the proper function of the Committee. Such rules shall include provisions for public notification of Committee activities, public meetings to discuss the emergency plan, public comments, response to such comments by the Committee, and distribution of the emergency plan.

15.05 DUTIES OF COMMITTEE. The Committee shall have the following duties and responsibilities:

- (1) Develop an emergency response plan which shall include the following:
 - (a) identification of facilities and extremely hazardous substances transportation routes;
 - (b) emergency response procedures;
 - (c) the designation of the Director of Emergency Management as the Community Emergency Coordinator;
 - (d) emergency notification procedures;
 - (e) methods for determining the occurrence of a release and the probable affected area and population;
 - (f) description of community and industry emergency equipment and facilities, and the identity of persons responsible for them;
 - (g) evacuation plans;
 - (h) description and schedules of a training program for emergency response to chemical emergencies;
 - (i) methods and schedules for exercising emergency response plans;
- (2) Establish procedures for receiving and processing requests from the public for information;
- (3) Evaluate the need for resources necessary to develop, implement, and exercise the emergency plan, and make recommendations with respect to additional resources and how to get them;
- (4) Receive notice of chemical release from facility to community emergency coordinator;
- (5) Make the Material Safety Data Sheet (MSDS) available upon request. If the requested MSDS is not in the possession of the LEPC, it must be requested from the facility;
- (6) Carry out all requirements of a committee under the federal act;
- (7) Upon receipt by the Committee or the Committee's designated community emergency coordinator of a notification under Wis. Stat. § 323.60(5) of the release of a hazardous substance, take all actions necessary to ensure the implementation of the local emergency response plan;
- (8) Consult and coordinate with the County Board, the County and local heads of emergency management services designated under Wis. Stat. § 323.14(1) or (2) and the County emergency management committee designated under Wis. Stat. § 323.14(3) in the execution of the local emergency planning committee's duties under this Section;
- (9) To carry out the powers and duties established for LEPCs under federal law 42 USC 11000 through 11050 and under Wisconsin law;

- (10) To apply annually to the state and federal agencies or commissions for any available emergency planning grant funds;
 - (11) Such other duties as may be delegated to it by the Emergency Management Committee of the County Board or by the County Board;
 - (12) Pursuant to the provisions of Wis. Stat. § 323.71(5) act as the reviewing entity to determine the amount of reasonable and necessary expense incurred by local agencies which submit claims seeking reimbursement for expenses incurred in connection with responses to and clean-up of discharges of hazardous substances. In carrying out its review, it shall make a determination as to the amount and submit such determination to the Emergency Management Committee which may accept, reject, or modify, as it deems appropriate, the determination of the LEPC, and the action of the Emergency Management Committee shall be deemed to be the final action of the reviewing entity. In carrying out its duties, the LEPC may direct the Director of Emergency Management to establish a procedure for submittal of claims for review and authorize the Director to audit and make recommendations prior to their presentation to the LEPC.
- 15.06 EXPENDITURES. Expenditures of the Committee shall be first authorized by the Emergency Management Committee of the County Board, subject to the budgetary control of the County Board.

SECTION B—ADMINISTRATION AND APPLICATION

- 15.07 ADMINISTRATION AND ENFORCEMENT. This Ordinance shall be administered and enforced by the Emergency Management Committee, the Emergency Management Director, or any other duly authorized emergency management personnel.
- 15.08 DEFINITIONS.
- (1) The term "director" shall mean the Sheboygan County Director of Emergency Management.
 - (2) The term "committee" shall mean the Sheboygan County Emergency Management Committee. The Law Committee serves as the Emergency Management Committee for Sheboygan County.
 - (3) The term "board" shall mean the Sheboygan County Board of Supervisors.
 - (4) The term "emergency management" shall include "civil defense" and means all measures undertaken by or on behalf of Sheboygan County to prepare for and minimize the effect of enemy action and natural or man-made disaster upon the civilian population and to effectuate emergency repairs to, or the emergency restoration of, vital public utilities and facilities destroyed or damaged by such action or disaster.
- 15.09 EMERGENCY MANAGEMENT COMMITTEE - DUTIES. It shall be the duty of the Emergency Management Committee to:
- (1) adopt an effective program of emergency management within the County consistent with the state plan for emergency management;
 - (2) prepare budget requests for funds for the program and audit the expenditures thereof;
 - (3) suggest to the County Board nominations for Emergency Management Director;
 - (4) control and direct the activities of the Emergency Management Director and otherwise carry out the provisions of Wis. Stat. § 323.14.
- 15.10 EMERGENCY MANAGEMENT DIRECTOR - STATUS, DUTIES, AND POWERS. The Sheboygan County Emergency Management Director shall hold office and receive such compensation therefor as is determined by the County Board. Any person holding such office shall be qualified in accordance with standards established by the state or federal governments. The Director shall have the following duties, responsibilities, and powers under the overall direction and supervision of the Emergency Management Committee:

- (1) Develop, promulgate, and implement an emergency management plan for the County in accordance with requirements of the state and federal plans of emergency management.
- (2) Under the general supervision of the Emergency Management Committee coordinate and assist in the development of municipal emergency management plans within the County and the integration of such plans with the County plan and the state plan.
- (3) Direct the County emergency management program and all phases of emergency management related thereto, including the Sheboygan County Hazardous Materials Team, pursuant to state directive and subject to the overall supervision of the County Emergency Management Committee.
- (4) Direct county-wide emergency management training programs and exercises in accordance with directives from higher emergency management authority or as required by the County Emergency Management Committee.
- (5) Consult with the state director, area director, and municipal directors concerning all emergency management plans for the County and render such reports as may be required by the state or area director.
- (6) In case of a state of emergency proclaimed by the Governor or by the Board, direct all County emergency management activities carried on by County agencies or personnel and coordinate municipal emergency management activities within the County pursuant to directive of higher emergency management authority and in accord with integrated plans previously adopted.
- (7) Advise and consult with the County Emergency Management Committee concerning all phases of emergency management planning and activity and report to the County Board where necessary or required concerning emergency management within Sheboygan County.
- (8) Perform such other duties relating to emergency management as may be required by the County Board, the Emergency Management Committee, or higher emergency management authority or in pursuance of any mutual aid agreements made hereunder or as authorized by Wis. Stat. § 166.03(5).

SECTION C – EMERGENCY GOVERNMENT

- 15.11 COUNTY BOARD CHAIRPERSON AUTHORITY. The County Board Chairperson or in his or her absence, the Vice Chairperson, or in his or her absence, the County Administrator, may declare an emergency pursuant to Wis. Stat. §§ 59.12(2)(a) and 323.52 and order the County Board to convene a special meeting for the limited purpose of considering a resolution to declare a state of emergency. The special meeting may be called at an emergency temporary location and without regard for the notices and time requirements otherwise mandated by statute. The conditions which would serve as a basis for a declaration of emergency or for a resolution declaring a state of emergency include, without limitation because of enumeration: conditions arising by reason of war, conflagration, flood, heavy snow storm, blizzard, catastrophe, disaster, riot, civil commotion, acts of God and conditions which impair transportation, food or fuel supplies, medical care, fire, health, or police protection or other vital facilities of the County.
- 15.12 COUNTY BOARD DECLARATION OF STATE OF EMERGENCY. The County Board may declare, by resolution, a state of emergency for Sheboygan County or any portion thereof if the County Board determines that an emergency exists. The duration of such state of emergency shall not exceed 60 days as to an emergency resulting from enemy action or 30 days as to emergencies resulting from natural or man-made disasters, unless either is extended by resolution of the County Board of Supervisors. The duration of a declared state of emergency may not exceed the length of time beyond when emergency conditions exist. A copy of the resolution shall be filed with the Governor. The resolution may be revoked at the discretion of the County Board Chairperson, or in his or her absence, the Vice Chairperson, or in his or her absence, the County Administrator by written order or the County Board of Supervisors by resolution.
- 15.13 POWERS IMPOSED UPON DECLARATION OF EMERGENCY.

- (1) Unless expressly limited in the resolution declaring the state of emergency, the resolution declaring the state of emergency shall confer upon the County Board Chairperson, or in his or her absence, the County Board Vice-Chairperson the power to appoint emergency interim successors to all vacant County offices to serve only during the term of the state of emergency.
- (2) Unless expressly limited in the resolution declaring the state of emergency, the resolution declaring the state of emergency shall confer upon the County Administrator all powers to undertake whatever is necessary and expedient for the health, safety, welfare and good order of the County during such emergency, including: requesting resources from the State of Wisconsin; suspending required permits, price controls or other restrictions, suspending requirements that any public work (repair and reconstruction) estimated to cost over Twenty-five Thousand Dollars (\$25,000.00) be let by contract to the lowest bidder; declaring priority of emergency management contracts over other contracts, allocating materials and facilities in his or her discretion; taking, using and destroying private property for emergency management purposes; contracting on behalf of the County with any person to provide equipment and services on a cost basis to be used in disaster relief. The County Administrator shall also oversee the County Emergency Management Director in the coordination of response and recovery activities.

- 15.14 TAKING LIMITATIONS. Any taking, use or destruction of property as a result of a disaster shall be in the name of Sheboygan County, unless the emergency is declared by the Governor, in which case the taking, use or destruction shall be in the name of the State. Records shall be kept of such action and such records shall be evidence of a claim against the County or State as provided above. Any such claim shall be referred to the County Board or to the State of Wisconsin as provided in state statutes.
- 15.15 PENALTIES. It shall be unlawful for any person willfully to obstruct, hinder, or delay any member of the emergency management organization in the enforcement of any order, rule, regulation or plan issued pursuant to the authority contained in this ordinance. Whoever intentionally fails to comply with the directives of emergency management authorities promulgated under this section or Chapter 166, of the Wisconsin Statutes, during a state of emergency or during any training program or exercise shall, upon conviction, be subject to a forfeiture of not more than Two Hundred Dollars (\$200.00), together with the costs of prosecution.

History: Ord. 5 (2010/11)

CHAPTER 16
LEAD POISONING AND EXPOSURE

- 16.01 AUTHORITY AND PURPOSE
- 16.02 DUTIES AND POWERS OF HEALTH AND HUMAN SERVICES DEPARTMENT
- 16.03 STATUTORY PROHIBITIONS ADOPTED
- 16.04 CIVIL PENALTIES
- 16.05 CRIMINAL PENALTIES
- 16.06 ENFORCEMENT

16.01 AUTHORITY AND PURPOSE. This Ordinance is enacted pursuant to the authority provided by Wis. Stat. §§ 254.154 and 254.59. The purpose of this Ordinance is to reduce exposure to lead hazards and to eliminate, whenever possible, lead poisoning, especially among children under six (6) years of age.

16.02 DUTIES AND POWERS OF HEALTH AND HUMAN SERVICES DEPARTMENT. To the extent that the Health and Human Services Department has been delegated agency status pursuant to Wis. Stat. §§ 254.152 or 254.015, the Health and Human Services Department shall administer and enforce Wis. Stat. §§ 254.11 to 254.178 and any rules promulgated by those sections. The Health and Human Services Department may also exercise all duties and powers allowed to a local health officer to abate a dwelling or premises as a human health hazard under Wis. Stat. § 254.59 if the owner of the dwelling or premises does not comply with an order to conduct a lead hazard reduction pursuant to Wis. Stat. § 254.166(2m) as adopted herein.

16.03 STATUTORY PROHIBITIONS ADOPTED.

- (1) Any violation of which would be a violation of Wis. Stat. §§ 254.11 to 254.178 or rules promulgated or orders issued under those sections is prohibited by this Ordinance.
- (2) The defenses available under state law are also available to the corresponding Ordinance provisions.
- (3) It is the intent of this Ordinance that its various provisions be construed in the same manner as the corresponding state law. Any future amendments, revisions, or modifications of the statutes or rules promulgated thereunder as incorporated herein are intended to be made a part of this Code.

16.04 CIVIL PENALTIES. Any person who violates any provision of this Code or Orders issued hereunder may be required to forfeit not less than One Hundred Dollars (\$100.00) nor more than One Thousand Dollars (\$1,000.00). Each day of continued violation constitutes a separate offense.

16.05 CRIMINAL PENALTIES. Nothing contained herein precludes the district attorney from initiating criminal prosecution for known violations of the underlying provisions of Wis. Stat. §§ 254.11 to 254.178 or any rules promulgated or orders issued under those sections.

16.06 ENFORCEMENT.

- (1) The Health and Human Services Department may report any violations of this Code or rules promulgated or orders issued to the Corporation Counsel.
- (2) The Corporation Counsel shall enforce the Ordinance, rule, or order.
- (3) Violations may be prosecuted by issuing a Summons and Complaint or by issuing a Citation under Wis. Stat. § 66.0113 and Chapter 90 of the Sheboygan County Code.
- (4) In addition to a forfeiture, or in lieu of a forfeiture, the Corporation Counsel may seek injunctive relief and abatement enforcement as provided under Wis. Stat. §§ 254.154, 254.30, and 254.59, and the Court may order the imposition of costs, damages, or other equitable relief as provided therein.

- (5) Pursuant to Wis. Stat. § 254.30(1)(6), if a circuit court determines that the owner of a rental or leased dwelling or premises has failed to comply with an order issued pursuant to Wis. Stat. § 254.166(2m) as adopted herein, the circuit court may order the occupants of the affected dwelling or premises to withhold rent in escrow until the owner of the dwelling or building complies with the order.

History: Ord. 2 (2010/11); Ord. 5 (2011/12)

CHAPTER 17

LICENSURE AND REGULATION OF HOTELS, MOTELS, RESTAURANTS, TOURIST ROOMING HOUSES, BED AND BREAKFAST ESTABLISHMENTS, CAMPGROUNDS AND CAMPING RESORTS, RECREATIONAL AND EDUCATIONAL CAMPS, PUBLIC SWIMMING POOLS AND ESTABLISHMENTS POSSESSING CLASS B AND CLASS C ALCOHOL BEVERAGE LICENSES AND INSPECTIONS OF FOOD VENDING MACHINES, THEIR OPERATORS AND VENDING MACHINE COMMISSARIES

- 17.01 AUTHORITY AND PURPOSE
- 17.02 APPLICABILITY
- 17.03 DEFINITIONS
- 17.04 ENFORCEMENT
- 17.05 LICENSE AND PERMIT
- 17.06 APPLICATION
- 17.07 FEES
- 17.08 PERMIT PUBLIC DISPLAY
- 17.09 PERMIT SUSPENSION AND REVOCATION
- 17.10 REGULATIONS, RULES, AND LAWS ADOPTED BY REFERENCE
- 17.11 VIOLATION/PENALTIES
- 17.12 CONSTRUCTION OR ALTERATION OF FOOD ESTABLISHMENTS: PLAN EXAMINATION
- 17.13 CONSTRUCTION OR ALTERATION OF FOOD ESTABLISHMENTS: SITE EVALUATION

17.01 AUTHORITY AND PURPOSE. This Ordinance is adopted pursuant to that authority provided by Wis. Stats. §§ 125.68(5), 251.04(3), 254.47, and 254.69(2); and by Wisconsin Administrative Code Chapters HFS 172, 175, 178, 192, 195, 196, 197, and 198, and Comm 90. The purpose of this Ordinance is to protect and improve the public health and to authorize the Sheboygan County Health and Human Services Department to become the designated agent of the State Department of Health and Family Services for the purpose of establishing permit fees, issuing permits, and making investigations or inspections of hotels, motels, restaurants, tourist rooming houses, bed and breakfast establishments, campgrounds and camping resorts, recreational and educational camps, public swimming pools, and establishments possessing Class B and Class C alcoholic beverage licenses, and in making investigations and inspections of food vending machines, their operators and vending machine commissaries.

17.02 APPLICABILITY. The provisions of this Ordinance shall apply to the owner, operator or agent thereof of any, hotel, motel, tourist rooming house, restaurant, bed and breakfast establishment, campground and camping resort, recreational and educational camp, public swimming pool, establishments possessing Class B or Class C alcoholic beverage licenses, vending machine commissary or vending machines in Sheboygan County.

17.03 DEFINITIONS.

- (a) All definitions as set forth in Wis. Stats. 125, 251, and 254; and Wisconsin Administrative Code Chapters HFS 172, 175, 178, 192, 195, 196, 197, and 198; and Comm 90 are incorporated in this Ordinance by reference and they shall be construed, read, and interpreted as fully set forth herein until amended and then shall apply as amended.
- (b) "Duplicate Permit Fee" shall mean a fee for the replacement of an original permit.
- (c) "Health and Human Services" shall mean the Sheboygan County Health and Human Services Department, Division of Public Health.
- (d) "Inspection Fee" shall mean a fee for on-site visits, limited to two (2) in a twelve-month period of time or within the license year, to determine that establishments identified in the Ordinance are compliant with the statutes and administrative codes that govern their operation.
- (e) "Late Fee" shall mean a fee for failure to pay established fees by June 30 or the due date.
- (f) "Limited Food Service" shall mean the serving of food which is prepared and packaged off the premises with preparation on the premises limited to heating and serving with single-service articles, e.g., hermetically wrapped sandwiches or frozen pizza.

(g) "Mobile Restaurant" shall mean a restaurant operating from a movable vehicle, pushcart, trailer, or boat which periodically or continuously changes location and wherein meals or lunches are prepared or served or sold to the general public, excepting those vehicles used in delivery of pre-ordered meals or lunches prepared in a licensed restaurant.

(h) "Operator" shall mean the owner or person responsible to the owner for the operations of the hotel, motel, bed and breakfast establishment, food service establishment or beverage establishment, vending machine commissary and/or vending machine, campground, camping resort, recreational/educational camps, or public swimming pools.

(i) "Potentially Hazardous Food"

(1) Shall mean a FOOD that is natural or synthetic and that requires temperature control because it is in a form capable of supporting:

A. The rapid and progressive growth of infectious or toxigenic microorganisms;

B. The growth and toxin production of *Clostridium botulinum*; or

C. In raw shell eggs, the growth of *Salmonella enteritidis*.

(2) Includes an animal FOOD (a FOOD of animal origin) that is raw or heat-treated; a FOOD of plant origin that is heat-treated or consists of raw seed sprouts; cut melons; and garlic and oil mixtures that are not acidified or otherwise modified at a FOOD PROCESSING PLANT in a way that results in mixtures that do not support growth as specified under Subparagraph (a) of this definition.

(3) Does not include:

A. An air-cooled hard-boiled egg with shell intact;

B. A FOOD with an a/w value of 0.85 or less;

C. A FOOD with a pH level of 4.6 or below when measured at 24C (75F);

D. A FOOD in an unopened HERMETICALLY SEALED CONTAINER, that is commercially processed to achieve and maintain commercial sterility under conditions of nonrefrigerated storage and distribution;

E. A FOOD for which laboratory evidence demonstrates that the rapid and progressive growth of infectious or toxigenic microorganisms or growth of *S. enteritidis* in eggs or *C. botulinum* cannot occur, such as a FOOD that has an a/w and a pH that are above the levels specified under Subparagraphs (c) (2) and (3) of this definition and that may contain a preservative, other barrier to growth of microorganisms, or a combination of barriers that inhibit the growth of microorganisms.

F. A FOOD that may contain an infectious or toxigenic microorganism or chemical or physical contaminant at a level sufficient to cause illness, but that does not support the growth of microorganisms as specified under Subparagraph (a) of this definition.

(j) "Pre-Inspection Fee" shall mean a fee for consultative services offered within a six - (6-) month period from the date of permit application to persons intending to operate a new hotel, tourist rooming house, bed and breakfast establishment, restaurant, vending machine commissary, or to a person intending to be the new operator of an existing hotel, tourist rooming house, bed and breakfast establishment, restaurant and vending machine commissary.

(k) "Re-Inspection Fee" shall mean a fee for the third (3rd) and subsequent inspections needed to address compliance issues with the statutes and administrative codes that govern their operation.

(l) "Restaurant" shall mean any building, room, or place where meals are prepared, served, or sold to transients or the general public, and all places used in connection with the building, room, or place and includes any public or private school lunchroom for which food service is provided by contract. "Restaurant" does not include :

(1) Taverns that serve free lunches consisting of popcorn, cheese, crackers, pretzels, cold sausage, cured fish, or bread and butter;

(2) Churches, religious, fraternal, youth, or patriotic organization, service clubs, and civic organizations which occasionally prepare, serve, or sell meals to the general public;

(3) Any food service provided solely for needy persons;

(4) Bed and breakfast establishments; or

(5) A private individual selling food from a movable or temporary stand at a public farm sale.

(m) "Temporary Restaurant" shall mean a restaurant that operates at a fixed location in conjunction with a single event such as a fair, carnival, circus, public exhibition, anniversary sale, or occasional sales promotion.

(n) "Vending Machine" shall mean any self-service device offered for public use which, upon insertion of a coin or token, or by other means, dispenses unit servings of food or beverage either in bulk or in package, without the necessity of replenishing the device between each vending operation. "Vending machine" does not include a device which dispenses only bottled, prepackaged or canned soft drinks, a one cent vending device, a vending machine dispensing only candy, gum, nuts, nut meats, cookies, or crackers, or a vending machine dispensing only prepackaged grade A pasteurized milk or milk products.

(o) "Vending Machine Commissary" shall mean any building, room, or place in the state at which foods, containers, transport equipment, or supplies for vending machines are kept, handled, prepared, or stored by a vending machine operator, except a place at which the operator is licensed to manufacture, distribute, or sell food products under Wis. Stat. ch. 97.

17.04 ENFORCEMENT. The provisions of this Ordinance shall be administered by or under the direction of the Division of Public Health of the Health and Human Services Department, by its duly authorized representatives who shall have the right to enter, at reasonable hours, upon premises affected by this regulation to inspect the premises, secure samples or specimens, examine and copy relevant documents and records, or obtain photographic or other evidence needed to enforce this Ordinance.

17.05 LICENSE AND PERMIT.

(a) No person shall operate hotels, motels, restaurants, tourist rooming houses, bed and breakfast establishments, campgrounds and camping resorts, recreational and educational camps, public swimming pools and establishments possessing Class B and Class C alcohol beverage licenses and inspections of food vending machines, their operators and vending machine commissaries without first obtaining a non-prorated permit from the Health and Human Services Department. Such permits shall expire on June 30 of each year following their issuance except that permits initially issued during the period beginning on April 1 and ending June 30 shall expire June 30 of the following year. The issuance of a permit may be conditioned upon the Permittee correcting a violation of this Ordinance within a specified period of time. If the condition is not met within the specified period of time, the permit shall be voided. The permit shall not be transferable to a location other than the one for which it was issued, nor shall a permit be transferred from one operator to another subject to the express exception of:

(1) As to location, temporary permits may be transferred;

(2) As to operator, a permit of a food establishment operator may be transferred to an individual who is an immediate family member of the operator if the operator is transferring operation of the establishment or vending machine to that immediate family member. A parent, child, step-child, grandchild, sibling, or step-sibling shall be considered an immediate family member for purposes of this Ordinance.

(b) Operators or permittees of temporary restaurants whom the Health and Human Services Department has found to be uncooperative or habitual violators of this Ordinance may be denied a permit to operate. Temporary permits may be transferred to a premises other than that for which it was issued, provided that the approval of the new premises is secured from the Health and Human Services Department prior to operating at the new premises.

(c) No permits shall be granted to any person under this Ordinance without a pre-inspection by the Health and Human Services Department of the premises for which the permit shall be granted.

(d) No permit shall be issued until all application fees have been paid.

17.06 APPLICATION. Application for permits shall be made in writing to the Health and Human Services Department on forms developed and provided by the Health and Human Services Department, stating the name and address of the proposed applicant and operator, and the address and location of the proposed establishment, together with any such other information as may be required. The Health and Human Services Department shall either approve the application or deny the permit within thirty (30) days after receipt of a complete application.

17.07 FEES. Fees for the issuance of permits, the making of investigations, inspections, providing education, training, and technical assistance to all establishments covered pursuant to this Ordinance, plus the costs required to be paid to the state for each permit issued, are established by and may be amended upon the approval of the Sheboygan County Health and Human Services Board. In addition, separate pre-inspection fees are hereby established with regard to new establishments or existing establishments which have been transferred to a new operator. The fee schedule for a license shall be on file with the Sheboygan County Health and Human Services Department, Division of Public Health.

17.08 PERMIT PUBLIC DISPLAY. Every establishment required to obtain a permit pursuant to this Ordinance shall display said permit at all times in a conspicuous public place.

17.09 PERMIT SUSPENSION AND REVOCATION. Any permit issued by the Health and Human Services Department pursuant to this Ordinance may be temporarily suspended for a violation of any provision of this Ordinance or rules adopted by reference by this Ordinance if the Department determines that an immediate danger to health exists. Such permits may be permanently revoked after repeated violations.

17.10 REGULATIONS, RULES, AND LAWS ADOPTED BY REFERENCE. The applicable laws, rules, and regulations as set forth in Wis. Stats. chs. 125, 251, and 254; Wisconsin Administrative Code Chapters; and HFS 172, 175, 178, 192, 195, 196, 197, and 198; and Comm 90 are incorporated in this regulation by reference and they shall be construed, read, and interpreted as fully set forth herein until amended and then shall apply as amended. The expressed provisions of this Ordinance shall control where more restrictive.

17.11 VIOLATION/PENALTIES. Any person who violates or refuses to comply with any provisions of this Ordinance shall be subject to a forfeiture of Two Hundred Fifty Dollars (\$250.00) for each offense and/or revocation or amendment of their applicable permit. Each day a violation exists or continues shall be considered a separate offense. Where appropriate, injunctive relief may be sought by the Health and Human Services Department against continuing violations. In the alternative, the Health and Human Services Department may pursue enforcement of such Section of these regulations as are prosecutable.

17.12 CONSTRUCTION OR ALTERATION OF FOOD ESTABLISHMENTS: PLAN EXAMINATION. No person shall erect, construct, enlarge, or alter a food establishment without first submitting to the Sheboygan County Health and Human Services Department Division of Public Health ("Division of Public

Health") plans (drawings) which clearly show and describe the amount and character of the work proposed and without first receiving approval of submitted plans. Such plans shall include floor plans, equipment plans, and specifications; wall, floor, and ceiling finishes; and plans and specifications for food service kitchen ventilation. Submitted plans shall give all information necessary to show compliance with applicable health codes. At the option of the Division of Public Health, plans need not be submitted to execute minor alterations to a food establishment. Approved plans shall not be changed or modified unless approval of such changes or modifications shall first be obtained from the Division of Public Health. Plan examination fees shall be paid pursuant to Section 17.07 of this Code.

17.13 CONSTRUCTION OR ALTERATION OF FOOD ESTABLISHMENTS: SITE EVALUATION. A site evaluation by the Division of Public Health is required when any food establishment begins operation in a location where the immediate predecessor was not a food operation. Site evaluation by the Division of Public Health is not required for any food operation that has a change in operator or that is remodeled or altered. Such a food operator may voluntarily request site evaluation by the Division of Public Health which shall provide such evaluation whenever a request is made. Any food operation which voluntarily requests a food evaluation shall pay a site evaluation fee. Site evaluation fees shall be paid as required by Section 17.07.

CHAPTER 18
LICENSURE AND REGULATION OF BODY
PIERCING AND TATTOOING

- 18.01 AUTHORITY AND PURPOSE
- 18.02 APPLICABILITY
- 18.03 DEFINITIONS
- 18.04 LICENSES
- 18.05 LIMITATIONS
- 18.06 RECORDS
- 18.07 HEALTH AND SANITARY REQUIREMENTS
- 18.08 PHYSICAL FACILITIES
- 18.09 PRIVACY
- 18.10 RESTRICTIONS
- 18.11 CLEANING
- 18.12 STERILIZATION
- 18.13 PREPARATION AND CARE OF SITE
- 18.14 PREPARATION BY PRACTITIONER
- 18.15 CARE INSTRUCTIONS FOR PATRONS
- 18.16 INSPECTIONS
- 18.17 ENFORCEMENT
- 18.18 PENALTIES

18.01 AUTHORITY AND PURPOSE. This Ordinance is adopted pursuant to that authority provided by Wis. Stats. §§ 252.23, 252.24, and 252.245; and by Wis. Admin. Code ch. HFS 173. The purpose of this Ordinance is to protect and improve the public health of the community by proper licensure and regulation of body piercing and tattooing establishments and to authorize the Sheboygan County Health and Human Services Department, by its Division of Public Health ("Division of Public Health"), to act as an agent for the State of Wisconsin's Department of Health and Family Services for the purposes set forth herein.

18.02 APPLICABILITY. This Ordinance shall apply to all body piercing and tattooing establishments within Sheboygan County, whether of a temporary or permanent nature.

18.03 DEFINITIONS.

Approved means acceptable to the Division of Public Health based on its determination of conformance to this Chapter and good public health practices.

Autoclave means an apparatus that is registered and listed with the federal Food and Drug Administration for sterilizing articles by using superheated steam under pressure.

Body pierce, as a verb , means to perforate any human body part or tissue, except an ear, and to place a foreign object in the perforation to prevent the perforation from closing.

Body piercer means a person who performs body piercing on another person at that person's request.

Body piercing means perforating any human body part of tissue, except an ear, and placing a foreign object in the perforation to prevent the perforation from closing .

Body piercing establishment means the permanent premises where a body piercer performs body piercing and is in business for more than seven (7) consecutive days in a license year.

Branding means the burning of skin with a hot tool, cauterizing laser, or dry ice so that a mark is imbedded in the deep tissue.

Cleaning means the removal of foreign material from objects, normally accomplished with detergent, water, and mechanical action.

Department means the Wisconsin Department of Health and Family Services.

Disinfectant means a chemical that is capable of destroying disease-causing organisms on inanimate objects, with the exception of bacterial spores.

Division of Public Health means an authorized agent of the Sheboygan County Health and Human Services Department, Division of Public Health.

Hot water means water at a temperature of 110 °F or higher.

Implantation means the insertion of an object under the skin so that it remains under the skin, in whole or in part, after the procedure. This definition shall not apply to the post used in body piercing to keep the perforation from closing.

Local health department means an agency of local government that takes any of the forms specified in Wis. Stat. § 250.01(4), specifically the Sheboygan County Health and Human Services Department, Division of Public Health.

Operator means the owner or person responsible to the owner for the operation of a tattoo or body piercing establishment.

Patron means a person receiving a tattoo or body piercing.

Practitioner means a tattooist or body piercer.

Premises means a building, structure, area, or location where tattooing or body piercing is performed.

Scarification means the cutting of the skin so that when it heals, scar tissue remains.

Sharps' waste means waste that consists of medical equipment or clinical laboratory articles that may cause punctures or cuts, such as hypodermic needles, syringes with attached needles, and lancets, whether contaminated, unused, or disinfected.

Single use means a product or item which is disposed of after one use, such as a razor, a needle, a cotton swab, a tissue or paper product, a paper or soft plastic cup, or gauze or other sanitary covering.

Sterilization means the killing of all organisms and spores through use of an autoclave operated at a minimum of 250°F (121°C) at a pressure of at least fifteen (15) pounds per square inch for not less than thirty (30) minutes or through use of an autoclave approved by the Department that is operated at different temperatures and pressure levels but is equally effective in killing all organisms and spores.

Tattoo, as a verb, means to insert pigment under the surface of the skin of a person, by pricking with a needle or otherwise, so as to produce an indelible mark or figure through the skin .

Tattoo establishment means the permanent premises where a tattooist applies a tattoo to another person and is in business for more than seven (7) consecutive days in a license year.

Tattooist means a person who tattoos another person at that person's request.

Tempered water means water ranging in temperature from 85 °F to less than 110°F.

Temporary establishment means a single building, structure, area, or location where a tattooist or body piercer performs tattooing or body piercing for a maximum of seven (7) days per license year.

18.04 LICENSES.

- (1) Generally.
 - (a) Any person, partnership, or corporation desiring to secure a tattoo establishment, body piercing establishment, combination tattoo/body piercing establishment, tattooist and/or body piercer license shall make application to the Division of Public Health.
 - (b) The application shall be on a form provided by the Division of Public Health and shall include:
 1. The names, addresses, dates of birth, and driver's license numbers of the applicant, any partner or limited partner in a partnership application, any shareholder holding ten percent (10%) of the stock of a corporate applicant and each corporate officer and director.
 2. Written proof that each person required to be identified herein is at least eighteen (18) years of age.
 3. The address of the establishment to be licensed.
 4. Information as to whether the applicant or any person required to be identified is currently operating or has previously operated in this or any other municipality or state, under a tattoo or body piercing establishment license, whether the applicant or person required to be named in this Section has ever had such a license or permit suspended or revoked or has been convicted of a violation of state or local laws governing the practice of tattoo or body piercing, the reason for the suspension or revocation, and the business entity or trade name under which the applicant operated that was subject to the suspension, revocation, or conviction.
 - (c) Failure or refusal to complete the application and provide truthful responses to the application questions shall be grounds for a denial of the license.
 - (d) Application for a license shall be accompanied by payment of the application fee determined by the Division of Public Health.
 - (e) Within thirty (30) days of receiving a completed application for a license, the Division of Public Health shall act on the application. If an application for a license is denied, the Division of Public Health shall give the applicant reasons, in writing, for the denial and provide information on how the applicant may appeal that decision.
 - (f) A license will not be granted to an operator of a new establishment or to a new operator of an existing establishment without a pre-inspection. A pre-inspection fee will be assessed for each establishment according to the fee determined by the Division of Public Health.
 - (g) The operator of a tattoo or body piercing establishment shall promptly notify the Division of Public Health of an intention to cease operations and shall supply the Division of Public Health with the name and mailing address of the new operator. A license is not transferrable. A new operator must submit an application for a new license. No license shall be issued to or used by anyone acting as an agent for or in the employment of another.
- (2) Establishment License.
 - (a) No person may operate a body piercing or tattooing establishment or any combination thereof unless that person has obtained a license for the establishment from the Division of Public Health.

- (b) No person shall engage in the practice of body piercing or tattooing except in a permanent, licensed tattoo and/or body piercing establishment.
 - (c) Reciprocity within the State of Wisconsin will be recognized upon receipt of proof that the local requirements as set forth in this Chapter are met by the applicant.
 - (d) No person shall intentionally engage in the practice of implanting, branding, or scarification within Sheboygan County unless performed pursuant to procedures or orders delegated by a licensed physician.
 - (e) Except as otherwise provided, a license issued under this Chapter shall expire or terminate on June 30 of each year and shall be renewed annually thereafter.
 - (f) The application for renewal shall be filed with the Division of Public Health on or before June 30 together with the payment of the required fee. The fee for said license shall be determined by the Health and Human Services Board and shall be on file with the Division of Public Health. In addition, the applicant must pay any state administrative fee. Said information shall be provided by the Division of Public Health.
- (3) Application for Practitioner License.
- (a) No person may tattoo or body pierce another person, use or assume the title of tattooist or body piercer, or designate him or herself as a body piercer unless the person has obtained a license from the Division of Public Health. An application submitted to the Division of Public Health shall be accompanied by the required fee which shall be on file with the Division of Health.
 - (b) No person shall engage in the practice of tattooing and/or body piercing except in a permanent tattoo and/or body piercing establishment.
 - (c) Reciprocity within the State of Wisconsin will be recognized upon receipt of proof that the local requirements as set forth in this Ordinance are met by the applicant.
 - (d) A person applying for a practitioner's license must meet the requirements set out in Sections 18.07(1)(a) and (b).
- (4) Suspension or Revocation of License. The Division of Public Health may suspend or revoke any license issued pursuant to this Ordinance for violations of Ordinances or laws regulating activity or for other good cause.
- (5) Emergency Powers of Division of Public Health. Whenever the Division of Public Health has reason or probable cause to believe that the premises or methods of operation of a body piercing and/or tattoo establishment create an immediate danger to public health, the Division of Public Health may issue a temporary order prohibiting continued operation of the premises or any part thereof. The Division of Public Health may suspend a license without notice whenever the licensed premises, tattooist, and/or body piercer constitute an immediate health hazard.
- (6) Appeals. Any person aggrieved by the denial of a license or by suspension or revocation of a license required under this Ordinance may appeal any such order to the Health and Human Services Board within thirty (30) days of denial, suspension, or revocation. The Health and Human Services Board shall provide the appellant an opportunity for hearing on the matter and may either suspend or continue any such order pending determination of the appeal. The Board may affirm, modify, or set aside the order of the Division of Public Health. The Board shall make and keep a record of all proceedings relating to any such appeal. The record and actions of the Board shall be subject to review by certiorari by a court of record.

18.05 LIMITATIONS.

- (1) Temporary establishments. The practice of body piercing and tattooing is limited to permanent body piercing and/or tattooing establishments.
- (2) Patron's consent. A body piercer or tattooist may not body pierce or tattoo a patron without first obtaining the signed, informed consent of the person on a form approved by the Department.
- (3) Minors.
 - (a) No person under the age of sixteen (16) years of age may be body pierced.
 - (b) No person age sixteen (16) or seventeen (17) may be body pierced unless an informed consent form has been signed by his or her parent or legal guardian in the presence of the operator.
 - (c) No person under eighteen (18) years of age may be tattooed except by a physician in the scope of the physician's professional practice as permitted under Wis. Stat. § 948.70(3).
 - (d) A body piercing establishment shall post a notice in a conspicuous place in the establishment stating that it is illegal to body pierce a person under the age of eighteen (18) without the signed and informed consent of that person's parent or legal guardian.
 - (e) A tattoo establishment shall post a sign in a conspicuous place in the establishment stating that no person under the age of eighteen (18) may be tattooed.
- (4) Procedures prohibited. A body piercer or tattooist may not body pierce or tattoo a person who appears to be under the influence of alcohol or a mindaltering drug or a person who has evident skin lesions or skin infections in the area of the intended procedure.

18.06 RECORDS.

- (1) Every body piercer and tattooist shall keep a record of each patron which shall be retained for a minimum of two (2) years following the completion of the procedure.
- (2) The records shall include the patron's name, address, age, and consent form, the name of the practitioner who performs the procedure, and any adverse effects arising from the procedure which are known or made known to the practitioner.

18.07 HEALTH AND SANITARY REQUIREMENTS.

- (1) Practitioner requirements.
 - (a) Prior to license approval, all practitioners shall provide proof to the Division of Public Health that they are negative for hepatitis B and C as demonstrated by documentation of negative results for HbsAG, anti-HBc, anti-HBs, and anti-HCV tests as confirmed by a practicing physician. The expense of testing and examination shall be paid by the practitioner.
 - (b) No body piercer or tattooist with an exposed rash, skin lesion, or boil may engage in the practice of tattooing or body piercing.
- (2) Hygienic procedure requirements.
 - (a) Tattooists and body piercers shall maintain a high degree of personal cleanliness and shall conform to good hygiene practices during procedures.

- (b) Tattooists and body piercers shall thoroughly wash their hands and the exposed portions of their arms with dispensed soap and tempered water before and after each tattoo or body piercing procedure and more often as necessary to keep them clean.
- (c) Tattooists and body piercers shall dry their hands and arms with individual single-service towels.
- (d) Tattooists shall use single-use plastic covers to cover spray bottles or other reusable accessories to minimize the possibility of transmitting body fluids or disease during application of tattoos to successive patrons.
- (e) Disposable-type razors shall be single-use only and disposed of in accordance with Wis. Admin. Code ch. NR 526. Electric razors are prohibited.
- (f) Body piercing and tattoo needles shall be disposable, sterile, and for single patron use only. Body piercing jewelry shall be cleaned, individually packaged, and sterilized prior to use.

18.09 PHYSICAL FACILITIES.

- (1) Body piercing and tattoo application areas shall maintain a minimum illumination of fifty- (50-) foot candles.
- (2) Body piercing and tattoo areas shall be completely separated from any living quarters by floor-to-ceiling partitioning and solid doors which are kept closed during business hours. A direct outside entrance to the tattoo or body piercing establishment shall be provided.
- (3) All body piercing and tattoo establishments shall have a public toilet and handwashing facility which is separated from any living areas.
- (4) Toilet room fixtures shall be kept clean and in good repair. An easily cleanable covered waste receptacle shall be provided in the toilet room.
- (5) At least one hand-washing facility shall be conveniently located in the body piercing or tattoo area in addition to the hand-washing facility provided in the toilet room.
- (6) Anti-bacterial soap in a dispenser and single-service towels for drying hands shall be provided at all hand-washing facilities.
- (7) Hot and cold water shall be available at all hand -washing facilities.
- (8) Easily cleanable waste containers with non-absorbent, durable plastic liners shall be used for disposal of all tissues, towels, gauze pads, and other similar items used in connection with services provided to a patron.
- (9) Infectious waste, including sharps' waste, shall be stored and disposed of in an approved manner consistent with Wis. Admin. Code ch. NR 526, subch. II.
- (10) Instruments, dyes, pigments, stencils, and other body piercing and tattoo equipment shall be stored in closed cabinets exclusively used for that purpose.

18.10 PRIVACY. A panel or other barrier of sufficient height and width to effectively separate a patron on whom a procedure is being performed from any observers or waiting patrons shall be in place or readily available at the patron's request. If the facility size does not allow space for this, the establishment shall be locked during the procedure to prevent unwanted observers' or patrons' entrance to the premises.

18.11 RESTRICTIONS.

- (1) No smoking or consumption of food or drink is permitted in the area where a body piercing or tattoo procedure is performed, except that patrons may consume a non-alcoholic beverage during the procedure.
- (2) No animals, except for those that provide for services to persons with disabilities, are permitted in a body piercing or tattoo establishment.

18.12 CLEANING.

- (1) After each use, body piercing and tattooing equipment shall be cleaned to remove blood and tissue residue before sterilization.
- (2) Tubes and body piercing equipment shall be placed in a covered stainless steel container of cleaning and disinfectant solution until they can be cleaned and sterilized.
- (3) All containers holding contaminated needles, tubes, reusable body piercing equipment, and container lids shall be cleaned and disinfected at least daily.
- (4) The tattoo machine shall be cleaned and disinfected before each use.
- (5) Gloved personnel shall clean needle tubes prior to sterilization by manually pre-cleaning the items with care to ensure removal of residue, thoroughly rinsing the items with warm water and draining the water, cleaning the items by soaking them in a protein dissolving detergent-enzyme cleaner used according to manufacturer's instruction, and cleaning the items further in an ultrasonic cleaning unit which operates at forty (40) to sixty (60) hertz and is used according to the manufacturer's instructions, and rinsing and drying all items.
- (6) Prior to autoclaving, all needles and tubes shall be packaged either individually or in quantities appropriate for individual procedures. Packages shall be identifiable and dated.

18.13 STERILIZATION.

- (1) Prior to issuance of a tattoo or body piercing establishment license, each operator shall submit written procedures to the Division of Public Health setting forth each step to be taken by a tattooist, body piercer, or other employee in sterilizing equipment that is not single use.
- (2) Prior to issuance of a tattoo or body piercing establishment license, the operator shall demonstrate the sterilization of equipment following the approved sterilization procedure set forth in Subsection (1), above. A spore test shall be conducted by the applicant and the license shall only be issued upon a negative spore result.
- (3) Equipment requiring sterilization shall be pressure-sterilized at the establishment in an autoclave and in accordance with manufacturer's instructions.
- (4) Each batch of sterilized equipment shall be monitored for sterilization by use of heat-sensitive indicators capable of indicating approximate time and temperature achieved.
- (5) Autoclaves shall be spore-tested at least monthly. Spore kill test effectiveness shall be conducted by an independent laboratory.
- (6) Sterilized equipment shall be wrapped or covered and stored in a manner which will ensure that it will remain sterile until used.
- (7) Each tattoo or body piercing establishment shall maintain sterilization records, including spore tests for at least one (1) year from the date of the last entry, which shall include the following information:

- (a) Date of sterilization;
 - (b) Name of person operating the equipment; and
 - (c) Result of heat-sensitive indicator.
- (8) Sterilized equipment shall be re-sterilized if the package is opened, damaged, or becomes wet.
- (9) All methods of sterilization other than autoclaving are prohibited.
- 18.14 PREPARATION AND CARE OF SITE. Prior to issuance of a tattoo or body piercing establishment license, each operator shall submit written procedures to the Division of Public Health setting forth each step to be taken by a tattooist or body piercer in cleaning, preparing, and applying antiseptic to the skin of the patron.
- 18.15 PREPARATION BY PRACTITIONER. Before beginning a procedure, the tattooist or body piercer shall clean the skin area for the tattooing or piercing and prepare it with antiseptic. The solution shall be applied with cotton, gauze, or single-use toweling.
- 18.16 CARE INSTRUCTIONS FOR PATRON. After completing a procedure, the tattooist or body piercer shall provide the patron with oral and written instructions on the care of the tattoo or piercing. Prior to issuance of the tattoo or body piercing establishment license, a copy of the written care instructions shall be submitted to the Division of Public Health for approval.
- 18.17 INSPECTIONS.
- (1) The Division of Public Health will conduct at least one (1) complete inspection between September 1 and August 31 of every tattoo and body piercing establishment.
 - (2) The Division of Public Health shall conduct a pre -licensing inspection for all new establishments and establishments having a change of operator prior to the new or changed operator opening the established business.
 - (3) The Division of Public Health shall conduct an investigation when it receives information that a contagious disease or infection has resulted from a tattoo or body piercing procedure.
 - (4) If an annual, pre-licensing, or complaint investigation indicates corrections that must be made to ensure compliance with this Ordinance, the Division of Public Health shall conduct a return visit as appropriate to ensure compliance with corrective measures.
- 18.18 ENFORCEMENT.
- (1) The Division of Public Health may enter any establishment required to be licensed in this Ordinance at all reasonable times to inspect the premises, view the practice (with patrons' permission), secure samples or specimens, examine and copy documents, obtain photographs, or take any other action deemed necessary to properly enforce the provisions of applicable laws regulating the business or activity.
 - (2) Whenever the Division of Public Health finds that any establishment, tattooist, or body piercer required to obtain a license under this Ordinance is not operating or equipped in any manner required by the Ordinance or other applicable laws or regulations, the Division of Public Health shall notify, in writing, the person operating the premises or performing the activity, specifying the requirements of the Ordinance or applicable law or regulations and requiring that such business or practitioner comply with said provisions. The Division of Public Health shall specify time limits within which compliance shall take place. If the time limit or any extension thereof set forth in the notification is not met, the license may be suspended or revoked by the Division of Public Health.

18.19 PENALTIES. Any person who violates or refuses to comply with any provisions of this Ordinance shall be subject to a forfeiture of Two Hundred Fifty Dollars (\$250.00) for each offense and/or revocation or amendment of the applicable permit, plus applicable costs. Each day a violation exists or continues shall be considered a separate offense. Where appropriate, injunctive relief may be sought by the Sheboygan County Health and Human Services Department against continuing violations.

TRANSPORTATION COORDINATING COMMITTEE

19.01 CREATION OF COMMITTEE

19.02 MEMBERSHIP COMPOSITION

19.03 APPOINTMENT

19.04 TERM

19.05 DUTIES

19.01

19.01 CREATION OF COMMITTEE. Pursuant to Wis. Admin. Code § Trans 2.10, there is hereby created a Committee to be called the Sheboygan County Transportation Coordinating Committee for the purpose of coordinating Sheboygan County's specialized transportation services for the elderly and the disabled.

19.02 MEMBERSHIP COMPOSITION. The Transportation Coordinating Committee shall consist of seven (7) members, including:

- (a) One (1) member of the Transportation Committee of the County Board.
- (b) The Division Manager of the Health and Human Services Division on Aging, or designee.
- (c) The Director of the Health and Human Services Department, or designee.
- (d) One (1) member of the Health and Human Services Board.
- (e) One (1) citizen members representing public, proprietary, and non-profit transportation providers.
- (f) One (1) citizen member from the elderly or disabled community.
- (g) One (1) citizen member advocating for consumers.

19.03 APPOINTMENT. Appointment to the Transportation Coordinating Committee shall be made by the County Board Chairperson, subject to confirmation from the County Board of Supervisors.

19.04 TERM. The initial term of office for Committee members shall be until May 1, 2004. Thereafter appointments shall be for two (2) years expiring April 30 of each even-numbered year.

19.05 DUTIES. The Transportation Coordinating Committee shall have such duties as are prescribed in Wis. Admin. Code § Trans 2.10.

CHAPTER 20
SPEED ZONES

20.01 STATUTORY INVESTIGATION

20.02 EFFECTIVE DATE

20.03 SPEED LIMITS

- (1) Town of Greenbush
- (2) Town of Herman
- (3) Town of Holland
- (4) Town of Lima
- (5) Town of Mosel
- (6) Town of Plymouth
- (7) Town of Rhine
- (8) Town of Russell
- (9) Town of Scott
- (10) Town of Sheboygan
- (11) Town of Sheboygan Falls
- (12) Town of Sherman
- (13) Town of Wilson

20.04 PENALTY

20.01 STATUTORY INVESTIGATION. A traffic and engineering investigation has been made on the following described highways, the maximum permissible speed at which vehicles may be operated on said highways, which speed is herewith established as reasonable and safe pursuant to Wis. Stat. § 349.11.

20.02 EFFECTIVE DATE. The speed limits as set forth herein having been published and approved by the State Highway Commission shall be effective upon the erection and continued existence of standard signs giving notice thereof.

20.03 SPEED LIMITS. The maximum permissible speed at which vehicles may be operated on the following highways shall be as follows:

(1) TOWN OF GREENBUSH

(a) County Road "A"

1. Forty-five miles per hour from its intersection with State Highway "23" southwesterly to its intersection with Sugarbush Road, a distance of 0.32 of a mile.
2. Thirty-five miles per hour from its intersection with Sugarbush Road southwesterly to its intersection with County Road "T" in the unincorporated Village of Greenbush, a distance of 0.20 of a mile.
3. Thirty-five miles per hour from its intersection with County Road "T" southeasterly for a distance of 0.25 of a mile.

(b) County Road "T"

1. Thirty-five miles per hour from its intersection with State Highway "23" southeasterly to its intersection with County Road "A" in the unincorporated Village of Greenbush, a distance of 0.50 of a mile.
2. Thirty-five miles per hour from its intersection with County Road "A" southwesterly for a distance of 0.20 of a mile.

(c) County Road "S"

1. Thirty-five miles per hour from its intersection with State Highway "23" northerly a distance of 1.05 miles.

2. Twenty-five miles per hour from a point 1.05 miles north of State Highway "23" northerly to the corporate limits of the Village of Glenbeulah, a distance of 0.90 miles.

(2) TOWN OF HERMAN

- (a) County Road "M" - Forty-five miles per hour from its east junction with County Road "A" northerly to its intersection with County Road "FF."

(3) TOWN OF HOLLAND

- (a) County Road "D" – Forty-five miles per hour starting 3,584 feet west of Six Mile Road for a distance of 4,768 feet.
- (b) County Road "K" - Dacada. Thirty miles per hour for all vehicles from its intersection with County Road "B" westerly for a distance of 0.63 miles.
- (c) County Road "AA" - Forty-five miles per hour for all vehicles from a point 0.13 of a mile east of Sauk Trail Road westerly to the Oostburg Village limits.
- (d) County Road "RR" - Thirty-five miles per hour from its intersection with County Road "LL" westerly for a distance of 0.22 miles to its intersection with County Road "LLL."
- (e) County Road "LLL" - Thirty-five miles per hour from its intersection with County Road "RR" southerly for a distance of 0.22 miles to its intersection with County Road "LL."
- (f) County Road "KK" - Thirty-five miles per hour from a point 900 feet East of the intersection of County Road "A" easterly for a distance of 1,100 feet to the Village of Oostburg Village limits.

(4) TOWN OF LIMA

- (a) County Road "W"
 1. Twenty-five miles per hour from its intersection with County Road "I" in the unincorporated place known as Hingham, easterly for a distance of 1,815 feet.
 2. Forty-five miles per hour from a point 1,815 feet east of County Road "I" to Camp Riverside Road.
- (b) County Road Highway "OO"
 1. Twenty-five miles per hour from its intersection with State Highway "32" in the unincorporated place known as Gibbsville, westerly for a distance of 1,315 feet.
 2. Forty-five miles per hour 1,315 feet west of State Highway "32" for approximately 2,840 feet.
 3. Twenty-five miles per hour from its intersection with State Highway "32" in the unincorporated place known as Gibbsville, easterly for a distance of 1,000 feet.
- (c) County Road "CC" - Twenty-five miles per hour from its intersection with County Road "I" in the unincorporated place known as Hingham, southerly for a distance of 0.38 of a mile.
- (d) County Road "I" - Twenty-five miles per hour from a point 0.22 of a mile north of its intersection with County Road "CC" in the unincorporated place known as Hingham, southwesterly to a point 450 feet southwest of its intersection with County Road "W" in said place.

- (e) County Road "I"
 - 1. Twenty-five miles per hour from its intersection with County Road "W" in the unincorporated place known as Hingham, northerly and easterly for a distance of 0.58 miles.
 - 2. Thirty-five miles per hour from a point 0.33 of a mile north of its intersection with County Road "CC" in the unincorporated place known as Hingham, northeasterly for a distance of 0.39 miles.
 - 3. Forty miles per hour from the junction of County Road "I" with State Highway "32" southwesterly 0.40 miles.
- (f) County Road "IW" - Twenty-five miles per hour from its intersection with County Road "W" in the unincorporated place known as Hingham, southwesterly for a distance of 450 feet.

(5) TOWN OF MOSEL

- (a) County Road "A"
 - 1. Forty miles per hour from its intersection with County Road "LS" westerly for a distance of 800 feet.
 - 2. Thirty-five miles per hour from a point 800 feet west of its intersection with County Road "LS" westerly to a point 1,200 feet west of the Chicago and Northwestern Railroad grade crossing at the unincorporated place known as Haven, except that the stated speed limit for westbound traffic only shall terminate at a point 800 feet west of said grade crossing.
- (b) County Road "LS"
 - 1. Forty-five miles per hour from Playbird Road northerly to Garton Road.
 - 2. Forty miles per hour from its intersection with County Road "FF" southerly for a distance of 500 feet, except that the stated speed limit for southbound traffic only shall terminate at a point 250 feet south of said intersection.
 - 3. Forty-five miles per hour from Orchard Road southerly to a point which is 1,320 feet south of the intersection of County Road "MM."

(6) TOWN OF PLYMOUTH

- (a) County Road "C"
 - 1. Thirty-five miles per hour for all vehicles from Highview Road northwesterly to 400 feet northwest of Ridge Road.
 - 2. Twenty-five miles per hour for all vehicles from a point 400 feet northwest of Ridge Road, northwesterly to County Road "CJ."
 - 3. Forty-five miles per hour for all vehicles from State Highway "23" to Highview Road.
 - 4. Thirty-five miles per hour from its intersection with County Road "E" easterly to its intersection with Pleasant View Road.
 - 5. Forty-five miles per hour from its intersection with Pleasant View Road easterly for 4,500 feet.
 - 6. Forty miles per hour from a point 2,500 feet southeast of the intersection of County Road "C" and County Road "O" continuing southeasterly for a distance of 2,400 feet.
 - 7. Forty-five miles per hour from its intersection within State Highway "23" southeasterly for a distance of 2,500 feet.
 - 8. Thirty-five miles per hour from a point 2,500 feet southeasterly of its intersection with State Highway "23," thence continuing southeasterly for a distance of 2,400 feet.
- (b) County Road "E" – Thirty-five miles per hour for all vehicles from a point 1,370 feet north of Eastern Avenue northerly for a distance of 1,240 feet.

- (c) County Road "PP" – Forty-five miles per hour from its intersection with State Highway 57 westerly to State Highway 67, a distance of 10,450 feet.
- (d) County Road "S" – Forty-five miles per hour from its intersection with State Highway "23" northerly a distance of 1.05 miles.
- (e) County Road "Z" – Forty-five miles per hour from a point 1,000 feet west of Country Aire Road, easterly to the west corporate limits of the City of Plymouth.

(7) TOWN OF RHINE

- (a) County Road "A"
 - 1. Thirty-five miles per hour from the east corporate limits of the Village of Elkhart Lake easterly for a distance of 0.20 of a mile.
 - 2. Forty-five miles per hour from its intersection with Golf Course Road easterly to its intersection with State Highway "67."
- (b) County Road "C"
 - 1. Thirty-five miles per hour for all vehicles Golf Course Road northwesterly to 400 feet northwest of Ridge Road.
 - 2. Twenty-five miles per hour for all vehicles from a point 400 feet northwest of Ridge Road, northwesterly to County Road "CJ."
- (c) County Road "CJ" – Twenty-five miles per hour from its intersection with County Road "C" northeasterly to its intersection with County Road "J."
- (d) County Road "J"
 - 1. Twenty-five miles per hour from its intersection with County Road "C" northwesterly to a point 0.25 of a mile northeast of its intersection with County Road "CJ."
 - 2. Forty-five miles per hour for all vehicles from the Elkhart Lake Village limits, northerly to its intersection with County Road "MM" for a distance of 1.9 miles.
 - 3. Forty-five miles per hour for all vehicles from a point 0.25 miles northeast of its intersection with County Road "CJ" northerly 0.57 miles to the south Village limits of Elkhart Lake.
- (e) County Road "JP" – Thirty-five miles per hour for all vehicles from its intersection with County Road "J" southwesterly to its intersection with County Road "P."
- (f) County Road "P"
 - 1. Forty miles per hour on County Road "P" from a point 1,000 feet south of its intersection with County Road "J" northerly to said intersection, except that the stated speed limit for southbound traffic only shall terminate at a point 500 feet south of said intersection.
 - 2. Forty-five miles per hour for all vehicles, from its intersection with County Road "JP" southerly 0.50 miles.

(8) TOWN OF RUSSELL

- (a) County Road "J" – Forty-five miles per hour for all vehicles from its intersection with County Road "MM" southerly to the Elkhart Lake Village limits, being a distance of 1.9 miles.
- (b) County Road "P" – Forty miles per hour on County Road "P" from a point 1,000 feet south of its intersection with County Road "J" northerly to said intersection,

except that the stated speed limit for southbound traffic only shall terminate at a point 500 feet south of said intersection.

- (c) County Road "SR" – Twenty-five miles per hour from County Road "J" westerly to the campground.
- (d) County Road "NR" – Twenty-five miles per hour from the north boundary of the campgrounds easterly to County Road "J."
- (e) County Road "NR" – Thirty-five miles per hour from the campgrounds northerly to County Road "J."
- (f) County Road "H" – Forty-five miles per hour for all vehicles from its intersection with County Road "Q" southerly for a distance of 0.25 miles.
- (g) County Road "Q" – Forty-five miles per hour for all vehicles from its intersection with County Road "H" westerly for a distance of 0.25 miles.

(9) TOWN OF SCOTT

- (a) County Road "A"
 - 1. Thirty-five miles per hour for all vehicles from County Road "HH" northerly to Spring View Drive.
 - 2. Twenty-five miles per hour for all vehicles from Spring View Drive northerly to a point 0.2 of a mile north of County Road "S".
 - 3. Thirty-five miles per hour for all vehicles from a point 0.2 of a mile north of County Road "S" northerly to a point 0.1 of a mile north of Tower Drive.
- (b) County Road "S" – Twenty-five miles per hour from a point 0.21 of a mile east of its intersection with County Road "A" in the unincorporated place known as Beechwood westerly for a distance of 0.32 of a mile.

(10) TOWN OF SHEBOYGAN

- (a) County Road "A" – Forty-five miles per hour from its intersection with Union Avenue southerly for a distance of 0.33 of a mile.
- (b) County Road "AB"
 - 1. Twenty-five miles per hour from its intersection with County Road "O" (also known as Superior Avenue) northerly to the corporate limits of the City of Sheboygan, a distance of 2,310 feet.
 - 2. Thirty-five miles per hour from the north corporate limits of the City of Sheboygan immediately east of the Mill Road, easterly to its intersection with County Road "LS."
 - 3. Thirty-five miles per hour from its intersection with County Road "LS" easterly and southerly to the north corporate limits of the City of Sheboygan.
- (c) County Road "J"
 - 1. Thirty-five miles per hour for all vehicles from its intersection with State Highway "42" westerly to its intersection with County Road "Y."
 - 2. Forty-five miles per hour for all vehicles from its intersection with County Road "Y" westerly to its intersection with Rangeline Road.
- (d) County Road "LS"
 - 1. Thirty-five miles per hour for all vehicles from the north corporate limits of the City of Sheboygan north to Ridge Road.

2. Forty-five miles per hour from Ridge Road northerly to Playbird Road.

(e) County Road "O"

1. Thirty-five miles per hour from its intersection with Rangeline Road easterly to Interstate 43.
2. Twenty-five miles per hour from Interstate 43 easterly to North Taylor Drive in the City of Sheboygan.

(f) County Road "Y"

1. Forty-five miles per hour from its intersection with County Road "O" southerly to the north corporate limits of the Village of Kohler.
2. Forty-five miles per hour for all vehicles from County Road "O" northerly to State Highway "42."

(g) County Road "TA" – Forty-five miles per hour from its intersection at Erie Avenue south to its intersection at Union Avenue.

(h) County Road "PP" – Forty-five miles per hour for all vehicles from Interstate "43" easterly to the west corporate limits of the City of Sheboygan.

(11) TOWN OF SHEBOYGAN FALLS

(a) County Road "JM" – Thirty-five miles per hour at the following locations and for the specified traffic movements on County Road "JM:"

1. Westbound traffic from a point 0.10 of a mile west of intersection of County Road "M" west 0.80 of a mile to a point 0.90 miles west of County Road "M."
2. Eastbound traffic from a point 0.90 miles west of the intersection of County Road "JM" with County Road "M" thence east on County Road "JM" to the intersection of County Road "JM" with County Road "M".

(b) County Road "O"

1. Forty-five miles per hour from its intersection with State Highway "32," easterly to its intersection with Rangeline Road.
2. Forty-five miles per hour from its intersection with State Highway "32," westerly to its intersection with Alpine Road.

(c) County Road "PP" – Thirty-five miles per hour from its intersection with County Road "PPP," westerly for a distance of 1.90 of a mile.

(d) County Road "C"

1. Thirty-five miles per hour from its intersection with State Highway "32" westerly to its intersection with Bluebird Lane.
2. Forty-five miles per hour from its intersection with Bluebird Lane to a point that is 1,255 feet northwesterly from the intersection of County Roads "TT" and "C."

(e) County Road "PPP" – Thirty-five miles per hour from its intersection with State Highway "28" northerly for a distance of 2,926 feet to the City of Sheboygan Falls limits.

(12) TOWN OF SHERMAN

(a) County Road "I" – Forty-five miles per hour from its intersection with State Highway 57, westerly to the corporate limits of the Village of Adell, a distance of .019 miles.

(13) TOWN OF WILSON

(a) County Road "EE"

1. Twenty-five miles per hour from the north junction with South 12th Street easterly to the City of Sheboygan city limits at South Eighth Street and then thirty-five miles per hour to its intersection with Lake Shore Drive.
2. Forty miles per hour for all vehicles from Lake Shore Drive south to Evergreen Drive.
3. Thirty-five miles per hour for all vehicles from Evergreen Drive westerly to its south intersection with County Road "KK."
4. Thirty-five miles per hour from its intersection with County Road "A" easterly for a distance of 2.43 miles to its intersection with County Road "KK."
5. Forty-five miles per hour from its intersection with State Highway 28 southerly for a distance of 4,200 feet.

(b) County Road "KK"

1. Thirty-five miles per hour from the south corporate limits of the City of Sheboygan, southerly to the intersection with County Road "V."
2. Forty-five miles per hour from the intersection with County Road "V" westerly to Moenning Road.
3. Thirty-five miles per hour from a point 900 feet East of the intersection of County Road "A" easterly for a distance of 1,100 feet to the Village of Oostburg Village limits.

(c) County Road "OK"

1. Thirty-five miles per hour for all vehicles from its intersection with Washington Avenue in the City of Sheboygan to a point 0.50 mile south of the intersection with County Road "EE."
2. Forty-five miles per hour for all vehicles from a point 0.50 mile south of the intersection with County Road "EE" to its intersection with County Road "V."

(d) County Road "V" - Forty-five miles per hour from Beach Park Road northerly to its intersection with County Road "KK."

20.04 PENALTY. Any person violating any provision of this chapter may be fined not less than Twenty Dollars (\$20.00) nor more than Two Hundred Dollars (\$200.00) or imprisoned not more than thirty (30) days or both.

History: Ord. 13 (2010/11); Ord. 20 (2010/11); Ord. 7 (2011/12); Ord. 5 (2012/13); Ord. 6 (2012/13)

CHAPTER 21
TRAFFIC REGULATION

21.01	PROVISIONS OF STATE LAW ADOPTED BY REFERENCE
(1)	Tire Squealing and Unnecessary Motor Noise
21.02	USE OF UNIFORM CITATION
21.03	DEPOSITS
21.04	NOTICE OF DEMERIT POINTS AND RECEIPT
21.05	FORFEITURES IN TREASURY
21.06	GENERAL PENALTY
21.07	CONFLICTS
21.08	PARKING RESTRICTIONS
21.09	CONFORMITY WITH CHAPTER MVD 5, WISCONSIN ADMINISTRATIVE CODE

21.01 PROVISIONS OF STATE LAW ADOPTED BY REFERENCE. Except as otherwise specifically provided in this Code, the statutory provisions in Wis. Stat. chs. 340 to 348 and 350, describing and defining regulations with respect to vehicles and traffic, exclusive of any provisions therein relating to penalties to be imposed and exclusive of any regulations for which the statutory penalty is a fine or term of imprisonment, are hereby adopted and by reference made a part of this Code as if fully set forth herein. Any act required to be performed or prohibited by any statute incorporated herein by reference is required or prohibited by this Code. Any future amendments, revisions or modifications of the statutes incorporated herein are intended to be made a part of this code in order to secure uniform statewide regulation of traffic on the highways, streets, and alleys of the State of Wisconsin.

Sections of Wis. Stat. chs. 340 to 348 and 350 adopted by reference shall include but not be limited to the following:

Statute Reference	Violation Reference	Penalty Reference (Wis. Stat.)
MISCELLANEOUS PROVISIONS		
340.01	Words and Phrases Defined	
343.01	Words and Phrases Defined	
341.11	Display of Registration Plates	341.11(4)
341.15	Display of Registration Plates	341.15(3)
341.16	Issuance of Duplicate Plates	341.16(4)
341.42	Reciprocity Permits	341.42(4)
341.55	Misuse of Plates	341.55
341.57(3)	Registration of Finance Companies & Banks	341.55
341.63	When Registration is to be Suspended	341.55
341.15	Transfer of Interest in Vehicle	342.15(5)(6)(7)
342.23	Secured Party's and Owner's Duties	342.23(4)
ANTI-THEFT and ANTI-FRAUD PROVISIONS		
342.30	Assignment and Stamping of New ID Numbers	342.30(3)
342.34	Division to be Notified of Destruction or Junking of Vehicle	342.34(2)
342.31	Report of Stolen or Abandoned Motor Vehicles	342.31(2)
LICENSING OF DRIVERS SCHOOLS AND INSTRUCTORS		
343.60	Definitions	343.73
343.61	License Required for Driver School Fee	343.73
343.62	License Required for Instructor; Fee	343.73
343.63	Examination of Applicant for Instructor's License	343.73
343.64	Denial of Driver School License	343.73
343.65	Denial of Instructor's License	343.73
343.66	Revocation or Suspension of Driver	

	School License.....	343.73
343.67	Revocation or Suspension of Instructor's License.....	343.73
343.68	Renewal, No-bar to Revocation of	
343.69	Hearings on License Denials and Revocations	343.73
343.70	Loss or Surrender of Licenses	343.73
343.71	Driver Schools to Maintain Records	343.73
343.72	Rules for Conducting Driver Schools; Prohibited Practices	343.73
343.35	Surrender of License.....	343.35(2)

UNLAWFUL PRACTICES RELATIVE TO LICENSES

343.45	Permitting Unauthorized Person to Drive	343.45
343.46	Duty of Persons Renting Vehicles to Another	343.46

FINANCIAL RESPONSIBILITY

344.01	Words and Phrases Defined	
344.45	Surrender of License and Registration Upon Suspension.....	344.45(2)
344.46	Transfer of Vehicle Ownership to Defeat Purpose of Chapter.....	344.46
344.47	Operating Vehicle After Suspension or Revocation	344.47
344.51	Financial Responsibility for Domestic Rented Vehicles.....	344.51

GENERAL PROVISIONS AND TRAFFIC FORFEITURE ACTIONS

343.53	Authority to Arrest With or Without a Warrant, Traffic Citations, Deposits, Stipulations, Pleas, Trials, Appeals, etc.	
346.01	Words and Phrases Defined	
346.02	Applicability of Chapter 346	
346.03	Applicability of Rules of the Road Authorized Emergency Vehicles	
346.04(1)(2)	Obedience to Traffic Officers, Signs, and Signals	346.17(1)

TRAFFIC; MEETING, OVERTAKING AND PASSING

346.05	Driving on Right Side of Road	346.17(2)
346.06	Meeting of Vehicles.....	346.17(1)
346.07(2)(3)	Overtaking and Passing on Left.....	346.17(2)
346.08	Overtaking and Passing on Right	346.17(2)
346.09	Limitations on Overtaking and Driving on Left	346.17(2)
346.10	Passing at Railroad Crossing or Intersection	346.17(2)
346.11	Passing or Meeting Frightened Animal.....	346.17(2)
346.12	Driving through Safety Zones	346.17(1)
346.13(1)(3)	Driving on Roadway Laned for Traffic	346.17(1)
346.13(2)	Driving in Center Lane	346.17(2)
346.14	Distance Between Vehicles	346.17(2)
346.15	Driving on Divided Highway.....	346.17(2)
346.16	Controlled Access Highway	346.17(2)

RIGHT-OF-WAY

346.18	General Rules of Right-of-Way.....	346.22(1)
346.19	Emergency Vehicle Right-of-Way.....	346.12(2)
346.20	Funeral Procession and Convoys.....	346.22(3)
346.21	Livestock Right-of-Way.....	346.22(3)

PEDESTRIANS' AND DRIVERS' RIGHTS AND DUTIES

346.23	Crossing Controlled Intersection	
--------	----------------------------------	--

	or Crosswalk	346.30(1)
346.24(1)	Crossing Uncontrolled Intersection or Crosswalk	346.30(2)
346.24(2)	Pedestrian Leaving the Curb and Running into Path of Vehicles	346.30(1)
346.24(3)	Operator of Vehicle Approach from Rear Not to Overtake Vehicle Stopped for Pedestrian Movement	346.30(2)
346.25	Crossing at Place Other Than Crosswalk	346.30(1)
346.26	Blind Pedestrian on Highway	346.30(3)
346.27	Persons Working on Highway	346.30(2)
346.28	Pedestrians to Walk on Left Side of Highway; Pedestrians of Sidewalks	346.30(1)
346.29	When Standing or Loitering in Roadway or on Highway Prohibited, Turning and Stopping and Required Signals	346.20(1)
346.31	Required Position and Method of Turning at Intersections	346.36
346.32	Required Position for Turning Into Private Road or Driveway	346.36
346.33	Where Turns Prohibited	346.36
346.34	Turning Movement and Required Signals on Turning and Stopping	346.36
346.35	Method of Giving Signals on Turning and Stopping	346.36

TRAFFIC SIGNALS, SIGNALS AND MARKINGS

346.37	Traffic Controlled Signals	346.43(1)
346.38	Pedestrian Controlled Signals	346.43(1)
346.39	Flashing Signals	346.43(1)
346.40	Whistle Signals	346.43(1)
346.41	Display of Unauthorized Signs and Signals Prohibited	346.43(3)
346.42	Interference with Signs and Signals Prohibited	346.43(2)

REQUIRED STOPS

346.44	All Vehicles to Stop at Signal Indicating Approach of Train	346.49(2)
346.45	Certain Vehicles to Stop at All Railroad Crossings	346.49(2)
346.46	Vehicles to Stop at Stop Signs	346.49(1)
346.47	When Vehicles using Alley or Non-Highway Access to Stop	346.49(1)
346.48	Vehicles to Stop for School Buses, Loading or Unloading Children	346.49(2)

RESTRICTIONS ON STOPPING AND PARKING

346.50	Exceptions to Restrictions	
346.51	Stopping, Standing or Parking Outside of Business or Residence Districts	346.56(2)
346.52	Stopping Prohibited in Certain Specified Places	346.56(1)
346.53	Parking Prohibited in Certain Specified Places	346.56(1)
346.54	How to Park and Stop in Streets	346.56(1)
346.55(1)	Unlawful Parking	346.56(2)
346.55(2)	No Parking of Vehicle for Sale	346.56(2)
346.55(3)	Parking on Private Property with "No Parking" Sign	346.56(1)

SPEED RESTRICTIONS

346.57(1)	Definitions	
346.57(2)	Reasonable and Prudent Limit (First Offense Within a Year)	346.60(3)
346.57(3)	Conditions Requiring Reduced Speed (First Offense Within a Year)	346.60(3)
346.57(4)(a) to (c)	15 m.p.h. Under Certain Conditions (First Offense Within a Year).....	346.60(3)
346.57(4)(d)	15 m.p.h. in Alleys.....	346.60(2)
346.57(4)(e)	25 m.p.h. in City	346.60(2)
346.57(4)(f)	35 m.p.h. in Outlying Districts	346.60(2)
346.57(4i)	15 m.p.h. under Certain Conditions	
346.57(5)	Zoned and Posted Limits	346.60(2)
346.58(1)	Special Speed Restrictions for Certain Vehicles	346.60(2)
346.59	Minimum Speed Regulation.....	346.60(1)
346.595	Motor Driven Cycles.....	346.60(4)

RECKLESS AND DRUNKEN DRIVING

346.61	Applicability of Sections Relating to Reckless and Drunken Driving	
346.62(1)	Reckless Driving (First Offense in 4 Years).....	346.65(1)
346.63(1), (3), (4)	Operating under the Influence of Intoxicants (First Offense in 5 Years)	346.65(1)
346.64	Employment of Drunken Operators (First Offense Within a Year).....	346.65(1)

ACCIDENTS AND ACCIDENT REPORTS

346.66	Applicability of Sections Relating to Accidents and Accident Reporting	
346.68	Striking Unattended Vehicle (First Offense Within a Year).....	346.74(3)
346.69	Striking Property on or Adjacent to Roadway (First Offense Within a Year)	346.74(3)
346.70(1), (2), (3)	Duty to Report Accident.....	346.74(2)
340.70(5)	Falsifying Accident Report (First Offense Within a Year)	346.74(4)

BICYCLES AND PLAY VEHICLES

346.77	Responsibility of Parent or Guardian for Violation of Bicycle and Play Vehicle Regulations	386
346.78	Play Vehicles Not to be Used on Roadway	346.82(2)
346.79(1), (2)(3)	Rules Applicable to Bicycles	346.82(1)
346.79(4)	Hitching Ride with Bicycle	346.82(2)
346.80	Rules for Riding Bicycle on Roadway	346.82(1)
346.81(1)	Lighting Equipment on Bicycles	346.82(3)
346.81(2)	Brake and Signal Equipment on Bicycles	346.82(1)

MISCELLANEOUS RULINGS

346.87	Limitations on Backing	346.95(1)
346.88	Obstruction of Operator View	346.95(1)
346.89(1)	Inattentive Driving	346.95(2)
346.89(2)	Television Forbidden in Vehicle	346.95(1)
346.90	Following Emergency Vehicle	346.95(1)
346.91	Crossing Firehose	346.95(1)
346.92	Illegal Riding	346.95(1)
346.93	Intoxicants in Vehicle Carrying Minor	346.95(2)
346.94(1)	Driving on Sidewalk	346.95(1)
346.94(2)	Racing	346.95(2)
346.94(3)	Leading Animal from Vehicle	346.95(1)
346.94(4)	Throwing Missiles in Vehicles	346.95(2)
346.94(5)	Placing Injurious Substance on Highway	346.95(3)

346.94(6), (6m)	Throwing Debris on Highway	346.95(3)
346.94(7)	Spilling Loads of Waste	346.95(2)
346.94(8)	Transporting Persons in Mobile Homes or Boats	346.95(4)
346.94(9)	Alighting from or Boarding Moving Vehicle	346.95(1)
346.94(10)	Clinging to Motor Vehicle	346.95(1)
346.94(11)	Towing Sleds, Etc.	346.95(1)

EQUIPMENT ON VEHICLES

347.01	Words and Phrases Defined
347.02	Applicability of Chapter
347.03	Sale of Prohibited Equipment
347.04	Owner Responsibility for Improperly Equipped Vehicle
347.05	Reciprocity Agreement as to Equipment

LIGHTING EQUIPMENT

347.06	When Light Lamps Required	347.10(1)
347.07	Special Restrictions on Lamps and the Use Thereof	347.30(2)
347.08	Determining the Visibility Distance and Mounted Height of Lamps	347.30(2)
347.09	Headlamps on Motor Vehicles	347.30(2)
347.10	Headlamp Specifications for Motor Vehicles	347.30(2)
347.11	Headlamp Specifications for Power-driven Cycles and Motor Bicycles	347.30(2)
347.12	Use of Multiple-beam Headlamps.....	347.30(2)
347.13(1)	Tail Lamps and Registration Plate Lamps	347.30(2)
347.13(2)	Location of Tail Lamp.....	347.30(1)
347.13(3)	Visibility Required of Tail Lamps.....	347.30(1)
347.13(4)	Wiring of Tail Lamps and Registration Plate Lamps	347.30(1)
347.14	Stop Lamps	347.30(2)
347.16	Clearance Lamps and Reflectors	347.30(2)
347.17	Color of Clearance and Marker Lamps and Reflectors	347.30(2)
347.18	Mounting of Clearance Lamps and Reflectors	347.30(2)
347.19	Visibility of Clearance Lamps and Reflectors	347.30(2)
347.20	Lamp or Flag on Projecting Load.....	347.30(2)
347.21	Lamps and Flags on Trains of Agriculture Vehicles and Tow Trucks.....	347.30(2)
347.22	Lamps on Farm Tractors and Self-propelled Farm Implements	347.30(2)
347.23	Lamps on Highway Maintenance Equipment	347.30(2)
347.24	Lamps on Non-motor Vehicles and Equipment	347.30(2)
347.245	Identification Emblems on Certain Slow-moving Trucks.....	347.30(2)
347.25	Special Warning Lamps on Emergency Vehicles, School Buses, and Funeral Vehicles	347.30(2)
347.26	Restrictions on Certain Optional Lighting Equipment.....	347.30(2)
347.27	When Lighted Lamps Required on Power Vehicles	347.30(2)
347.28	Certain Vehicles to Carry Flares or Other Warning Devices.....	347.30(2)
347.29	Display of Warning Devices for Certain Vehicles When Standing on Highway.....	347.30(2)

OTHER EQUIPMENT

347.35 to 347.49	Brakes, Horns and Warning Devices, Mufflers,
------------------	--

Mirrors, Tire Equipment, Etc.347.50

SIZE, WEIGHT, LOAD

348.01 Words and Phrases Defined
348.02 Applicability of Chapter 348
348.05 Width of Vehicles 348.11(2)
348.06 Height of Vehicles 348.11(2)
348.07 Length of Vehicles 348.11(2)
348.08 Vehicle Trains 348.11(2)
348.09 Projecting Loads on Side of Vehicles 348.11(1)
348.40 Special Limitations on Load 348.11(1)

WEIGHT

348.15 to 348.20 Weight Limitations on Class "A" and Class "B" Highways Seasonal Weight Limitations and Seasonal Operation of Vehicles, Policy in Prosecuting Weight Violations, Etc.348.21

PERMITS

348.25 to 348.27 Provisions Relating to Permits for Loads of Excessive Size and Weight, Single and Multiple Trip Permits, Etc.348.28

OTHER LAWS ADOPTED

343.305 Implied Consent
343.35 Surrender of License Upon Cancellation, Revocation, or Suspension

Pursuant to Wis. Stat. § 350.18(2), the following snowmobile statutes are adopted in strict conformity as County Ordinance violations: §§ 350.02 to 350.05, 350.07 to 350.107, 350.11, 350.12, 350.13, 350.135, 350.15 to 350.17, 350.19, and 350.99.

- (a) Tire Squealing and Unnecessary Motor Noise. No person shall make unnecessary and annoying noise with a motor vehicle by squealing tires or the excessive acceleration of the engine.

21.02 USE OF UNIFORM CITATION. Law enforcement shall use the Uniform Traffic Citation under Wis. Stat. § 345.11 in the enforcement of these provisions. The apprehension of alleged violators of traffic regulations and the trial of forfeiture actions for the violation of traffic regulations shall be governed by Wis. Stat. §§ 345.20 to 345.53.

21.03 DEPOSITS. Any person stipulating guilt or no contest under Subsection 21.02 of this Code must make the deposit required under Wis. Stat. § 345.26 or if the deposit is not established under such statute, shall deposit a forfeited penalty as provided in the current uniform state traffic deposit schedule. Deposits may be brought or mailed to the office of the Sheriff's Department of Clerk of Courts as directed by the arresting officer. Deposits for parking or non-moving violations shall be mailed or brought to the Sheriff's Department or the Clerk of Courts.

21.04 NOTICE OF DEMERIT POINTS AND RECEIPT. Every officer accepting a forfeited penalty or money deposit under this Ordinance shall receipt therefor in triplicate as provided in Wis. Stat. § 45.26(3)(b). Every officer accepting a stipulation under the provisions of this Ordinance shall comply with the provisions of Wis. Stat. §§ 343.27, 343.28, 345.26(1)(2), and 345.27(2) and shall require the alleged violator to sign a statement or notice in substantially the form contained on the uniform citations and complaint promulgated under Wis. Stat. § 345.11.

21.05 FORFEITURES IN TREASURY. Officer to post bond, qualify. Any officer accepting deposits or forfeited penalties under this Chapter of the Code shall deliver them to the County Treasurer within twenty (20) days after receipt.

21.06 GENERAL PENALTY. A violation of any of the provisions of this Chapter or of any order, rule, or regulation promulgated under the authority of this Chapter for which a penalty has been provided

in Section 21.01 hereof shall subject the violator to a forfeiture of not more than Three Hundred Dollars (\$300.00) together with the costs of prosecution and in default of payment thereof to imprisonment in the County Jail until the forfeiture and costs are paid, but not to exceed ten (10) days.

21.07 CONFLICTS. All Ordinances or parts of Ordinances contravening the provisions of this Ordinance are hereby repealed.

21.08 PARKING RESTRICTIONS. In addition to the parking restrictions provided for in previous sections of this chapter, the following areas are identified as creating hazardous conditions if parking is permitted on such areas and, therefore, parking is specifically prohibited on the areas hereinafter set forth.

- (a) On both sides of County Road "C" between Birch Tree Road and Bay Road.
- (b) On both sides of County Road "O" 500 feet west of State Highway "32" and 500 feet east of State Highway "32".
- (c) Within 500 feet in all directions of the intersection of County Road "Y" and County Road "O" and in the median area of such roadway within such 500 feet.
- (d) On the north side of County Road "J," commencing 130 feet west of the intersection of Summit Road and County Road "J" and continuing west for 290 feet.
- (e) On the south side of County Road "J", commencing 23 feet east of the intersection of Summit Road and County Road "J" and continuing west for 410 feet.
- (f) On the north side of County Road "J", commencing 275 feet east of the intersection of Summit Road and County Road "J" and continuing east for 360 feet.
- (g) On the south side of County Road "C" at a point 320 feet east of Hillside Road and continuing for a distance of 1,425 feet.
- (h) On the south side of County Road "C" at a point 500 feet east of Willow Drive and continuing for a distance of 1,850 feet.
- (i) On both sides of County Road "A" from its intersection with County Road "S" southerly for 300 feet.
- (j) On the south side of County Road "S" at its intersection with County Road "A" westerly for 600 feet.
- (k) On the north side of County Road "S" at a point 100 feet west of the intersection of County Road "A" and continuing for a distance of 500 feet.
- (l) On the west side of County Road "I" at its intersection with County Road "V" northerly for 300 feet.
- (m) On the south side of County Road "V" at its intersection with County Road "I" easterly for 350 feet.
- (n) On the north side of County Road "V" at its intersection with County Road "I" easterly for 170 feet.
- (o) On the east and west sides of County Road "P" from County Road "JP" to Lakeside Park Road.
- (p) On the west side of County Road "A" at its intersection with County Road "S" northerly for 150 feet.

21.09 CONFORMITY WITH WIS. ADMIN. CODE. CH. MVD 5. It shall be illegal to operate or allow to be operated on Wisconsin highways a vehicle that is not in conformity with the requirements of

Wis. Admin. Code ch. MVD 5 in its current form and as it may be amended or entitled in the future. Any violations of Chapter MVD 5 shall be punishable as prescribed in this Chapter 21.

History: Ord. 3 ((2012/13); Ord. 4 (2012/13)

CHAPTER 22
COUNTY TRAFFIC SAFETY COMMISSION

22.01 COUNTY TRAFFIC SAFETY COMMISSION
22.02 CHAIRPERSON
22.03 RESPONSIBILITIES AND DUTIES
22.04 COUNTY HIGHWAY SAFETY COORDINATOR
22.05 DUTIES

22.01 COUNTY TRAFFIC SAFETY COMMISSION. In accordance with Wis. Stat. § 83.013, the County Traffic Safety Commission shall consist of the following members:

- (a) The County Highway Commissioner;
- (b) The Chief County Traffic Law Enforcement Officer;
- (c) A representative designated by the Board from the discipline of Education;
- (d) A representative designated by the Board from the discipline of Medicine;
- (e) A representative designated by the Board from the discipline of Law;
- (f) Three (3) representatives designated by the Wisconsin Secretary of Transportation involved in law enforcement, highway, and highway safety;
- (g) Such number of other persons as may be appointed by the County Board Chairperson, but not to exceed a total membership of twenty (20) persons.

22.02 CHAIRPERSON. The Commission members shall annually elect one of their members to serve as the Chairperson of the Commission.

22.03 RESPONSIBILITIES AND DUTIES. It shall be the responsibility and duty of the Commission:

- (a) To secure the voluntary coordination and re-enforce the highway safety activities of all political subdivisions of the County in the functional areas of:
 - Driver's Education
 - Codes and Laws
 - Traffic Courts
 - Alcohol in Relation to Highway Safety
 - Identification and Surveillance of Accident Locations
 - Traffic Records
 - Highway Design, Construction, and Maintenance
 - Traffic Control Devices
 - Pedestrian Safety
 - Police Traffic Services
 - Debris Hazard Control and Clean-up
 - School Bus Safety
- (b) To act as advisory committee to the County Board and its various Committees having highway safety responsibilities.
- (c) To review and develop a written statement of highway safety needs in the above functional areas and develop immediate priorities and long-range goals for highway safety improvements.
- (d) To coordinate activities with highway safety programs carried on by the municipalities in Sheboygan County and related state functions in the County.
- (e) To act as the advisory body to the County Highway Safety Coordinator for the purpose of coordinating federal, state, and local action for implementing the projects of the Federal Highway Safety Act of 1966.
- (f) To provide a guide for non-official organizations and groups having responsibilities and interests in developing and maintaining public support of highway safety programs.
- (g) To develop procedures for periodic review of highway safety programs by local agencies of government within the County.
- (h) To otherwise develop such programs and participate in such activities as will benefit highway safety in Sheboygan County.
- (i) To meet at least as often as quarterly to review traffic accident data from the County upon such review to make such written recommendations of any corrective actions it deems appropriate

to the County Board and such cases as it deems appropriate to the County Highway Committee or any other appropriate branch of local government.

- (j) To file a report on each meeting with the Division of Highway Safety Coordinator.
- (k) To maintain traffic accident data received from cities and villages with a population of 5,000 or more.

22.04 COUNTY HIGHWAY SAFETY COORDINATOR. There is hereby created the position of County Highway Safety Coordinator. The Safety Coordinator shall be a member of the Sheboygan County Sheriff's Department. The Coordinator shall be appointed by the County Board Chairperson and serve subject to the Chairperson's pleasure and with the advice and consent of the Law Committee.

22.05 DUTIES. It shall be the responsibility and duty of the Coordinator:

- (a) To coordinate the highway safety activities of the various departments and the various programs of Sheboygan County.
- (b) To act as secretary of the County Highway Safety Commission.
- (c) To evaluate and make recommendations with respect to highway safety matters within Sheboygan County to the County Highway Safety Commission.
- (d) To assist governmental units and private organizations in the planning and execution of programs relating to highway safety.

CHAPTER 23
REGULATION OF BOAT OPERATION

- 23.01 PROVISIONS OF STATE LAW ADOPTED BY REFERENCE
- 23.02 PENALTIES
- 23.03 PROCEDURE IN FORFEITURE ACTIONS

23.01 PROVISIONS OF STATE LAW ADOPTED BY REFERENCE.

(a) Except as otherwise may be specifically provided in this Code, pursuant to Wis. Stat. § 30.77(2), the statutory provisions in Wis. Stat. §§ 30.50 to 30.71 or rules of the Wisconsin Department of Natural Resources promulgated under those sections dealing with the regulation of boating, exclusive of any regulations for which the statutory penalty is a fine or a term of imprisonment, are hereby enacted and by reference made a part of this Code as if fully set forth herein.

(b) Any act required to be performed or prohibited by any statute incorporated herein by reference is required or prohibited by this Code. The defenses available under state law are also to the incorporated provisions.

(c) It is the intent of this Ordinance that it be construed in the same manner as the corresponding state law. Any future amendments, revisions, or modifications of the statutes incorporated herein are intended to be made a part of this Code.

23.02 PENALTIES. The penalties for violation of these offenses are the same as the penalties for the statutory offenses as set forth at Wis. Stat. § 30.80.

23.03 PROCEDURE IN FORFEITURE ACTIONS. The procedures in Wis. Stat. §§ 23.50 to 23.85 apply to all actions to recover forfeitures, penalty assessments, jail assessments, applicable weapons assessments, applicable environmental assessments, applicable wild animal protection assessments, applicable natural resources assessments, applicable fishing shelter removal assessments, applicable snowmobile registration restriction payments, and applicable natural resources restriction payments for violations of this Ordinance.

CHAPTER 24
PARKS AND RECREATIONAL FACILITIES

- 24.01 PURPOSE
- 24.02 SCOPE
- 24.03 DEFINITIONS
- 24.04 DESIGNATION OF PARKS, BOAT LAUNCHING FACILITIES, RECREATIONAL TRAILS, WAYSIDES, AND PUBLIC SNOWMOBILE TRAILS SUBJECT TO THIS CHAPTER
- 24.05 COMMON USE REGULATIONS
- 24.06 CAMPGROUND REGULATIONS
- 24.07 SPECIAL RULES FOR USE OF RECREATIONAL TRAILS
- 24.08 GENERAL RULES FOR USE OF SNOWMOBILE TRAILS
- 24.09 FEES AND CHARGES
- 24.10 NON-LAPSING SEGREGATED FUND FOR ADMINISTRATION AND FACILITY MAINTENANCE
- 24.11 ADDITIONAL REGULATIONS
- 24.12 ADMINISTRATION AND ENFORCEMENT

24.01 PURPOSE. This Chapter prescribes rules and regulations for the establishment, protection, development, and management of county recreation facilities so as to provide to Sheboygan County residents and visitors recreational benefit while at the same time insuring the conservation of fish, game, and natural resources. These rules are necessary to promote and protect the safety of all persons using the recreational facilities, to preserve and maintain the facilities, and to protect the property of the landowners whose property adjoins or is impacted by the facilities. These rules also endeavor to provide that those who use the facilities contribute to the care and upkeep of the facilities.

24.02 Scope. Except as provided otherwise herein, the provisions of this chapter shall apply to all lands, structures, and property owned, leased or administered by the Sheboygan County Planning and Resources Department operating in conjunction with the County Board and the Planning, Resources, Agriculture, and Extension Committee.

24.03 DEFINITIONS. For the purposes of this Chapter:

- (1) "**Boat launching facility**" means a location regulated, maintained, and administered by the Department designed for persons to launch watercraft into the public waters of the State or to provide a means of access to an ice fishing building, vehicle, tent, fish shanty, or similar shelter.
- (2) "**Camping**" means the use of any shelter such as a tent, trailer, motor vehicle, tarpaulin, bed roll, or sleeping bag for temporary residence or sleeping purposes.
- (3) "**Campsite**" means a portion of a campground, which is designated for use by a camping unit.
- (4) "**Committee**" means the County Board's Planning, Resources, Agriculture, and Extension Committee.
- (5) "**Designated Crossing Areas**" shall mean areas on the recreational trail authorized by Sheboygan County or participating municipalities and designated by appropriate signage where pedestrians, motor vehicles, or other vehicles may enter and cross the recreational trails.
- (6) "**Department**" means the Sheboygan County Planning and Resource Department.
- (7) "**DNR**" means the Wisconsin Department of Natural Resources.
- (8) "**Facilities**" means the parks, boat launching facilities, recreational trails, waysides, and public snowmobile trails which are the subject of this Ordinance.

- (9) **"Family"** means up to two adult individuals related as spouses or domestic partners and their children or stepchildren between the ages of 16 and 21 and residing at the same address. When used in the context of a firm, partnership, corporation, limited liability company, limited liability partnership, or other association of persons, family shall mean any partner, shareholder, interest holder, or association member or customer thereof.
- (10) **"Group"** means an organized activity involving ten (10) or more people who intend to use facilities in a manner that is different from how ten (10) unrelated people would use the same facilities.
- (11) **"Interurban Trail"** means that parcel of land owned, leased, or obtained by easement or license by Sheboygan County and participating municipalities along the corridor of the Company in former electric passenger railway operated by the Milwaukee Electric Railway and Light Sheboygan County and other portions of the Interurban Trail beyond the confines of such corridor and administered by the Department as a recreational trail.
- (12) **"Motor Vehicle"** shall include any motorized automobile, truck, all-terrain vehicle, snowmobile, motorcycle, trailer, wagon, moped, airplane, personal assistive mobility device (Segway), or any other motorized mode of transportation not listed.
- (13) **"Old Plank Road Trail"** means that parcel of land owned, leased or obtained by easement or license by Sheboygan County adjacent to Highway 23 administered by the Planning and Resources Department as a recreational trail.
- (14) **"Park"** includes all lands and water heretofore and hereafter acquired by Sheboygan County and assigned for park or recreational purposes and placed under the jurisdiction of the Committee.
- (15) **"Person"** includes any individual, firm, partnership, corporation, limited liability companies (LLCs), limited liability partnerships (LLPs), or other associations of persons, both singular and plural.
- (16) **"Public Snowmobile Trail"** means those areas identified on a current snowmobile trail system map on file with the Department which describes trail locations, trail classifications, and existing trail mileage by classification and which locations participate in the Wisconsin DNR Snowmobile Aids program and administered by the Department.
- (17) **"Recreational Trail"** means any parcel of land owned, leased, or obtained by easement or license by Sheboygan County and administered by the Planning and Resources Department in the form of a paved or unpaved thoroughfare or trail across land used for recreational purposes such as bicycling, cross-country skiing, biking, walking, jogging, or similar fitness activities or for commuting to work, school, or business in a similar manner. Recreational trails include the Interurban Trail, the Old Plank Road Trail, any connectors thereto, any other similar trails under the administration of the Planning and Resources Department.
- (18) **"Sheboygan Marsh Park Restaurant"** means the restaurant owned by Sheboygan County at the Marsh Park and leased and operated by third parties pursuant to an agreement between Sheboygan County and the operators. This term shall also refer to the delegation and administration of duties to the operators.
- (19) **"Wayside"** means land acquired and maintained by the Sheboygan County Highway Department. The regulations herein relate to the recreational use of this land only as administered by the Planning and Resources Department.
- (20) **"Winter season"** means the period from November 1 to April 1 annually.
- (21) **"Watercraft"** includes boats, jet skis, canoes, kayaks, and inflatable rafts exceeding six (6) feet in length.

- (1) The boundaries of all parks, boat launching facilities, recreational trails, and waysides shall be designated by the Committee.
- (2) The parks subject to this Chapter are:
 - (a) Broughton Sheboygan Marsh Park and Wildlife Area (Marsh Park);
 - (b) Gerber Lakes Public Fish and Wildlife Area (Gerber Lakes).
- (3) The boat launching facilities subject to this Chapter are:
 - (a) The boat launching facility owned and maintained by Sheboygan County on Crystal Lake;
 - (b) The boat launching facility owned and maintained by Sheboygan County on Elkhart Lake;
 - (c) The boat launching facility owned and maintained by Sheboygan County on Little Elkhart Lake;
 - (d) The boat launching facility owned and maintained by Sheboygan County on Gerber Lake;
 - (e) The boat launching facility owned and maintained by Sheboygan County on Jetzers Lake;
 - (f) The boat launching facility owned and maintained by Sheboygan County at Broughton Sheboygan Marsh Park.
- (4) The recreational trails subject to this Chapter are:
 - (a) Old Plank Road Trail;
 - (b) The Interurban Trail in Sheboygan County;
- (5) The waysides subject to this Chapter are:
 - (a) The wayside at Pigeon River at County Road LS;
 - (b) The "Esslingen Park" wayside at Lower Falls Road.
- (6) The Public Snowmobile Trails subject to this Chapter are those areas identified on a current snowmobile trail system map on file with the Planning and Resources Department which describes trail locations, trail classifications, and existing trail mileage by classification and which locations participate in the Wisconsin DNR Snowmobile Aids program and administered by the Department.

24.05 COMMON USE REGULATIONS. The following regulations shall be common to all parks, boat launching facilities, recreational trails, waysides, and public snowmobile trails:

- (1) All facilities shall be open to the public throughout the year for recreational purposes. No person shall loiter or otherwise park or be present upon a facility unless the person is engaged in recreational activities.
- (2) The facilities shall be maintained by the Department except during the winter season. During the winter season the only facilities that will be maintained by the Department shall be access roads to winter recreation areas and the operations of the Sheboygan Marsh Park Restaurant. The public snowmobile trails shall be as maintained by snowmobile clubs participating in the DNR snowmobile aids program. The waysides shall be maintained by the Highway Department to the extent necessary for highway safety and transportation purposes.

- (3) The location of all public and private utilities, structures, lines, and pipes within any facilities shall be subject to the control of the Committee, and their construction, erection, repair, or relocation shall be undertaken only after written consent thereto is received from the Committee and the Department. There shall be no private construction unless authorized by the Committee.
- (4) It is unlawful for any person to peddle or solicit business of any nature, to distribute handbills or other advertising matter, or to post signs, posters, or decorations on any facility, or to engage in any commercial enterprise for any purposes whatsoever unless first authorized by the Department.
- (5) It is unlawful for any person to engage in violent, abusive, indecent, profane, boisterous, unreasonably loud, or otherwise disorderly conduct under circumstances in which such conduct tends to cause or provoke a disturbance at any facility.
- (6) It is unlawful for any person to disturb, destroy, vandalize, damage, or remove the property or personal effects of others in any facility.
- (7) It is unlawful for any person to disturb, vandalize, damage, deface, remove, or destroy any trees, shrubs, plants, rock, gravel, sand, dirt, or other natural material, to carve, paint, or mark on any rocks, archeological or geological features, signs, walls, or structures, to drive nails into trees, or to move, injure, or deface in any manner any structure including buildings, signs, fences, tables, or other County property except with the approval of the Committee. This prohibition shall include defacing trail markers, signs, or surfaces by spray painting event route markers or other notices. This prohibition shall not include the picking of edible fruits, nuts, and fungi.
- (8) It is unlawful for any person to enter any buildings, installation, or area which may be under construction, locked, or closed to public use and/or to tamper with, use or damage any water control structure, dam, or culvert or to enter or be upon any building, installation, or area after the posted closing time or before the posted opening time or contrary to other posted notices at any facility.
- (9) The washing of cars, persons, pets, cooking utensils for clothing, as well as the cleaning of fish and game is prohibited alongside all of the lakes and streams, or any picnic grounds, playgrounds, recreation areas, boat landings, parking lots or roadways; or within fifty (50) feet of any pump, fountain, or drinking water outlet at any facility.
- (10) It is unlawful for any person to dispose of any garbage, sewage, bottles, cans, paper, or other waste material in any manner except by placing the same in clearly marked receptacles provided for such purposes or to dump any refuse at any facility. Any such garbage and refuse shall be incidental to recreational use of the facility only.
- (11) Charcoal residue shall not be discarded onto any grounds nor into any containers other than those designated for such purpose.
- (12) It is unlawful for any person to dispose of any personal household garbage in any County refuse container at any facility.
- (13) No person shall operate any vehicle at a speed in excess of 25 mph or contrary to official traffic signs at any facility.
- (14) No person shall operate any vehicle at any facility in a manner contrary to the provisions of Wis. Stat. § 346.62.
- (15) It is unlawful to operate or park any vehicle on other than established roads, parking areas, or designated crossing areas within any facility.
- (16) It is unlawful within any facility for any person to start, tend, or maintain any fire or to burn any refuse, except at designated fireplaces, fire rings, or grills unless otherwise posted; and it is also unlawful for any person to leave unattended or abandon any fire, to discard

any matches, cigarettes, cigars, pipe ashes, or embers without first extinguishing them. It is unlawful to have a bonfire or campfire in any upright cooking grill.

- (17) It is unlawful for any person to possess, fire, discharge, explode, or set off any squib, cracker, or other explosive, projectile, or pyrotechnic device containing powder or other combustible or explosive material except by permission of the Committee.
- (18) It is unlawful to operate any snowmobile or other snow vehicle in any area or upon any trail at any facility except in areas or upon trails which have been specifically designated by the Department as being part of the public snowmobile trail for utilization of snowmobiles or other snow vehicles.
- (19) It is unlawful to operate any unlicensed motor bicycle or motor vehicle at any facility or for any person to operate a motorcycle without a valid operator's permit.
- (20) It is unlawful for any person to park, stop, or leave standing, whether attended or unattended, any vehicle or watercraft in any manner which is:
 - (a) Blocking, obstructing, or limiting the use of any road, trail, parking lot, or boat launching facility; or
 - (b) Outside of any area provided for such purpose;
 - (c) Contrary to posted notice; or
 - (d) Parked in a designated handicap stall without proper permit.
- (21) It is unlawful for any person to allow pet animals to run at large at any time at any facility except that hunting dogs may run at large during hunting season in those areas designated for hunting. Subject to the foregoing, pet animals shall be permitted at any facility provided that they are kept on a leash no longer than ten (10) feet and under the owner's control at all times. Persons shall not allow their pet animals to deprive or disrupt the enjoyment or use of any area by other persons. It is the pet owner's obligation to pick up and properly dispose of all fecal matter of their pets. Pets are not allowed on snowmobile trails during the winter season except on the Old Plank Road Trail.
- (22) It is unlawful for any person to ride or possess a horse at any facility except in designated places.
- (23) It is unlawful for any person to take, catch, kill, hunt, trap, pursue, or otherwise capture any wild animals or birds in any facility or to use firearms or archery equipment at any facility with the express exception that hunting or trapping and the use of firearms or archery equipment associated therewith shall be allowed during established state seasons at that portion of the Marsh Park not designated for camping and at Gerber Lakes. Notwithstanding the foregoing, nothing herein is intended to prohibit archery shooting of carp or other rough fish in waters adjacent to the facilities provided such archery shooting is not otherwise prohibited by law.

24.06 CAMPGROUND REGULATIONS. In addition to the other regulations provided for herein, the following regulations apply to the campgrounds at the Marsh Park as administered by the Sheboygan Marsh Park Restaurant and the Department:

- (1) Camping shall be allowed only at designated campsites and overflow areas as approved by the Sheboygan County Health and Human Services Department in the campgrounds at the Marsh Park and only for persons who have registered with the Sheboygan Marsh Park Restaurant in a manner approved by the Department.
- (2) Except for annual campsites as approved by the Department, no person shall camp and no camping unit shall remain in a campground for a period in excess of fourteen (14) nights in succession. Thereafter, the camping unit must be removed from the property for at least one night before the camping party is eligible to return.

- (3) Except as may be approved by the Sheboygan Marsh Park Restaurant or the Department and consistent with the requirements of the Sheboygan County Health and Human Services Department, it is unlawful for more than six (6) campers unless all are members of an individual family to occupy an individual campsite. For purposes of this Subsection, "individual family" means the principal campsite occupant and persons related to that person as spouse, child, parent, grandparent sibling, or grandchild, or the spouse's child, parent, grandparent, sibling, or grandchild.
- (4) Campsite occupancy will be restricted to only independent camping units. Not more than one recreational trailer, motor home, or pick-up camper may occupy a campsite.
- (5) No registered camping party shall move from its assigned campsite to another campsite in a designated campground without prior approval of the Sheboygan Marsh Park Restaurant.
- (6) No camping party shall set up or take down its camping unit between the hours of 10:00 p.m. and the following 6:00 a.m. except with authorization of the Sheboygan Marsh Park Restaurant or in case of an emergency.
- (7) No person may park any motor vehicle outside the parking area designated at each campsite. No person may park more than 2 motor vehicles, except that as many as 5 motorcycles or 3 motorcycles and 1 car or truck are permitted in the parking area of any campsite.
- (8) The violation of any law or county ordinance by any member of a camping party shall constitute cause for revocation of the camping permit for the campsite in question.
- (9) With the exception of registered campers, no person shall be allowed in the campground areas above designated between the hours of 11:00 p.m. and the following 6:00 a.m. except in case of an emergency.
- (10) The Sheboygan Marsh Park Restaurant, as administrator of the campgrounds under the terms of its agreement with Sheboygan County, and the Department may adopt additional rules and regulations of the use of the campground which shall take effect upon approval by the Committee and upon posting on the campgrounds.

24.07 SPECIAL RULES FOR USE OF RECREATIONAL TRAILS.

- (1) To ensure the safety of persons using the recreational trails, Section 21.01 of the County Code of Ordinances, adopting Wis. Stat. chs. 340 through 348, applies to all activity on recreational trails.
- (2) Except as otherwise provided herein, and except at designated crossing areas, no motor vehicles are authorized for operation on the recreational trails except for emergency purposes and except for police, emergency rescue vehicles, authorized maintenance vehicles, and motorized wheelchairs.
- (3) In addition to the provisions herein, all persons using the recreational trails must abide by any posted signage on the recreational trails relating to the use of the recreational trails.
- (4) No horses or horseback riding is allowed on the Interurban Trail but shall be allowed on the Old Plank Road Trail.
- (5) No unauthorized vehicle or piece of equipment may be parked or be permitted to remain standing on any portion of the recreational trails or designated crossing areas so as to obstruct or limit passage along the trail or access point.
- (6) Personal assistive mobility devices may be used only on the Old Plank Road Trail.
- (7) No vehicle or piece of equipment having a height in excess of twelve (12) feet above the original ground grade level which would otherwise be authorized is permitted on the recreational trails.

- (8) It is prohibited to climb on any portion of any bridge on the recreational trails.
- (9) Snowmobile use is permitted on the Old Plank Road Trail. Operation should be confined, to the extent possible, to groomed portions of the trail when the trail has been groomed. Whenever possible, trail grooming should be confined to the grassy shoulder areas adjacent to the paved portion, and snowmobiles should avoid the paved portion when the paved portion is not groomed. When the snowmobile trails in Sheboygan County are closed, there shall be no operation of snowmobiles on the Old Plank Road Trail corridor.
- (10) It is prohibited to enter or cross the recreational trail except at the designated crossing areas.
- (11) Moped use is permitted on the Old Plank Road Trail subject to the operator complying with all applicable rules of the road as set forth in Wis. Stat. chs. 340 to 348 as adopted by Chapter 21 of this Code. Moped operators shall operate with respect and deference to other trail users. Notwithstanding the foregoing, if the County Board, its County Administrator, or the Department applies for or otherwise endeavors to obtain state and/or federal grants or other financing or funding for the purpose of maintenance, enhancement, or expansion of the Old Plank Road Trail, and if any such grants, financing, or funding would be subject to mopeds not being authorized or allowed on the Old Plank Road Trail, then such moped use will be prohibited and the foregoing provisions which would otherwise permit moped use shall have no further force or effect unless and until such time as the prohibition against moped use in the grants, financing, or funding expire or is otherwise lifted. The County Administrator shall assure that in the event that moped use is prohibited as set forth above, notification of such prohibition shall be made to the public of such prohibition.

24.08 GENERAL RULES FOR USE OF SNOWMOBILE TRAILS.

- (1) To ensure the safety of persons using the snowmobile trails, Section 21.01 of the County Code of Ordinances, adopting Wis. Stat. ch. 350, applies.
- (2) In addition to the provisions herein, all persons using snowmobile trails must abide by any posted signage on snowmobile trails relating to the use of snowmobile trails.
- (3) No specific prohibited use set forth at Section 24.05 of this Code or any additional regulation enacted under Section 24.08 of this Code shall apply to any landowner who is participating in the Snowmobile Trails Program or to persons acting with the express permission of such a landowner with respect to the landowner's own land.
- (4) In addition to the provisions herein, all persons using the snowmobile trails shall adhere to the closing notice and other limitations imposed by snowmobile clubs previously in the DNR Snowmobile Trails Program.
- (5) No motor vehicles are authorized for operation on the public snowmobile trails except for emergency and rescue vehicles and snowmobiles.
- (6) No horses or horseback riding is allowed on the public snowmobile trails except on that portion of the public snowmobile trails adjacent to the Old Plank Road Trail.
- (7) No pets shall be allowed on the public snowmobile trails except on that portion of the public snowmobile trails adjacent to the Old Plank Road Trail.

24.09 FEES AND CHARGES.

- (1) Fee Administration. Except as otherwise provided, commencing April 1, 2011, it shall be unlawful for any person to use any boat launching facility without payment of the fee as provided hereafter, or for failure to properly display stickers, tags, or other indicia of payment of the fee if parked at a boat launching facility or in the manner as determined by the Department and as presented to the purchaser of the fee at the time of the purchase.

- (2) Boat Launch Fees. The following fees shall be charged, unless otherwise specified for parking at or using any boat launching facility:
 - (a) Resident Annual Boat Launch Fee. For an annual fee of \$16.00, any person who is a Sheboygan County resident may purchase permit allowing the resident annual access to all boat launching facilities for up to two motor vehicles and will be issued stickers, tags, or other indicia of payment for two vehicles.
 - (b) Non-resident Annual Boat Launch Fee. For an annual fee of \$24.00, any non-resident of Sheboygan County may purchase a permit allowing the non-resident annual access to all boat launching facilities for up to two motor vehicles.
 - (c) Additional and Replacement Fee. Purchasers of annual passes may purchase additional or replacement stickers, tags, or other indicia of payment for \$10.00.
 - (d) Resident Daily Boat Launch Fee. For a daily fee of \$4.00, any Sheboygan County resident may purchase a permit allowing the resident one-day access to all boat launching facilities as evidenced by stickers, tags, or other indicia of payment.
 - (e) Non-resident Daily Boat Launch Fee. For a daily fee of \$6.00, any non-resident of Sheboygan County may purchase a permit allowing the non-resident one-day access to all boat launching facilities as evidenced by stickers, tags, or other indicia of payment for that number of vehicles and bicycles.
- (3) Campground Surcharge. The Committee may negotiate with Sheboygan Marsh Park Restaurant for a surcharge to be added to any charges that the Sheboygan Marsh Park Restaurant charges to campers.
- (4) Event Fee. At the discretion of the Department, an event fee of not more than \$100.00 may be charged to any person who wishes to organize and hold an event involving a group at any park, boat launching area, recreational trail, or wayside.
- (5) Fee Adjustments. Annually, as part of the budgeting process for the Department for the following year, the Committee shall review the fee amounts as provided herein and may reduce them downward or eliminate them for the following year or years if the Committee concludes that the voluntary contributions as accounted for under Section 24.11 are providing sufficient funding for their intended purposes so that reliance on fee income may be reduced or eliminated.
- (6) Exceptions from the Requirement of Fees. No fee shall be required to the following persons or under the following circumstances:
 - (a) No minors under the age of 16 shall be required to pay a fee.
 - (b) No fees shall be required of any persons whose exclusive purpose is to patronize the Sheboygan Marsh Park Restaurant, attend an event sponsored by the Sheboygan Marsh Park Restaurant, fish along the Marsh shoreline, use the Marsh Observation Tower, fish from any fishing piers or shoreline, picnicking at any boat launches for non-commercial purposes, or any other purpose other than parking or using a boat launch facility for launching.
 - (c) At the discretion of the Department, persons who attend an event for which an event fee has been paid shall not be required to pay a fee.
 - (d) No fees shall be charged to persons who are participating in environmental education programs as approved by the Department.
- (7) Other Distribution of Permits. At the discretion of the Department, educational, environmental, sports, or other similar civic clubs or individuals may be allotted permits

without charge in consideration for work or donations made to assist or promote Sheboygan County Parks and recreational facilities.

24.10 VOLUNTARY CONTRIBUTIONS.

- (1) Intent. Consistent with the purpose of this Ordinance as set forth at Section 24.01 that those who use Sheboygan County's parks and recreational facilities should contribute to the care and upkeep of those facilities, the County supports such actions as appropriate to maximize the opportunity of users to voluntarily support the facilities.
- (2) Specific Actions. The Department is directed to:
 - (a) Establish and maintain voluntary donation boxes with supporting signage at the facilities;
 - (b) Promote the establishment of a non-profit "Friends" program similar to the "Friends of the Marsh" to support the facilities.
 - (c) Support partnerships with businesses and organizations to "accept" a particular facility and undertake acceptance agreements for maintenance of the facility;
 - (d) Create such other practices consistent with the intent and purpose of this Code.

24.11 NON-LAPSING SEGREGATED FUND FOR ADMINISTRATION AND MAINTENANCE.

- (1) Fund. There is created a special "Recreation Administration and Maintenance Fund." The proceeds of any fees charged and collected as provided herein and all violation notice fees charged and collected or provided herein and all voluntary contributions and donations to support facilities collected as provided herein shall be placed into this fund on a non-lapsing basis to be used by the Department as approved by the Committee for the purpose of financing the administration of the provisions of this Chapter and the maintenance of the facilities regulated under this Chapter and for similar ancillary purposes related thereto.
- (2) Segregated Accounts. To the fullest extent possible, the Fund shall include segregated accounts or segregated accounting whereby the source of the proceeds can be identified, including but not limited to, boat launching fees, negotiated camping surcharges, and donations and contributions, all whereby the location of the donations and contributions can be identified in order to allow decision-making regarding the allocation of expenditures to correspond to the source of the proceeds.

24.12 ADDITIONAL REGULATIONS. In addition to the foregoing rules, the Department is hereby authorized to adopt such further temporary rules and regulations for the use of the facilities for the purpose of addressing maintenance, weather, emergency, or such other similar situations.

24.13 ADMINISTRATION AND ENFORCEMENT.

- (1) Implementation. The Department shall develop procedures, to be approved by the Committee, for the implementation of the fees provided for in this Chapter.
- (2) Citation Enforcement of Ordinances. In addition to the Department personnel authorized by Section 90.06 of the County Code to issue citations for violations of this Chapter committed in their presence or for which they have reasonable cause to believe have been committed, the Planning Director may authorize other Department personnel to issue citations. Department personnel authorized to issue citations shall, at all times, have the right to enter upon all facilities, inclusive of such portion of the grounds, buildings, structures, or enclosures thereof which may be leased or set aside for private or exclusive use of any individual or group use thereof under the provisions of this Chapter and any rules and regulations enacted hereunder. In so entering upon the premises above described, Department personnel may use reasonable and necessary force to protect and promote the County's land and resources and the public peace. Department personnel authorized to issue citations under this Chapter may issue a

violation notice and administrative fee to defray the cost of enforcement of all fees or forfeitures in accordance with an administrative notice fee schedule as approved by the Committee. Nothing shall preclude the Department from allowing persons to purchase permits in lieu of receiving citations or for failing to have or display a sticker if otherwise required.

- (3) Corporation Counsel Duties. It shall be the responsibility of the Corporation Counsel to prosecute all civil violations, which arise under this Chapter.
- (4) Penalties and Fees. Any person who shall violate any of the provisions of this Ordinance or any rule promulgated hereunder shall upon conviction thereof forfeit not less than Twenty-five Dollars (\$25.00) nor more than Two Hundred Dollars (\$200.00) for each violation in addition to the costs of prosecution, and in the case of default in payment of such forfeiture and costs, by imprisonment in the Sheboygan County Jail for a term not exceeding five (5) days.

24.14 SHEBOYGAN COUNTY RECREATIONAL FACILITIES MANAGEMENT ADVISORY COMMITTEE. The Sheboygan County Marsh Management Advisory Committee, as created by Resolution 87 (1983-84), is renamed and revised to become the Sheboygan County Recreational Facilities Management Advisory Committee. The purpose of the Committee is to provide guidance to the Planning, Resources, Agriculture, and Extension Committee and the County Board in the administration and management of Sheboygan County's recreational facilities.

24.15 COMPOSITION OF COMMITTEE. The Committee shall be comprised of the following sixteen (16) persons, a quorum of which is comprised when at least fifty percent (50%) of all members are present:

- (1) County Board Chairperson (or designee);
- (2) Property Committee Chairperson (or designee);
- (3) Resources Committee Chairperson (or designee);
- (4) Two (2) persons appointed by the County Conservation Association;
- (5) Town of Russell Chairperson (or designee);
- (6) A representative of the Wisconsin Department of Natural Resources;
- (7) A representative of the Outdoor Skills and Education Center;
- (8) Sheboygan County Planning Director;
- (9) Northern Kettle Moraine Snowmobile Association President (or designee);
- (10) Marsh Park concessionaire;
- (11) Five (5) members-at-large to be appointed by the County Administrator and confirmed by the County Board, one of whom has demonstrated an interest in bicycle transportation.

24.16 TERM. All appointed Committee members shall serve for a term of two (2) years commencing such that the County Administrator shall cause the appointees names to be submitted for Board confirmation by the regular third Tuesday meeting in May in even-numbered calendar years, and the appointments shall expire on the end of the Board term of the following even-numbered calendar year. Current members of the Marsh Management Advisory Committee shall continue their terms as members of the Sheboygan County Recreation Facilities Management Advisory Committee.

24.17 STAFF SERVICES. The Committee's required secretarial services, including preparing and distribution of minutes and other such duties required by the Committee shall be provided by the Planning and Conservation Department.

24.18 COMMITTEE MEETINGS. The Sheboygan County Recreational Facilities Management Advisory Committee shall hold regular meetings quarterly during the months of January, April, July, and October. Special meetings may be called by the Chairperson or at the direction of the Chairperson of the Planning, Resources, Agriculture, and Extension Committee.

CHAPTER 25
MARSH PARK REGULATIONS

- 25.01 PURPOSE
- 25.02 REGULATIONS
- 25.03 REGULATIONS
- 25.04 DISCHARGE OF FIREARMS

25.01 PURPOSE. The purpose of this Chapter shall be to secure for the public the quiet, orderly, and suitable use and enjoyment of the Broughton Sheboygan Marsh Park and Wildlife Area (Marsh Park) located in the Towns of Russell, Greenbush, and Rhine.

25.02 REGULATIONS.

(a) Snowmobile Operation. All operation of snowmobiles upon the navigable waters or lands within Marsh Park shall be in full conformity with Wis. Stats. ch. 350. Additional regulations applicable to operation of snowmobiles upon the lands within Marsh Park are as follows:

- (1) Snowmobiles may be operated on designated snowmobile trails, but only during the times that the trails have been declared to be open by Sheboygan County; and
- (2) Snowmobiles may be operated upon the public parking lots or other designated parking areas; and
- (3) Snowmobiles may be operated upon that parkland that provides the most direct route and shortest distance between the public parking lots/parking areas and the navigable waters of the Sheboygan Marsh; and
- (4) Snowmobiles may be operated upon those park roads or that parkland that provides the most direct route and shortest distance between the public snowmobile trails and any Marsh Park campsite rented to such snowmobile operator.

(b) Other Regulations. For additional restrictions applicable to Marsh Park, see Section 38.17 of the Code of Ordinances.

25.03 REGULATIONS. The Resources Committee is authorized to adopt additional rules and regulations for the use of the Marsh Park to promote the purposes of recreation, environmental protection, conservation, and education, provided that adoption of any such rule or regulation must be preceded by a public hearing and consultation with the Marsh Park Advisory Committee. After adoption, such rule or regulation shall take effect upon filing with the County Clerk and posting at the property. Such rule or regulation shall become a part hereof by reference following enactment, filing, and posting.

25.04 PENALTY. Any person violating any provision of this Ordinance shall, upon conviction, forfeit not less than Twenty-five Dollars (\$25.00) nor more than Two Hundred Dollars (\$200.00) together with taxable costs, and in default of payment of such forfeiture and costs, may be imprisoned in the Sheboygan County Jail until such forfeiture and costs are paid but not more than thirty (30) days.

25.04 DISCHARGE OF FIREARMS.

(a) No person shall discharge any firearms in the camping areas of the Broughton Sheboygan County Park and, more specifically, the area described as follows:

Part of the South 1/2 of the Southeast 1/4, Section 13, and part of the Northwest 1/4 of the Northeast 1/4, Section 24, Town 16 North, Range 20 East, commencing at the intersection of the West line of County Trunk Highway "J" and the North line of the Southeast 1/4 of the Southeast 1/4, Section 13; thence westerly along said North line to a point 3 rods West of the West line of said Southeast 1/4 of the Southeast 1/4; thence South 150.00 feet, southwesterly 500.00 feet, southwesterly 600.00 feet, southeasterly 150.00 feet to the North line of the Sheboygan River Main Ditch, easterly 150.00 feet and northeasterly 200.00 feet along said North line

to a point on the East line of Lateral Number Three extended northerly; thence southerly along the East line of Lateral Number Three to the East line of the West 1/2 of the Northeast 1/4, Section 24; thence northerly along said East line to the Northeast corner of said West 1/2; thence easterly along the North line of Section 24 to a point on the West line of County Trunk Highway "J" extended northerly; thence northerly along said West line to the point of beginning.

Section 13 and 24, Town 16 North, Range 20 East.

CHAPTER 26
REGULATIONS ON USE OF HIGHWAY RIGHTS -OF-WAY

26.01	DEFINITIONS
26.02	CULTIVATION AND LANDSCAPING
26.04	ALTERATION OF GRADE
26.04	MAILBOXES, SIGNS, AND NEWSPAPER BOXES
26.05	OTHER OBSTRUCTIONS
26.06	PRIVATE CULVERTS
26.07	ENFORCEMENT AND PENALTIES

26.01 DEFINITIONS.

"Highway" means all county roads, highways, and bridges located within the unincorporated areas of the County of Sheboygan and over which this County has jurisdiction. This includes all lands within the right-of-way, whether paved or unpaved.

"Obstruction" means all materials placed within a right -of-way without a written permit issued by the Highway Commissioner or his designee that may impede the flow of drainage water, obstruct visibility of highway users, increase the risk of injury to a highway user who collides with the material, or interfere with highway maintenance operations, including the ability of County employees or agents to access or occupy any portion of the right -of-way. As illustrations, obstructions include stones or rocks; railroad ties, landscape timbers, other decorative landscaping; fences; garbage, rubbish, refuse, or other discarded materials; all agricultural crops regardless of height; and trees, shrubs, bushes, and other decorative plantings that extend above the natural or established grade by more than six (6) inches.

"Right-of-way" means the full extent of the lands acquired for highway purposes, whether by deed, easement, statute, patent, court order, or prescriptive use.

26.02 CULTIVATION AND LANDSCAPING.

(a) No person may cultivate, plant, harvest, or maintain agricultural crops, trees, or shrubs within a right-of-way.

(b) No person may cultivate, plant, or maintain grasses, flowers, or other vegetative plants in any manner that obstructs the visibility of the highway by highway users.

26.03 ALTERATION OF GRADE. No person may alter or change the depth or contour of any portion of any ditch or embankment in a right -of-way without a written permit issued by the Highway Commissioner or his designee.

26.04 MAILBOXES, SIGNS, AND NEWSPAPER BOXES.

(a) No sign of any nature may be placed or allowed to remain in any right -of-way except an official traffic sign placed by a governmental authority and except other signage permitted by the Wisconsin Administrative Code.

(b) Mailboxes and newspaper boxes are permitted within a right -of-way if the installation complies with all requirements of the U.S. Postal Service and guidelines of the Wisconsin Department of Transportation.

26.05 OTHER OBSTRUCTIONS. No person may place, maintain, or allow any obstruction in a right-of-way other than those specifically permitted by this Ordinance, by other laws, or by a written permit issued by the Highway Commissioner or his designee .

26.06 PRIVATE CULVERTS. Any adjoining land owner or tenant may install a culvert in a right -of-way if all applicable local, County, and State regulations and policies have been observed and a written permit has been issued by the Highway Commissioner or his designee.

26.07 ENFORCEMENT AND PENALTIES.

(a) Correction Order. Upon being informed of a violation of this Ordinance, the Highway Commissioner or his designee shall notify the adjoining land owner or tenant of the violation in writing and shall order removal and correction of the violation within thirty (30) days. If the Highway Committee determines that the degree of hazard constitutes an emergency risk to public safety, the Highway Commissioner or his designee may immediately correct the violation after diligent attempts to notify the adjoining owner or tenant.

(b) Failure to Comply. If compliance with the correction order is not made by the deadline set, the violator shall be subject to a forfeiture of not less than Ten Dollars (\$10.00) and not more than Five Hundred Dollars (\$500.00) per day of violation retroactive to the date the violator received the correction order. In addition, the Highway Commissioner may then make the necessary arrangements for removal and correction of the violation. All expenses of correction, including reasonable attorneys' fees, shall be billed to the violator.

CHAPTER 27
GERBER LAKES PUBLIC FISH & WILDLIFE AREA REGULATIONS

- 27.01 TITLE AND PURPOSE
- 27.02 MOTOR VEHICLE RESTRICTIONS
- 27.03 REGULATIONS
- 27.04 PENALTY

27.01 TITLE AND PURPOSE. The lands acquired by Sheboygan County in the Towns of Rhine and Plymouth pursuant to Resolution No. 2 (1996/97) and Resolution No. 22 (200/01) shall be designated as the Gerber Lakes Public Fish & Wildlife Area ("Gerber Lakes Property"). The purpose of this Chapter shall be to secure for the public the quiet, orderly, and suitable use and enjoyment of the Gerber Lakes property

27.02 MOTOR VEHICLE RESTRICTIONS. No motorized vehicles except authorized maintenance or grooming vehicles and emergency or law enforcement vehicles shall be allowed in or upon any portion of the Gerber Lakes property except in designated parking areas and driveways. Notwithstanding the foregoing, snowmobiles and other motorized vehicles may be operated under the following circumstances, provided that operation is in full conformity with Wis. Stat. ch. 350:

- (1) Upon the frozen surface of the navigable waters, or
- (2) On designated snowmobile trails, but only during the times that the trails have been declared to be open by Sheboygan County, or
- (3) Upon that portion of the property that provides the most direct route and shortest distance between the public parking areas and the navigable waters.

27.03 REGULATIONS. The Planning, Resources, Agriculture, and Extension Committee is authorized to adopt additional rules and regulations for the use of the Gerber Lakes property to promote the purposes of recreation, environmental protection, conservation, and education, provided that adoption of any such rule or regulation must be preceded by a public hearing. After adoption, such rule or regulation shall take effect upon filing with the County Clerk and posting at the property. Such rule or regulation shall become a part hereof by reference following enactment, filing, and posting.

27.04 PENALTY. Any person violating any provision of this Ordinance shall, upon conviction, forfeit not less than Twenty-five Dollars (\$25.00) nor more than Two Hundred Dollars (\$200.00) together with taxable costs, and in default of payment of such forfeiture and costs, may be imprisoned in the Sheboygan County Jail until such forfeiture and costs are paid but not more than thirty (30) days.

CHAPTER 28

RESERVED

CHAPTER 29

RESERVED

CHAPTER 30

RESERVED

CHAPTER 31
COUNTY GAME WARDENS

- 31.01 AUTHORIZING APPOINTMENT OF COUNTY CONSERVATION WARDENS
- 31.02 TERM OF OFFICE
- 31.01 COMPENSATION
- 31.04 DUTIES
- 31.05 IDENTIFICATION

31.01 AUTHORIZING APPOINTMENT OF COUNTY CONSERVATION WARDENS. The Chairperson of the County Board, the District Attorney, and the County Clerk, acting as a Board of Appointment, are hereby authorized to appoint, subject to the provisions of Wis. Stat. § 23.10, seven (7) County Conservation Wardens.

31.01 TERM OF OFFICE. The appointment shall be for a term of five (5) years except that those appointments first made hereunder shall be for a designated term of shorter duration so as to provide a staggered basis of terms, one expiring each year, that is to say that one appointment shall be made for one year, one for two years, etc.

31.03 COMPENSATION. The compensation of County Conservation Wardens shall be Ten and 50/100 Dollar (\$10.50) per hour during the calendar year 2000 for each hour of service rendered as such County Conservation Warden and shall thereafter be subject to all across-the-board salary adjustments given to non-bargaining unit employees. In addition, they shall be reimbursed for their expenses in accordance with the expense reimbursement policy of the County in effect at that time except that no payment shall be made for meals. The expenses shall be submitted on quarterly vouchers by the State Conservation Warden for Sheboygan County on behalf of the County Conservation Wardens. No vouchers may be submitted for any expense that exceeds the annual budgetary allocation for such purpose and such allocation shall be voted on by the County Board as part of the annual County budget.

31.04 DUTIES. All Conservation Wardens shall make full and complete reports of their transactions as according to the demand of the Department of Natural Resources and shall at all times be subject to its direction and control in the performance of their duties.

31.05 IDENTIFICATION. The Department of Natural Resources shall furnish to each Conservation Warden at the time of their appointment, a pocket identification in form and substance as provided by Wis. Stat. § 23.10(5), and such appointee when on official duty shall at all times carry such identification folder on their person and shall on demand exhibit the same to any person to whom they may represent themselves as a Conservation Warden.

CHAPTER 32
MISCELLANEOUS ANIMAL REGULATIONS

- 32.01 DOG LICENSE TAX
- 32.02 DOG LICENSE FUND
- 32.03 MULTIPLE DOG LICENSE FEE
- 32.04 DESIGNATING HUMANE OFFICER
- 32.05 ABATEMENT OF VIOLATIONS
- 32.06 PENALTY

32.01 DOG LICENSE TAX. Commencing January 1, 2005, and pursuant to authority of Wis. Stat. § 174.05, the dog license tax for a neutered male dog or spayed female dog shall be Five Dollars (\$5.00), and the dog license tax for an unneutered male dog or unsprayed female dog shall be Twelve Dollars (\$12.00), or one-half (1/2) of these amounts if the dog becomes five (5) months of age after July of the license year

32.02 DOG LICENSE FUND. Dog licenses so paid shall be kept in a separate account and shall be known as the "Dog License Fund" and disbursed as required by Wis. Stat. § 174.09. After payment of necessary expenses, remaining funds in the Dog License Fund shall be paid to the Sheboygan County Humane Society, Inc. Such services shall include, at a minimum, assistance with stray animal pickup, impoundment of animals so restrained for a reasonable period of time and as required by statute, and assistance from staff at the Sheboygan County Humane Society who have completed Humane Officer training, to provide assistance to law enforcement agencies relating to investigation of animal abuse and neglect complaints.

32.03 MULTIPLE DOG LICENSE FEE. Commencing January 1, 2006, pursuant to authority of Wis. Stat. § 174.05, the multiple dog license fee shall be Fiftyfive Dollars (\$55.00), regardless of neutered status, for up to twelve (12) dogs, and Five Dollars (\$5.00) for each additional dog.

32.04 DESIGNATING HUMANE OFFICER. Any law enforcement officer as defined at Wis. Stat. § 165.85(2)(c) employed by Sheboygan County under the Sheriff's Table of Organization under Chapter 40 of this Code who is designated as a humane officer by the Sheriff and who satisfactorily obtains and maintains a certification as a humane officer as required under Wis. Stat. § 173.05 shall be appointed as a Sheboygan County Humane Officer. The Sheriff or the Sheriff's designee may modify or withdraw any Abatement Order issued under Section 32.04 of this Code.

32.05 ABATEMENT OF VIOLATIONS.

- (1) Jurisdiction. Pursuant to Wis. Stat. § 173.03(3), these provisions shall apply throughout Sheboygan County other than within the boundaries of any City or Village whose governing body adopts a Resolution withdrawing from Sheboygan County enforcement of humane laws and transmits a copy of the Resolution to Sheboygan County.
- (2) Issuance of Order. If a Sheboygan County humane officer under Section 32.03 of this Code or a law enforcement officer employed by Sheboygan County after investigation has reasonable grounds to believe that a violation of a statute or ordinance is occurring and the violation is causing or has the potential to cause injury to an animal, the humane officer or law enforcement officer may issue and serve an order of abatement directed to named persons. The Sheriff or the Sheriff's designee, as the official empowered to modify or withdraw Abatement Orders, may not participate in the decision to issue the Order or in any activity leading to that decision.
- (3) Content of Order. An Abatement Order issued under Subsection (2), above, shall contain all of the following:
 - (a) The name and address of the person to whom directed;
 - (b) The state or ordinance alleged to be violated;
 - (c) A prohibition on further violations;

- (d) A description of measures necessary to correct the alleged violation;
 - (e) A description of the hearing and appeal provisions under Subsections (4) and (5).
- (4) **Hearing.** Any person named in an Abatement Order issued under Subsection (2) may within the ten-day period following service of the Order request a hearing before the Sheriff or the Sheriff's designee by filing a request for a hearing with the Sheriff's office. The hearing shall be held within ten (10) days after the request is made unless the requester agrees to a later date. The hearing shall be informal in nature.
- (5) **Decision.** Within ten (10) days after a hearing under Subsection (3), above, the Sheriff or the Sheriff's designee who conducts the hearing shall affirm the Order, modify and affirm the Order, or withdraw the Order.
- (6) **Appeal.** Any person adversely affected by a decision under Subsection (4), above, may seek judicial review by commencing an action in Circuit Court within thirty (30) days after the day that the decision is issued.

32.06 **PENALTY.** Pursuant to Wis. Stat. § 951.18, any person who violates the provisions of an Abatement Order issued under Section 32.04 of this Code within three (3) years of the issuance of the Abatement Order shall be subject to a forfeiture of not more than Five Hundred Dollars (\$500.00) or, in default of payment thereof, imprisonment of not more than ten (10) days.

CHAPTER 33
ABANDONED PROPERTY

- 33.01 AUTHORITY
- 33.02 VEHICLE ABANDONMENT PROHIBITED
- 33.03 VEHICLE IMPOUNDING AND JUNKING
- 33.04 VEHICLE TOWING
- 33.05 COSTS OF TOWING AND IMPOUNDMENT
- 33.06 DISPOSAL OF ABANDONED VEHICLES
- 33.07 PENALTY
- 33.08 DISPOSAL OF PERSONAL PROPERTY
- 33.09 DISPOSAL OF CASH
- 33.10 DISPOSAL OF ABANDONED OR UNCLAIMED FLAMMABLE, EXPLOSIVE, OR INCENDIARY SUBSTANCES
- 33.11 ABANDONED, UNCLAIMED, OR SEIZED WEAPONS OR AMMUNITION
- 33.12 LOCAL OPTION FOR VEHICLE ABANDONMENT JURISDICTION

33.01 AUTHORITY. This Chapter is enacted pursuant to the authority of Wis. Stat. §§ 66.0139 and 342.40.

33.02 VEHICLE ABANDONMENT PROHIBITED. No person shall leave unattended any motor vehicle, trailer, semitrailer, or mobile home on any public highway or private or public property for such time and under such circumstances as to cause the vehicle to reasonably appear to have been abandoned. Except as otherwise provided in this Section, whenever any vehicle has been left unattended without the permission of the property owner for more than forty-eight (48) hours, the vehicle may be deemed as abandoned and may be deemed to constitute a public nuisance. A motor vehicle shall not be considered an abandoned motor vehicle when it is out of ordinary public view or when designated as not abandoned by the Sheriff or designee.

33.03 VEHICLE IMPOUNDING AND JUNKING. Any vehicle in violation of this Chapter may be impounded until lawfully claimed or disposed of under Section 33.06 of this Code except that if it is deemed by the Sheriff or designee that the cost of towing and storage charges for the impoundment would exceed the value of the vehicle, the vehicle may be junked or sold by the County prior to expiration of the impoundment period upon determination by the Sheriff or designee that the vehicle is not stolen or otherwise wanted for evidence or other reason. Notwithstanding the foregoing, all substantially complete vehicles in excess of nineteen (19) model years of age shall be disposed of in accordance with Section 33.06 of this Code.

33.04 VEHICLE TOWING. Any Sheriff's deputy who discovers any motor vehicle, trailer, semitrailer, or mobile home on any public highway or private or public property which has been deemed abandoned may cause the vehicle to be removed to a suitable place of impoundment. Upon removal of the vehicle the deputy shall notify the Sheriff or designee of the abandonment and of the location of the impounded vehicle. Upon causing the removal of the motor vehicle by a towing service, the deputy shall, within twenty-four (24) hours of ordering the removal, notify the towing service of the name and last-known address of the registered owner and all lienholders of record of the vehicle, unless the County has entered into a towing services agreement which requires the County to provide notice to such owner and lienholders of the towing.

33.05 COSTS OF TOWING AND IMPOUNDMENT. The owner of any abandoned vehicle, except a stolen vehicle, is responsible for the abandonment and all costs of impounding and disposing of the vehicle. Costs not recovered from the sale of the vehicle may be recovered in a civil action by the County against the owner. Whether or not the County recovers the cost of towing and enforcement, unless the County has entered into an agreement with a towing service to the contrary, the County shall be responsible to the towing service for requisitional towing service and reasonable charges for impoundment, if provided, by the towing service, and for disposal costs under Section 33.03 of this Code if such services are provided by a towing service.

33.06 DISPOSAL OF ABANDONED VEHICLES. Any vehicle which is deemed abandoned by the Sheriff or designee and not disposed of under Section 33.03 of this Code shall be retained in storage for a minimum period of ten (10) days after certified mail notice has been sent to the

owner and lienholders of record to permit reclamation of the vehicle after payment of accrued charges. Such notice shall set forth the year, make, model, and serial number of the abandoned motor vehicle, the place where the vehicle is being held, and shall inform the owner and any lienholders of their right to reclaim the vehicle. The notice shall state that the failure of the owner or lienholders to exercise their rights to reclaim the vehicle under this Section shall be deemed a waiver of all right, title, and interest in the vehicle and its contents and a consent to the sale of the vehicle. The notice shall state that the owner may reclaim personal property from the vehicle without payment of accrued charges. Each retained vehicle and any personal property contained therein not reclaimed by its owner or lienholder may be sold. The County may dispose of the property by sealed bid or auction sale or as otherwise determined by the County to yield the best price subject to the other provisions of this Chapter. At any sale the highest bid for any such motor vehicle shall be accepted unless the same is deemed inadequate by the County, in which event all bids may be rejected. If all bids are rejected or no bid is received, the County may either re-advertise the sale, adjourn the sale to a definite date, sell the motor vehicle at a private sale, or junk the vehicle, in its discretion. Any interested person may offer bids on each abandoned vehicle to be sold. In addition to any other advertising and public notice of the sale that the County deems appropriate, a public notice shall be posted at the office of the Sheriff. The posting of the notice at the Sheriff's Department shall be in the same form as the certified mail notice sent to the owner or lienholders of record. Upon sale of an abandoned vehicle, the County shall supply the purchaser with a completed form designed by the Department of Transportation enabling the purchaser to obtain a regular certificate of title for the vehicle. The purchaser shall have ten (10) days to remove the vehicle from the storage area but shall pay a reasonable storage fee established by the Sheriff for each day the vehicle remains in storage after the 2nd business day subsequent to the sale date. Ten (10) days after the sale, the purchaser shall forfeit all interest in the vehicle and the vehicle shall be deemed to be abandoned and may be sold again. Any listing of vehicles to be sold by the County shall be made available to any interested person or organization which makes a written request for such list. The County may charge a reasonable fee for the list. Within five (5) days after the sale or disposal of a vehicle as provided in this Section, the County shall advise the Department of Transportation of the sale or disposition on a form supplied by the Department of Transportation.

- 33.07 PENALTY. In addition to the recovery of the cost of impounding and disposing of the vehicle, as set forth in this Chapter, any owner who abandons a vehicle in violation of Section 33.02 of this Chapter shall, upon conviction thereof, forfeit not less than Twenty-five Dollars (\$25.00) nor more than One Hundred Dollars (\$100.00). For purposes of this Chapter, "owner" includes the lessee of a vehicle if the vehicle is registered or required to be registered by the lessee under Wis. Stat. Ch. 341. An owner whose vehicle has been stolen shall not be deemed to have abandoned the vehicle for purposes of this Chapter.
- 33.08 DISPOSAL OF PERSONAL PROPERTY. Except as otherwise noted, the Sheriff shall act as the manager of abandoned or unclaimed personal property. Sheboygan County may, by any means determined to be in the best interest of the County, dispose of any personal property other than cash that has been abandoned or remains unclaimed for a period of thirty (30) days after the County has taken possession of the property. The Sheriff may authorize the disposal of such property by any of the following means: Sale at public auction; sale through an auction service; acceptance of an offer to purchase in response to a request for competitive bids or proposals; private sale; donation to a County Agency, Board, Commission, Department, or Office; donation or sale to a City, Town, or Village located within Sheboygan County; donation to a charitable organization; or destruction of the property where appropriate. If the disposal is in the form of a sale, all receipts from the sale after deducting the necessary expenses of keeping the property and conducting the sale shall be paid into the County treasury. If the property is not disposed of in a sale open to the public, the Sheriff shall maintain an inventory of such property; a record of the date and method of disposal including the consideration received for the property if any and the name and address of the person taking possession of the property. Such inventory shall be kept as a public record for a period of not less than two (2) years from the date of disposal of the property.
- 33.09 DISPOSAL OF CASH.
- (1) Except as provided in Subsection (2) below, personal property consisting of cash which has been abandoned or which remains unclaimed for a period of thirty (30) days after the County takes possession of the property shall be turned over to the County Treasurer

and credited to the miscellaneous general revenues account general fund. If the property appears to be or is reported stolen, the County shall attempt to return it to the rightful owner.

- (2) Abandoned or unclaimed personal property consisting of cash which was seized by a county-wide multi-jurisdictional task force during an investigation or arrest relating to illegal gambling or the purchase and sale of controlled substances or which has been found to be contraband in a judicial proceeding shall be turned over to the County Treasurer and placed in the Sheriff's Department contraband account to be used for the multi-jurisdictional task force.

- 33.10 DISPOSAL OF ABANDONED OR UNCLAIMED FLAMMABLE, EXPLOSIVE, OR INCENDIARY SUBSTANCES, MATERIALS, OR DEVICES. Any Sheriff's deputy may safely dispose of abandoned or unclaimed flammable, explosive, or incendiary substances, materials, or devices posing a danger to life or property in their storage, transportation, or use immediately after taking possession of the substances, materials, or devices without a public auction. If the substance, material, or device appears to be or is reported stolen, the County officer shall attempt to return it to the rightful owner if it has a commercial value in the normal course of business usage and does not pose an immediate threat to life or property.
- 33.11 ABANDONED, UNCLAIMED, OR SEIZED WEAPONS OR AMMUNITION. The County shall retain or dispose of any abandoned, unclaimed, or seized dangerous weapon or ammunition under Wis. Stat. § 968.20.
- 33.12 LOCAL OPTION FOR VEHICLE ABANDONMENT JURISDICTION. Except as to vehicles upon County highways or upon other County property, any municipality within the County that has enacted, or may in the future event, an Ordinance covering part or all of the matters covered by this Chapter shall have exclusive enforcement jurisdiction over such matters and this Chapter shall have no effect within that Municipality.

History: Ord. 2 (2012/13)

CHAPTER 34
REGULATING COUNTY PARKING AREAS

34.01 PARKING REGULATED
34.02 LONG-TERM PARKING
34.03 SHORT-TERM PARKING
34.04 HANDICAPPED PARKING
34.05 MOTORCYCLE/MOPED/BICYCLE PARKING
34.06 PARKING RESTRICTIONS
34.07 PARKING RULES
34.08 ENFORCEMENT
34.09 PARKING AREA
34.10 PENALTIES
34.11 PROCEDURES

34.01 PARKING REGULATED. The Property Committee of the Sheboygan County Board of Supervisors is directed and authorized to make policy decisions including marking off parking spaces for parking areas at on the Courthouse, County Law Enforcement Center, Detention Center, Health and Human Services Building, Pennsylvania Avenue, and Aging & Disability Resource Center parking lots:

- (1) all parking spaces shall be designated by lines painted or durably marked on the surface of the parking area, and
- (2) at each space so marked off, it shall be unlawful to park a vehicle or other object so that the vehicle or object shall not be entirely within the limits of the space so designated.

34.02 LONG-TERM PARKING. All parking spaces designated for "long-term" parking shall be used only by County officials, employees, and persons who have obtained a parking permit and have appropriately affixed the same to the vehicle being parked so that it is readily visible to enforcement personnel.

- (1) Jurors, witnesses in court cases, or persons on County business or on business which in the opinion of a Department Head warrants temporary parking privileges may apply in the Human Resources Office or the Clerk of Court's office for temporary parking permits. Huber Law inmates may apply to the Sheriff or the Sheriff's designee for temporary parking permits.
- (2) Temporary permits shall have an expiration date and shall be void after such date.

34.03 SHORT-TERM PARKING. Parking spaces shall be designated for "short-term" parking for persons who are conducting business within the Courthouse, Aging & Disability Resource Center, Law Enforcement Center, Detention Center, Administration Building, and Health and Human Services Building, or Employee Wellness Center.

- (1) Short-term parking shall be defined as not more than one (1) hour.
- (2) Vehicles with permits shall not park in "short-term" parking spaces.

34.04 HANDICAPPED PARKING. Pursuant to Wis. Stat. § 346.503, the Property Committee shall designate appropriate parking spaces for use by handicapped persons while attending to business at the Courthouse, Aging & Disability Resource Center, Law Enforcement Center, Detention Center, Administration Building, and Health and Human Services Building.

- (1) Permits are not required for handicapped parking, but persons using the handicapped parking spaces shall be required to display a designation pursuant to Wis. Stat. § 346.503 allowing them to use the handicapped space.
- (2) Vehicles with permits shall not park in handicapped spaces.

34.05 MOTORCYCLE/MOPED/BICYCLE PARKING. An appropriate area within each parking lot may be designated for motorcycle, moped, and bicycle parking only.

- (1) No permit shall be required for those areas.
 - (2) Four-wheeled vehicles shall not park in these spaces.
- 34.06 PARKING RESTRICTIONS. It shall be unlawful for the operator of any vehicle to park the vehicle in any of the following places on the parking lots subject to this Chapter:
- (1) In a designated parking space without a parking permit therefor, except as herein permitted.
 - (2) In any other area not designated and marked for parking.
 - (3) So as to obstruct other vehicles legally parked.
 - (4) On any of the sidewalks.
 - (5) On any portion of the lawn.
 - 6f) In violation of any rules herein stated or promulgated hereunder.
- 34.07 PARKING RULES. Parking lot rules shall be posted at each entrance to the parking lots.
- 34.08 ENFORCEMENT. The Sheboygan County Sheriff's Department is charged with the enforcement of this Ordinance.
- 34.09 PARKING AREA. The Courthouse and/or Law Enforcement Center parking lots subject to this Ordinance shall include all areas bounded by North Sixth and North Fifth Streets and New York Avenue and the alley south of the Sheboygan County Law Enforcement Center and the lot at the northeast corner of North Sixth Street and Pennsylvania Avenue. The Health and Human Services Building parking lot subject to this Ordinance shall include all parking areas owned by the County bounded by Erie Avenue and Ontario Avenue and North Seventh Street and the property lines and buildings along North Eighth Street. The Detention Center parking lots subject to this Code shall include all parking areas owned by the County at or adjacent to 2923 South 31st Street, Sheboygan, Wisconsin. The Pennsylvania Avenue parking lot subject to this Chapter shall include the lot located at the northeast corner of North Seventh Street and Pennsylvania Avenue. The Aging & Disability Resource Center parking lot subject to this Chapter shall include all parking areas owned by the County at or adjacent to the Aging & Disability Resource Center at 650 Forest Avenue, Sheboygan Falls, Wisconsin.
- 34.10 PENALTIES.
- (1) General.
 - (a) Any person who shall have violated any of the Sections of this Chapter may be subject to a written notice of a parking violation, an administrative or judicial parking citation issued by the Sheriff's Department, and/or have the vehicle towed away at the owner's expense if the vehicle remains in violation for more than twenty-four (24) hours as determined by the Sheriff's Department in conjunction with the Sheboygan County Building Services Department.
 - (b) General parking offenses include but are not limited to parking without a permit.
 - (c) General parking violations shall have a forfeiture of Ten Dollars (\$10.00) which must be paid or contested within ten (10) days from the date of issuance of the citation. Failure to pay or contest the citation within ten (10) days shall result in an additional penalty of Fifteen Dollars (\$15.00) for a total forfeiture of Twenty-five Dollars (\$25.00). Violators shall have an additional ten (10) days to make the payment of the Twenty-five Dollar (\$25.00) forfeiture or to contest the violation. Failure to make payment or to contest the citation shall result in the issuance of a Uniform Traffic Citation in the amount of Twenty-five Dollars (\$25.00) plus the cost of prosecution.

- (2) Egregious Parking Violation.
- (a) Egregious offenses are parking offenses that rise above the general parking violation and include but are not limited to the following:
1. parking that poses a danger, hazard, nuisance, or obstruction,
 2. repeated violations of this Ordinance,
 3. unlawful parking in a handicapped parking spot.
- (b) Egregious parking violations shall have a forfeiture of Twenty-five Dollars (\$25.00) which must be paid within ten (10) days of the issuance of the citation. Failure to pay or contest the citation within ten (10) days shall result in the issuance of a Uniform Traffic Citation in the amount of Twenty-five Dollars (\$25.00) plus costs of prosecution.

34.11 PROCEDURES.

- (1) Administrative Citation. Upon receipt of an administrative parking citation from the Sheboygan County Sheriff's Department as set forth in this Chapter, the person may:
- (a) Stipulate guilt within the time set forth on the citation and deliver in person or mail the parking citation together with the forfeiture payment payable to the Sheboygan County Treasurer at the Sheboygan County Law Enforcement Center; or
- (b) Seek an administrative review of the administrative parking citation by filling out an "Administrative Review Request" on a form obtained through the Sheboygan County Building Services Department.
- (c) If the person seeks an administrative review, the Building Services Director or designee shall, within ten (10) days of the receipt of the Administrative Review Request, obtain and review the reports from the Sheriff's Department and shall evaluate the report and the information provided on the Administrative Review Report and shall either vacate the citation or confirm the citation. Within fifteen (15) days of receipt of the Administrative Review Request, the Director or designee shall notify the Sheriff and the person of the decision. If the citation is confirmed, the person shall have ten (10) days to pay the citation.
- (2) Judicial Citation.
- (a) Judicial citations may be issued where the person ignores the administrative citation procedures in Subparagraph (1), above, refuses to pay the forfeiture in Subparagraph (1) or where the person continues to challenge the administrative citation issued in Subparagraph (1).
- (b) Where judicial citations are issued, prosecution shall be through the Circuit Court of Sheboygan County, and the Sheriff shall engage in the same procedure of issuing a Uniform Traffic Citation as for any other traffic offense. Prosecution shall be for violating the County counterpart to Wis. Stat. § 346.55(4).

CHAPTER 35
SHEBOYGAN COUNTY CRIMINAL JUSTICE ADVISORY COMMITTEE
(SCCJAC)

- 35.01 CREATION OF ADVISORY COMMITTEE
- 35.02 PURPOSE
- 35.03 MEMBERSHIP
- 35.04 TERM
- 35.05 OFFICERS
- 35.07 STAFF SERVICES
- 35.08 COMMITTEE MEETINGS
- 35.08 QUORUM
- 35.09 DUTIES
- 35.10 RULES OF ORDER

35.01 CREATION OF ADVISORY COMMITTEE. There is hereby created an advisory committee to be known as the Sheboygan County Criminal Justice Advisory Committee.

35.02 PURPOSE. The Committee shall be advisory in nature and shall provide guidance to the Law Committee on all criminal justice planning within Sheboygan County. The Committee will strive to improve communication, cooperation, coordination, and programming between all agencies within the Sheboygan County Criminal Justice System to maximize the efficiency and effectiveness of the entire system.

35.03 MEMBERSHIP. The Committee shall consist of the following regular members. The Committee's membership may be increased or decreased at the discretion of the Law Committee.

(1) State Officials:

- (a) A Sheboygan County Circuit Court Judge or designee as selected by the Sheboygan County Circuit Court;
- (b) The District Attorney of Sheboygan County or designee;
- (c) The local supervisor of the Division of Community Corrections (Probation and Parole) or designee;
- (d) The Assistant State Public Defender.

(2) County Officials:

- (a) The Chairperson of the Law Committee or designee from the Law Committee;
- (b) The Clerk of Courts or designee;
- (c) The Sheriff or designee;
- (d) The County Administrator or designee;
- (e) The Health and Human Services Director or designee.

(3) City Officials:

- (a) The Sheboygan Police Department Chief or designee;
- (b) The Sheboygan Municipal Court Judge or designee

(4) County Bar: A member of the Sheboygan County Bar Association.

35.04 TERM. All appointed Committee members shall serve for a term of one (1) year commencing in January of each year until a successor has been duly appointed.

35.05 OFFICERS.

- (1) The officers of the committee shall be the Chairperson and Vice -Chairperson.
- (2) The Chairperson and Vice -Chairperson shall be elected by the Committee at the January meeting and serve for a period of one (1) year and may succeed themselves in office.
- (3) The Chairperson shall preside at all Committee meetings and sign all correspondence issued in the name of the Committee.

- (4) The Vice-Chairperson shall assume all the duties of the Chairperson in the Chairperson's absence.
- 35.06 STAFF SERVICES. The Committee's required secretarial services including distribution of minutes along with preparing and maintaining a budget and other such duties required by the Committee shall be provided by the Sheriff's Department.
- 35.07 COMMITTEE MEETINGS. The Committee shall hold regular meetings quarterly during the months of January, April, July, and October. Special meetings of the Committee may be called by the Chairperson on his or her own motion or upon the request of any three (3) members of the Committee. The location for all meetings shall be determined by the Chairperson or by Committee vote. Written notice of all meetings must comply with the Wisconsin Open Meeting Law and shall be given to each member with at least three (3) days' notice.
- 35.08 QUORUM. A quorum shall be duly constituted when at least fifty percent (50%) of all members are present.
- 35.09 DUTIES. It shall be the responsibility of the Committee to make recommendations to the Law Committee regarding:
 - (a) The entire comprehensive planning of criminal justice efforts in Sheboygan County;
 - (b) Develop plans for all aspects of the criminal justice system;
 - (c) Evaluate and make recommendations with regard to ideas concerning criminal justice efforts;
 - (d) Make recommendations and advise appropriate municipal units of government as the situations may require;
 - (e) Such other duties as may from time to time be delegated to it by the Law Committee.
- 35.10 RULES OF ORDER. The Committee may, by vote of one-half (1/2) of its members, establish such additional Rules of Order as it determines necessary, except such rules shall not be inconsistent with the authority herein granted.

CHAPTER 36
UNIFORM RURAL NUMBERING SYSTEM

- 36.01 STATUTORY AUTHORIZATION
- 36.02 TITLE
- 36.03 FINDING OF FACT
- 36.04 PURPOSE
- 36.05 SCOPE
- 36.06 ADMINISTRATION
- 36.07 MAINTENANCE OF ASSIGNED ADDRESS NUMBER RECORDS
- 36.08 ASSIGNMENT OF NEW ADDRESS NUMBERS
- 36.09 UPDATING OF ADDRESS NUMBERS
- 36.10 OFFICIAL MAP
- 36.11 RESOLUTION OF PUBLIC ROAD NAME CONFLICTS
- 36.12 LANDOWNER RESPONSIBILITY FOR NUMBER ASSIGNMENT
- 36.13 ISSUANCE OF UNIFORM ADDRESS NUMBERS
- 36.14 ASSIGNMENT GUIDELINES FOR NON-SUBDIVISION ADDRESSES
- 36.15 ASSIGNMENT GUIDELINES FOR SUBDIVISION PLAT ADDRESSES
- 36.16 INSTALLATION OF SIGNS
- 36.17 CHARGES FOR SIGN AND POSTING
- 36.18 TOWN OPTION
- 36.19 SIGN AND POSTING SPECIFICATIONS
- 36.20 ENFORCEMENT, DAMAGE TO SIGNS, PENALTIES

36.01 STATUTORY AUTHORIZATION. This Chapter is adopted pursuant to Wis. Stat. § 59.54(4).

36.02 TITLE. This Chapter shall be known as the Uniform Rural Numbering System for Sheboygan County, Wisconsin.

36.03 FINDING OF FACT. The lack of a logical county-wide rural address numbering and signing system for buildings and structures in the unincorporated areas of the County adversely affects the public health, safety, convenience, and general welfare of County residents. The state legislature has delegated authority to the counties to work in co operation with town governments to establish a rural number address and mapping system in towns and to appropriate and expend money therefor. This responsibility is hereby recognized by the County.

36.04 PURPOSE. For the purpose of promoting the public health, safety, convenience, and welfare, this Chapter has been established to provide an orderly and uniform system for numbering and signing structures and properties in the unincorporated areas of the County to aid in: (1) the timely and efficient provision of all emergency services to all rural residents including police, fire, ambulance, and civil defense; (2) the reduction of inconvenience to visitors in locating a particular address; (3) reducing the loss of mail and goods due to poor or insufficient addresses; and (4) reducing the potential for traffic accidents created by individuals looking for a residence or business address.

36.05 SCOPE. The County shall establish a county -wide rural address numbering system for the unincorporated areas of the County which shall include recordkeeping, maps, and uniform signage requirements. Wherever practicable, the County shall cooperate with the Town governments of the County consistent with Wis. Stat. § 59.54(4m).

36.06 ADMINISTRATION. The Planning Department shall be responsible for administration of this Chapter.

36.07 MAINTENANCE OF ASSIGNED ADDRESS NUMBER RECORDS. The Planning Department shall maintain records of all address numbers previously assigned for every building or dwelling unit having received a land use, sanitary, or building permit under any predecessor version of this Ordinance.

36.08 ASSIGNMENT OF NEW ADDRESS NUMBERS. The Planning Department shall assign and maintain records of all address numbers for all new construction authorized by a land use permit, sanitary permit, or town building permit after enactment of this Ordinance and for any existing residence,

business, or primary structure which had not been assigned an address number under any predecessor version of this Ordinance.

36.09 UPDATING OF ADDRESS NUMBERS. The Planning Department shall review and reassign any address numbers assigned under this Ordinance or under any predecessor version of this Ordinance as may be necessary consistent with the uniform number assignment system as hereafter provided.

36.10 OFFICIAL MAP. From the address number records, the Planning Department shall create and maintain a County road map superimposed with the rural grid system and individual town maps with superimposed grid and individual structure numbers. Such maps shall comprise the "Sheboygan County Official Rural Address Numbering System."

36.11 RESOLUTION OF PUBLIC ROAD NAME CONFLICTS. In those instances where a duplication of town road names inhibits the effectiveness of the rural address number system in locating structures, the Planning Department shall undertake to mitigate such conflicts. In performing this duty, and in cooperation with the affected towns, the Planning Department shall be guided by the following factors:

- ? Which road has the fewest rural address numbers assigned to it?
- ? Does either road name have historical significance?
- ? Which road has had the duplicated name for the longest amount of time?
- ? Which road is shorter?
- ? Which road has first implemented the signage required hereunder?

If during the negotiation process, a road name change cannot be agreed upon that does not duplicate or in any way conflict with existing road names, it shall be within the Planning Department's authority to assign a non-conflicting road name. The Planning Department is authorized to have the conflicting road name signs removed and replaced with non-conflicting road name signs.

36.12 LANDOWNER RESPONSIBILITY FOR NUMBER ASSIGNMENT. If an address number has not previously been assigned to a property, the owner or occupant of any building or dwelling unit who has applied for a land use, sanitary, or town building permit shall, within ten (10) business days from the receipt of such permit also apply to the Planning Department for the issuance of an address number. Upon receipt of the number, the property owner shall have ten (10) business days from receipt of such number to post a temporary rural address number sign as approved by the Planning Department at the property until a permanent sign is available.

36.13 ISSUANCE OF UNIFORM ADDRESS NUMBERS. Upon receipt of an address number application, the Planning Department shall have ten (10) business days to review the submitted application and verify all information to be correct. If the submitted information is complete, an address number will be issued. The Planning Department shall assess a fee of Twenty Dollars (\$20.00) to the landowner for each address assignment where field measurements are required. The Planning Department Liaison Committee may authorize the Planning Department to increase the fee to an amount greater than Twenty Dollars (\$20.00) or to charge a fee where field measurements are not required if the Committee determines that an increase is necessary to keep a reasonable relationship between the services provided and the fee imposed.

36.14 ASSIGNMENT GUIDELINES FOR NON-SUBDIVISION ADDRESSES. All rural address numbers shall be assigned according to the following system guidelines:

- (1) Address numbers shall be assigned at a rate of 400 numbers to a Section, or a number every 13.2 feet, more or less.
- (2) All properties on the east side of north-south roads and all properties on the south side of east-west roads shall be assigned odd numbers. All properties on the west side of north-south roads and all properties on the north side of east-west roads shall be assigned even numbers.
- (3) Determination of a rural address number shall be made by measurement of the distance from driveway/road intersection to the nearest existing rural address number or nearest intersection with the appropriate rural address number grid line. If a driveway does not exist, determination

shall be made by using a perpendicular line from the front doorway to its intersection with the roadway.

- 36.15 ASSIGNMENT GUIDELINES FOR SUBDIVISION PLAT ADDRESSES. Address numbers may be assigned to each lot within a proposed subdivision plat submitted to the County for review and approval under Wis. Stat. ch. 236. Address numbers shall be assigned as follows:
- (1) Assignment of address numbers shall be based on the center point of each parcel boundary where it abuts the roadway to be used for ingress and egress to said parcel.
 - (2) Adjustment of the assigned address number may be made at the time of issuance of a building/sanitary permit so as to maintain uniform and consistent sequencing.
 - (3) Corner lots displayed on the plat shall be assigned two (2) address numbers, each to reflect the two (2) different roads the property abuts. A finalized address will be awarded at the time of issuance of the building permit.
 - (4) Issuance and mounting of address number is not required until the building/sanitary permit is issued.
- 36.16 INSTALLATION OF SIGNS. By December 31, 2015, new permanent rural address signs shall be installed for all properties which have been issued addresses.
- 36.17 CHARGES FOR SIGN AND POSTING. The Planning Department Liaison Committee may establish, on an annual basis, a charge to the owners of each property assigned a number for the cost of the sign, the steel channel post, installation of the sign and post, and all related costs. The Committee shall, on a town-by-town basis, purchase the address signs and posts. The Committee shall, on a town-by-town basis, determine the charge to landowners within such town for the address signs and posts, based on the Committee's determination that the charge bears a reasonable relationship to the cost to the County for the signs and posts. The Committee may, on a town-by-town basis, determine whether the landowner within such town will be responsible for the installation of the sign and the post, or whether the Planning Department shall be responsible for the installation of the sign and the post. In the event that the individual landowner shall be responsible for the installation, the charge determined by the Committee shall be adjusted accordingly. Charges shall be established both for the initial sign and for replacement signs.
- 36.18 TOWN OPTION. Upon the Liaison Committee determining the charge to each landowner in a town for the sign, the post, and the installation, if any, the Planning Department shall notify the Town Clerk of such town of the fee. Within ninety (90) days of notification, the Town Board shall elect one of the following options: (1) to undertake the arrangements for the financing of signs, posts, and installation within that town, (2) have the County undertake the arrangements for financing of signs, posts, and installation, or (3) defer until the following year, provided that the signs be installed by December 31, 2015. Towns may elect to be responsible for the initial sign installation, but responsibility for installation of replacement signs shall remain with the County Planning Department.
- 36.19 SIGN AND POSTING SPECIFICATIONS. Notwithstanding town address signage ordinances to the contrary, by December 31, 2015, all rural address signs shall be in conformance with the following guidelines:
- (1) All signs shall be a flag type with lettering on both sides and located perpendicular to the public road centerline.
 - (2) All signs shall have reflective white letters and numerals no less than three (3) inches in height on a solid background. The background color shall be uniform in each Town as determined by the Planning Department in consultation with the Town. The name of the road shall be located above the address number and should not exceed one and one-half (1-1/2) inches in height. For any addressed parcel with a driveway longer than 500 feet, the sign must include information on the length of the driveway below the house number in letters not to exceed one and one-half (1-1/2) inches.

- (3) Signs shall be posted on a steel channel post located within thirty-five (35) feet from the centerline of the roadway and within ten (10) feet of the right side of the driveway facing the building from the road serving the numbered parcel or building. Signs shall be attached to posts at a height of four (4) feet, measured from ground surface to vertical center of the sign.
- (4) When two (2) or more separate residences or businesses are located on a private, unnamed road, rural address number signs shall be placed at the intersection of the public road and the private road. The County may require posting at the building if, in its discretion, it is necessary to assure identification of each structure. When a third address is assigned to a private drive, the Town shall be requested to assign a road name and existing addresses will be changed to reflect the new road name.
- (5) If a principal building is occupied by two (2) or more businesses or dwelling units, each business or dwelling of the principal building shall bear a separate rural address number to be posted as detailed above, unless they are serviced from one public access entrance /exit. Dwelling units or businesses within each principal building that share a public entrance/exit shall share a common rural address number and also be identified by some unique method, such as apartment or suite numbers.
- (6) Addresses within densely developed areas of a Town may be signed in a less visible and conspicuous manner as may be determined by the Planning Department in consultation with the Town to be appropriate given the greater density of the area.
- (7) To the extent that towns or portions of towns may have undertaken comprehensive signage, the Planning Department may exempt properties in such towns from the signage requirements herein, if it determines that the signage is sufficiently compatible with the uniformity guidelines sought by this Chapter.
- (8) All of the foregoing are to be considered the preferred guidelines and actual placement will be dependent on actual field conditions and circumstances provided that the sign and posting is as close to the guidelines as conditions and circumstances may allow.

36.20 ENFORCEMENT, DAMAGE TO SIGNS, PENALTIES.

- (1) Enforcement. The Planning Director or designee shall refer violations of this Chapter to the Sheriff's Department for enforcement. Prosecution shall be by the Corporation Counsel.
- (2) Willful Damage. It shall be unlawful and a violation of this Chapter to willfully disturb, remove, or deface any sign erected or maintained under the provisions of this Chapter.
- (3) Property Owner Responsibility. Property owners shall be responsible for obtaining address numbers, and posting and maintaining rural address signs as required under this Chapter. Property owners shall be responsible for maintaining an unobstructed view of their rural address number signs from a public road. Property owners shall be responsible for paying for and maintaining any replacement signs as may be necessary if the initial sign is damaged or destroyed or if the address number has been reassigned for the property.
- (4) Penalties. Any person who shall violate any of the provisions of this Chapter shall, upon conviction thereof, forfeit not less than Fifty Dollars (\$50.00) or more than Two Hundred Dollars (\$200.00) together with the cost of prosecution. Compliance herewith may also be enforced by injunctive action by the County.

CHAPTER 37
REGULATION OF PUBLIC GATHERING

- 37.01 INTENT
- 37.02 LICENSE REQUIRED
 - (a) When Required
 - (b) Definitions
 - (c) Duration of License and Fee
 - (d) Maximum Persons
 - (e) Sound Control
 - (f) Exclusions from License
- 37.03 CONDITIONS FOR ISSUING LICENSE
 - (a) Determination of Size of Assembly
 - (b) Assurances
- 37.04 APPLICATION
 - (a) To Whom Made
 - (b) By Whom Made
 - (c) Contents of Application
 - (d) Bond and Fee Must Accompany Application
- 37.05 ISSUANCE OF LICENSE
- 37.06 REVOCATION
- 37.07 ENFORCEMENT
 - (a) Injunction
 - (b) Abatement as Nuisance
- 37.08 PENALTY

37.01 INTENT. It is intended hereby to regulate the assemblage of large numbers of people, in excess of those normally needing the health, sanitary, fire, police, transportation, and utility services regularly provided in Sheboygan County in order that the health, safety, and welfare of all persons in Sheboygan County, residents and visitors alike, may be protected.

37.02 LICENSE REQUIRED.

(a) When Required. No person shall permit, maintain, promote, conduct, advertise, act as entrepreneur, hold, undertake, organize, manage, sell, or give tickets to an actual or reasonably anticipated assembly of five thousand (5,000) or more people which continues or can reasonably be expected to continue for eight (8) or more consecutive hours, or when any actual or reasonably anticipated assembly of five thousand (5,000) or more people is reasonably expected to continue during the hours of darkness, whether on public or private property, unless a license to hold the assembly has first been granted by the Law Enforcement Committee. Written application for such license must be made at least sixty (60) days in advance of the proposed assembly date. The Law Enforcement Committee shall adopt appropriate written criteria to be employed in making the determination whether to grant such license.

(b) Definitions.

(1) "Person" means any individual, partnership, corporation, firm, company, association, co-venturees, society, group, or any combination of same.

(2) "Assembly" means a company of persons gathered together at any location at any single time for any purpose.

(c) Duration of License and Fee. A license required pursuant to this Ordinance shall remain valid for not longer than forty-eight (48) consecutive hours and a license shall be required for each location of the proposed assembly. The fee for each license shall be One Hundred Dollars (\$100.00).

(d) Maximum Persons. A license shall permit the assembly of only the maximum number of persons stated in the license. The licensee shall not sell tickets to nor permit to assemble at the licensed location more than the maximum permissible number of people.

(e) Sound Control. The license shall not permit the sound of the assembly to carry unreasonably beyond the enclosed boundaries of the location of the assembly.

(f) Exclusions from License. This Ordinance shall not apply to any permit and regularly established place of worship, stadium, athletic field, arena, auditorium, coliseum, fairgrounds, road racing areas when used exclusively for that purpose, or other similar permanently established place of assembly for assemblies which exceed by more than two hundred fifty (250) people the maximum seating capacity of the structure where the assembly is held, nor to government sponsored fairs held on regularly established fairgrounds, nor to county -underwritten or sponsored Farm Progress Days, nor to assemblies required to be licensed by other Ordinances, Resolutions, and regulations of Sheboygan County.

37.03 CONDITIONS FOR ISSUING LICENSE. Before the applicant may be issued a license, the applicant shall first:

(a) Determination of Size of Assembly. Determine the maximum number of people which will be assembled or admitted to the location of the assembly, provided that the maximum number shall not exceed the maximum number which can reasonably assembly at the location of the assembly in consideration of the nature of the assembly and provided that where the assembly is to continue overnight the maximum number shall not be more than is allowed to sleep within the boundaries of the location of the assembly by the zoning or health ordinances of the municipality.

(b) Assurances. Provide proof that the applicant is able to and will furnish at the applicant's own expense before the assembly commences:

(1) Fencing. A fence completely enclosing the proposed location of sufficient height and strength to prevent people in excess of the maximum permissible number from gaining access to the assembly grounds, which have at least four (4) gates, at least one (1) at or near four (4) opposite points of the compass.

(2) Drinking Water. Potable water, meeting all federal and state requirements for purity, sufficient to provide drinking water for the maximum number of people to be assembled at the rate of at least one (1) gallon per person per day and water for bathing at the rate of at least ten (10) gallons per person per day.

(3) Toilet Facilities. Separate enclosed toilets for males and females, meeting all state and local specifications, conveniently located throughout the grounds, sufficient to provide facilities for the maximum number of people to be assembled at the rate of at least one (1) toilet for every two hundred (200) females, and at least one (1) toilet for every three hundred (300) males, together with an efficient, sanitary means of disposing of waste matter deposited which is in compliance with all state and local laws and regulations; a lavatory with running water under pressure, and a continuous supply of soap and paper towels shall be provided with each toilet.

(4) Sewage Disposal. A sanitary method of disposing of solid waste, in compliance with state and local laws and regulations, sufficient to dispose of the solid waste production of the maximum number of people to be assembled at the rate of at least two and one-half (2-1/2) pounds of solid waste per person per day together with a plan for holding and a plan for collecting all such waste at least once each day for the assembly and sufficient trash cans for tight-fitting lids and personnel to perform the task.

(5) Medical Services. Physicians and nurses licensed to practice in Wisconsin sufficient to provide the average medical care enjoyed by residents of Wisconsin for the maximum number of people to be assembled at the rate of at least one (1) physician for every one thousand (1,000) people and at least one (1) nurse for every one thousand five hundred (1,500) people, together with an enclosed covered structure where treatment may be rendered, containing separately enclosed treatment rooms for each physician, and at least one (1) emergency ambulance available for use at all times.

(6) Lighting. If the assembly is to continue during hours of darkness, illumination sufficient to light the entire area of the assembly at the rate of at least five - (5-) foot candles, but not to shine unreasonably beyond the boundaries of the enclosed location of the assembly.

(7) Parking. A free parking area inside of the assembly grounds sufficient to provide parking space for the maximum number of people to be assembled at the rate of at least one (1) parking space for every four (4) persons.

(8) Telephones. Telephones connected to outside lines sufficient to provide service for the maximum number of people to be assembled at the rate of at least one (1) separate line and receiver for each one thousand five hundred (1,500) persons.

(9) Camping Accommodations. If the assembly is to continue overnight, camping facilities in compliance with all state and local requirements as set forth in the Wisconsin Administrative Code and Ordinances of this municipality, sufficient to provide camping accommodations for the maximum number of people to be assembled.

(10) Security Guards. Security guards, either regularly employed, duly sworn, off-duty Wisconsin peace officers or private guards, licensed in Wisconsin sufficient to provide adequate security for the maximum number of people to be assembled at the rate of at least one (1) security guard for every seven hundred fifty (750) people.

(11) Fire Protection. Fire protection, including alarms, extinguishing devices, and fire lanes and escapes sufficient to meet all state and local standards for the location of the assembly as set forth in the Wisconsin Administrative Code and Ordinances of this municipality and sufficient emergency personnel to efficiently operate the required equipment.

(12) Noise. All reasonably necessary precautions to ensure that the sound of the assembly will not carry unreasonably beyond the enclosed boundaries of the location of the assembly.

(13) Clean-up. A method of cleaning up of the premises and otherwise restoring them to the condition they were in prior to the assembly.

(14) Bond. A bond filed with the Clerk of Sheboygan County, either in cash or underwritten by a surety company licensed to do business in Wisconsin at the rate of Five Dollars (\$5.00) per person for the maximum number of people permitted to assemble with a total maximum of One Hundred Thousand Dollars (\$100,000.00) which shall indemnify and hold harmless this municipality or any of its agents, officers, servants, and employees from any liability or causes of action which might arise by reason of granting this license and from any cost incurred in cleaning up any waste material produced or left by the assembly.

37.04 APPLICATION.

(a) To Whom Made. Application for a license required pursuant to this Ordinance shall be made in writing to the Law Committee of the Sheboygan County Board at least sixty (60) days in advance of the proposed assembly date.

(b) By Whom Made. The application shall contain a statement made upon oath or affirmation that the statements contained therein are true and correct to the best knowledge of the applicant and shall be signed and sworn to or affirmed by the individual making application in the case of a natural person; by all officers in the case of a corporation; by all partners in the case of a partnership; or by all officers of an unincorporated association, society, or group, or if there be no officers, by all members of such association, society, or group.

(c) Contents of Application. The application shall contain:

(1) Names of Parties. The name, age, residence, and mailing address of all persons required to sign the application by Subsection 37.04(b), above, and in the case of a corporation, a certified copy of the Articles of Incorporation together with the name, age, residence, and mailing address of each person holding ten percent (10%) or more of the stock of said corporation.

(2) Location of Assembly. The address and legal description of all property upon which the assembly is to be held together with the name, residence, and mailing address of the record owner(s) of all such property.

(3) Owner's Consent. Proof of ownership of all property upon which the assembly is to be held or a statement made upon oath or affirmation by the record owner(s) of all such property that the applicant has permission to use such property for an assembly of five thousand (5,000) or more persons.

(4) Purpose. The nature or purpose of the assembly.

(5) Term. The total number of days and/or hours during which the assembly is to last.

(6) Size of Assembly. The maximum number of persons which the applicant shall permit to assemble at any time, not to exceed the maximum number which can reasonably assemble at the location of the assembly, in consideration of the nature of the assembly, or the maximum number of persons allowed to sleep within the boundaries of the location of the assembly by the zoning ordinance of the municipality if the assembly is to continue overnight.

(7) Ticket Sales. The maximum number of tickets to be sold, if any.

(8) Plans. a separate plan of the applicant for each of the following:

- to limit the maximum number of people permitted to assemble;
- fencing and location of the assembly and gates contained in such fence;
- supplying potable water including the source, amount available, and location of outlets;
- providing toilet and lavatory facilities, including the source, number, location, type, and the means of disposing of waste deposited;
- holding, collecting, and disposing of solid material;
- provide for medical facilities including the location and construction of a medical structure, the names and addresses and hours of availability of physicians and nurses and provisions for emergency ambulance service;
- to illuminate the location of the assembly, including the source and amount of power and the location of lamps;
- parking vehicles, including size and location of lots, points of highway access and interior roads including routes between highway access and parking lots;
- telephone services including the source, number, and location of telephones;
- camping facilities, if any, including facilities available and their location;
- security including the number of guards, their deployment, and their names, addresses, credentials, and hours of availability;
- fire protection including the number, type, and location of all protective devices including alarms and extinguishers and the number of emergency fire personnel available to operate the equipment;
- sound control and sound amplification, if any, including number, location, and power of amplifiers and speakers;

- food concessions and concessionaires who will be allowed to operate on the grounds including the names and addresses of all concessionaires and their license or permit numbers.

(d) Bond and Fee Must Accompany Application. The application shall include the bond required in Subsection 37.03(b)(14), above, and the license fee.

37.05 ISSUANCE OF LICENSE. The application for a license shall be processed and a determination on granting shall be made within twenty (20) days of receipt thereof. The Law Committee shall during such processing and determination period schedule a public hearing on said application. At such hearing, the applicant and any interested party may appear and present reasons or evidence as to whether or not the license shall be granted.

37.06 REVOCATION. A license granted pursuant to this Ordinance may be revoked by the Law Committee upon notice of such proposed revocation of the licensee and following a public hearing on such proposed revocation. The Law Committee shall establish written criteria to be used in the determination of whether such revocation shall be made.

37.07 ENFORCEMENT.

(a) Injunction. The provisions of this legislation may be enforced by injunction in any court of competent jurisdiction.

(b) Abatement as Nuisance. The holding of an assembly in violation of any provision or condition contained in this legislation shall be deemed a public nuisance and may be abated as such.

37.08 PENALTY.

(a) In addition to the enforcement provision set forth in Section 37.07, above, for violation of any condition of the license, the licensee may be required to forfeit not less than One Hundred Dollars (\$100.00) nor more than Five Hundred Dollars (\$500.00) for each offense. The violation of each condition of the license shall be constructed to be a separate offense.

(b) Any person required to obtain a license pursuant to this Ordinance who violates the provisions of this Ordinance may be required to forfeit such sums in like manner as provided in Subsection (a) above.

(c) In addition thereto, any person may also be required to pay any damages found to arise out of the violation of this Ordinance or the conditions of said license.

CHAPTER 38
PUBLIC PEACE AND GOOD ORDER

- 38.01 STATUTORY OFFENSES
- 38.02 ATTEMPT
- 38.03 CRIMINAL CODE OFFENSES
- 38.04 PENALTY FOR CRIMINAL CODE OFFENSES
- 38.05 WELFARE FRAUD
- 38.06 PENALTY FOR WELFARE FRAUD
- 38.07 UNDERAGE POSSESSION OF TOBACCO PRODUCTS
- 38.08 PENALTY FOR UNDERAGE POSSESSION OF TOBACCO PRODUCTS
- 38.09 DOGS RUNNING AT LARGE AND UNTAGGED DOGS
- 38.10 PENALTY FOR DOGS RUNNING AT LARGE AND UNTAGGED DOGS
- 38.11 DAMAGES IN COUNTY PARKS
- 38.12 PENALTY FOR DAMAGES IN COUNTY PARKS
- 38.13 SHINING WILD ANIMALS
- 38.14 PENALTY FOR SHINING WILD ANIMALS
- 38.15 LITTERING
- 38.16 PENALTY FOR LITTERING
- 38.17 REGULATION OF FIREWORKS
- 38.18 PENALTY FOR FIREWORKS VIOLATIONS
- 38.19 ALL-TERRAIN VEHICLES
- 38.20 PENALTIES FOR ALL-TERRAIN VEHICLE VIOLATIONS
- 38.21 DRUG PARAPHERNALIA
- 38.22 PENALTY FOR DRUG PARAPHERNALIA OFFENSES
- 38.23 UNDERAGE POSSESSION OF ALCOHOL BEVERAGES
- 38.24 PENALTY FOR UNDERAGE POSSESSION OF ALCOHOL
- 38.25 REGULATING POSSESSION OF MARIJUANA
- 38.26 UNLAWFUL SALE OR GIFT OF TOBACCO TO MINORS
- 38.27 PENALTY FOR UNLAWFUL SALE OR GIFT OF TOBACCO TO MINORS
- 38.28 UNLAWFUL SHELTERING OF MINORS
- 38.29 REGULATION OF EMERGENCY ALARMS
 - (a) Purpose
 - (b) Definitions
 - (c) Automatic Dialing Devices Prohibited
 - (d) Installation of Alarms
 - (e) Intentional Giving of False Alarms Prohibited
 - (f) Fees for False Alarms
 - (g) Disconnections
 - (h) Termination of Response - Automatic Dialing Devices
 - (i) Exclusions
 - (j) Severability
 - (k) Penalty
- 38.30 FEEDING OF DEER
- 38.31 ILLEGAL DUMPING
- 38.32 LOUD AND UNNECESSARY NOISE
- 38.33 INDOOR SMOKING
- 38.34 PENALTY FOR INDOOR SMOKING

38.01 STATUTORY OFFENSES.

- (a) Sections 38.01 through 38.25 are intended to provide prosecutorial alternatives to acts which may otherwise be violations of state law.
- (b) Any act required to be performed by a statute incorporated as hereafter provided and any act prohibited by any such statute is prohibited by this Ordinance. The defenses available under state law are also available to the corresponding provisions as hereafter provided.

- (c) It is the intent of this Ordinance that its various provisions be construed in the same manner as the corresponding state law. Any future amendments, revisions, or modifications of the statutes incorporated herein are intended to be made a part of this Code.

38.02 ATTEMPT.

- (a) Whoever attempts to commit a violation shall forfeit not more than one-half (1/2) of the maximum forfeiture for the completed offense.
- (b) An attempt to commit an offense requires that an actor have an intent to perform acts and attain a result which, if accomplished, would constitute such offense and that the actor does acts toward the commission of the offense which demonstrates unequivocally, under all the circumstances, that he formed the intent and would commit the offense except for the intervention of another person or some other extraneous factor.

38.03 CRIMINAL CODE OFFENSES. Pursuant to the authority granted to the County Board by Wis. Stat. § 59.54(22), the following conduct, which is the same or similar to that prohibited by the following statutes, is prohibited as follows:

- (a) 940.19(1) Misdemeanor Battery
- (b) 941.01 Negligent operation of vehicle
- (c) 941.10 Negligent handling of burning material
- (d) 941.13 False alarms
- (e) 941.20(1)(d) Endangering safety by use of dangerous weapons (discharge near building)
- (f) 941.235 Firearms in public buildings
- (g) 941.299 Laser pointers
- (h) 941.36 Utility tapping
- (i) 942.05 Opening letters
- (j) 943.01(1)(a) Damage to property (less than \$1,000.00)
- (k) 943.017(1) Graffiti
- (l) 943.13 Trespass to land
- (m) 943.14 Trespass to dwelling
- (n) 943.20(1) and (3)(a) Theft (less than \$1,000.00)
- (o) 943.21(1) and (3)(a) Fraud on hotel or restaurant keeper or taxicab operator (less than \$1,000.00)
- (p) 943.215 Absconding without paying rent
- (q) 943.24(1) Issuance of worthless checks (less than \$1,000.00)
- (r) 943.34(1)(a) Receiving stolen property (less than \$1,000.00)
- (s) 943.45 Theft of telecommunications services
- (t) 943.455 Theft of commercial mobile services
- (u) 943.46 Theft of cable television services
- (v) 943.47 Theft of satellite cable programming
- (w) 943.50 Retail theft (less than \$1,000.00)
- (x) 946.41(1) Resisting or obstructing an officer
- (y) 946.73 Violating County institutional rules
- (z) 947.01 Disorderly conduct
- (aa) 947.012(2) Unlawful use of telephone
- (bb) 947.0123(3) Unlawful use of computerized communications system
- (cc) 944.20 Lewd and Lascivious behavior

38.04 PENALTY FOR CRIMINAL CODE OFFENSES. The maximum penalty for violating any of the provisions of Section 38.03 shall be a forfeiture of not more than One Thousand Dollars (\$1,000.00) or, in default of payment thereof, imprisonment for not more than twenty (20) days. In addition, any person violating Section 38.03(q), above, is subject to the civil liability provided for under Wis. Stat. § 943.245, and any person violating Section 38.03(w), above, is subject to the civil liability provided for under Wis. Stat. § 943.51.

- 38.05 WELFARE FRAUD. Pursuant to the authority granted to the County Board by Wis. Stat. § 59.54(23), the statutory provisions at Wis. Stat. § 49.95(1) prohibiting a person from, with intent to secure public assistance, under Wis. Stat. ch. 49, whether for himself or herself or for some other person, willfully making any false representations and securing up to Three Hundred Dollars (\$300.00) in such assistance, are hereby adopted by reference and made a part of this Ordinance.
- 38.06 PENALTY FOR WELFARE FRAUD. The penalty for violating Section 38.05 shall be a forfeiture of not more than One Thousand Dollars (\$1,000.00) or in default of payment thereof, imprisonment for not more than twenty (20) days.
- 38.07 UNDERAGE POSSESSION OF TOBACCO PRODUCTS. Pursuant to the authority granted to the County Board by Wis. Stat. § 254.92(4), the statutory provisions of Wis. Stat. §§ 254.92(1) through (3) prohibiting underage purchase and possession of cigarettes and tobacco products are hereby adopted by reference and made a part of this Ordinance.
- 38.08 PENALTY FOR UNDERAGE POSSESSION OF TOBACCO PRODUCTS. The penalty for violating any of the conduct prohibited under Section 38.07 shall be a forfeiture of not to exceed Fifty Dollars (\$50.00), or in default of payment thereof, imprisonment for not more than five (5) days.
- 38.09 DOGS RUNNING AT LARGE AND UNTAGGED DOGS. Pursuant to the authority granted to the County Board by Wis. Stat. § 59.54(20), the statutory provisions of Wis. Stat. § 172.042 prohibiting dogs running at large and untagged dogs, are hereby adopted by reference and made a part of this Ordinance. This Ordinance is only applicable in any town that has not enacted a similar Ordinance.
- 38.10 PENALTY FOR DOGS RUNNING AT LARGE AND UNTAGGED DOGS. The penalty for violating any of the conduct prohibited under Section 38.09 shall, for the first offense, be a forfeiture of not less than Twenty-five Dollars (\$25.00) nor more than One Hundred Dollars (\$100.00), or, in default of payment thereof, imprisonment for not more than ten (10) days, and for each subsequent offense, a forfeiture of not less than Fifty Dollars (\$50.00) nor more than Two Hundred Dollars (\$200.00), or in default of payment thereof, imprisonment for not more than twenty (20) days.
- 38.11 DAMAGES IN COUNTY PARKS. Pursuant to the authority granted to the County Board by Wis. Stat. § 27.075, the statutory provisions of Wis. Stat. § 27.067 prohibiting the destruction of notices posted by the County; or breaking, tearing up, or moving trees, vines, shrubs, or flowers; dislocating stones or disfiguring natural conditions within the boundaries of the Broughton Sheboygan County Marsh Park, Taylor Park, Gerber Lakes properties and such other trails, trailheads, boat landings, and other lands administered by the Sheboygan County Planning Department are hereby enacted by reference and made a part of this Ordinance.
- 38.12 PENALTY FOR DAMAGES IN COUNTY PARKS. The penalty for violating any of the conduct prohibited under Section 38.11 shall be a forfeiture of not to exceed One Hundred Dollars (\$100.00) or, in default of payment thereof, imprisonment for not more than ten (10) days.
- 38.13 SHINING WILD ANIMALS. Pursuant to the authority granted to the County Board by Wis. Stat. § 29.314(6), the statutory provisions of Wis. Stat. § 29.314 prohibiting the shining of wild animals are hereby enacted by reference and made a part of this Ordinance.
- 38.14 PENALTY FOR SHINING WILD ANIMALS. The penalty for violating any of the conduct prohibited under Section 38.13 shall be a forfeiture of not to exceed One Hundred Dollars (\$100.00) or, in default of payment thereof, imprisonment for not more than ten (10) days.
- 38.15 LITTERING. Pursuant to the authority granted to the County Board pursuant to Wis. Stat. § 27.019(11), the statutory provisions of Wis. Stat. § 287.81 prohibiting littering are hereby enacted by reference and made a part of this Ordinance.
- 38.16 PENALTY FOR LITTERING. The penalty for violating any of the conduct prohibited under Section 38.15 shall be a forfeiture of not to exceed Five Hundred Dollars (\$500.00) or, in default of payment thereof, imprisonment for not more than twenty (20) days.

- 38.17 REGULATION OF FIREWORKS. Pursuant to the authority granted to the County Board by Wis. Stat. § 167.10(5), the statutory provisions at Wis. Stat. §§ 167.10(1-4) prohibiting the sale, possession, or use of fireworks, as defined by Wis. Stat. § 167.10, are hereby adopted by reference and made part of this Ordinance.
- 38.18 PENALTY FOR FIREWORKS VIOLATIONS. The penalty for violating Section 38.17 shall be a forfeiture of not more than One Thousand Dollars (\$1,000.00) or in default of payment thereof, imprisonment for not more than twenty (20) days.
- 38.19 ALL-TERRAIN VEHICLES. Pursuant to the authority granted to the County Board by Wis. Stat. § 23.33(11)(am), the statutory provisions at Wis. Stat. §§ 23.33(1), (2), (3), (3g), (4), (4c), (4g), (4j), (4L), (4p), (4t), (4x), (5), (6), (7), and (8) relating to the regulation of all-terrain vehicles are hereby adopted by reference and made a part of this Ordinance.
- 38.20 PENALTIES FOR ALL-TERRAIN VEHICLE VIOLATIONS.
- (a) Except as provided in Subsections (2) and (3), any person who violates a Section of the all-terrain vehicle regulations adopted at Section 38.19 shall be subject to a forfeiture of not more than Two Hundred Fifty Dollars (\$250.00).
 - (b) Except where the violation causes death or injury, a person who violates the statutory provisions at Wis. Stat. § 23.33(8)(f) adopted at Section 38.19 and who, within the last two (2) years prior to the arrest for the current violation, was two (2) or more times previously convicted for violating a provision of Wis. Stat. § 23.33 or a County Ordinance adopting a provision of Wis. Stat. § 23.33, shall forfeit not more than Five Hundred Dollars (\$500.00).
 - (c) A person who violates the statutory provisions at Wis. Stat. § 23.33(4c) or § 23.33(4p)(e) adopted at Section 28.19 and has not previously been convicted within five (5) years for a similar offense shall forfeit not less than One Hundred Dollars (\$100.00) nor more than Three Hundred Dollars (\$300.00)
 - (d) In addition to any other penalty or order, a person who violates the statutory provisions of Wis. Stat. §§ 23.33(4c)(a) or 23.33(4p)(e) adopted at Section 38.19 shall be ordered by the Court to submit to and comply with an assessment by an approved public treatment facility for an examination of the person's use of alcohol, controlled substances, or controlled substance analysis.

The assessment order shall comply with Wis. Stat. §§ 343.30(1q)(c)1.a. to c. Intentional failure to comply with an assessment ordered under this paragraph constitutes a contempt of court, punishable under Wis. Stat. ch. 785.
 - (e) In addition to any other penalty, the Court may order the defendant to restore or replace any uniform all-terrain vehicle route or trail sign or standard that the defendant removed, damaged, defaced, moved, or obstructed.
- 38.21 DRUG PARAPHERNALIA. Pursuant to the authority granted to the County Board by Wis. Stat. § 59.54(6), the statutory provisions of Wis. Stat. §§ 961.573(2), 961.574(2), and 961.575(2) prohibiting possession, manufacture, or delivery of drug paraphernalia, are hereby adopted by reference and made a part of this Ordinance.
- 38.22 PENALTY FOR DRUG PARAPHERNALIA OFFENSES. The penalty for violating any of the conduct prohibited under Section 38.21 shall be a forfeiture not to exceed Five Hundred Dollars (\$500.00) or in default of payment thereof, imprisonment for not more than ten (10) days.
- 38.23 UNDERAGE POSSESSION OF ALCOHOL BEVERAGES. Pursuant to the authority granted to the County Board by Wis. Stat. § 125.10(2), the statutory provisions of Wis. Stat. §§ 125.07(1), 125.07(4)(a), 125.07(4)(b), 125.07(4)(bm), 125.085(3)(b), and 125.09(2) prohibiting the purchase and possession of alcohol beverages, the presence on places of sale, and falsification of proof of age are hereby adopted by reference and made a part of this Ordinance.

- 38.24 PENALTY FOR UNDERAGE POSSESSION OF ALCOHOL BEVERAGES. The penalty for violating any of the conduct prohibited under Section 38.23 shall be the same as the penalty imposed on the statutory counterpart except any forfeiture shall be a County forfeiture.
- 38.25 REGULATING POSSESSION OF MARIJUANA.
- (a) Pursuant to the authority granted to the County Board by Wis. Stat. § 59.54(25), the statutory provisions of Wis. Stat. § 961.41(3g)(e) prohibiting the possession or attempted possession of tetrahydrocannabinols included under Wis. Stat. § 961.14(4)(t) or a controlled substance analog of tetrahydrocannabinols are hereby enacted by reference and made a part of this Ordinance, subject to the following limitations:
- (1) This Ordinance is only applicable to circumstances where the possession is in an amount of twenty-five (25) grams or less.
 - (2) This Ordinance is only applicable if the defendant has not previously been convicted of a violation of Wis. Stat. § 961.41(3g)(e) or this Ordinance provision.
 - (3) This Ordinance does not apply in any Sheboygan County municipality that has enacted a similar Ordinance prohibiting the possession of marijuana.
 - (4) This Ordinance does not apply where the person has obtained the substance or the analog directly from or pursuant to a valid prescription or order of a practitioner who is acting in the course of his or her professional practice, or unless the person is otherwise authorized by Wis. Stat. ch. 961 to possess the substance or analog.
- (b) The maximum penalty for violating any of the provisions of Subsection (1) above shall be a forfeiture of One Thousand Dollars (\$1,000.00) or, in default of payment thereof, imprisonment for not more than twenty (20) days.
- 38.26 UNLAWFUL SALE OR GIFT OF TOBACCO TO MINORS. Pursuant to the statutory authority granted to the County Board by Wis. Stat. § 134.66(5), the statutory provisions of Wis. Stat. §§ 134.66(1) through (4) prohibiting the sale or gift of cigarettes to minors are hereby adopted by reference and made a part of this Ordinance.
- 38.27 PENALTY FOR UNLAWFUL SALE OR GIFT OF TOBACCO TO MINORS. The penalty for violating any of the conduct prohibited under Section 38.26 shall be a forfeiture of not more than Five Hundred Dollars (\$500.00). The Court shall suspend any license or permit of any person who violates Section 38.26 as provided in Wis. Stat. § 134.66(4)(a)3.
- 38.28 UNLAWFUL SHELTERING OF MINORS.
- (a) No person shall unless duly licensed under the Wisconsin Statutes or without having first obtained the permission of the parents or legal guardian of any minor or without first notifying the County of Sheboygan Sheriff's Department of the existence of a minor described in Subsection (1) hereof on premises owned or operated by or under the control of such person:
- (1) By any means conceal or shelter, or assist in the concealing or sheltering of, any minor under the age of eighteen (18) years while the minor is under the legal custody of the parents or legal guardian and while the minor is on report with any law enforcement agency as a "missing person," a "runaway," or a "wanted" person; or
 - (2) Supply false information to or obstruct any law enforcement officer in the performance of his duty to locate or to take into custody any minor described in this Section.
- (b) Any person violating any provision of this Section shall be subject to a forfeiture of not less than Twenty-five Dollars (\$25.00) nor more than Two Hundred Dollars (\$200.00)

together with the cost of prosecution and in default of payment thereof, imprisonment in the county jail until such forfeiture and costs are paid but not to exceed thirty (30) days.

38.29 REGULATION OF EMERGENCY ALARMS.

- (a) Purpose. The purpose of this Ordinance is to reduce the high incidence of false alarms, and to prevent alarms from interfering with the emergency 911 telephone system, thereby promoting public peace and good order within Sheboygan County.
- (b) Definitions.
- (1) Alarm - As used in this Section, "**alarm**" shall mean any device which when actuated by a criminal act or other emergency requiring law enforcement response, transmits a signal to central alarm system or directly to the Sheboygan County Sheriff's Department or produces an audible or visual signal designed to notify persons within the audible or visual range of the signal. Except where inconsistent, the term alarm shall include automatic dialing devices.
- (2) Automatic Dialing Device - As used in this Section, "**automatic dialing device**" shall mean any telephone or electronic device or attachment which automatically selects a public primary telephone trunk of the Sheriff's Department and produces any prerecorded message to report a criminal act, a fire, or other emergency.
- (3) False Alarm - As used in this section, "**false alarm**" means a signal from an alarm, telephone, or other contact with the Sheboygan County Sheriff's Department when an emergency situation does not exist, including without limitation, the activation of an alarm through negligence of the alarm owner or lessee or his or her agent or employee, or through mechanical failure. The term "false alarm" shall also include intentional acts of alarm owners or their agents and employees.
- (4) Owner - As used in this section, "**owner**" means the owner of an alarm device and his or her agent or employee.
- (5) Person - As used in this section, "**person**" means individuals, associations of individuals, firms, corporations, and business entities.
- (c) Automatic Dialing Devices Prohibited. No person shall use or cause to be used any automatic telephone dialing device which automatically selects a public telephone number of the Sheboygan County Sheriff's Department. The relaying of messages to the Sheriff's Department from automatic dialing devices shall only be accomplished by person to person telephone communication.
- Owners of automatic dialing devices that desire to have the Sheriff's Department respond to the alarm shall register their dialing devices with the Sheriff's Department prior to installation; owners with existing installations shall register their alarms within thirty (30) days after adoption of this Ordinance. Registration forms shall be supplied by the Sheriff.
- (d) Installation of Alarms. Only alarms installed in a place of business may terminate at the Sheboygan County Sheriff's Department alarm panel. No alarm shall be installed unless the installation has previously been approved by the Law Committee, which approval will be based on availability. Requests for installation shall be submitted on an application/registration form supplied by the Sheriff and shall be subject to the terms set forth on that form. Alarm owners that currently have alarms installed which terminate at the Sheriff's Department alarm panel shall register their alarms within thirty (30) days after adoption of this Ordinance. Registration forms shall be supplied by the Sheriff.
- (e) Intentional Giving of False Alarms Prohibited. No person shall intentionally give or cause a false alarm of any type to be received at the Sheboygan County Sheriff's Department. An intentional false alarm includes the testing of an alarm without prior notification to the Sheriff's Department.

(f) Fees for False Alarms. Alarm owners, including owners of automatic dialing devices shall be charged a fee for each false alarm that is received by the Sheriff's Department, in accordance with the following calendar year schedule:

- (1) First two false alarms no charge
- (2) Third thru ninth false alarms \$100.00 each
- (3) Ten false alarms..... disconnection

Fees must be paid within thirty (30) days of the date of written notification from the Sheriff's Department.

The fee schedule becomes effective ninety (90) days after new installations.

(g) Disconnections. The Sheriff shall, upon thirty (30) days prior written notice to the alarm owner, cause an alarm to be disconnected. Ten (10) false alarms received by the Sheriff's Department, non-payment of fees, non-registration, or non-compliance with any other provision of this section shall be cause for disconnection.

A disconnect may be appealed by filing a written notice of appeal with the Sheriff no later than ten (10) days after the effective date of disconnection. Said appeal shall be heard by the Law Committee within thirty (30) days of receipt by the Sheriff of written appeal notice. The alarm owner shall be notified of the time and place of the hearing no less than forty-eight (48) hours prior to the hearing.

(h) Termination of Response - Automatic Dialing Devices. Ten (10) false alarms received by the Sheriff's Department in a calendar year or on-registration or non-payment of fees shall be cause for the Sheriff to terminate the Department's response to any future messages received by relay which were initiated by an automatic dialing device. Termination of response shall become effective upon thirty (30) days prior written notice to the alarm owner. The appeal procedure shall be as described in Subsection (7) of this Section.

(i) Exclusions. This Section (38.27) is not applicable to alarms which do not terminate at, or are not relayed, to the Sheboygan County Sheriff's Department.

(j) Severability. The several subsections and paragraphs of this Section are declared to be severable. If any subsection or subparagraph of this Section shall be declared invalid by a decision of a court of competent jurisdiction, such decisions shall not affect the validity of the other provisions of this Code, or of the Section of which the invalid portion or paragraph may be a part.

(k) Penalty. Any person convicted of a violation of Subsections (3) through (5), above, shall forfeit not less than One Hundred Dollars (\$100.00) nor more than Five Hundred Dollars (\$500.00) for each occurrence or each date that the violation existed.

38.30 FEEDING OF DEER.

(a) Prohibition.

(1) No person may place or allow any device or any fruit, grain, mineral, plant, salt, vegetable, or other material to be placed outdoors on any public or private property for the purpose of attracting or feeding deer.

(2) Each property owner shall have the duty to remove any materials placed on the owner's property in violation of this Ordinance. Failure to remove such materials within twenty-four (24) hours after notice from the County shall constitute a separate violation of this Ordinance.

(3) Each property owner shall have the duty to remove any device placed on the owner's property to which deer are attracted or from which deer actually feed. Alternatively, a property owner may modify such a device or make other changes

to the property that prevent deer from having access to or feeding from the device. Failure to remove such a device or to make such modifications within twenty-four (24) hours after notice from the County shall constitute a separate violation of this Ordinance.

(b) Rebuttable Presumptions.

- (1) There is a rebuttable presumption that the placement of fruit, grain, mineral, plant, salt, vegetable, or other materials in an aggregate quantity of more than two (2) quarts at the height of less than five (5) feet off the ground is for the purpose of feeding deer.
- (2) There is a rebuttable presumption that the placement of fruit, grain, mineral, plant, salt, vegetable, or other materials in an aggregate quantity of more than two (2) quarts in a drop feeder, automatic feeder, or similar device regardless of the height of the fruit, grain, mineral, plant, salt, vegetable, or other material is for the purpose of feeding deer.

(c) Exceptions.

- (1) Naturally Growing Materials. This Ordinance does not apply to naturally growing materials, including but not limited to fruit, grain, nuts, seeds, and vegetables.
- (2) Planted Materials. This Ordinance does not apply to planted materials growing in gardens, such as standing crops, or in a wildlife food plot.
- (3) Stored Crops. This Ordinance does not apply to stored crops provided that the stored crop is not intentionally made available to deer.
- (4) Incidental Spills. This Ordinance does not apply to spills of seed materials intended for planting or to crop materials that have been harvested if the spills are incidental to normal agricultural operations and such materials are not intentionally made available to deer.
- (5) Captive Wildlife. This Ordinance does not apply to property where farm-raised deer are held in captivity subject to regulation under Wis. Stat. ch. 169.
- (6) Authorized by County Board. This Ordinance does not apply to feeding that is authorized by County Board Resolution on a temporary basis for a specific public purpose.

- (d) Penalty. Any person violating any provision of this Section shall forfeit not less than Fifty Dollars (\$50.00) nor more than Five Hundred Dollars (\$500.00) for each offense, together with the costs of prosecution. A separate offense shall be deemed committed on each day or part of each day during which a violation occurs or continues. Any person who defaults in the payment of a forfeiture or the costs of prosecution may be imprisoned in the County Jail until the forfeiture and costs are paid, but such imprisonment shall not exceed thirty (30) days. This Subsection does not preclude the County from taking any appropriate action to abate, prevent, or remedy a violation of any provision of this Section.

38.31 ILLEGAL DUMPING.

- (a) Pursuant to the authority granted to the County Board by Wis. Stat. §§ 59.54(6) and 59.70, whoever disposes of trash or other solid waste in a dumpster, garbage can, or other solid waste container belonging to another person without the permission of the owner or person legally entitled to use said dumpster or solid waste container shall be subject to a forfeiture not to exceed Two Hundred Dollars (\$200.00), or in default of payment thereof, imprisonment for not more than two (2) days.
- (b) Subsection (1), above, does not apply to a person who places solid waste in a receptacle designed for solid waste storage that is located along a highway or public property,

provided that the solid waste is created incidental to the use of the facility on which the receptacle is located such as a boat landing or wayside.

38.32 LOUD AND UNNECESSARY NOISE.

- (a) Prohibitions. No person shall make or cause to be made any loud disturbing or unnecessary sounds or noises which may annoy or disturb a person of ordinary sensibilities in or about any public street, alley, park, or private residence.
- (b) Penalty. Any person violating this Section shall be subject to a forfeiture of not more than Two Hundred Fifty Dollars (\$250.00).

38.33 INDOOR SMOKING. Pursuant to the authority granted by the County Board by Wis. Stat. § 101.123(4m), the statutory provisions of Wis. Stat. § 101.123 regulating or prohibiting smoking inside enclosed places and such other related regulated or prohibited activities, are hereby enacted by reference and made a part of this Ordinance. Persons in charge of any restaurant, tavern, private club, or retail establishments located in an area subject to this Ordinance may designate an outside area that is a reasonable distance from any entrance to the restaurant, tavern, private club, or retail establishment where customers, employers, or persons associated with the restaurant, tavern, private club, or retail establishment may smoke.

38.34 PENALTY FOR INDOOR SMOKING. The penalty for violating any of the conduct prohibited under Section 38.33 shall be a forfeiture of not less than One Hundred Dollars (\$100.00) nor more than Two Hundred Fifty Dollars (\$250.00) for each violation, except that if a person in charge of a facility fails to take any required action to stop illegal smoking or other activity prohibited herein, he or she is subject to a forfeiture of not to exceed One Hundred Dollars (\$100.00) for each violation but no more than one (1) penalty per day. If the person in charge has not previously received a warning notice, then the law enforcement officer must issue a warning for the first violation in lieu of a citation.

History: Ord. 2 (2010/11); Ord. 11 (2012/13)

CHAPTER 39
TAYLOR PARK REGULATIONS

- 39.01 PURPOSE
- 39.02 USE OF PARK
- 39.03 CONDUCT IN THE PARK
- 39.04 REGULATIONS
- 39.05 NOTICE TO PUBLIC
- 39.06 PENALTY

39.01 PURPOSE. The purpose of this Chapter shall be to secure for the public the quiet, orderly, and suitable use and enjoyment of Taylor Park located in the City of Sheboygan.

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

39.03 CONDUCT IN THE PARK. No person shall engage in any disorderly conduct , nor in any lewd or lascivious talk, act, or behavior in the Park; all refuse, paper, or waste materials shall be placed in the receptacles provided therefor; apparatus, property, or shrubbery shall not be destroyed or mutilated; and vehicles shall not be driven through the park at speeds exceeding fifteen (15) miles per hour.

39.04 REGULATIONS. The Property Committee may adopt such additional rules and regulations for the use of the Park to promote the purposes of the Park as above stated which shall take effect upon filing with the County Clerk and posting in the park, and are made a part hereof by reference.

39.05 NOTICE TO PUBLIC. The hours of operation of the Park and notification that use is subject to regulation as posted shall be erected on appropriate signs at the main entryway to the Park.

39.06 PENALTY. A violation of any of the provisions of this Chapter or any of the rules and regulations incorporated in this Chapter by reference shall subject the violator to a penalty of not less than Twenty-five Dollars (\$25.00) nor more than Fifty Dollars (\$50.00), plus the costs of prosecution.

CHAPTER 40
TABLE OF ORGANIZATION OF COUNTY DEPARTMENTS

- 40.01 TABLE OF ORGANIZATION
- 40.02 BUDGETS
- 40.03 APPROVAL FOR CHANGES TO TABLE
- 40.04 BUDGET REQUIREMENT FOR CHANGES
- 40.05 POSITION CONTROL

- 40.01 TABLE OF ORGANIZATION. A table of organization listing each authorized position of employment in each County Department will be maintained by the Human Resources Department. The table of organization will list each Department, each job title within each Department, and for each job title and Department either the number of full-time and part-time positions authorized or the number of full-time equivalent positions authorized. Limited-term employees, casual employees, seasonal employees, the Coroner and Deputy Coroners, and Board, Committee, and Commission members need not be included in the table of organization.
- 40.02 BUDGETS. As part of the County budgeting process, each Department shall submit to the County Administrator a copy of its table of organization and a list of positions included in the proposed budget for the Department. The list of positions included in the budget shall include the position titles, the amounts budgeted for each position, and either the number of full-time and part-time positions or the number of full-time equivalent positions for each job title included in the proposed budget.
- 40.03 APPROVAL FOR CHANGES TO TABLE. The table of organization established by the County Code of Ordinances immediately prior to the effective date of this Ordinance shall constitute the initial table of organization under this Ordinance. Changes may thereafter be made to the table of organization at any time only with the approval of the liaison committee (or committees) for the affected Department (or Departments) and the approval of the Human Resources Committee.
- 40.04 BUDGET REQUIREMENT FOR CHANGES. No change will be made to the table of organization which would cause the Department to exceed its budgeted personnel expense, unless either: (a) the effective date of the change is in a year for which the budget has not yet been adopted, or (b) sufficient additional appropriations to cover the additional expense are made by the Finance Committee or the County Board prior to the effective date of the change. If the available personnel expense budget for a proposed change depends on vacancies in other budgeted positions, then the liaison and Human Resources Committees shall consider whether such positions should be removed from the table of organization.
- 40.05 POSITION CONTROL. No person may be hired for a regular County position and placed on the County payroll unless such action is consistent with the table of organization as maintained pursuant to Chapter 40.01 of this Code of Ordinances. The Human Resources Committee may authorize employees or classes of employees to be placed on inactive status, in which event such employees will not be counted toward the authorized staffing level.

History: Ord. 3 (2010/11); Ord. 10 (2010/11); Ord. 11 (2010/11); Ord. 12 (2010/11); Ord. 21 (2010/11)

CHAPTER 41
HIGHWAY ENGINEER

- 41.01 ELECTION OF HIGHWAY COMMISSIONER
- 41.02 CREATION OF HIGHWAY ENGINEER
- 41.03 ELIGIBILITY
- 41.04 TERM
- 41.05 SALARY
- 41.06 DUTIES
- 41.07 QUALIFICATIONS
- 41.08 APPOINTMENT

41.01 ELECTION OF HIGHWAY COMMISSIONER. The County Board shall elect a County Highway Commissioner for a term of four (4) years commencing on the first Monday in January 1995 whose duties shall be as enumerated by state law (Wis. Stat. ch. 83 and others). The election shall be held at the December County Board meeting immediately preceding the expiration of the incumbent's term of office.

41.02 CREATION OF HIGHWAY ENGINEER. There is hereby created and established the position to be known as Sheboygan County Highway Engineer.

41.03 ELIGIBILITY. To be eligible for appointment as Highway Engineer, the appointee shall meet the qualifications hereafter set forth.

41.04 TERM. The Highway Engineer shall serve at the pleasure of the Highway Committee.

41.05 SALARY. The annual salary of the Highway Engineer, payable in bi-monthly installments, shall be as determined by the Highway Committee.

41.06 DUTIES. The Highway Engineer shall:

- (a) Have charge under the direction of the County Highway Committee and Commissioner of the construction of highways built with County aid and local funds of the County.
- (b) Perform all duties required by the County Highway Committee and the Highway Commissioner and shall do or cause to be done all necessary examinations for the establishment, construction, and improvement of highways.
- (c) Establish such grades and make such surveys and maps or cause the same to be made as the Engineer deems proper; examine and report as to the condition of bridges and culverts; and make estimates of the cost of proposed improvement after consultation with the Commissioner and Committee.
- (d) Work with municipal governing bodies, their officers and representatives in the planning and construction of roads and related matters when directed to do so by the Commissioner.
- (e) Review all designs, drawings, and specifications for construction and maintenance of highways and highway structures.
- (f) Check and establish and re-establish and reference at least five percent (5%) of all corners originally established in the County by government surveyors, so that within twenty (20) years or less all the original corners will be established or re-established and thereafter perpetuated, all in accordance with Wis. Stat. § 59.635.

41.07 QUALIFICATIONS. The Highway Commissioner shall have the following knowledge, training, and education:

- (a) Essential knowledge and abilities.
 - (1) Thorough knowledge of the laws, codes, and regulations pertaining to construction and maintenance of highways and highway structures.

- (2) Thorough knowledge of the principles and practices of highway or civil engineering.
- (3) Considerable knowledge of engineering costs.
- (b) Minimum Training and Experience.
 - (1) Graduation from a college or university of recognized standing with major courses in civil engineering.
- (c) Special Requirement.
 - (1) Registration as a professional engineer in the State of Wisconsin or eligibility therefor.
 - (2) Certification as a registered land surveyor.

41.08 APPOINTMENT. Appointment to the position of County Highway Engineer shall be made by the County Highway Committee, and all vacancies shall be filled in the same manner as the original appointment.

CHAPTER 42
CORPORATION COUNSEL

- 42.01 ESTABLISHING OFFICE OF CORPORATION COUNSEL
- 42.02 APPOINTMENT AND TERM
- 42.03 QUALIFICATIONS AND APPLICATION
- 42.04 DUTIES
- 42.05 COMPENSATION
- 42.06 PRIVATE PRACTICE
- 42.07 BOND
- 42.08 TERMINATION
- 42.09 DISTRICT ATTORNEY RELIEVED OF DUTIES

42.01 ESTABLISHING OFFICE OF CORPORATION COUNSEL. There is hereby established the office of Corporation Counsel in and for Sheboygan County, Wisconsin.

42.02 APPOINTMENT AND TERM. The Corporation Counsel for Sheboygan County shall be appointed by majority vote of all of the members of the County Board of Supervisors, and shall be appointed at or before the December 1998 Board session and each fourth December thereafter for a four-year term to take effect on January 1 following. In the event a law firm is appointed hereunder to act as Corporation Counsel and to carry out such duties, the principal lawyer assigned as such Corporation Counsel may designate any of the other lawyers of the firm to aid in the performance of Corporation Counsel duties.

42.03 QUALIFICATIONS AND APPLICATION. The Corporation Counsel shall be an attorney-at-law duly licensed to practice the legal profession in the State of Wisconsin with actual experience in the practice of law of at least five (5) years following admission to the Bar.

42.04 DUTIES. The duties of the Corporation Counsel shall be limited to civil matters and shall include giving legal opinions to the County Board and its Committees and interpreting the powers and the duties of the Board and County officers. As such, the Corporation Counsel shall:

- (a) Provide superior legal opinions, counsel, and representation in all civil matters involving Sheboygan County, the Sheboygan County Board, Department Heads, supervisory staff, and the County's employees, officers, agents, boards, and commissions.
- (b) Attend all County Board meetings and serve as parliamentarian for such meetings, including interpretation and explanation of County Board rules.
- (c) Interpret the powers and duties of the Board and County officers.
- (d) Advise and assist the County Treasurer in instituting appropriate actions to foreclose tax liens by action *in rem*. pursuant to Wis. Stat. § 75.521 and to advise the Finance Committee with respect to any taxation problems affecting Sheboygan County.
- (e) Meet monthly with the Human Resources Committee providing a monthly report of services, including hours, specific duties performed and by whom, along with a listing of the individuals from whom services are requested and/or completed.
- (f) Prosecute and defend civil actions under the jurisdiction of the office, including pretrial preparation, conduct of trial, and appeals therefrom in state and federal courts.
- (g) Provide representation before Equal Rights Division, in state and federal courts, and the Wisconsin Employment Relations Commission as directed by the County Board.
- (h) Draft and approve contracts and leases executed by the County and review construction bids, contracts, and bonds.
- (i) Prepare and review Resolutions, Ordinances, directives, and other legal documents, providing direction regarding completeness and correctness.

(j) Review policies and procedures of the County to ensure compliance with federal, state, and County directives.

(k) Function as liaison between the Judicial Branch of County government and the Legislative Branch of County government.

(l) Keep apprised of changes in laws and regulations, advising applicable departments of such changes.

(m) Handle all legal matters of the County except as may be specifically delegated to others by the County Board or its Committees.

42.05 COMPENSATION. The compensation of the Corporation Counsel shall be as determined from time to time by the County Board.

42.06 PRIVATE PRACTICE. The person appointed as Corporation Counsel shall be permitted to engage in the private practice of the law. With approval of the County Board, the Corporation Counsel may appoint one or more persons as Assistant Corporation Counsel to assist in carrying out the duties of the office.

42.07 BOND. The Corporation Counsel shall furnish a penal bond in the sum of One Thousand Dollars (\$1,000.00) and file the same with the County Clerk prior to taking the oath of office.

42.08 TERMINATION. The employment as such Corporation Counsel may be terminated at any time by a majority vote of all members of the County Board of Supervisors.

42.09 DISTRICT ATTORNEY RELIEVED OF DUTIES. Whenever any of the powers and duties conferred upon the Corporation Counsel are concurrent with the District Attorney, the District Attorney's powers or duties shall cease to the extent that they are so conferred upon the Corporation Counsel, and the District Attorney shall be relieved of the responsibility for performing such powers or duties. Opinions of the Corporation Counsel on all such matters shall have the same force and effect as opinions of the District Attorney.

CHAPTER 43
COUNTY ADMINISTRATOR

- 43.01 AUTHORITY
- 43.02 OFFICE OF COUNTY ADMINISTRATOR
- 43.03 APPOINTMENT
- 43.04 CONTINUING DUTIES, STRUCTURE, AND CLASSIFICATION
- 43.05 APPOINTMENTS AND RESPONSIBILITIES
- 43.06 CONFIRMATION OF APPOINTMENTS
- 43.07 BUDGETARY RESPONSIBILITIES
- 43.08 SUPERVISORY RESPONSIBILITIES
- 43.09 REMOVAL

43.01 AUTHORITY. This Chapter is enacted pursuant to authority given to Sheboygan County under Wis. Stat. § 59.18.

43.02 OFFICE OF COUNTY ADMINISTRATOR. There is created an Office of County Administrator for Sheboygan County with all duties and powers as set forth under Wis. Stat. § 59.18. This office shall replace the Office of Administrative Coordinator created through the enactment of Ordinance No. 15 (1997/98) and the incumbent Administrative Coordinator shall be appointed to serve as County Administrator.

43.03 APPOINTMENT. County Administrator vacancies shall be appointed by majority vote of the County Board.

43.04 CONTINUING DUTIES, STRUCTURE, AND CLASSIFICATION. All references in the Code to "Administrative Coordinator" hereafter shall mean the "County Administrator" position.

43.05 APPOINTMENTS AND RESPONSIBILITIES. The County Board's right to elect and appoint its own officers and assign Committee membership as provided in Chapter 2 of the Code is reaffirmed. All other references in the Code to appointments made by the County Board Chairperson, Executive Committee, or County Board shall mean that the appointments shall be made by the County Administrator after conferring with the County Board Chairperson and any appropriate standing Committee unless, pursuant to Wisconsin Statutes, the appointment power remains with the County Board Chairperson or County Board notwithstanding the creation of the Office of County Administrator.

43.06 CONFIRMATION OF APPOINTMENTS. Any appointments made by the County Administrator under Section 43.05 above, except Department Heads, shall be confirmed by the County Board. Any appointment of a Department Head made by the County Administrator shall be confirmed by the Liaison Committee to whom the Department Head is assigned.

43.07 BUDGETARY RESPONSIBILITIES. The County Administrator shall submit an annual budget to the County Board in conjunction with the Finance Committee, Executive Committee, and the Finance Director under the provisions of Chapter 5 of this Code.

43.08 SUPERVISORY RESPONSIBILITIES. Notwithstanding any Code provisions to the contrary, the County Administrator shall supervise the heads of all Departments except those elected by the people.

43.09 REMOVAL. The County Administrator may be removed by the County Board as provided in Wis. Stat. §§ 59.18 and 17.10(2).

CHAPTER 44
SHERIFF'S DEPARTMENT COMMAND
AND PROMOTION PROCEDURES

44.01 CHAIN OF COMMAND

44.02 PROMOTIONAL PROCEDURES

44.01 CHAIN OF COMMAND. In the absence of the Sheriff, the Inspector shall be in command of the Department. In the event that both the Sheriff and the Inspector are temporarily absent, the Directors shall be totally and separately responsible for the functioning of their respective divisions. The Sheriff, or in the Sheriff's absence the Inspector, may designate one of the Directors to be in temporary command of the entire Department.

44.02 PROMOTIONAL PROCEDURES. The positions of Inspector, Director, and Captain shall be filled by appointment of the Sheriff and subject to confirmation by the Law Committee. When submitting appointments for confirmation, the Sheriff shall, at a minimum, outline in writing the reasons for appointment and the qualifications of the candidate. An appointed person's six - (6-) month probationary period shall begin on the date of confirmation by the Law Committee. The Sheriff shall not appoint any person below the permanent rank of Lieutenant in Law Enforcement to fill the positions of Inspector or Director.

CHAPTER 45
REIMBURSEMENT OF EXPENSES POLICY

- 45.01 REIMBURSEMENT ALLOWED
- 45.02 MEAL REIMBURSEMENT
- 45.03 MILEAGE ALLOWANCE
- 45.04 LODGING
- 45.05 MISCELLANEOUS INCIDENTALS
- 45.06 AUDITS
- 45.07 TRAVEL
- 45.08 DISCHARGE
- 45.09 CONSTRUCTION
- 45.10 COUNTY BOARD TRAVEL

45.01 REIMBURSEMENT ALLOWED. Pursuant to the provisions of Wis. Stat. § 59.22(3), employees and officers of Sheboygan County shall be reimbursed for all necessary expenses incurred in the performance of their duties subject to the following conditions and limitations. If a bargaining unit contract provides different conditions or limitations, the contract provisions shall apply.

45.02 MEAL REIMBURSEMENT. Reimbursement for meal expenses actually incurred, including tips, shall be made only under the following conditions:

(a) In County. Except for the County Board Chairperson, no meal reimbursement shall be permitted for any meals within Sheboygan County.

(b) Out of County. Meal expenses incurred out of Sheboygan County in connection with carrying out an employee's or officer's duties shall be eligible for reimbursement. Meal expenses in excess of Eight Dollars (\$8.00) for breakfast, Ten Dollars (\$10.00) for lunch, or Fourteen Dollars (\$14.00) for dinner shall not be allowed. If an employee or officer attends a conference, seminar, or meeting for which one or more meals are provided as part of the registration fee, no reimbursement for such meal shall be allowed, unless the employee or officer is subject to dietary restrictions that prevent the employee or officer from accepting the meal provided.

45.03 MILEAGE ALLOWANCE. Mileage shall be reimbursed at such rate as the State of Wisconsin reimburses or allows to state employees where no state car is available and the employee uses his or her own car. [The allowance referred to herein shall be that allowance set biennially by the department of employment relations pursuant to the provisions of Wis. Stat. §§ 20.916(4) and (8).] The claim for mileage reimbursement shall be made upon forms developed for such purpose by the Finance Department. Changes to the state allowance shall become effective for county reimbursement purposes on the first day of the month after documentation of such change has been filed in the County Clerk's Office and the Human Resources Committee has voted to approve such change.

Notwithstanding the previous paragraph, reimbursement shall not exceed Twenty-six Cents (26¢) per mile unless the mileage claimant shall have filed with the Human Resources Department proof that he or she has in effect personal car insurance which provides equal to or greater than \$100,000/\$300,000/\$50,000 liability insurance coverage.

45.04 LODGING. All lodging expenses outside of Sheboygan County shall be reimbursed in full when necessarily incurred in the performance of duties, but must be supported by receipted statements and a statement explaining the necessity for the lodging expense. The provisions of Article 5.00, "Hotel and Motel Expenses," of Section F - Uniform Travel Schedule Amounts of the State of Wisconsin Department of Employment Relations 1999-01 Compensation Plan, as amended from time to time, shall be applicable to this Section. Copies of Article 5.00, Section F, shall be maintained by the County Clerk's office and shall be furnished to all County Supervisors and Department Heads. If husband and wife occupy a room, the County shall reimburse only at the single room rate and the supporting statements must indicate such single rate.

45.05 MISCELLANEOUS INCIDENTALS. All expenses incurred, such as transportation expenses when traveling by common carrier or parking fees or registration fees, etc., shall be reimbursed within reasonable limitations as may be set by each Department Head under any given circumstances, except that air travel shall not be at first class rates.

45.06 AUDITS. No expenses not actually incurred shall be payable and all requested reimbursements shall be by itemized sworn statement which shall have been approved by the Department Head involved and subsequently approved by the appropriate Committee of the Sheboygan County Board or such other Committee as the Board may designate. Whenever such Committee may desire further explanations of any request for reimbursement, it shall be supplied before payment is allowed. The Department Head and/or the County Board Committee designated may make such adjustment in expense vouchers as it deems reasonable.

45.07 TRAVEL. Out-of-county travel (both in and out of state) by an employee must be approved by the Head of the employee's Department. Department Heads shall consider requiring employees in their Department to use a County vehicle rather than a personal vehicle when appropriate. Any travel by an employee that involves either more than three hundred ten (310) miles of travel one way linear distance (as the crow flies) or more than five (5) consecutive overnight stays must also have the preapproval from the Liaison Committee for the Department as reflected in the Liaison Committee's minutes. In the event funds for such travel have not been provided for in the budget, then such travel shall not be permitted by the involved Department Head without the advance authorization of the Finance Committee. County Board Member travel charged to the County Board account shall be authorized by the Executive Committee. In those situations where the individual traveling elects to travel by personal car to out-of-state functions, such individual's reimbursement shall be limited to the authorized mileage allowance established by Section 45.03 of this Code or an amount not to exceed the then available air fare charges, whichever is lower.

45.08 DISCHARGE. Any employee who shall intentionally seek reimbursement for expenses not actually incurred or shall otherwise fraudulently apply for reimbursement of expenses shall be subject to immediate discharge by the Department Head without further notice of any kind.

45.09 CONSTRUCTION. The construction of the hereinabove provisions shall be liberal to carry out the intent of the County Board to provide reimbursement to all employees for expenses they may have incurred in connection with their employment for Sheboygan County.

45.10 COUNTY BOARD TRAVEL. Subject to the provisions of Section 45.07 of this Code, County Board travel to out-of-state conventions, seminars, and meetings shall be subject to advance approval pursuant to the following procedure:

(a) Each regional or national convention, seminar, or meeting germane to County government or to County Board operations shall be noticed to County Board members as a footnote to the Agenda for a County Board meeting issued in advance of such event.

(b) Any County Board member interested and available to attend such event shall, in writing, communicate such interest to the Executive Committee within twenty (20) days of the mailing of the Agenda.

(c) The Executive Committee shall designate which members are authorized to attend such meetings. Notice of the members selected shall be included at the foot of the next Board meeting agenda. The number of members who may attend any out-of-state events at County expense shall be decided by the Executive Committee unless advance approval therefor has been approved by County Board action, except that the County Board Chairperson shall always be eligible to attend such meetings without regard to County action.

(d) The rules for reimbursement of expenses in effect at the time of the travel shall prevail.

(e) The herein regulations and limitations shall not apply to regional seminars that are limited to a particular Committee's area of responsibility.

(f) The above provisions notwithstanding, when any County Board member pays his or her own travel and lodging expenses, the County shall pay for the registration fees or similar expenses of such Supervisor on the condition that advance approval by the Executive Committee shall have been obtained, which approval shall be limited to a determination of whether sufficient funds are available in the County Board account to pay such expense.

(g) All County Board of Supervisors' out-of-state travel must be approved by the Executive Committee, and if approved, a Committee report must be presented to the County Board for final approval.

CHAPTER 46
COUNTY HIRING AND EMPLOYMENT

- 46.01 FAIR EMPLOYMENT AND EQUAL OPPORTUNITY STANDARDS
- 46.02 FILLING POSITION VACANCIES
- 46.03 APPROVALS
- 46.04 LIMITED-TERM EMPLOYEES
- 46.05 RESIDENCY REQUIREMENTS FOR DEPARTMENT HEADS

- 46.01 FAIR EMPLOYMENT AND EQUAL OPPORTUNITY STANDARDS. It is the policy of Sheboygan County to recruit and select the most qualified persons for positions in the County. In accordance with state law and the guidelines for the Equal Employment Opportunity Commission, recruitment and selection shall be conducted in an affirmative manner to ensure open competition and to provide equal employment opportunity to qualified individuals regardless of age, race, creed, color, disability, marital status, sex, national origin, ancestry, sexual orientation, political affiliation, arrest record, conviction record (except as permitted by statute), membership in the National Guard, state defense force, or any other reserve component of the military force of the United States or this State, or use or non-use of lawful products off the employer's premises during non-working hours, except as otherwise provided.
- 46.02 FILLING POSITION VACANCIES. When a vacancy exists or is anticipated in any regular position, the Department Head must conduct a Vacant Position Audit ("VPA") before the position may be filled. The VPA shall be in a format developed by the Human Resources Department and shall include: (a) the program or programs that are served by the position including any priority attributed to such programs, (b) the likely costs associated with filling the position including the extent to which such costs are included in the current year's expense budget; (c) the projected impact of keeping the position vacant either temporarily or permanently including the possible effect on revenues as well as the effects on County services that may result; and (d) whether the position is likely to be affected by "bumping" or by a transfer of an employee from another position that has lower priority or which might otherwise be left vacant.
- 46.03 APPROVALS. If the Department Head determines that the position should be filled, he or she shall submit the VPA to the Liaison Committee and a copy to the County Administrator. If the Liaison Committee approves filling the position, it shall be submitted to the Human Resources Committee. The Human Resources Committee may grant "blank" approvals to particular positions or classifications for particular periods of time, and if it does so, approval shall be considered granted with respect to vacancies falling within the terms of such blanket approvals without requiring further action by the Committee. No person shall be hired to fill a vacant position until approval has been granted by the Human Resources Committee.
- 46.04 LIMITED-TERM EMPLOYEES. Department Heads may hire limited-term employees ("LTEs") on an emergency basis for a period of time not to exceed three (3) weeks unless otherwise directed by their Liaison Committee. A Department Head who wishes to hire an LTE for a period of time greater than three (3) weeks must submit a VPA to the Liaison Committee and to the Human Resources Committee for approval before hiring. No LTE will be hired for a period of time exceeding six (6) consecutive months.
- 46.05 46.05 RESIDENCY REQUIREMENTS FOR DEPARTMENT HEADS. Any person who holds a Department Head-level position for Sheboygan County must reside within forty (40) miles from the principal office or location of the Department. The Human Resources Committee may grant exceptions to this provision for a period of up to one (1) year.

CHAPTER 47
SHEBOYGAN COUNTY COMPENSATION PROGRAM

47.01 PURPOSE AND SCOPE
47.02 CLASSIFICATION OF POSITIONS
47.03 SALARIES
47.04 TRANSFERS, PROMOTIONS, AND DEMOTIONS
47.05 LONGEVITY PAY
47.06 SALARIES OF ELECTED OFFICIALS

47.01 PURPOSE AND SCOPE.

- (1) This Chapter governs only the compensation of Sheboygan County employees who are not members of recognized bargaining units, excluding County Board Supervisors and other Board members who are compensated under Chapter 1.14 of this Code of Ordinances.
- (2) The objectives of the compensation program are to provide an appropriate salary structure which will permit the County to recruit and retain competent employees, to provide appropriate pay incentives for satisfactory and meritorious job performance, to promote internal equity and consistency within and among County Departments, and to provide an effective means of controlling salary expenditures.
- (3) This compensation program is administered by the Sheboygan County Human Resources Department under the oversight of the Human Resources Committee.

47.02 CLASSIFICATION OF POSITIONS.

- (1) Each position governed by this compensation program other than elected officials will be assigned to a Salary Grade. The determination of the most appropriate Grade for a given position classification is to be made according to a classification system adopted by the Human Resources Committee.
- (2) The positions listed below are classified in the Salary Grades indicated:

Grade	Position	Department
20	County Administrator	County Administrator
19	Director Director Director	Finance/Info Tech Health/Human Svcs Human Resources
18	Administrator	Rocky Knoll
17	Psychologist Supervisor – Clinical Treatment/Intake Assessment (PhD)	Rocky Knoll Health/Human Svcs
16	Director Division Manager – Community Programs Division Manager – Public Health Division Manager – Social Services Family Court Commissioner Manager – Information Technology	Transportation Health/Human Svcs Health/Human Svcs Health/Human Svcs Family Court Comm Finance/Info Tech
15	Child Support Enforcement Attorney Director Director Inspector (Assistant Department Head)	Corporation Counsel Building Services Planning/Conserv Sheriff

	Airport Superintendent	Transportation
14	Director/Clinical Coordinator – Community Support Director – Nursing Manager – Business/Administrative Support Supervisor – Clinical Treatment/Intake Assessment (non-PhD)	Health/Human Svcs Rocky Knoll Health/Human Svcs Health/Human Svcs
13	Deputy Director Director of Operations (Operational Commander) Director – Social Services Purchasing Agent* Supervisor – Program Supervisor – Social Work Supervisor – TASC and Contract Services for Mental Health/AODA Surveyor/Engineer	Finance/Info Tech Sheriff Rocky Knoll Finance/Info Tech Health/Human Svcs Health/Human Svcs Health/Human Svcs Transportation
12	Area Nurse Manager Land Use Regulation Manager Captain – Criminal Investigations/Operations Commander Correctional Administrator County Conservationist Captain – Patrol Operations Commander Captain – Support Services Director Environmental Health Officer Manager – Accounting (Transportation) Manager – Economic Support Manager – Special Projects Network/System Administrator Supervisor – ADRC Supervisor – Long-term Support/Developmental Disability Supervisor – Nurse (Night Shift)	Rocky Knoll Planning/Conserv Sheriff Sheriff Planning/Conserv Sheriff Sheriff Child Support Health/Human Svcs Finance/Info Tech Health/Human Svcs Finance/Info Tech Finance/Info Tech Health/Human Svcs Health/Human Svcs Rocky Knoll
11	Assistant Director – Nursing Clinical Admissions/Case Manager Dietician - Registered Law Clerk Resident Assessment Coordinator Superintendent – Patrol Supervisor – Engineering Supervisor – Building Services Supervisor – Payroll Analyst	Rocky Knoll Rocky Knoll Rocky Knoll Family Court Comm Rocky Knoll Transportation Land/Water Cons Building Services Finance/Info Tech
10	Analyst Assistant Correctional Administrator Director – Activities Director – Building Services Director – Food Services Manager – Non-Motorized Transport Pilot Program Senior Accountant Senior Accountant Superintendent – Shop Supervisor – Economic Support	Human Resources Sheriff Rocky Knoll Rocky Knoll Rocky Knoll Planning/Conserv Finance/Info Tech Health/Human Svcs Transportation Health/Human Svcs

* If this position no longer performs services to the City of Sheboygan pursuant to the Agreement with the City of Sheboygan authorized by Resolution No. 12 (2008/08), this position will return to Grade 12.

	Supervisor – Food Services Supervisor – Victim/Witness Assistance Program	Rocky Knoll District Attorney
9	Director – Emergency Management/EPCRA Planning Lead Staffing Coordinator Register in Probate Supervisor – District Supervisor – Office Supervisor – Office Supervisor Veterans’ Service Officer	Sheriff Rocky Knoll Clerk of Courts Transportation Clerk of Courts District Attorney Child Support Veterans’ Service
8	Accountant Accountant Accountant Assistant to Administrator Assistant Surveyor/Assistant Engineer Assistant (to County Administrator) Director – Health Information Systems Social Worker Supervisor – Billing Supervisor – Office Supervisor – Office Supervisor – Office	Finance/Info Tech Health/Human Svcs Sheriff Rocky Knoll Transportation County Administrator Rocky Knoll Rocky Knoll Rocky Knoll Health/Human Svcs Register of Deeds Treasurer
7	Activity Therapist Benefits Assistant Billing Supervisor Mechanic (Civilian) Office Manager	Rocky Knoll Human Resources Rocky Knoll Sheriff Sheriff
6	Administrative Assistant Administrative Assistant/Secretary Administrative Assistant/Secretary Supervisor – Environmental Services	Rocky Knoll Sheriff Transportation Rocky Knoll
5	Secretary	Human Resources
4	Confidential Secretary	Rocky Knoll
3	Check Fraud Investigator	District Attorney
2		
1		

(3) When a new position is created which has not been classified under this Chapter, the Human Resources Director shall recommend a proposed Grade for the new position using a classification system adopted by the Human Resources Committee.

(4) The Human Resources Committee shall on an annual basis or otherwise as the Committee may determine direct that certain positions from among those governed by this Chapter be sent to a consultant for study to determine whether such positions are correctly classified. In determining which positions to send for study, the Committee shall consider: (a) any new positions which have not yet been studied by a consultant; (b) any positions which have not been examined by a consultant for a period of five (5) years or longer; (c) any position for which the responsibilities and duties have significantly and permanently changed since the last time the position was studied; and (d) any position which the responsible Department Head believes is misclassified. The study of such positions shall include opportunities for comments by the employees holding those positions as well as the direct supervisors of those employees.

- (5) An employee whose position has been studied for reclassification purposes or a Department Head responsible for such a position may appeal the recommendation of the consultant, whether the recommendation is to reclassify the position or to maintain its present classification. The Human Resources Committee may set a time limit and establish other procedures for such an appeal. Employees in a position subject to an appeal as well as supervisors and Department Heads for the position may present their views as to the proper classification to the Human Resources Committee which may accept or reject the recommendations of the consultant.
- (6) If following such a study the Human Resources Committee determines that any changes in classification are desirable, it shall submit a proposed Ordinance making such changes to the County Board.
- (7) Employees in positions that are reclassified into a higher Salary Grade shall receive a salary increase of four percent (4%) as of the effective date of the reclassification, except that any such employee whose salary as of the effective date of the reclassification with a four percent (4%) increase would remain below the midpoint of the new grade for the position will be placed in the Step of the new Grade which represents closest to a four per cent (4%) increase (rounding up or down) in salary for that employee. Employees in positions that are reclassified into a lower Salary Grade shall continue to receive the same pay if at or above the midpoint of the new Grade, or pay in the Step of the new Grade that is closest to the employee's current salary (rounding up or down) if the current salary is below the midpoint of the new pay Grade, or at the maximum of the new pay Grade if the employee's current salary is above the maximum of the new pay Grade.

47.03 SALARIES.

- (1) The salary schedule for positions governed by this Chapter is as follows:

2013 Grade	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Midpoint	Maximum
20	\$98,483	\$101,903	\$105,324	\$107,605	\$109,886	\$112,166	\$114,447	\$130,410
19	\$91,639	\$94,821	\$98,003	\$100,124	\$102,245	\$104,366	\$106,488	\$121,338
18	\$85,198	\$88,156	\$91,113	\$93,085	\$95,056	\$97,028	\$98,999	\$112,801
17	\$79,357	\$82,110	\$84,864	\$86,699	\$88,535	\$90,371	\$92,207	\$105,057
16	\$73,852	\$76,413	\$78,975	\$80,683	\$82,392	\$84,098	\$85,806	\$97,760
15	\$68,726	\$71,108	\$73,491	\$75,079	\$76,668	\$78,256	\$79,846	\$90,965
14	\$63,987	\$66,204	\$68,422	\$69,901	\$71,379	\$72,858	\$74,336	\$84,683
13	\$59,799	\$61,870	\$63,942	\$65,323	\$66,704	\$68,084	\$69,465	\$79,133
12	\$55,919	\$57,855	\$59,791	\$61,083	\$62,374	\$63,663	\$64,955	\$73,990
11	\$52,286	\$54,096	\$55,904	\$57,110	\$58,317	\$59,523	\$60,730	\$69,172
10	\$48,896	\$50,588	\$52,278	\$53,406	\$54,533	\$55,660	\$56,789	\$64,680
9	\$45,937	\$47,525	\$49,112	\$50,171	\$51,228	\$52,288	\$53,346	\$60,755
8	\$43,157	\$44,648	\$46,139	\$47,133	\$48,127	\$49,121	\$50,115	\$57,073
7	\$38,407	\$39,733	\$41,058	\$41,941	\$42,825	\$43,708	\$44,591	\$50,777
6	\$35,677	\$36,907	\$38,137	\$38,956	\$39,776	\$40,596	\$41,416	\$47,156
5	\$33,139	\$34,280	\$35,422	\$36,182	\$36,943	\$37,704	\$38,465	\$43,792
4	\$30,789	\$31,848	\$32,908	\$33,614	\$34,320	\$35,027	\$35,734	\$40,677
3	\$28,675	\$29,662	\$30,647	\$31,305	\$31,962	\$32,619	\$33,275	\$37,876
2	\$26,715	\$27,632	\$28,550	\$29,160	\$29,772	\$30,384	\$30,995	\$35,276
1	\$24,864	\$25,717	\$26,569	\$27,137	\$27,706	\$28,275	\$28,844	\$32,824

- (2) The base salary for all employees in positions governed by this Chapter shall be within the range for the position's Grade and, if below the midpoint of the position's Grade, shall be at one of the Steps indicated.
- (3) Positions shall be classified by the Human Resources Department as either salaried (exempt) or hourly (non-exempt). The pay for part-time hourly positions shall be an hourly rate calculated by dividing the appropriate pay level on the salary schedule by 2080. The pay for part-time salaried positions shall be a pro-rata portion of the appropriate pay level on the salary schedule, based on the ratio of the number of work hours expected annually to 2080.
- (4) A newly-hired employee should normally be placed in Step 1 of the Grade for the position. A new employee may, however, be placed in a higher Step but not above the midpoint by the County Administrator or by the Department Head with the approval of the Human Resources Director. A new employee may be given a starting salary above the midpoint for the position only with prior approval of the Liaison Committee and the Human Resources Committee. Before offering a starting salary above Step 1, at least the following factors should be considered: (1) whether the new employee has substantial experience immediately usable in the new position; (2) whether market conditions demand a higher starting salary for the skills and qualifications needed; and (3) whether the higher starting salary will exacerbate or alleviate compression issues and whether it will promote internal equity and consistency.
- (5) All employees subject to this Chapter shall receive a performance evaluation at the conclusion of the employee's probationary period and on each anniversary of the employee's tenure in the same position or in another position at the same Salary Grade. Each employee who has not yet reached the maximum of the Grade for that employee's position is eligible for either a possible step increase (to the next step or to the midpoint) or a possible merit increase at the completion of the employee's probationary period in the position and again at each yearly anniversary of that employee's tenure in that position, with the exception that the anniversary date will not change if an employee is transferred to a new position in the same Salary Grade as the employee's old position. Step and merit increases shall not be effective unless they have been confirmed by the Human Resources Committee.
- (6) No Step increase may be granted unless the employee has received a performance evaluation rating of at least 5.0. No merit pay increase may be granted that is higher than the percentage increase corresponding to the employee's performance evaluation rating as follows:

<u>Rating</u>	<u>Merit Increase</u>
7.0	1.00%
7.5	1.25%
8.0	1.50%
8.5	1.75%
9.0	2.00%

- (7) In the event that a salary adjustment other than the changes otherwise provided for in this Chapter is necessary because of internal or equitable comparables, market conditions, salary compression, or other unusual circumstances, the Department Head involved and the Human Resources Director shall make recommendations to the County Administrator, who shall make such recommendation as he or she may deem appropriate to the Human Resources Committee which shall further evaluate and review the matter and make a recommendation to the County Board.
- (8) The County Board may make changes to the salary schedule from time to time as the Board may determine. If the salary schedule is revised across-the-board by a percentage or by a dollar amount, all current employees subject to this Chapter as of the effective date of such change will receive a corresponding adjustment in salary.

- (9) Pay for limited-term employees will be as determined by the Department Head after consultation with the Human Resources Director and does not need to conform to the salary schedule. Limited-term employees are not eligible for Step or merit pay increases.
- (10) No merit pay increases under this Section shall be given from January 1, 2012, through December 31, 2012. This provision does not apply to step increases up to the midpoint of each pay grade.

47.04 TRANSFERS, PROMOTIONS, AND DEMOTIONS.

- (1) An employee who moves from one position to another within the same pay Grade will not receive an adjustment in pay and the employee's anniversary date and eligibility date for Step or merit increases will not change.
- (2) An employee who moves to a position in a higher Salary Grade shall receive an increase in pay of seven and five-tenths percent (7.5%) if the new position is one Grade higher, or ten percent (10.0%) if the new position is more than one Grade higher with the following exceptions: (a) if such increase will place the employee below the midpoint but above the minimum for the new position, the increase will be rounded up or down to place the employee in the closest step or midpoint; (b) if such increase would place the employee above the maximum for the new position, the increase will be to the maximum for the new position; and (c) if such increase would leave the employee below the minimum for the new position, the increase will be to the minimum for the new position.
- (3) An employee who elects to take a new position in a lower Salary Grade on a voluntary basis shall receive an adjustment in salary to an appropriate point within the range for the new position's Grade as may be agreed upon at the time the employee is offered the new position; provided, however, that the new salary shall not be higher than the employee's salary in the previous position.
- (4) An employee whose position is eliminated due to a reorganization or a reduction in staff and who is offered and accepts a position in a lower Salary Grade in the same Department shall receive a salary that is as close as is possible to the employee's previous salary while remaining within the range for the Grade of the new position.
- (5) If an employee is reassigned to a position in a lower Salary Grade due to inadequate performance, the salary will be lowered by a planned reduction and shall not exceed the maximum of the new salary range.
- (6) An employee who is temporarily assigned to an existing vacant position in a higher Salary Grade for a period which exceeds or is expected to exceed thirty (30) days may receive a temporary increase to the salary that would result from a permanent promotion to that position as provided by Subsection (2). The temporary increase will not take effect unless approved by the Human Resources Committee. At the end of the temporary assignment, the employee will return to his or her previous salary as adjusted by any increase that the employee would have been entitled to during the period of temporary assignment.

47.05 LONGEVITY PAY.

- (1) Employees hired prior to December 31, 1994, are eligible for longevity pay, as a percentage of base pay, if they have been employed continuously by the County for a period of years according to the following schedule:

5 years	2.5%
10 years	5.0%
15 years	7.5%
20 years	10.0%
25 years	12.5%

- (2) Longevity pay is not taken into account when determining placement on the salary schedule and shall not be affected by the maximum salaries stated in the schedule.

- (3) An employee hired after December 31, 1994, is not eligible for longevity pay, except that an employee who was eligible for longevity pay when a member of a union bargaining unit may continue to receive longevity pay on the same basis after becoming subject to this Chapter.

47.06 SALARIES OF ELECTED OFFICIALS.

- (1) Wis. Stat. § 59.22 requires the Board to establish the compensation for County elected officials (other than Supervisors and Circuit Judges) before the earliest time for filing nomination papers (normally June 1 of the election year).
- (2) That annual salaries of the elected officials through 2004 (except the Sheriff's salary, which is through 2006) have been set by Resolution No. 2 (2002/03) as follows:

	<u>2004</u>	<u>2005</u>	<u>2006</u>
Clerk of Courts	\$54,552		
County Clerk	\$50,911		
Register of Deeds	\$49,761		
Sheriff	\$69,289	\$69,289	\$70,682
Treasurer	\$49,919		
Coroner	\$61/call		

- (3) Unless modified by the County Board using the procedure outlined in Subsection (5), commencing with the first full term of these elected officials after 2004, the annual salaries of the elected officials shall be equal to their 2004 salaries (or in the case of the Sheriff, the Sheriff's 2006 salary), plus an amount equal to the sum of the compounded percentage and/or across-the-board increases in salaries granted by the County Board to non-bargaining unit personnel pursuant to Section 47.03(8) during the preceding term of the office. These annual salaries shall not be modified during the term of office thereafter.
- (4) The medical, dental, and other benefits granted to other non-bargaining unit employees as established by the Human Resources Committee shall be provided to the elected officials throughout the term of office thereafter on the same basis as is set forth in the County Policy and Procedure manual as of the earliest date for circulating nomination papers and shall not be modified during the term of office thereafter.
- (5) The County Clerk and the Human Resources Director shall calculate the anticipated salaries and benefits of the elected officials based on Subsections (3) and (4), and shall report the anticipated salaries and benefits to the County Board to be included in the Agenda mailing to the County Board members prior to the regular Board meeting on the second Tuesday in April in even numbered calendar years. At the meeting on the second Tuesday in April in even numbered years, the County Board shall vote to approve the salaries and benefits as reported or to approve such other salaries and benefits as deemed appropriate.
- (6) By the earliest date for the circulation of nomination papers for these elected offices, the County Clerk and the Human Resources Director shall prepare a list of what the salaries and benefits will be for these elected offices and shall make this list available to the public.

History: Ord. 3 (2010/11); Ord. 7 (2010/11); Ord. 1 (2011/12); Ord. 9 (2011/12); Ord. 1 (2012/13)

CHAPTER 48
EMPLOYEE GRIEVANCE PROCEDURE
(updated 02.14.13)

48.01 POLICY AND PURPOSE
48.02 DEFINITIONS
48.03 LIMITATIONS
48.04 ADMINISTRATION
48.05 EMPLOYEE DISCIPLINE PROCEDURE
48.06 ORAL GRIEVANCE PROCESS
48.07 WRITTEN GRIEVANCE PROCESS
48.08 IMPARTIAL HEARING
48.09 COUNTY BOARD APPEAL
48.10 COSTS
48.11 POLICIES AND PROCEDURES MANUAL

48.01 POLICY AND PURPOSE.

- (1) It is the County's policy to treat all employees fairly and equitably.
- (2) An employee has the right to bring a grievance to the County's attention without fear of reprisal. Filing a grievance will not reflect unfavorably on an employee's loyalty or adversely affect an employee's employment status.
- (3) An earnest effort shall be made to settle the grievance amicably through the oral and written processes provided for herein.
- (4) Nothing in this Chapter abrogates any legal means of redress available to an employee, including the right to seek redress in a court of law.
- (5) It is the purpose of this Chapter to establish a grievance system for its employees as required by Wis. Stat. § 66.0509(1m) as created by 2011 Wisconsin Act 10.

48.02 DEFINITIONS.

- (1) **Arbitrary and Capricious** – means lacking any reasonable basis or logical justification for the decision.
- (2) **County** – means Sheboygan County.
- (3) **Days** – means calendar days. In counting days, the day of the act, event, or occurrence from which the designated period of time begins to run shall not be included. The last day of the period so counted shall be included unless it is a day County offices are closed, then the last day shall be the next calendar day County offices are open. Saturdays, Sundays, and holidays shall be counted. Days end at 5:00 pm. central time.
- (4) **Employee** – means a person employed by Sheboygan County as a regular full-time or regular part-time employee. **Employee** does not mean a person employed by the County on a limited term, casual, or a contract basis.
- (5) **Employee discipline** – means suspension or termination from employment for violation of a work rule. **Employee discipline** does not include verbal notices, counseling, reminders, or warnings or written notices, counseling, reminders or warnings. Verbal or written notices, counseling, reminders, and warnings will be documented but are not subject to the grievance procedure. The purpose of

these notices, counseling, reminders, or warnings is to alert the employee that failure to correct the behavior may result in employee discipline.

- (6) **Grievance** – means an employee complaint regarding employee discipline or workplace safety.
- (7) **Law enforcement officer** – means a person employed by the County for the purpose of detecting and preventing crime and enforcing laws or ordinances who is authorized to make arrests for violations of the laws or ordinances which he or she is employed to enforce.
- (8) **Preponderance of the evidence** – means the greater weight of the evidence; superior evidentiary weight that, though not sufficient to free the mind wholly from doubt, is still sufficient to incline a fair and impartial mind to one side of the issue rather than the other.
- (9) **Supervisor** – means the management-level employer who directly supervises the employee and evaluates the employee. The supervisor may be a Department Head.
- (10) **Suspension** – means the employee is involuntarily suspended from employment for a period of time without compensation as employee discipline. **Suspension** does not include any administrative leave with pay, voluntary leave of absence, furlough, layoff, workforce reduction, job transfer, or demotion, medical leave, or military leave.
- (11) **Termination** – means the employee is involuntarily dismissed from employment as employee discipline. **Termination** does not include voluntary termination, layoffs, workforce reduction, job transfers, or demotions, action taken as a result of an employee failing to meet the qualifications of a position, actions taken as a result of reorganization, end of employment due to disability or retirement, or end of employment due to the completion of a contract.
- (12) **Time limits** – means that all time limits set forth herein are to be strictly adhered to unless both parties mutually agree to waive the applicable time limit. In addition, an impartial hearing examiner may permit exceeding a time limit for conducting a pre-hearing conference or final hearing for good cause.
- (13) **Workplace safety** – means a condition of employment related to the physical health and safety of an employee. It includes but is not limited to the safety of the physical work environment, provision of protective equipment, safety training, the safe operation of workplace equipment and tools, and accident risk and workplace violence prevention. It does not include conditions of employment related to general working conditions that are not directly related to physical health or safety, such as compensation, performance reviews, work schedules, hours of work, breaks, overtime, sick leave, family or medical leave, or vacation scheduling.

48.03 LIMITATIONS.

- (1) A grievance that may be brought by or on behalf of a law enforcement officer using the procedure specified in Wis. Stat. § 59.26(8) and Section 2.08 of this Code may not be brought under this Chapter.

- (2) A grievance that may be brought by or on behalf of an employee under a grievance procedure that is contained in a collective bargaining agreement in effect may not be brought under this Chapter.
- (3) The County Administrator, Department Heads, and the Assistant to the County Administrator who are appointed by the County Administrator pursuant to Wis. Stat. §§ 59.18(2)(b) and 59.18(3) may not bring a grievance under this Chapter regarding termination or discipline with respect to his or her employment.
- (4) Circuit Court Commissioners who are appointed pursuant to Wis. Stat. § 757.68 may not bring a grievance under this Chapter regarding termination or discipline with respect to his or her employment.
- (5) Corporation Counsels who are appointed pursuant to Chapter 42 of this Code may not bring a grievance under this Chapter.
- (6) Registers in Probate who are appointed pursuant to Wis. Stat. § 851.71(1) may not bring a grievance under this Chapter regarding the suspension or termination of his or her employment.
- (7) County Supervisors, elected constitutional officers, and members of boards and commissions are not subject to the grievance procedure under this Chapter.

48.04 ADMINISTRATION.

- (1) The Human Resources Director shall supervise and administer the grievance process.
- (2) Department Heads, Managers, and Supervisors shall keep the Human Resources Director informed of the status of all employee discipline actions, and grievances relating thereto.

48.05 EMPLOYEE DISCIPLINE PROCEDURE.

- (1) Any employee who violates any work rule, engages in misconduct related to the workplace or to the employee's position, or engages in poor work performance may be subject to discipline including suspension or termination. The employee's immediate Supervisor shall be responsible for imposition of discipline. A Supervisor may utilize verbal or written notices, reminders, or warnings that the Supervisor determines to be appropriate. The Supervisor is encouraged but is not required to follow a specific pattern of progressive discipline, including verbal or written notices, reminders, or warnings prior to suspension or termination, but the absence or presence of verbal or written notices, reminders, or warnings may be considered in the determination of whether the discipline subject to a grievance was arbitrary and capricious.
- (2) Any employee discipline will be accompanied by a written statement which states at least one reason for the discipline and the date or dates it will take effect.
- (3) Prior to issuing any suspension or discharge, the Supervisor or Department Head must consult and obtain the approval of the Human Resources Director.
- (4) Conduct subject to employee discipline includes conduct as described in the Sheboygan County Personnel Policy and Procedure Manual, as it may be amended from time to time.

- (5) Nothing in this Chapter shall be construed to require a Supervisor to impose discipline in a sequential or progressive manner. A Supervisor has discretion to impose discipline that he or she determines is appropriate under the circumstances.

48.06 ORAL GRIEVANCE PROCESS.

- (1) An employee with a grievance must orally first present the grievance to his or her Supervisor within ten (10) calendar days of the action or event that gives rise to the grievance. Failure to present the grievance orally within this time frame shall render any subsequent grievance null and void.
- (2) The Supervisor shall promptly notify the Human Resources Director and the Department Head of any oral grievance, provide the name of the employee and the nature of the grievance, and keep the Human Resources Director and the Department Head informed of the status of the grievance.
- (3) The Supervisor shall meet with the employee to discuss the grievance and attempt to resolve the grievance. This attempt shall be completed within ten (10) days of the presentation of the grievance.
- (4) The Supervisor shall prepare a written report documenting all of the facts and circumstances regarding the grievance within three (3) calendar days of the meeting and shall provide a copy of the report to the Department Head, the Human Resources Director, and the employee.

48.07 WRITTEN GRIEVANCE PROCESS.

- (1) If a grievance is not resolved to the employee's satisfaction within ten (10) calendar days after it is first discussed with the employee's Supervisor, the employee may submit the grievance in writing to the employee's Department Head. A written grievance must be filed no later than ten (10) calendar days after it is discussed with the employee's Supervisor.
- (2) The written grievance must contain a statement explaining the reason for the grievance, provide any information that the employee wants the Department Head to consider in connection with the grievance, and describe the remedy that is being sought.
- (3) The Department Head shall promptly notify the Human Resources Director of any written grievance, provide a copy of any written materials received in connection with the grievance, and keep the Human Resources Director informed of the status of the grievance.
- (4) The Department Head shall, within ten (10) calendar days of receipt of a written grievance, meet with the employee to discuss the grievance and attempt to resolve the grievance whenever possible.
- (5) The Department Head shall provide a written reply to the employee within ten (10) calendar days following the meeting and shall provide a copy of the written reply to the Human Resources Director at the time it is provided to the employee.

48.08 IMPARTIAL HEARING.

- (1) An employee may within ten (10) calendar days of receipt of the Department Head's reply request a hearing before an impartial hearing examiner by filing a written hearing request with the Human Resources Director.
- (2) The Human Resources Director shall upon receipt of a written hearing request appoint an impartial hearing officer to hear the matter. The impartial hearing officer shall be selected by the Human Resources Director with the approval of the County Administrator from among the Department Heads but shall not be a person who supervises the employee. Alternatively, in the discretion of the Human Resources Director, with the approval of the County Administrator, the Human Resources Director may select a person who is not affiliated with the County.
- (3) The hearing examiner shall be impartial and may not have any prior knowledge of the grievance.
- (4) A hearing will be scheduled within thirty (30) calendar days of receipt of the hearing request. The hearing examiner may reschedule the hearing with the mutual consent of the parties.
- (5) The hearing examiner may with consent of the parties use his or her best efforts to mediate the grievance.
- (6) The employee has the right to be represented at the hearing, at the employee's expense, by a person of the employee's choosing. The employee has no right of discovery except the employee is entitled to his or her personnel files to the extent allowed by Wis. Stat. § 101.13.
- (7) The hearing shall be conducted using the procedures set forth in Wis. Stat. §§ 68.11(2) and (3), as applicable.
- (8) The employee has the burden of proof in an employee discipline grievance to show that the County's discipline was arbitrary and capricious. The County has the burden of proof in a workplace safety grievance. The standard required of the party with the burden of proof in all cases is a preponderance of the evidence.
- (9) The hearing examiner has the authority to overturn the Department Head's determination and to order back pay or reinstatement or both.
- (10) The hearing examiner shall provide a written decision to the parties within twenty (20) calendar days following the close of the record. The written decision should include a case caption, the parties and appearance, a statement of the issue(s) and findings of fact, any necessary conclusions of law, the final decision and order, and any other information the hearing examiner deems appropriate.
- (11) The hearing examiner's records shall be preserved, held, and sealed as may be legally required by the Human Resources Director. Any appeal of the hearing examiner's decision shall be deemed a waiver of any rights that the employee might otherwise have to keep the records sealed.

48.09 COUNTY BOARD APPEAL.

- (1) An employee may within ten (10) calendar days of receipt of the hearing examiner's decision appeal the decision to the County Board by filing a written notice of appeal with the County Clerk.

- (2) The written notice of appeal must contain a statement explaining the reason for the appeal, include a copy of the written grievance filed with the Department Head, and include a copy of the hearing examiner's decision. The notice of appeal may include a copy of the hearing transcript or exhibits or both but may not contain any information that was not admitted into evidence at the hearing.
- (3) The County Clerk shall promptly notify the Human Resources Director of any written notice of appeal that has been filed. The Human Resources Director shall determine whether the appeal is timely filed. If the appeal is determined by the Human Resources Director to have been timely filed, the Human Resources Director shall notify the Clerk to place the appeal on the Agenda as provided for hereafter and shall furnish to the Clerk any portion of the hearing examiner's record that was not included with the notice of appeal.
- (4) The appeal will be placed on the agenda for the first County Board meeting that is held at least ten (10) calendar days after the County Clerk receives a written notice of appeal. If related to a matter of employee discipline, the appeal will be noticed for consideration as a potential closed session pursuant to Wis. Stat. § 19.85(1)(b) pertaining to the dismissal, demotion, licensing, or suspension of a public employee. The County Clerk will provide a copy of the meeting notice to the employee and the employee may request that an open session be held.
- (5) The employee may submit written arguments in support of the appeal with the notice of appeal or at any time up to seven (7) calendar days prior the County Board meeting at which the appeal will be heard. The Clerk shall distribute such written arguments to the County Board.
- (6) The employee has the right to representation by a person of the employee's choosing and at the employee's expense. The employee and the employee's representative may attend the closed session. The employee and the employee's representative may address the County Board in support of the appeal. However, the employee and the employee's representative will be excluded from any closed session during the County Board's discussion or deliberation.
- (7) The Human Resources Director or his or her designee may address the County Board in support of the hearing examiner's decision after the employee and the employee's representative. However, the Human Resources Director or designee will be excluded from any closed session during the County Board's discussion or deliberation.
- (8) The County Board will not receive any additional testimony or evidence into the record. The County Board's consideration of the appeal will be limited to a review of the record and any oral or written arguments to determine whether there was any procedural error or any abuse of discretion.
- (9) The County Board may reverse the hearing examiner's decision, remand the decision for further proceedings, substitute a lesser discipline, or affirm the hearing examiner's decision.
- (10) The County Board Chairperson shall prepare and sign a written determination reflecting the County Board's decision. The County Board Chair may enlist the assistance of the County Clerk or the Corporation Counsel or both in preparing the determination. A copy of the determination will be provided to the employee within ten (10) calendar days following the County Board's decision.

(11) The County Board's decision is final and may not be appealed.

48.10 COSTS. Each party shall bear its own costs for witnesses, transcripts, exhibits, attorneys' fees, and all other out-of-pocket expenses incurred in investigating, preparing, and prosecuting a grievance or appeal. The County shall bear the costs of any hearing examiner.

48.11 POLICIES AND PROCEDURES MANUAL. This Chapter shall be incorporated into the County's Policies and Procedures Manual. All other provisions of the Policies and Procedures Manual shall be applicable to the grievance procedure outlined herein. To the extent that any other provisions of the Policies and Procedures Manual conflict with the provisions of this Chapter, the provisions of this Chapter shall prevail.

History: Ord. 6 (2011/12)

CHAPTER 49
FAMILY COURT COMMISSIONER

49.01 CREATION OF POSITION
49.02 DUTIES
49.03 QUALIFICATIONS
49.04 APPOINTMENT
49.05 TERM
49.06 TEMPORARY FAMILY COURT COMMISSIONER
49.07 STAFF
49.08 SALARY

49.01 CREATION OF POSITION. There is hereby created and established the position of Family Court Commissioner on a full-time basis.

49.02 DUTIES. The duties of the Family Court Commissioner shall be as delegated by written order of the Circuit Judges but within the following limited areas:

(a) In criminal matters issue summons, arrest warrants, and search warrants; conduct initial appearances and preliminary examinations; and set bail [Wis. Stat. § 757.69(1)(b)].

(b) In traffic cases and municipal ordinance violations conduct initial appearances and refusal hearings; take "guilty" and "no contest" pleas in forfeiture actions; order revocation/suspension of operating privileges; and impose monetary penalties [Wis. Stat. § 757.69(1)(d)].

(c) In probate, conduct mental health/alcohol commitment probable cause hearings and annual protection placement review hearings [Wis. Stat. § 757.69(1)(d)].

(d) In small claims proceedings, conduct returns, conciliation conferences, and non-jury trials and enter default trials [Wis. Stat. §§ 757.69(1)(d) and 799.206].

(e) In paternity actions, conduct initial appearances and pre-trial proceedings and issue child abuse temporary restraining orders [Wis. Stat. §§ 757.69(2) and 813.12].

(f) In family matters, conduct stipulated and default divorce hearings, temporary hearings, and hearings to enforce child support and maintenance orders; enter wage assignment orders pursuant to statute; certify completion of reconciliation; initiate contempt proceedings for non-payment of child support and/or maintenance; make annual adjustments in child support; conduct domestic abuse hearings, issue domestic abuse temporary restraining orders and injunctions; and such other ministerial duties as allowed by statute and authorized by the Circuit Judges for Sheboygan County [Wis. Stat. §§ 767.13(5) and (6); 767.23; 767.265; 767.083(1); 767.29(1); 767.33(2); and 813.12].

(g) In juvenile matters, issue summons and *capias*; conduct secure/non-secure custody hearings, plea hearings, and pre-hearing conferences; enter into consent decrees; conduct all proceedings for children alleged to have violated civil laws or municipal ordinances; and such other duties as may be directed by Circuit Judges for Sheboygan County that are not inconsistent with the juvenile code (Wis. Stats. ch. 48).

(h) In Court administration matters, perform such other administrative and ministerial duties as are directed by the Circuit Judges of Sheboygan County that are not inconsistent with State Statute.

49.03 QUALIFICATION. The Family Court Commissioner shall be a graduate of an accredited law school licensed to practice law in the State of Wisconsin and having a minimum of three (3) full years' experience practicing law in Wisconsin, such experience shall include actual courtroom experience in criminal law, juvenile law, and civil proceedings. The Family Court Commissioner shall profess a demonstrated interest in the welfare of children, have a working knowledge of statutory and case law relating to family matters and be able to work with and understand individuals, communicate effectively and shall be a reputable attorney of recognized ability and standing with the bar.

49.04 APPOINTMENT. The position of Family Court Commissioner shall be filled by the appointment of the Circuit Judges for Sheboygan County, subject to approval by the Chief Judge for the Judicial Administrative District, all pursuant to the provisions of Wis. Stat. § 767.13.

49.05 TERM. The term of office shall be for one (1) year expiring on the first Monday of July of each year, except that every initial appointment under this Ordinance shall be a probationary appointment of six (6) months or until July 1, whichever is greater, and thereafter such appointment shall be on a renewal basis from July 1 to July 1, subject, however, to the following:

- (a) The person appointed shall continue to act until a successor is appointed and qualified.
- (b) All appointments shall be subject to the pleasure of the appointing judges.

49.06 TEMPORARY FAMILY COURT COMMISSIONER. In the event of a disability or extended absence, the judges may appoint another reputable attorney to act as temporary Family Court Commissioner. In the event of an extreme backlog, conflict of interest situation, and other emergencies, the majority judges may also appoint as temporary Assistant Family Court Commissioners, subject to the approval of the Chief Judge of the Judicial Administrative District, one or more retired or former judges or retired Family Court Commissioners. Such appointment shall not be made except if the necessary funds for their compensation shall be available in the Family Court Commissioner's budget and only upon the advance written certification of the availability of such funds for said appointments by the Law Committee.

49.07 STAFF. The office of Family Court Commissioner shall have such staff as may be provided by the Table of Organization for such office as set forth in Chapter 40 of this Code.

49.08 SALARY. The salary of the Family Court Commissioner shall be as determined from time to time by the County Board of Supervisors. Temporary Family Court Commissioners shall serve at an hourly rate determined by using the midpoint salary range of the full-time position.

49.09 FAMILY COURT COUNSELING SERVICES. The Family Court Commissioner is hereby designated as the Director of Family Court Counseling Services in Sheboygan County. In the event there is more than one (1) Family Court Commissioner, the most senior Court Commissioner in years of service shall be so designated. The Director shall administer the Family Court Counseling office and shall:

- (a) Employ staff to perform mediation and to perform any legal custody and physical placement study, arrange and monitor staff training, and assign and monitor staff case load.
- (b) Contract with a person or public or private entity to perform mediation and to perform any legal custody and physical placement study.
- (c) Supervise and perform mediation and any legal custody and physical placement study services authorized under Wis. Stat. § 767.11(14) and evaluate the quality of any such mediation or study services.
- (d) Administer and manage funding for Family Court Counseling Services.
- (e) The Director of Family Court Counseling Services may contract with any person or public or private entity located in a County in which the Director administers family court counseling services or in a contiguous County to provide mediation in such a County.
- (f) To carry out such other matters relating to family counseling services and required by Wis. Stat. § 767.11 and any acts amendatory thereto.

CHAPTER 50
COUNTY PURCHASING PROCEDURES

50.01 DEFINITIONS
50.02 WHEN PUBLIC BIDDING REQUIRED
50.03 WHEN PUBLIC BIDDING OPTIONAL
50.04 CONTRACTS FOR SERVICES
50.05 BIDDING PROCEDURE
50.06 RESPONSIBLE BIDDERS
50.07 WITHDRAWAL OF BIDS
50.08 USED EQUIPMENT PURCHASES
50.09 EXTREME EMERGENCY
50.10 INTERNAL PURCHASING PROCEDURES
50.11 INTERPRETATION
50.12 OFFICIAL COUNTY NEWSPAPER
50.13 CONTRACT CLAUSES REGARDING LIABILITY
50.14 PRINTING SERVICES

50.01 DEFINITIONS. As used in this Chapter:

(a) "County Committee" means the Committee of the County Board which has, by its rules or other action, been assigned as the liaison or operational committee for the office or department making the expenditure.

(b) "Public Work" means a construction project which is for the use of the public for which tax-levied funds are expended and for which no statutory exclusions from such term exists (such as turn-key projects financed with industrial revenue bonds).

(c) "Materials" means something that enters into or forms part of a finished structure or is capable of such use.

(d) "Service" means acts to assist or perform specific duties or work for others.

(e) "Supplies" means something that is used or consumed or which is capable of such use.

(f) "Equipment" means things used to do other things, such as supplies, furnishings, etc., and includes items such as office machines, motor vehicles, construction machinery, etc.

50.02 WHEN PUBLIC BIDDING REQUIRED. Except as herein specifically provided, public bids shall be sought prior to entry into a contract for the following:

(a) Public works construction projects, including construction, repair, remodeling, or improving any structure or road when the estimated cost thereof shall exceed Twenty -five Thousand Dollars (\$25,000.00). Such projects shall comply with the provisions of Wis. Stat. § 66.0901.

(b) Purchase of equipment, materials, and supplies when the estimated cost thereof shall exceed Twenty-five Thousand Dollars (\$25,000.00), except when purchasing unique one-of-a-kind items or when compatibility with existing equipment is a required condition.

(c) When entering into a group purchasing service contract (that is, where the group is an entity which obtains prices from multiple vendors and passes the best price on to its members for "supplies" [as defined above]) and the quarterly expenditures thereunder shall exceed Ten Thousand Dollars (\$10,000.00), then compliance with this section shall be had by advertising for bids or quotes for such service from any vendor or group service provider.

(d) Whenever state or federal group purchase contracts exist under which the County is eligible to participate, then the public bidding requirements of this Chapter need not be followed.

(e) Notwithstanding any statute or County procedure for public purchases, any County unit may make purchases from another unit of government, including the state or federal government, without the intervention of bids.

(f) Whenever utilizing Subsections (c), (d), and (e), above, prior thereto the County shall first submit the proposed purchase to public bids so that it may determine whether the non -bid purchase is competitive; and where group purchase service contracts are utilized, at least every two (2) years renewal of the service shall require the bid-testing process.

(g) If the County Board, by a three-fourths (3/4) vote of all the members entitled to a seat provide that any class of public work or any part thereof may be done directly by the County, it may do so without submitting the same for bids.

(h) Public bidding is not required for highway contracts which the County Transportation Committee or the County Highway Commissioner is authorized by law to let or make.

50.03 WHEN PUBLIC BIDDING OPTIONAL. Any contracts or purchases not included under Section 50.02, above, or unique one -of-a-kind items may be accomplished either through public bids or solicited quotations, requests for proposals or negotiated price, or any other procedure as the County Committee shall deem appropriate, all subject to Section 50.13 of this Code and the following:

(a) When the estimated cost thereof is between Five Thousand Dollars (\$5,000.00) and Twenty-five Thousand Dollars (\$25,000.00), a notice (in the form of a display advertisement) shall be published in the official County newspaper at least one (1) week before the contract is entered into, notifying of the County's intent to acquire the item(s) or to enter into the work.

(b) Such advertisement shall in summary fashion describe the proposed purchase and invite any interested party to submit competitive price quotes for the County Committee's consideration.

50.04 CONTRACTS FOR SERVICES. Contracts for services shall be let in the manner approved by the Committee signing them, subject to Section 50.13, below. Every effort shall be made to ensure competitive pricing and fair and open dealing with regard to such contracts.

50.05 BIDDING PROCEDURE. Where public bidding is required, the procedure set forth in Wis. Stat. § 66.29 shall be followed and the following requirements shall also be met:

(a) Advertisement. A display advertisement shall be published in the official County newspaper. Additional publications may be utilized if deemed appropriate by the County Committee. The optional advertisement shall be published as directed by the Committee.

(1) The required display advertisement shall be published twice, with the first publication preceding the bidding deadline by at least ten (10) days and the second publication preceding the bidding deadline by at least three (3) days. Where complex or voluminous specifications are involved the lead time shall be enlarged to permit adequate time to properly respond to the request for bids. The County Committee involved may vary the above time frame by unanimous vote of the entire Committee but when doing so, the basis for such action shall be set forth in detail in the Committee Meeting Minutes.

(2) The display advertisement shall consist of an appropriate -sized block newspaper ad sufficient to give interested vendors notice of the anticipated expenditure.

(3) The advertisement may include the exact specifications upon which the bids are to be prepared or it may indicate the general nature of the anticipated expenditure and indicate where exact specifications can be obtained if any are available.

(b) Alternative Bids. Where no specifications are available or are referenced to a particular manufacturer as the standard, interested vendors shall be authorized to submit more than one (1) setting forth their own specifications of each particular material or supply submitted by the vendor.

(c) Public Openings. All bids shall be submitted in sealed envelopes upon which it is clearly designated that it is a bid for the item or project involved and such bid shall be opened at a public opening, and the time of said opening shall be published in the advertisement for bids, and in no event shall a bid be received any time after the time scheduled for the receipt of bids. The power to reject any or all bids shall exist unless expressly waived.

50.06 RESPONSIBLE BIDDERS. In purchase situations where state law does not require bidders' proof of financial responsibility, the County may nevertheless require bidders to submit proof of their financial ability, equipment, and experience for the anticipated expenditures proposed for the public contract. The Committee may consider past workmanship, business dealings, and performance of the bidder in addition to financial aspects when determining the bidder's responsibility. Whenever the Committee is not satisfied with the bidder's responsibility, it may reject said bid or disregard the same, but whenever practical, if the County intends to reject a bid under this Section, it should be done prior to opening the bid.

50.07 WITHDRAWAL OF BIDS. Bids may be withdrawn any time prior to the opening upon written request of the bidder. If a bidder withdraws the bid, that bidder shall be prohibited from rebidding on the same project unless the project is advertised and re-bid by the County. Negligence on the part of the bidder in preparing the bid shall not constitute a right to withdraw the bid subsequent to opening.

50.08 USED EQUIPMENT PURCHASES. If the County proposes to purchase used equipment, a notice of such intent complying with the procedures and the time and content requirements set forth in Section 50.03, above, shall be published.

50.09 EXTREME EMERGENCY. The County Board is empowered to declare, by ordinance or resolution, adopted in formal session by 2/3 vote, an emergency existing within the County which shall eliminate the required bidding procedure set forth above.

50.10 INTERNAL PURCHASING PROCEDURES. The provisions of this Section are for internal procedural purposes and vendors may not challenge the procedure but such matters are reserved to the County Board:

(a) Operational Material and Supplies. Each Department Head is authorized to acquire non-capital items for the operation of the involved Department within the limits of the approved budget for that office, Department, or function, subject to the audit of the County Board Committee acting as liaison for that office, Department, or function. Where a County or Committee policy has established a group purchasing procedure, it shall be followed except when the involved Committee shall have in advance authorized the departure from such procedure. Uniform "requisition" or "invoice" forms shall be provided by the Finance Department for payment and audit purposes.

(b) Capital Outlay Items. All capital outlay purchases shall first be approved by the involved Committee. (Approval of budget requests for such items is not the same as purchase approval.)

(c) Purchase of Non-Budgeted Capital Outlay Items. If purchase of an outlay item is required which was not included in the current budget, the Department Head shall first obtain the approval of the involved Committee. After this approval is obtained, the Finance Committee shall be contacted to provide the funds through substitution if substitute funds are available. If the current request is a substitution for an item already in the budget, the Finance Committee may authorize that the funds provided for the original budget item be used for the requested purpose. If no funds are available in the current budget, the involved Committee shall present a Resolution to the Board to appropriate or transfer funds for said purchase but only in the event of compelling urgency. Appropriation of funds through the budgetary process shall be the preferred method.

50.11 INTERPRETATION. The herein Ordinance shall be liberally interpreted to permit the County to exercise broad discretion in ensuring that the County obtains the "best" price when spending public funds. It is hereby recognized that the lowest bid may not be the "best" price to the County as maintenance costs, life of the equipment, and other factors may result in the lowest price at the time of purchase becoming the highest price over the life of the product or project. When exercising its discretion as to which bid or quote to accept, the "best" price should be sought, and if such price is not the "lowest," then justification of nonpurchase of the low bid shall be set forth in detail in the Committee Minutes.

50.12 OFFICIAL COUNTY NEWSPAPER. The County Clerk shall prepare a list of newspapers that comply with the requirements of Wis. Stat. ch. 985 so as to be eligible for use as the publisher of the County's legal notices. The list shall include current charges for publication of notices and audited paid circulation figures and shall be updated at least annually. The County Board of Supervisors shall be presented with the list and shall then designate a newspaper as the official County newspaper, which designation shall remain in effect until changed by the County Board of Supervisors.

50.13 CONTRACT CLAUSES REGARDING LIABILITY. No contract with any contractor, professional, consultant, supplier, or other vendor to Sheboygan County may include any provision limiting or shifting the vendor's potential liability to Sheboygan County. By way of illustration but not limitation, this Section prohibits contract provisions that:

- (a) limit liability to the amount of the purchase price, or any other amount;
- (b) disallow claims for indirect, incidental, special or consequential damages;
- (c) require the County to indemnify the vendor in any circumstance;
- (d) establish the venue for litigation as any situs other than Sheboygan County Circuit Court or, if applicable, the United States District Court, Eastern District of Wisconsin;
- (e) define the substantive and procedural law to be applied in any dispute as the law of any jurisdiction other than Wisconsin;
- (f) shift any vendor's liability to third parties from the vendor to the County;
- (g) shorten the statute of limitations;
- (h) disclaim or waive warranties by the vendor;
- (i) require the County to hold the vendor harmless from third party claims; or
- (j) place responsibility on the County in any circumstance for any part of the vendor's attorneys' fees or other costs.

Liaison Committees wishing to enter into such contracts shall first work with the County Purchasing Agent and the Corporation Counsel to negotiate for the elimination of the foregoing language.

If a prospective vendor insists on inclusion of contract language that does not comply with this Section, and if the Liaison Committee still wishes to enter into such contract because of the unavailability of comparable and competitive vendors, the contract may be entered into only if approved by the Corporation Counsel, the Executive Committee, or the full County Board.

50.14 PRINTING SERVICES. No expenditure for commercial printing, duplicating, or publishing may be made if the project could be produced by the County Printing Department as economically as the commercial printer. Exceptions may be authorized by the Information Systems Director. Exceptions may also be authorized by the Liaison Committee if the Information Systems Director declines to authorize an exception, provided that Liaison Committee authorizations must be reported to the Finance Committee in a written report that justifies the reason for the exception.

CHAPTER 51
VENDING AND SERVICE MACHINES

- 51.01 REGULATIONS OF VENDING MACHINES
- 51.02 DEFINITIONS
- 51.03 APPROVAL OF INSTALLATION
- 51.04 VENDING CONTRACTS
- 51.05 PROCEEDS FROM OPERATION
- 51.06 EXPENSE OF OPERATION
- 51.07 COMPLIANCE

51.01 REGULATION OF VENDING MACHINES. No vending machine may be placed upon County property without full compliance with the provisions of this Chapter.

51.02 DEFINITIONS. The following words and phrases shall have the meanings set forth:

- (a) "Vending Machine." A dispensing device which provides a product or service to a customer in exchange for payment of consideration.
- (b) "County Property." All lands and buildings owned by Sheboygan County and all land and buildings leased and operated by Sheboygan County, except the property under lease to the University of Wisconsin Regents for operation of the University of Wisconsin -Sheboygan Center.

51.03 APPROVAL OF INSTALLATION. No vending machine may be installed or used upon County property without advance approval of the appropriate oversight Committee as follows:

PROPERTY UTILIZED BY:	TO BE APPROVED BY:
Highway Department	Transportation Committee
Health Care Centers	Health Care Centers Committee
Planning Department	Resources Committee
All other Departments	Property Committee

No vending or service machine shall be installed or used upon County property unless the same shall first have been approved by the Property Committee.

51.04 VENDING CONTRACTS. The Committee with oversight set forth above may enter into contracts with private firms for the placement of vending machines on County property provided that the contracts include the following provisions and such further provisions as the Committee may require:

- (a) Ownership of all machines shall remain with the vending company.
- (b) All maintenance, repairs, and upkeep of the machines shall be the responsibility of the vending company.
- (c) Each machine supplied shall be equipped with a One Dollar - (\$1.00-) bill validator.
- (d) The contract shall specifically describe each machine to be supplied along with a complete list of the specific products to be dispensed.
- (e) The contract shall set forth the specific commission rate, and the commission shall be computed and paid to the County monthly.
- (f) Each machine shall be equipped with a label identifying the name of the vending company and listing a local or toll -free telephone number for service malfunctions or other complaints. Each such notice shall be placed in a prominent location on the front of the machine.

(g) The vending company shall service each machine as frequently as needed to ensure a fresh and wholesome product and to minimize the risk of running out of stock of a particular product. At a minimum, the vending company shall service each machine at least twice per week.

(h) The vending company shall agree to indemnify Sheboygan County from any claims arising from injuries sustained by way of operation of the machine or as a result of consuming spoiled or unwholesome product dispensed by the machine. The oversight Committee shall require the vending company to provide proof of liability insurance with minimum single limits of \$1,000,000.00 or such higher levels as the Committee may determine.

(i) The term of the contract shall be for no more than three (3) years with the provision that either party may cancel the contract without cause upon ninety (90) days' advance notice to the other party and that either party may cancel for cause at any time.

51.05 PROCEEDS FROM OPERATION. All commission payments from the vending company shall be sent to the County Treasurer. In no case may the proceeds from a machine be retained by the County Department at which the machine is located without the express prior approval of the Committee with oversight and of the Finance Committee.

51.06 EXPENSES OF OPERATION. All expenses for the operation, maintenance, and repairs of all vending machines shall be paid by the owner of the machine, except that the County shall provide electrical service.

51.07 COMPLIANCE. All Department Heads are directed to assure compliance with this Ordinance.

CHAPTER 52
MAINTENANCE AND BOARD FOR COUNTY JAIL PRISONERS

- 52.01 AUTHORITY
- 52.02 INTENT
- 52.03 COST OF MAINTENANCE
- 52.04 DUPLICATION OF EXPENSES
- 52.05 REIMBURSEMENT FORM
- 52.06 INSTITUTIONAL ACCOUNTS
- 52.07 PREPAYMENT
- 52.08 WAGES OF PRISONER
- 52.09 PRISONER COOPERATION
- 52.10 ACTION FOR REIMBURSEMENT
- 52.11 PROCEEDS
- 52.12 COUNTY WORK CAMP PROGRAM

52.01 AUTHORITY. This Chapter is enacted pursuant to authority given to Sheboygan County under Wis. Stat. §§ 302.381, 302.388, 302.372, and 302.38(2), and 303.08(4).

52.02 INTENT. It is the intent of this Ordinance that persons incarcerated in the Sheboygan County Jail shall, to the extent authorized by law, be responsible for paying for the cost of their incarceration.

52.03 COST OF MAINTENANCE. The actual per day cost of maintaining a prisoner is determined to be as follows:

- (1) For a person confined to the Sheboygan County Jail and who was given "Huber" privileges pursuant to Wis. Stat. § 303.08 or work-release privileges pursuant to Wis. Stat. § 973.09(4), the sum of Twenty Dollars (\$20.00) per day, together with a processing fee of Thirty Dollars (\$30.00) for each period of confinement.
- (2) For a person in a home detention program pursuant to Wis. Stat. § 302.425, a sum as determined by the Law Committee reflecting the individual cost of administering the home detention program, but not to exceed the sum of Thirty Dollars (\$30.00) per day, together with a processing fee of Thirty Dollars (\$30.00) for each period of confinement.
- (3) For a person in ordinary confinement, the sum of Twenty Dollars (\$20.00) per day, together with a booking fee of Thirty Dollars (\$30.00).
- (4) For medical expenses incurred by Sheboygan County, the actual cost of medical expenses.
- (5) For a person confined to the Sheboygan County Jail with "Huber" privileges pursuant to Wis. Stat. § 303.08 or work-release privileges pursuant to Wis. Stat. § 973.09(4) as a result of result of a transfer to Sheboygan County from another jurisdiction, a one-time transfer fee of One Hundred Dollars (\$100.00) per prisoner transfer, plus the other fees set forth in Subsection (1), above.

52.04 NO DUPLICATION OF EXPENSES. Sheboygan County shall not recover the same expenses twice.

52.05 REIMBURSEMENT FORM. Each person confined to the Sheboygan County Jail shall be required to complete a financial disclosure form provided by the Sheriff. This form shall provide for obtaining the Social Security number, age and marital status of a prisoner, the number and ages of children of a prisoner, the income of a prisoner, the type and value of real estate owned by a prisoner, the type and value of personal property of a prisoner, a prisoner's cash and financial institution accounts, the types and values of a prisoner's investments, any pension plans and annuities of a prisoner, and any other personalty of significant cash value owned by a prisoner. This form shall be used by the Sheriff, the Sheboygan County District Attorney, and the Sheboygan County Corporation Counsel to make reimbursement and to investigate the financial status of the prisoner. The information on the completed form is not a public record except that Sheboygan County shall provide the information from the form in response to a request for information under Wis. Stat. § 49.22(2m) made by the Wisconsin Department of Workforce Development or under Wis. Stat. § 59.53(5) made by the Child Support Agency.

- 52.06 INSTITUTIONAL ACCOUNTS. The Sheriff may charge a prisoner for the expenses set forth in Section 52.04 of this Code while he or she is a prisoner; plus the costs to investigate the financial status of the prisoner and the expenses of collection.
- (1) If the Sheriff maintains an institutional account for a prisoner's use for payment of items from canteen, vending, or similar services, the Sheriff may make deductions from the account to pay for the expenses set forth in Section 52.03 of this Code. If the prisoner has a balance due for expenses under Section 52.04 of this Code, from prior incarcerations, any institutional account created as part of a subsequent incarceration may be used to recover the sums due from the prior incarceration.
 - (2) If the Sheriff maintains an account of a "Huber" prisoner pursuant to Wis. Stat. § 303.08(3), the Sheriff may make deductions from the account to pay for the expenses set forth in Section 52.03 of this Code subject to the limitations of Wis. Stat. § 303.08(5).
- 52.07 PREPAYMENT. Because participation in a home detention program is discretionary with the Sheriff, the Sheriff may require prepayment of the expenses set forth in Section 52.03 of this Code as a requirement for participation in the program.
- 52.08 WAGES OF PRISONER. The wages, salary, and unemployment training benefits received by prisoners shall be divided by the Sheriff for the following purposes, in the order stated:
- (1) Necessary travel expense to and from work;
 - (2) Court-ordered support of the prisoner's dependants, if any;
 - (3) Expenses owed to the County under Section 52.04 of this Code;
 - (4) Payment, either in full or ratably, of the prisoner's obligations acknowledged by the prisoner in writing or which have been reduced to judgment;
 - (5) The balance, if any, to the prisoner upon the prisoner's discharge.
- 52.09 PRISONER COOPERATION. A prisoner in a jail shall cooperate with the Sheriff in seeking reimbursement for expenses incurred for that prisoner. A prisoner who intentionally refuses to cooperate may not earn good-time credit under Wis. Stat. § 302.43 or diminution of sentence under Wis. Stat. § 303.19(3).
- 52.10 ACTION FOR REIMBURSEMENT. Within twelve (12) months after the release of a prisoner from jail, the County may commence an action in circuit court to recover the expenses under Section 52.03 of this Code plus the costs to investigate the financial status of the prisoner and the expenses of collection not otherwise recovered or be barred.
- 52.11 PROCEEDS. Any sums collected under this Ordinance shall be deposited with the County Treasurer, except to the extent that the portion of the sums collected for meals for Huber prisoners are subject to sales tax which shall be assessed and forwarded to the Department of Revenue.
- 52.12 COUNTY WORK CAMP PROGRAM. Pursuant to the authority granted to the County Board under Wis. Stat. § 303.10(1), there is hereby established a County Work Camp Program for the purpose of providing for the reformation and employment of persons sentenced to the Sheboygan County Jail. The County Work Camp Program shall operate under the following terms and conditions:
- (1) The Work Camp Program shall be in the form of a "day camp" in which prisoners may be transported from the Jail in the morning by the Sheriff to the sites and returned to the Jail at the end of the day after work by the Sheriff.
 - (2) The work sites shall be limited to locations and properties owned by Sheboygan County together with locations and properties of any other public agency in Sheboygan County and other entities exempt from taxation deemed appropriate by the Sheriff, subject to the consent of the Administrators of the work sites.

- (3) The Sheriff shall administer the Work Camp Program, including eligibility for participation, length of work day, and staffing level. The Sheriff shall have exclusive discretion with respect to the staffing level to be assigned.
- (4) Prisoners assigned to the Work Camp Program shall be on a volunteer basis, without compensation, although the Sheriff may, at his or her discretion, waive the daily fees charged to prisoners pursuant to this Chapter for each day of labor performed.
- (5) Prisoners assigned to the Work Camp Program shall not be given sentence credit beyond "good time" credit pursuant to Wis. Stat. § 302.43 unless they are eligible to receive community service credit pursuant to Wis. Stat. § 973.03(3). Pursuant to Wis. Stat. § 973.03(3)(am), the Sheriff is delegated to set the amount of community service credit to be given in cooperation with the Chief Judge. No prisoner may be denied good time credit for refusing to participate in a work camp program.
- (6) The Sheriff shall adhere to the provisions of Wis. Stat. § 303.10 in the operation of the County Work Camp program.

History: Ord. 4 (2010/11)

CHAPTER 53
MISCELLANEOUS COUNTY OPERATIONAL PROVISIONS

- 53.01 DEPOSIT OF WILLS
- 53.02 LICENSE OR PERMIT LIMITATIONS
- 53.03 WORTHLESS PAYMENTS, OVERPAYMENTS AND UNDERPAYMENTS
- 53.04 COUNTERSIGNING OF COUNTY BUSINESS

53.01 DEPOSIT OF WILLS. Commencing June 1, 1982, Wills may not be deposited with the Register in Probate for safekeeping, all in accordance with Wis. Stat. § 853.09(1).

53.02 LICENSE OR PERMIT LIMITATIONS.

- (1) Subject to Subsection (3) hereof, pursuant to the authority granted by Wis. Stat. § 66.0115, Sheboygan County may refuse to issue any license or permit that may otherwise be issued as provided by Wisconsin Statutes or this Code to any person who has not paid any overdue forfeiture owed Sheboygan County resulting from a violation of any County ordinance.
- (2) The County Administrator is authorized to enter written agreements on behalf of Sheboygan County with any other city, village, or town within Sheboygan County whereby Sheboygan County, subject to Subsection (3) hereof, may refuse to issue any license or permit to a person who has not paid an overdue forfeiture owed to the municipality resulting from a violation of an ordinance of the municipality which is a party to the agreement.
- (3) Sheboygan County may not refuse to issue a license or permit to a person who has a pending appeal of the imposition of the forfeiture, and Sheboygan County may not refuse to issue any of the following:
 - (a) A marriage license issued under Wis. Stat. § 765.12;
 - (b) A hunting or fishing license issued under Wis. Stat. ch. 29; or
 - (c) A dog license issued under Wis. Stat. § 174.07.

53.03 WORTHLESS PAYMENTS, OVERPAYMENTS, AND UNDERPAYMENTS.

- (1) Pursuant to the authority of Wis. Stat. §§ 20.905(3) and 59.54(24), all Sheboygan County officers, departments, and agencies may impose and collect the sum of Thirty Dollars (\$30.00) from any person who issues a worthless payment to Sheboygan County.
- (2) Nothing contained in Subsection (1) above shall preclude Sheboygan County from referring the issuer to the Sheboygan County District Attorney for prosecution as provided by law.
- (3) If any license has been granted based on the issuance of such worthless payment, the license shall be subject to cancellation until payment is made in full together with the sum required in Subsection (1) above.
- (4) Any Sheboygan County office, department, or agency that receives overpayment of fees, licenses, or other charges may retain the overpayment when the overpayment is Two Dollars (\$2.00) or less, unless the overpayment is specifically requested in writing.
- (5) Any Sheboygan County office, department, or agency may waive an underpayment of Two Dollars (\$2.00) or less for a fee, license, or other charge upon a determination that the administration cost of collection would exceed the amount of underpayment.

53.04 COUNTERSIGNING OF COUNTY BUSINESS. Pursuant to Wis. Stat. § 59.12(1) and except as may otherwise be required by law or by specific ordinance or resolution, the County Administrator or his or her designee shall sign all County orders and County contracts that are enforced or

administered by the County Administrator or any other person supervised by the County Administrator

History: Ord. 16 (2010/11)

CHAPTER 54
RESERVED

History: Ord. 2 (2011/12)

CHAPTER 55
RETENTION OF COUNTY RECORDS

- 55.01 RECORDS TO BE RETAINED BY DEPARTMENTS
- 55.02 AUTHORITY TO ADOPT SPECIFIC RULES
- 55.03 DESTRUCTION AUTHORIZED
- 55.04 RECORDS RETENTION/DISPOSITION SCHEDULE
- 55.05 NOTICE TO HISTORICAL SOCIETY
- 55.06 DETERMINATION BY EXECUTIVE COMMITTEE

RETENTION OF COUNTY RECORDS

- 55.01 RECORDS TO BE RETAINED BY DEPARTMENTS. County records shall be retained by the Department that generated the record, or that received the record, provided that no record need be retained by more than one Department. The Department that is the primary custodian of the record shall be responsible for its retention. The determination as to which Department is the primary custodian of a particular record shall be made through cooperation of the Departments and the Committees. If there is uncertainty as to which Department is primary, the Executive Committee shall determine the matter. If a statute states that a particular record shall be filed with the County Clerk but the record has been retained by another Department with consent of the County Clerk, the record shall be deemed to have been retained in accordance with the statutes.
- 55.02 AUTHORITY TO ADOPT SPECIFIC RULES. The standing Committees of the County Board (Liaison Committees) may adopt specific record retention rules for the Departments under their supervision, provided that such departmental retention rules have been reviewed and approved by the County Clerk and Corporation Counsel for compliance with statutes. After Committee approval, a copy of the departmental retention rules shall be filed with the County Clerk.
- 55.03 DESTRUCTION AUTHORIZED. Whenever necessary to gain needed vault and filing space, County Department Heads or court officers and the custodian of the records of all courts of record may destroy such records as they deem obsolete, subject to the provisions of this Chapter.
- 55.04 RECORDS RETENTION/DISPOSITION SCHEDULE. Sheboygan County shall retain and dispose of all records pursuant to the *County Records Retention/Disposition Schedule – 2010*, including the Addenda thereto, a copy of which is on file with the County Clerk. If the Schedule does not identify a particular record, the minimum retention and time limits set forth in any applicable state or federal statutes shall apply. If the Schedule does not identify a particular record and no other state or federal statute is applicable, then such record shall be kept a minimum of seven (7) years as required by Wis. Stat. § 19.21(5)(c).
- 55.05 NOTICE TO HISTORICAL SOCIETY. Prior to the destruction of any public records, a written offer shall be made to the Historical Society for preservation of such records as it determines to be of permanent historical valuation, all pursuant to the provisions of Wis. Stat. § 44.09. This does not apply to patient health care records as defined in Wis. Stat. § 146.81(4) that are in the custody or control of the Health and Human Services Department, or to records to be destroyed to which the Historical Society has waived notice, including those records identified in the *County Records Retention/Disposition Schedule – 2010* referred to in Section 55.04 of this Code.
- 55.06 DETERMINATION BY EXECUTIVE COMMITTEE. In the event there is uncertainty as to whether a record should be preserved or other need for interpretation of this Chapter, the matter shall be referred to the Executive Committee who, in its judgment, shall determine the appropriate procedure, all, however, to be consistent with the provisions of this Chapter.

History: Ord. 8 (2010/11)

CHAPTER 56
COUNTY OPERATIONS

- 56.01 ADMINISTRATION BUILDING AND COURTHOUSE REGULAR OFFICE HOURS
- 56.02 OFFICE HOURS FOR OTHER COUNTY OFFICES
- 56.03 VARIANCE FROM SET HOURS
- 56.04 IMPLEMENTATION
- 56.05 EMERGENCY CONDITIONS
- 56.06 COPIES OF PUBLIC RECORDS
- 56.07 CHARGES FOR WORTHLESS PAYMENTS ISSUED TO COUNTY
- 56.08 LOCATION OF COUNTY OFFICES
- 56.09 USE OF PARCEL IDENTIFICATION
- 56.10 TAX LISTING DUTIES

56.01 ADMINISTRATION BUILDING AND COURTHOUSE REGULAR OFFICE HOURS. The offices located in the Administration Building and the Courthouse and its Annex shall be open for business to the general public from 8:00 a.m. to 5:00 p.m. Monday through Friday except on those legal holidays recognized by the County through its applicable labor agreements. Notwithstanding the foregoing, pursuant to Wis. Stat. § 59.20(3), the cut-off reception time for the filing and recording of documents in the Office of the Register of Deeds shall be 4:30 p.m. in order to complete the processing, recording, and indexing to conform to the day of reception. For all other purposes, the Register of Deeds' Office shall remain open to the public until 5:00 p.m.

56.02 OFFICE HOURS FOR OTHER COUNTY OFFICES. All County offices which are not located in the Administration Building and the Courthouse or its Annex shall continue to be open during the hours that are presently in effect, subject however to the other provisions of this Chapter. Notice of such hours shall be posted on the entryway doors of the facility in which such offices are located and shall be published to the public from time to time in such manner as the involved Liaison Committee deems appropriate to give adequate notice to the general public.

56.03 VARIANCE FROM SET HOURS. Any office that desires to vary its office hours from those set forth above shall first obtain the consent of its Liaison Committee and then the approval of the Executive Committee, and any such variance shall be reported to the County Board and posted at the office's entrance and shall periodically be published to inform the public.

56.04 IMPLEMENTATION. All elected officials and Department Heads shall staff their offices so that members of the public may obtain the full services of the office during its regular office hours to the extent that such implementation can be practically and equitably carried out, giving consideration to the operational needs of the governmental services being provided.

56.05 EMERGENCY CONDITIONS. In the event of unusual conditions, Acts of God, lack of staff, or other emergencies beyond the control of the person in charge which result in the office being closed during scheduled office hours, the involved Department Head or elected official shall make alternate arrangements to provide the services of the office. Notice of such action shall be given to the general public and to the Chairperson of the Liaison Committee for such Department as soon as it is reasonably practical to do so.

56.06 COPIES OF PUBLIC RECORDS. When an officer or employee of a Sheboygan County Department is requested to make photocopies by another such Sheboygan County officer or employee and such copies are for carrying out the duties of the County officer or employee, such copies shall be made without charge, except that the above direction shall not include copying services where the copying requires a substantial number of copies for which there will be more than nominal labor costs involved.

56.07 CHARGES FOR WORTHLESS PAYMENTS ISSUED TO COUNTY. The Finance Committee shall establish a schedule of amounts to be charged to persons issuing worthless payments to Sheboygan County.

56.08 LOCATION OF COUNTY OFFICES. The County Administrator is charged with and directed to arrange that the real property listing staff and functions be relocated to the Office of the County

Treasurer; that the Land and Water Conservation Department offices be co located with the Planning Department offices in the County Administration Building and that the Health and Human Services staff and functions currently operating out of rented space in the former Baxter Building be relocated to the County Agricultural Office Building.

56.09 USE OF PARCEL IDENTIFICATION.

- (1) A parcel identification number system shall be developed and used in the tax roll for taxes based on the value of property and shall be assigned to each parcel in Sheboygan County.
- (2) Pursuant to the authority granted by Wis. Stat. § 59.43(7)(6), for administrative purposes only, any conveyance as defined in Wis. Stat. § 706.01(4) of any interest in real estate located in Sheboygan County shall contain reference to the eleven- (11-) digit parcel identification number of the parcel affected.
- (3) If the conveyance is of a newly-created parcel for which a parcel identification number has not yet been assigned, reference shall be made to the parcel identification number of the parcel from which the new parcel was created.
- (4) The Register of Deeds shall not accept for recording any conveyance of any interest in real estate which does not contain the parcel identification number.

56.10 TAX LISTING DUTIES. As authorized by Wis. Stat. § 59.03, the County Treasurer's Office shall be responsible for undertaking the real property lister duties as set forth in Wis. Stat. § 70.09.

History: Ord. 14 (2010/11); Ord. 10 (2011/12)

CHAPTER 57
DOG DAMAGE CLAIMS

57.01 CLAIM PAYMENT LIMITATION

57.01 CLAIM PAYMENT LIMITATION. The maximum amount that may be allowed for a claim for damages by dogs to domestic animals under Wis. Stat. § 174.11 other than any horse, bovine, or pig, shall be One Thousand Dollars (\$1,000.00).

CHAPTER 58
COUNTY-OWNED VEHICLES

58.01 INVENTORY OF COUNTY-OWNED VEHICLES

58.02 REPORT OF INVENTORY

58.03 IDENTIFICATION OF COUNTY VEHICLES

58.01 INVENTORY OF COUNTY-OWNED VEHICLES. By April 30 of each even-numbered year, each Department Head shall prepare an inventory of all motor vehicles assigned to that Department setting forth the year and model of each vehicle, the type of vehicle, the purpose for which the vehicle is used, the staff persons to whom the vehicle is assigned, and the policy under which the Department Head proposes to allow the vehicles to be used by County officials or employees for personal use, including overnight use.

58.02 REPORT OF INVENTORY. Each Department Head shall report the inventory to the Department's Liaison Committee as part of that Committee's first meeting in May after the Committee's organizational meeting. The Department Head shall provide copies to the Administrative Coordinator and the County Purchasing Agent. The Committee shall approve, reject, or modify the Department Head's policy for use of County-owned vehicles. This policy shall remain in effect for the Department for the remainder of the Liaison Committee's term unless changed by the Liaison Committee during its term.

58.03 IDENTIFICATION OF COUNTY VEHICLES. All County-owned vehicles, with the exception of vehicles assigned to the Sheriff's Department, shall bear a writing and/or logo as approved by the Executive Committee clearly identifying the vehicle as belonging to Sheboygan County.

CHAPTER 59

RESERVED

CHAPTER 60

RESERVED

CHAPTER 61
SHEBOYGAN COUNTY MEMORIAL AIRPORT

- 61.01 OPERATION OF AIRPORT
- 61.02 DEFINITION OF WORDS AND PHRASES
- 61.03 AIRPORT OPERATION POLICIES
- 61.04 UTILITIES
- 61.05 ENTRANCES
- 61.06 SPECIAL VARIANCE
- 61.07 ENFORCEMENT
- 61.08 PENALTY
- 61.09 MULTIPLE OWNERSHIP

61.01 OPERATION OF AIRPORT. The Transportation Committee shall have supervision over equipment, maintenance, and operation of the Sheboygan County Memorial Airport as follows:

- (1) The Committee shall adopt regulations and establish fees or charges for the use of said Airport not inconsistent with this Ordinance.
- (2) The Committee shall employ an Airport Superintendent whose salary shall be approved by the County Board, and the Committee shall specify those duties.
- (3) The Committee shall prepare and submit an annual report to the County Board. Such report shall include information on Aircraft traffic, Airport expenditures and revenues, and comparative figures on past, present, and future traffic and activity in addition to other information that the Committee may deem pertinent to the report.
- (4) The Committee shall submit to the County Board an annual budget setting forth anticipated revenues and expenditures including capital improvements and the amount recommended to be raised by taxation for Airport purposes.
- (5) The Committee shall make studies and conduct surveys from time to time to assist it in improving the operation of the Airport and for planning purposes.
- (6) The Committee shall, in cooperation with the appropriate County Department, establish an Airport accounting system of sufficient detail to enable the Committee to accurately establish rates and charges for lease purposes and to eliminate possible inefficient operation and maintenance practices.
- (7) The Committee shall prepare and adopt uniform leases and agreements for the various types of Airport activities and land uses authorized in this Ordinance.
- (8) The Committee shall adopt rules and regulations governing taxiing, landing, and taking off of all aircraft using the Sheboygan County Memorial Airport.
- (9) The Committee shall cooperate with and receive the cooperation of County Departments providing services or assistance to the Airport.

61.02 DEFINITION OF WORDS AND PHRASES. As used in this Ordinance, unless the context otherwise requires:

- (1) "**Airport**" means the Sheboygan County Memorial Airport.
- (2) "**Owner**" means Sheboygan County.
- (3) "**Fixed-Base Operator**" means any person, firm, corporation, or association carrying persons or property for hire or furnishing aeronautical services, supplies, or instruction and conducting such business from a particular municipal airport.

- (4) **"Multiple T-Hangar"** means a rectangular-shaped building capable of housing two (2) or more aircraft and which provides individual door openings for each aircraft.
- (5) **"Shop"** means a building capable of housing one (1) or more aircraft while such aircraft are being repaired.
- (6) **"Taxiway"** means a paved area designated solely for the taxiing of aircraft except apron areas.
- (7) **"Concession"** means any non-aeronautical facility or service required for the convenience of the public using the Airport.
- (8) **"Apron"** means that paved area designed and used solely for the temporary parking and servicing of aircraft.
- (9) **"Tie-down"** means an area designed and used for the parking and tying down and storage of aircraft.
- (10) **"Hangar"** means any building designed and used for the aeronautical purposes providing space for aircraft and service activities.
- (11) **"Public thoroughfare"** means all areas in the administration area of the Airport designed and used for the passage of people in vehicles or on foot.
- (12) **"Public areas"** means those areas consisting of the terminal, aviation, commercial, and vehicle parking in accordance with Zoning Map "A."
- (13) **"Vehicle"** means every device in, upon, or by which any person or property is or may be transported or drawn upon a public highway.
- (14) **"Lessor"** means owner as defined in Subsection (2) of this Section.

61.03 AIRPORT OPERATION POLICIES. The Committee, in carrying out its duties and responsibilities, shall adhere to the following owner policies:

- (1) The owner shall refrain from engaging in any activity or providing any service excluding Airport maintenance using public employees or funds that can be conducted or provided satisfactorily by private parties through proper lease arrangements.
- (2) The owner shall refrain from erecting buildings with public funds which are to be used and occupied by private parties. Excluded are the terminal building and such other buildings needed solely for the maintenance and operation of the Airport.
- (3) The owner shall encourage the development of the Airport in those areas where substantial building costs are incurred by lessees, by approving long-term leases which provide for the re-examination and readjustment of rates and charges at specified periods of time during the term of the lease.
- (4) Lessees shall be selected on the basis of tenant's desirability and not by bid basis. In determining the use of space in the terminal building, first consideration should be given to public convenience and necessity.
- (5) Buildings to be constructed by lessees shall be of metal or masonry or a combination thereof, except those referred to in Subsection 61.04(4), below, and the building plans and location shall be approved by the Committee prior to construction.

61.04 ZONING OF LAND USES. The designated land areas of the Map are hereby zoned in accordance with the current version of the Airport Layout Plan (ALP) approved as revised by the Federal Aviation Administration (FAA). Said ALP is referred to as "Map A" throughout this Chapter. Copies are on file in the Airport Superintendent's Office and County Clerk's Office and made a part of this Ordinance by reference. All activities, operations, functions, and land uses shall conform to the limitations set forth in the following Subsections:

- (1) Terminal Area. This area shall be the public use area and shall be developed by the owner. The terminal building and such other buildings needed for the public shall be located in this area.
- (2) Utility and Service Area. This area shall be the location for Airport utility and service buildings for housing maintenance equipment and fire and crash equipment.
- (3) Commercial Aviation Areas.
 - (a) Allowable Activities. All commercial aviation business normally conducted by fixed-base operators shall be located in this area. Sale and maintenance of aircraft, engines, parts, and accessories, including the sale of gasoline and oil, aircraft storage, flight training, aircraft rentals, and charter services are allowable activities and such concessions as granted by lease or agreement.
 - (b) Lot Sizes. All lots shall have a minimum of thirty-three thousand (33,000) square feet.
 - (c) Set-backs. All set-back lines shall be as designated on Map A of this Ordinance.
 - (d) Building Heights. All buildings shall not exceed a maximum height of forty (40) feet above the grade level.
 - (e) Building Sizes. The initial buildings constructed by the lessee shall have a minimum floor area of at least seven thousand five hundred (7,500) square feet.
- (4) Industrial Hangar Area.
 - (a) Allowable Activities. All non-commercial hangars, excluding multiple T-hangars, shall be located in this area, and the exclusive use of this area shall be aircraft housing. Aircraft maintenance and repair may be performed by the owner or regular full-time employees of the owner. In the case of a multiple-owner hangar, rules apply to each as if they were a single owner, except that a cooperative agreement between owners for hangar administration, aircraft movement, and aircraft repairs and maintenance is permitted. No flammable liquids except fuel required for heating the building and those required for aircraft maintenance shall be stored above or below the ground, nor shall aviation fuels be dispensed in this area other than by dispensing equipment operating from the commercial aviation areas; provided, however, that aviation fuel may be dispensed only into aircraft owned, leased, or controlled by the owner or lessee of the Industrial Hangar if such owner or lessee has installed aviation fuel storage tanks in the Airport fuel farm. The Committee shall also have the authority to establish a policy waiving the above limitations on a temporary basis, but such waiver and temporary basis shall not exceed three (3) full calendar days for transient aircraft or emergency use situations and shall not exceed ninety (90) days for locally-based aircraft requiring storage facilities not presently available at the fixed base operator's facility.
 - (b) Lot Sizes. Lot sizes shall be as designated on the current version of the Airport Layout Plan approved as revised by the FAA. Said ALP is referred to as Map A throughout this Chapter. Copies are on file in the Airport Superintendent's Office and the County Clerk's Office and made a part of this Ordinance by reference.
 - (c) Set-Backs. All set-back lines shall be as designated in Map A of this Ordinance.
 - (d) Building Heights. All buildings shall not exceed a maximum height of 40' above the grade level.
 - (e) Building Sizes. Any building constructed in this area shall have a minimum floor space of 2,500 square feet and a minimum clear door opening of 45' wide and 14' feet high.
- (5) Multiple T-Hangar Area.

- (a) Allowable Activities. This area shall be restricted to the location of multiple unit T-Hangars for the storage of aircraft. Only aircraft owners or their regular full-time employees may perform maintenance or repairs on their aircraft in this area. No flammable liquids shall be stored above or below the ground. Aircraft shall not be parked in the manner which interferes with movement of aircraft in this area.
 - (b) Lot Sizes. All lots shall be a minimum width of 52' feet and length shall be determined by the number of units constructed.
 - (c) Set-backs. All set-back lines shall be as designated on Map A of this Ordinance.
 - (d) Building Sizes. All buildings shall have sufficient floor space to house eight (8) aircraft and all old buildings reconstructed in this area shall have door openings of at least 39'6" and a minimum clear height of 10'6", and all new buildings constructed shall have a minimum door opening of 39'6" wide and a minimum clear height of 11'6".
- (6) Tie-Down Area. Those areas shall be used for the permanent tie-down of aircraft based on the Airport or those transient aircraft remaining longer than four (4) hours. Temporary tie-down areas may be designated by the Committee.
- (7) Apron Areas. These public areas shall be used for unloading or loading passengers, refueling aircraft, and the parking of aircraft for periods less than four (4) hours. All single-engine aircraft parked on the apron temporarily shall be secured by "tie-downs."
- (8) Individual Hangar Area.
- (a) Allowable Activities.
 - 1. The exclusive use of this area shall be for storage of the type of aircraft whose use does not conflict with commercial services as defined under Sheboygan County Ordinance Chapter 64.
 - 2. A hangar owner may lease or rent part of the hangar space to another but only for aircraft storage. A hangar owner wishing to lease or rent the entire hangar may do so with advance approval of and subject to conditions established by the Transportation Committee.
 - 3. Aircraft maintenance and repair may be performed by the aircraft owner. No flammable liquids shall be stored above or below the ground nor shall aviation gasoline be dispensed in this area.
 - 4. Aircraft shall not be parked in a manner which interferes with movement of aircraft within this area.
 - (b) Lot Sizes. All lot sizes shall be as designated on Detail Map A dated November 1, 2004, to Map A of this Ordinance as follows:
 - 1. Lots 1a through 6a: 60' wide by 60' deep.
 - 2. Lots 1 through 30: 60' wide by 70' deep.
 - 3. Lot 31: 80' wide by 70' deep.
 - 4. Lots 232 through G240: 80' wide by 80' deep.
 - 5. Requests for modifications to lot sizes from the specifications defined above shall be reviewed by the Transportation Committee.
 - (c) Setbacks. All setback lines shall be as designated on Detail Map A dated November 1, 2004, to Map A of this Ordinance.

- (d) Building Heights. All buildings shall not exceed a maximum height of 40' above the grade level. No external protrusions, braces, or supports shall exceed the height of the roof.
 - (e) Building Sizes. Any hangar building constructed in this area shall comply with the sizes defined below:
 - 1. Lots 1a through 6a: 42' wide by 40' deep minimum hangar size; 50' by 40' deep maximum hangar size.
 - 2. Lots 1 through 6: 42' wide by 42' deep minimum hangar size; 42' wide by 45' deep maximum hangar size.
 - 3. Lots 7 through 31; Lots F124 through F231; and Lots G131 through G140: 42' feet wide by 42' deep minimum hangar size; 50' wide by 50' deep maximum hangar size.
 - 4. Lots G232 through G240: 60' wide by 60' deep minimum hangar size; 70' wide by 70' deep maximum hangar size.
 - 5. Requests for hangar sizes which do not conform to specifications defined above shall be reviewed by the Transportation Committee.
 - (f) The Committee shall develop the necessary incidental lease/contract requirements which among other things shall specifically prohibit County improvement or maintenance of the above area.
- (9) Fuel Farm Area.
- (a) Allowable Activities. This area is reserved for the storage of fuel used in aircraft owned by Airport tenants [as permitted by Section 61.04(4)(a)] or fuel dispensed by the fixed-base operator.
 - (b) Written Agreement. A written agreement between a fuel farm tenant, other than a fixed-base operator, and the Transportation Committee shall contain but shall not be limited to the following provisions:
 - 1. At no time shall the fuel farm tenant share, sublease, or in any other manner provide fuel or fueling facilities to any other tenant or any other aircraft except those aircraft owned or leased for the exclusive use of the tenant(s) designated in this agreement.
 - 2. Tenant shall install and maintain all fuel facilities within the fuel farm in accordance with plans and specifications approved in writing by the Transportation Committee.
 - 3. Tenant shall comply with all federal, state, and local laws and regulations governing the installation, operation, and maintenance of all fueling facilities, equipment, and dispensing trucks.
 - 4. Dispensing trucks, bulk fuel trucks, emergency vehicles, and other vehicles approved by the Transportation Committee or Airport Superintendent shall be the only vehicles permitted within the fuel farm.
 - 5. The tenant shall pay fuel flowage charges which are similar to those at the highest rate being paid by the fixed-base operator for similar fuel dispensed at the Airport.
 - 6. The fuel farm tenant shall submit to the Transportation Committee a written plan which sets forth the extent of operations to include: fuel grades; estimated annual volume; experience and training of fuel-handling personnel; type, size, and condition of all fueling facilities and equipment to be used; and provisions for the security and safety of the facility.

- A. The plan which shall be complied with once approved and shall be updated as required by the Transportation Committee.
 - B. Acceptable minimum requirements for the items defined in Subsection (9)(b)6. are to be obtained from FAA AC 150/5230-4, "Aircraft Fuel Storage, Handling, and Dispensing on Airports," a copy of which is on file in the Office of the County Clerk and the Airport Superintendent's Office.
7. The following minimum standards shall be in addition to the above:
- A. Fuel tanks allowed in fuel farm area shall have a minimum capacity of ten thousand (10,000) gallons.
 - B. Fuel tanker trucks having a one thousand- (1,000-) gallon minimum but not exceeding two thousand five hundred- (2,500-) gallon maximum size shall be allowed to service the fuel farm tenant's own aircraft at the Airport.
 - C. Off-use parking of tenant's fuel tanker trucks shall be permitted on Airport grounds only in area(s) designated by the Transportation Committee.
 - D. Bulk fuel tanker trucks shall have access to fuel farm area only.
 - E. Fuel farm tenant aircraft fueling locations:
 - (i) Industrial tenants who own a fuel tank located in the fuel farm shall fuel his or her own aircraft on his or her own industrial lot site in an area that meets the fueling requirements set forth in FAA AC 150/5230-4.
 - (ii) Commercial tenants who own a fuel tank located in the fuel farm shall fuel his or her own aircraft in a "fueling area" designated by the Transportation Committee on the Airport grounds.
 - (iii) Private tenants who own a fuel tank located in the fuel farm shall fuel his or her own aircraft in a "fueling area" designated by the Transportation Committee on the Airport grounds.
- (c) State Requirements. Placement of fuel tanks at the Airport shall comply with all Wisconsin Administrative Code requirements presently in effect (to-wit: Ind. 8.12, 8.20, 8.21, 8.22, 8.23, and 8.40) and any acts amendatory or supplementary thereto which may hereafter be adopted by the state, all of which are made a part hereof by reference.
- (d) Insurance. Fuel farm tenants shall provide and keep in effect general liability insurance coverage for the fuel farm operations having limits of not less than One Million Dollars (\$1,000,000.00) in which the County is included as an "Additional Insured/Lessor" and shall annually supply to the County a Certificate of Insurance showing compliance with this requirement.
- (10) Architectural and Aesthetic Control. All buildings, landscaping, parking areas, and exterior signage shall be substantially consistent with and compatible with existing improvements at the Airport. Designs, specifications, colors, materials, and dimensions shall be submitted to the Airport Superintendent for review for compliance with this Ordinance. The determination of the Airport Superintendent may be reviewed by the Transportation Committee upon request.

- 61.05 UTILITIES. All users of water from the Airport well and sewage facilities shall provide their own pipes to their lot lines and shall pay a connection fee and a yearly service fee to the owner. The owner shall provide the necessary pipe lines from the utility location to the lessee's lot line. All electrical and telephone utilities shall be arranged for and paid by the lessee, and the location of all lines and poles shall first require approval by the Committee.
- 61.06 ENTRANCES The only entrance to the Airport shall be the road laid out by the proper authorities with the Transportation Committee as shown on Map A.
- 61.07 SPECIAL VARIANCE. The Committee shall be authorized to issue special building permits for special purpose hangars on the following conditions:
- (1) The hangar shall be for the sole purpose of storing non-commercial aircraft of a special category such as antique aircraft, home-built aircraft, or experimental aircraft.
 - (2) The aircraft shall be of such nature so that its size makes storage in the sizes of buildings presently covered hereinabove impractical.
 - (3) The hangar be of the same construction as specified hereinabove.
 - (4) The building separations required in the individual hangar area and the Wisconsin Industrial Commission Building Code or any local building codes be complied with.
 - (5) The use of the building be restricted to the storage of the special aircraft involved unless said special aircraft is no longer housed at the Sheboygan County Memorial Airport at which time use of said building shall be for such purposes as permitted in the sole discretion of the Transportation Committee.
- 61.08 ENFORCEMENT. It shall be the duty of the Airport Superintendent and the Sheboygan County Sheriff's Department to enforce the provisions of this Ordinance.
- 61.09 PENALTY. Any person who shall violate any of the provisions of this Ordinance shall, upon conviction thereof, forfeit not less than One Dollar (\$1.00) nor more than Two Hundred (\$200.00) together with the costs of prosecution and, in default of payment of the forfeiture and costs of prosecution shall be imprisoned in the County Jail until said forfeiture and costs are paid, but not exceeding ninety (90) days.
- 61.10 MULTIPLE OWNERSHIP. Any structures at the Airport may be owned by more than one individual so long as the lease provisions for such structure shall contain a default provision that provides that a default of one unit of ownership shall be a default of all of the units of ownership and, unless such default is remedied within thirty (30) days of written notice thereof to all of the unit owners, all of such owners shall be in default. The lease shall include a limitation on the number of units of ownership as in the determination of the Committee may be necessary to maintain the orderly development of the Airport.

History: Ord 1 (2012/13)

CHAPTER 62
REGULATING SHEBOYGAN COUNTY MEMORIAL AIRPORT
VEHICULAR TRAFFIC

- 62.01 DEFINITION OF WORDS AND PHRASES
- 62.02 OPERATION OF VEHICLES ON RUNWAYS, TAXIWAYS, AND RAMPS
- 62.03 SPEED OF VEHICLES
- 62.04 PEDESTRIAN TRAFFIC/TRESPASSING
- 62.05 OVERNIGHT PARKING
- 62.06 ENFORCEMENT
- 62.07 PENALTIES

62.01 DEFINITION OF WORDS AND PHRASES. As used herein, the following words or terms shall have the meaning as indicated:

- (1) **"Pedestrian."** Any person afoot.
- (2) **"Vehicle."** Every device in, upon, or by which any person or property is or may be transported or drawn upon a public highway excepting unless specifically included, vehicles used exclusively upon stationary rails or tracks or any vehicle propelled by the use of electricity obtained from overhead trolley structures.
- (3) **"Emergency Equipment."** Emergency equipment is defined as ambulances, crash rescue and fire-fighting apparatus, and such other equipment as the Transportation Committee may designate as necessary to safeguard the Airport's runways, taxiways, ramps, buildings, and other common areas.
- (4) **"Service, Maintenance, and Construction Equipment."** Equipment normally operated at the request and direction of the Airport Superintendent and/or the Federal Aviation Agency on landing areas, runways, taxiways, and peripheral roads for the servicing, maintenance, and construction of Airport facilities and services. This definition shall include equipment owned and operated by a contractor performing work on the Airport under a contractual agreement with Sheboygan County.

62.02 OPERATION OF VEHICLES ON RUNWAYS, TAXIWAYS, AND RAMPS.

- (1) No privately-owned vehicle shall enter be driven upon or operated upon any Airport runway, taxiway, or ramp or tie-down area or any area posted by signs prohibiting the entrance thereon.
- (2) The provisions of this Section shall not apply to emergency equipment and/or service, maintenance, and construction equipment when engaged in performing official duties and such other vehicles as specifically authorized by the Airport Superintendent.

62.03 SPEED OF VEHICLES. No vehicle shall be driven upon any road within the perimeter of the Sheboygan County Memorial Airport or upon other airport areas in excess of 15 miles per hour, the speed limit posted at the entrance of the Airport, or within the boundaries thereof, nor shall the driver of any vehicle fail to adhere to any sign posted to regulate vehicular traffic on or about the Airport for public safety.

62.04 PEDESTRIAN TRAFFIC/TRESPASSING. No persons shall be permitted to enter the enclosed or fenced area of the Airport beyond the administration area unless for the purpose of embarking in or disembarking from an aircraft, except for employees of the County, State, or federal government, or contractors engaged in Airport construction or maintenance work, or as otherwise authorized by the Airport Superintendent.

62.05 OVERNIGHT PARKING. No parking shall be permitted on the short-term parking lot during the period of December 1 through April 1 from midnight to 6:00 a.m. A sign reciting this prohibition shall be posted at the short-term parking lot.

62.06 ENFORCEMENT. The Sheboygan County Sheriff's Department is charged with the enforcement of this Ordinance.

62.07 PENALTIES. Any person who shall have violated any of the above Sections may be subject to one or more of the following:

- (1) For violation of Sections 62.02, 62.03, and 62.04 of this Code, a forfeiture of not less than Twenty-five Dollars (\$25.00) nor more than One Hundred Dollars (\$100.00) plus costs of prosecution.
- (2) For a violation of Section 62.05 of this Code:
 - (a) A written notice of a parking violation;
 - (b) A parking ticket carrying with it a forfeiture of not less than Thirty Dollars (\$30.00) nor more than Three Hundred Dollars (\$300.00);
 - (c) Vehicles may be towed away at owner's expense.
- (3) In lieu of the foregoing penalties, violators may be prosecuted under the terms of Section 38.10 of this Code if the element of the violations are not under this Section.

History: Ord. 1 (2012/13)

CHAPTER 63
REGULATING THE HEIGHT OF STRUCTURES AND TREES
AND THE USE OF PROPERTY IN THE VICINITY OF
THE SHEBOYGAN COUNTY MEMORIAL AIRPORT

63.01 DEFINITIONS
63.02 ZONES
63.03 HEIGHT ZONES
63.04 USE RESTRICTIONS
63.05 NON-CONFORMING USES
63.06 ADMINISTRATION
63.07 PERMITS
63.08 HAZARD MARKING AND LIGHTING
63.09 BOARD OF ADJUSTMENTS
63.10 APPEALS AND REVIEW
63.11 PENALTIES

63.01 DEFINITIONS. As used in this Ordinance unless the context otherwise required:

- (a) "Airport." The She boygan County Memorial Airport located in Sections 10, 15, and 16, Township 15 North, Range 22 East, Sheboygan County, Wisconsin.
- (b) "Airport Hazard." Any structure, object of natural growth, or use of land which obstructs the air space required for the flight of aircraft in landing or taking off at an airport or is otherwise hazardous to such landing or taking off.
- (c) "Non-conforming Use." Any structure, tree, or use of land which does not conform to a regulation prescribed in this Ordinance or an am endment thereto as of the effective date of such regulation.
- (d) "Person." Any individual, firm, partnership, corporation, company, association, joint stock association, or body politic, and includes any trustee, receiver, assignee, or other similar representative thereof.
- (e) "Runway." A level portion of an airport having a surface specially developed and maintained for the landing and take-off of aircraft.
- (f) "Structure." Any object constructed or installed by man.
- (g) "Tree." Any object of natura l growth, except farm crops, which are cut at least once a year and except shrubs, bushes, or plants which do not grow to a height of more than five (5) feet.

63.02 ZONES. All zones established by this Section are shown on Map A entitled "Sheboygan County Airport Height Limitation Zoning Map," Sheboygan County, Wisconsin, which is made a part of this Ordinance by reference and is on file in the Airport Manager's Office.

63.03 HEIGHT ZONES. Except as otherwise provided in this Ordinance, no structu re shall be constructed, altered, located, or permitted to remain after such construction, alteration, or location, and no trees shall be allowed to grow to a height in excess of the height limit indicated on the maps referred to in Section 63.02 hereof.

63.04 USE RESTRICTIONS.

- (a) Activities. Notwithstanding the provisions of Section 62.03 of this Code, no use may be made of land in any zone in such a manner as to create electrical interference with radio communication between the Airport and airfraf t; or electrical interference with the Instrument Landing System (ILS); or make it difficult for pilots to distinguish between Airport lights and others; or result in glare in the eyes of pilots using the Airport; or impair visibility in the landing, takin g off, or maneuvering of aircraft.

(b) Exceptions. The restrictions contained in Section 63.03 shall not apply to legal fences or to farm crops which are cut at least once a year and are located outside of the glide slope antenna ground-plane area and runway clear zone areas.

63.05 NON-CONFORMING USE.

(a) Not Retroactive. The regulations prescribed in Sections 63.03 and 63.04 of this Code shall not be construed to require the removal, lowering, or other change or alteration of any non-conforming use or otherwise interfere with the continuance of any non-conforming use except as otherwise provided by Section 63.07(b), below.

(b) Changes. Nothing herein contained shall require any change in the construction, alteration, or intended use of any structure if the construction or alteration of such was begun prior to the effective date of this Ordinance and if such is diligently pursued.

(c) Removal. This Section shall not interfere with the removal of non-conforming uses by purchase or the use of eminent domain.

63.06 ADMINISTRATION. It shall be the duty of the Sheboygan County Airport Manager to administer and enforce the regulations prescribed herein. Applications for permits and variances shall be made to the Sheboygan County Airport Manager upon a form furnished by said Airport Manager. Applications which are, by this Ordinance, to be decided by the Sheboygan County Transportation Committee shall be promptly considered and granted or denied by them. Applications for actions by the Board of Adjustments shall be forthwith transmitted by the Sheboygan County Airport Manager to the Board for hearing and decision.

63.07 PERMITS.

(a) Future Uses. No structure shall hereafter be constructed, erected, or installed, or be permitted to remain in any zone created by Section 63.02 of this Code until the owner or the owner's agent shall have applied in writing for a permit therefor and obtained such permit from the Sheboygan County Airport Manager, except structures more than 1/2 mile from the nearest Airport boundary and less than 50' maximum height above ground level at the building site. Said permit shall be posted in a prominent place on the premises prior to and during the period of construction, erection, installation, or establishment. Any trees may be ordered removed when there is a finding that the tree violates the height restriction for the zone for which it is located. Application for such permit shall indicate the use for which the permit is desired and shall describe and locate the use with sufficient particularity to permit the Sheboygan County Airport Manager to determine whether such use would conform to the regulations herein prescribed. If such determination is in the affirmative, the Sheboygan County Airport Manager shall issue the permit applied for.

(b) Existing Uses. Before any non-conforming structure or tree may be replaced, altered, repaired, rebuilt, or replanted, a permit shall be applied for and secured in the manner prescribed by Paragraph 1 Section 63.07(1) authorizing such change, replacement, or repair. No such permit shall be granted that would allow the structure or tree to become a greater hazard to air navigation than it was on the effective date of this Ordinance or than it is when the application for permit is made.

63.08 HAZARD MARKING AND LIGHTING. Any permit or variance granted under Sections 63.07 or 63.10, herein may, if such action is deemed advisable by the Sheboygan County Transportation Committee to effectuate the purpose of this Ordinance, and if such is reasonable under the circumstances, be so conditioned as to require the owner of the structure or trees in question to permit the owner of the Airport, at its own expense, to install, operate, and maintain thereon such markers and lights as may be necessary to indicate to the flyers the presence of an Airport hazard.

63.09 BOARD OF ADJUSTMENTS. The Sheboygan County Building, Zoning, and Sanitation Board of Adjustments, as established in the SHEBOYGAN COUNTY SANITARY ORDINANCE pursuant to Wis. Stat. § 59.99, is hereby authorized to administer the appropriate judicial functions set forth in this Ordinance. The said Board shall be referred to as the Board of Adjustments in this Ordinance.

63.10 APPEALS AND REVIEW.

(a) Variances. Upon appeal in special cases, the Board of Adjustments may, after investigation and public hearing, grant such variance from the terms of this Ordinance as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of this Ordinance would result in unnecessary hardship and such relief will do substantial justice and be in accord with the spirit of this Ordinance and does not create a hazard to the safe, normal operation of aircraft.

(b) Aggrieved Person. Any person aggrieved or affected by any decision or action of the Sheboygan County Airport Manager or the Sheboygan County Transportation Committee, made in their administration of this Ordinance may appeal such decision or action to the Board of Adjustments.

(c) Procedure. Any appeal taken pursuant to this section shall be in conformity with the procedure established by Wis. Stat. § 59.99.

63.11 PENALTIES. Any person who violates, disobeys, neglects, omits, or refuses to comply with, or who resists the enforcement of any of the provisions of this Ordinance shall, upon conviction, remove the structure or part thereof which violates the terms of this Ordinance, as determined by the Airport Manager, within ninety (90) days of such conviction.

(a) Upon failure to do so, the Airport Manager may order such removal. Such removal and/or restoration may be performed by the County, an agent, or by outside contract, and the cost thereof shall be billed to the owner and be paid within thirty (30) days and if not so paid shall become a delinquent special charge under provision of Wis. Stat. § 66.60(16)(a) and shall become a lien on the property, collectible as are other taxes.

(b) Such person also shall, upon conviction, forfeit to Sheboygan County not less than Twenty Dollars (\$20.00) nor more than Two Thousand Dollars (\$2,000.00), plus the costs of prosecution, for each offense. Each day during which such violation exists shall constitute a separate offense.

(c) Every violation of this Ordinance is a public nuisance and the creation thereof may be enjoined and the maintenance thereof may be abated by action at the suit of Sheboygan County or any aggrieved citizen.

CHAPTER 64
MINIMUM STANDARDS FOR AIRPORT SERVICES

- 64.01 MINIMUM REQUIREMENTS
- 64.02 MINIMUM STANDARDS ESTABLISHED
- 64.03 AIRCRAFT SALES
- 64.04 AIRFRAME AND POWER PLANT REPAIR FACILITIES
- 64.05 AIRCRAFT RENTAL
- 64.06 FLIGHT TRAINING
- 64.07 AIRCRAFT RULES AND OIL DISPENSING SERVICE
- 64.08 AIRCRAFT CHARTER AND AIR TAXI
- 64.10 AIR CARRIERS OR SCHEDULED AIR TAXI
- 64.11 SPECIALIZED COMMERCIAL FLYING SERVICES
- 64.12 MULTIPLE SERVICES
- 64.13 GENERAL REQUIREMENTS
- 64.14 LEASE CLAUSES
- 64.15 LEASE PROPOSAL REQUIREMENTS
- 64.16 FLYING CLUBS

64.01 MINIMUM REQUIREMENTS. Minimum requirements for airport aeronautical services at the Sheboygan County Memorial Airport shall be as set forth herein.

64.02 MINIMUM STANDARDS ESTABLISHED. The following minimum standards for a person or persons, firm, or corporation based upon and engaging in one or more aeronautical services for hire or consideration at the Sheboygan County Memorial Airport, Sheboygan Falls, Sheboygan County, Wisconsin, shall hereafter be in full force and effect, and the lease clauses shall be included in all leases between the County of Sheboygan and any person or persons, firm, or corporation desiring to be based upon the Sheboygan County Memorial Airport, Sheboygan Falls, Sheboygan County, Wisconsin, or engage thereon in any aeronautical service.

64.03 AIRCRAFT SALES.

(a) Statement of Concept. An "Aircraft Sales Operator" is a person or persons, firm, or corporation engaged in the sale of new or used aircraft through franchise or licensed dealership or distributorship (either on a retail or wholesale basis) of an aircraft manufacturer or otherwise and provides such repair, services, and parts as necessary to meet any guarantee or warranty on new or used aircraft sold by said Operator.

(b) Minimum Standards.

(1) The Operator shall lease from County of Sheboygan an area of not less than 15,000 square feet of ground space to provide for outside display and storage of aircraft and on which shall be erected a building to provide at least 2,500 square feet of floor space for aircraft storage and at least 1,000 square feet of floor space for office, customer lounge, and rest rooms, which shall be properly heated and lighted; and shall provide telephone facilities for customer use.

The Operator shall provide auto parking space within the leased area to accommodate at least ten (10) automobiles.

The Operator shall provide a paved walkway within the leased area to accommodate pedestrian access to the Operator's office.

The Operator shall provide a paved aircraft apron within the leased area to accommodate aircraft movement from the Operator's building to the taxiway or the access to the taxiway that has been or will be provided for the Operator.

(2) The Operator shall provide necessary and satisfactory arrangements for repair and servicing of aircraft but only for the duration of any sales guarantee or warranty period. Servicing facilities may be provided through written agreement with a repair shop operator at the Sheboygan County Memorial Airport. The Operator shall provide an adequate inventory of spare parts for the type of new aircraft for which sales privileges are granted. The Operator who is engaged in the business of selling new aircraft shall have available or on call at least one (1) single engine demonstrator.

(3) The Operator performing the services under this category will be required to carry the following types of insurance in the limits specified.

- A. Aircraft Liability:
 - Bodily Injury (Each Accident)
\$1,000,000 each person
\$3,000,000 each accident
 - Passenger Liability
\$1,000,000 each passenger, each accident
 - Property Damage
\$3,000,000 each accident

- B. Comprehensive Public Liability and Comprehensive Property Damage:
 - Bodily Injury (Each Accident)
\$1,000,000 each person
\$3,000,000 each accident
 - Property Damage
\$3,000,000 each accident

(4) The Operator shall have his premises open and services available eight (8) hours daily, five (5) days a week.

(5) The Operator shall have in Operator's employ and on duty during the appropriate business hours trained personnel in such numbers as are required to meet the minimum standards set forth in an efficient manner but never less than one (1) person having a current, effective commercial pilot certificate with single engine rating and instructor rating. The Operator shall make provision for someone to be in attendance in the office at all times during the required operating hours.

64.04 AIRFRAME AND POWER PLANT REPAIR FACILITIES.

(a) Statement of Concept. An "Aircraft Engine and Airframe Maintenance and Repair Operator" is a person or persons, firm, or corporation providing one or a combination of airframe and power plant repair but with at least one (1) person currently certificated by the Federal Aviation Administration with ratings appropriate to the work being performed. This category of aeronautical services shall also include the sale of aircraft parts and accessories, but such is not an exclusive right.

(b) Minimum Standards.

(1) The Operator shall lease from Sheboygan County an area of not less than 16,000 square feet of ground space on which shall be erected a building to provide at least 5,000 square feet of floor space for airframe and power plant repair services including a segregated painting area all of which meet local and state industrial code requirements and with at least 1,000 square feet of floor space for office, customer lounge, and rest rooms, which shall be properly heated and lighted, and shall provide telephone facilities for customer use.

The Operator shall provide auto parking space within the leased area to accommodate at least ten (10) automobiles.

The Operator shall provide a paved walkway within the leased area to accommodate pedestrian access to the Operator's office.

The Operator shall provide a paved aircraft apron within the leased area to accommodate aircraft movement from the Operator's building to the taxiway or the access to the taxiway that has been or will be provided for the Operator.

(2) The Operator shall provide sufficient equipment, supplies, and availability of parts equivalent to that required for certification by the Federal Aviation Administration as an approved repair station.

(3) The Operator performing the services under this category will be required to carry the following types of insurance in the limits specified:

- A. Comprehensive Public Liability and Comprehensive Property Damage:
Bodily Injury (Each Accident)
 \$1,000,000 each person
 \$3,000,000 each accident
Property Damage
 \$3,000,000 each accident
- B. Hangar Keepers and/or Products Liability of a sum sufficient to adequately cover the maximum liability exposure based on the intended use of the premises or value of the equipment to be serviced.

(4) The Operator shall have his premises open and services available eight (8) hours daily, five (5) days each week.

(5) The Operator shall have in Operator's employ and on duty during the appropriate business hours trained personnel in such numbers as are required to meet the minimum standards set forth in this category of services in an efficient manner, but never less than one (1) person currently certificated by the Federal Aviation Administration with ratings appropriate to the work being performed and who holds an airframe, power plant, or an aircraft inspector rating, and one (1) other person not necessarily rated. The Operator shall make provision for someone to be in attendance in the office at all times during the required operating hours.

64.05 AIRCRAFT RENTAL.

(a) Statement of Concept. An "Aircraft Rental Operator" is a person or persons, firm, or corporation engaged in the rental of aircraft to the public.

(b) Minimum Standards.

(1) The Operator shall lease from Sheboygan County an area of not less than 15,000 square feet of ground space and on which shall be erected a building to provide at least 2,500 square feet of floor space for aircraft storage and at least 1,000 square feet of floor space for office, customer lounge, and rest rooms, which shall be properly heated and lighted, and shall provide telephone facilities for customer use. The Operator shall provide auto parking space within the leased area to accommodate at least ten (10) automobiles. The Operator shall provide a paved walkway within the leased area to accommodate pedestrian access to the Operator's office. The Operator shall provide a paved aircraft apron within the leased area to accommodate aircraft movement from the Operator's building to the taxiway or the access to the taxiway that has been or will be provided for the Operator.

(2) The Operator shall have available for rental, either owned or under written lease to Operator, not less than two (2) certificated and currently airworthy aircraft, at least one (1) of which must be a four -place aircraft, and at least one (1) of which must be equipped for and capable of flight under instrument conditions.

(3) The Operator performing the services under this category will be required to carry the following types of insurance in the limits specified:

- A. Aircraft Liability:
Bodily Injury (Each Accident)
 \$1,000,000 each person
 \$3,000,000 each accident
Property Damage
 \$3,000,000 each accident

- B. Comprehensive Public Liability and Comprehensive Property Damage:
 - Bodily Injury (Each Accident)
 - \$1,000,000 each person
 - \$3,000,000 each accident
 - Property Damage
 - \$3,000,000 each accident
- C. Student and Renters' Liability:
 - \$1,000,000 each accident

(4) The Operator shall have his premises open and services available eight (8) hours daily, six (6) days a week.

(5) The Operator shall have in Operator's employ and on duty during the appropriate business hours, trained personnel in such numbers as are required to meet the minimum standards in an efficient manner, but never less than one (1) person having a current commercial pilot certificate with appropriate ratings, including instructor rating. The Operator shall make provision for someone to be in attendance in the office at all times during the required operating hours.

64.06 FLIGHT TRAINING.

(a) Statement of Concept. A "Flight Training Operator" is a person or persons, firm, or corporation engaged in instructing pilots in dual and solo flight training, in fixed or rotary wing aircraft, and provides such related ground school instruction as is necessary preparatory to taking a written examination and flight check ride for the category or categories of pilots' licenses and ratings involved.

(b) Minimum Standards.

(1) The Operator shall lease from Sheboygan County an area of not less than 15,000 square feet of ground space and on which shall be erected a building to provide at least 2,500 square feet of floor space for aircraft storage and at least 1,000 square feet of floor space for office, classroom, briefing room, pilot lounge, and rest rooms which shall be properly heated and lighted and shall provide telephone facilities for customer use. The Operator shall provide auto parking space within the leased area to accommodate at least ten (10) automobiles.

The Operator shall provide a paved walkway within the leased area to accommodate pedestrian access to the Operator's office.

The Operator shall provide a paved aircraft apron within the leased area to accommodate aircraft movement from the Operator's building to the taxiway or the access to the taxiway that has been or will be provided for the Operator.

(2) The Operator shall have available for use in flight training, either owned or under written lease to Operator, not less than two (2) properly certificated aircraft, at least one (1) of which must be a four-place aircraft, and at least one (1) of which must be equipped for and capable of use in instrument flight instruction.

(3) The Operator performing the services under this category will be required to carry the following types of insurance in the limits specified:

- A. Aircraft Liability:
 - Bodily Injury (Each Accident)
 - \$1,000,000 each person
 - \$3,000,000 each accident
 - Property Damage
 - \$3,000,000 each accident
- B. Comprehensive Public Liability and Comprehensive Property Damage:

Bodily Injury (Each Accident)

\$1,000,000 each person

\$3,000,000 each accident

Property Damage

\$3,000,000 each accident

- C. Student and Renters' Liability:
\$1,000,000 each accident

(4) The Operator shall have Operator's premises open and services available eight (8) hours daily, six (6) days a week.

(5) The Operator shall have on a full -time basis at least one (1) flight instructor who has been properly certificated by the Federal Aviation Administration to provide the type of training offered.

The Operator shall have available for call on a part -time basis at least one (1) flight instructor who has been properly certificated by the Federal Aviation Administration to provide the type of training offered.

The Operator shall make provisions for someone to be in attendance in the office at all times during the required operating hours.

64.07 AIRCRAFT FUELS AND OIL DISPENSING SERVICE.

(a) Statement of Concept. Line services shall include the sale and into -plane delivery of recognized brands of aviation fuels, lubricants, and other related aviation petroleum products. The Operator shall provide servicing of aircraft, including ramp assistance and the parking, storage, and tie-down of aircraft within the leased area.

(b) Minimum Standards.

(1) The Operator shall lease from Sheboygan County an area of not less than 15,000 square feet of ground space on which shall be erected a building to provide at least 2,500 square feet of floor space for aircraft storage and at least 1,000 square feet of floor space for office, customer lounge, and rest rooms, which shall be properly heated and lighted, and shall provide telephone facilities for customer use.

The Operator shall provide auto parking space within the leased area to accommodate at least ten (10) automobiles.

The Operator shall provide a paved walkway with in the leased area to accommodate pedestrian access to the Operator's office.

The Operator shall provide a paved aircraft apron within the leased area to accommodate aircraft movement from the Operator's building to the taxiway or the access to the taxiway that has been or will be provided for the Operator.

(2) The Operator shall provide at least two (2) 12,000 -gallon fuel storage tanks at the Sheboygan County Memorial Airport and maintain an adequate supply of fuel on hand at all times of at least two (2) grades of fuel as closely related as possible to the popular demand of the general aviation users of the Airport. The Operator shall provide at least two (2) metered filter-equipped dispensers, fixed or mobile, for dispensing the minimum requirement of two (2) grades of fuel. Separate dispensing pumps and meters are required for each grade of fuel.

The Operator shall provide such minor repair service that does not require a certificated mechanical rating and cabin services to general aviation aircraft as can be performed efficiently on the ramp or apron parking area, but only within the premises leased to the Operator.

The Operator shall make provision for the transportation of pilots and passengers of transient general aviation aircraft using the Operator's facilities and services from and to the Operator's office and the Sheboygan County Memorial Airport terminal area.

The Operator shall procure and maintain tools, jacks, towing equipment, tire repairing equipment, energizers, and starters, heat ers, fire extinguishers, and passenger loading steps as appropriate and necessary for the servicing of general aviation aircraft using the

Airport. All Equipment shall be maintained and operated in accordance with local and state industrial codes.

(3) The Operator performing the services under this category will be required to carry the following types of insurance in the limits specified:

- A. Comprehensive Public Liability and Comprehensive Property Damage:
 - Bodily Injury (Each Accident)
\$1,000,000 each person
\$3,000,000 each accident
 - Property Damage
\$3,000,000 each accident
- B. Hangar Keepers Liability and/or Products Liability:
 - A sum sufficient to adequately cover the maximum liability exposure based on the intended use of the premises or value of the equipment to be serviced.
- C. Motor Vehicle Liability:
 - Bodily Injury (Each Accident)
\$1,000,000 each person
\$3,000,000 each accident
 - Property Damage
\$1,000,000 each accident

(4) The Operator shall have Operator's premises open for aircraft fueling and oil dispensing service 8:00 a.m. to sundown seven (7) days a week. The Operator shall make provision for such service during other hours on a call basis.

(5) The Operator shall have in Operator's employ and on duty during the appropriate business hours, trained personnel in such numbers as are required to meet the minimum standards set forth in this category of services in an efficient manner.

(6) The Operator shall make provisions for someone to be in attendance in the office at all times during the required operating hours.

64.08 RADIO, INSTRUMENT, OR PROPELLER REPAIR STATION.

(a) Statement of Concept. A "Radio, Instrument, or Propeller Repair Station Operator" is a person or persons, firm, or corporation engaged in the business of and providing a shop for the repair of aircraft radios, propellers, instruments, and accessories for general aviation aircraft. This category shall include the sale of new or used aircraft radios, propellers, instruments, and accessories but such is not an exclusive right. The Operator shall hold the appropriate repair shop certificates issued by the Federal Aviation Association.

(b) Minimum Standards.

(1) The Operator shall lease from Sheboygan County an area of not less than 15,000 square feet of ground space on which shall be erected a building to provide at least 2,500 square feet of floor space to hangar at least one (1) aircraft, to house all equipment, and to provide an office, shop, customer lounge, and rest rooms, all properly heated and lighted; and shall provide telephone facilities for customer use.
The Operator shall provide auto parking space within the leased area and shall provide a paved walkway within the leased area to accommodate pedestrian access to the Operator's office.
The Operator shall provide a paved aircraft apron within the leased area to accommodate aircraft movement from the Operator's building to the taxiway or the access to the taxiway that has been or will be provided for the Operator.

(2) The Operator performing the services under this category will be required to carry the following types of insurance in the limits specified:

- A. Comprehensive Public Liability and Comprehensive Property Damage:

Bodily Injury (Each Accident)

\$1,000,000 each person

\$3,000,000 each accident

Property Damage

\$3,000,000 each accident

- B. Hangar Keepers Liability and/or Products Liability:
A sum sufficient to adequately cover the maximum liability exposure based on the intended use of the premises or value of the equipment to be serviced.

(3) The Operator shall have Operator's premises open and services available eight (8) hours daily, five (5) days each week and one -half (1/2) day on Saturday.

(4) The Operator shall have in Operator's employ and on duty during the appropriate business hours trained personnel in such numbers as are required to meet the minimum standards set forth in this category in an efficient manner but never less than one (1) person who is a Federal Aviation Administration rated radio, instrument, or propeller repairman and one (1) other repairman who need not be rated by the Federal Aviation Administration.

64.09 AIRCRAFT CHARTER AND AIR TAXI.

(a) Statement of Concept . An "Aircraft Charter" and an "Air Taxi Operator" is a person or persons, firm, or corporation engaged in the business of providing non -scheduled air transportation (person or property) to the general public for hire as distinct from scheduled services as a common carrier.

(b) Minimum Standards.

(1) The Operator shall lease from Sheboygan County an area of not less than 15,000 square feet of ground space on which shall be erected a building to provide at least 1,500 square feet of floor space for aircraft storage and at least 1,000 square feet of floor space for office, customer lounge, and rest rooms, which shall be properly heated and lighted and shall provide telephone facilities for customer use.

The Operator shall provide auto parking space with in the leased area to accommodate at least ten (10) automobiles.

The Operator shall provide a paved walkway within the leased area to accommodate pedestrian access to the Operator's office.

The Operator shall provide a paved aircraft apron within the leased area to accommodate aircraft movement from the Operator's building to the taxiway or the access to the taxiway that has been or will be provided for the Operator.

(2) The Operator shall provide either owned or under written lease to Operator, not less than one (1) single -engine four-place aircraft and one(1) multi -engine aircraft, both of which must meet the requirements of the air taxi commercial operator certificate held by the Operator, including instrument operations.

(3) The Operator performing the services under this category will be required to carry the following types of insurance in the limits specified:

A. Aircraft Liability:

Bodily Injury (Each Accident)

\$1,000,000 each person

\$3,000,000 each accident

Passenger Liability

\$1,000,000 each passenger, each accident

Property Damage

\$3,000,000 each accident

B. Comprehensive Public Liability and Comprehensive Property Damage:

Bodily Injury (Each Accident)

\$1,000,000 each person

\$3,000,000 each accident

Property Damage

\$3,000,000 each accident

(4) The Operator shall have Operator's premises open and services available eight (8) hours daily, six (6) days per week. The Operator shall provide on -call service during hours other than the aforementioned.

(5) The Operator shall have in Operator's employ and on duty during the appropriate business hours, trained personnel in such numbers as are required to meet the minimum standards set forth in this category in an efficient manner but never less than at least one (1) Federal Aviation Administration certificated commercial pilot and otherwise appropriately rated to permit the flight activity offered by Operator.

The Operator shall make provision for someone to be in attendance in the office at all times during the required operating hours.

64.10 AIR CARRIERS OR SCHEDULED AIR TAXI.

(a) Statement of Concept. An air carrier or scheduled air taxi operation is a person or persons, firm, or corporation engaged in air transportation of passengers and/or cargo between the Sheboygan County Memorial Airport and fixed origination and/or destination points on a scheduled basis (whether said schedule is published or not) for consideration and available to the general public.

(b) Minimum Standards.

(1) The Operator shall lease from Sheboygan County terminal space, if said space is available, or if not from a lessee of Sheboygan County, with Sheboygan County's consent, adequate terminal space to sufficiently meet the needs of the general public it will serve or of the services it will perform but in no event less than a minimum of four hundred (400) square feet. Such minimum space may be provided on a combined use basis with another Operator. In the event a sub -lease arrangement is necessary, Sheboygan County will lend its assistance to the Operator in negotiating for said sublease for terminal space and will use its best efforts to secure adequate space for terminal use purposes or arrange some alternative method of providing for Operator's needs and the passengers and cargo involved in said services.

(2) The Operator shall furnish and equip the above referred to terminal space in an adequate manner.

(3) The Operator shall own or have on lease for not less than a period of twelve (12) months sufficient aircraft, but in any event not less than two (2), with passenger and/or cargo capacity to adequately serve the proposed routes and schedules of the Operator.

(4) The Operator shall require that all aircraft used for passenger service having a passenger seating capacity of eight or more shall be operated with a crew of at least two (2) pilots; and all aircraft operated for passenger service having a maximum passenger seating capacity of seven (7) or less may be operated by a crew with one pilot if said aircraft shall have an automatic pilot, as may be required by the Federal Aviation Association for the service intended and all aircraft used for cargo only shall meet the minimum standards as may be required by the Federal Aviation Association for the services being performed.

In all cases, captains shall be qualified for single pilot operation and all pilots and co -pilots must hold I.F.R. ratings.

During the time said service is being provided, the Operator shall maintain a training program for all captains, supervised by a Director of Training, and shall require six (6-) months' proficiency checks administered by a check pilot who is duly qualified and authorized to provide said checks by the Federal Aviation Association. The results of said checks shall be kept on record and be available for inspection by Sheboygan County.

(5) The Operator shall maintain at the Sheboygan County Memorial Airport adequate hangaring for at least one(1) of its aircraft used for said service.

(6) The Operator shall provide adequate facilities and personnel for the maintenance of all aircraft used in its scheduled operations to or from Sheboygan or contract for such maintenance with an Federal Aviation Association -approved repair station, excepting for emergency repairs or maintenance, in which event Federal Aviation Association -licensed airframe and power plant mechanics or such competent personnel as may be available may be used in said emergency to perform said work.

(7) In connection with providing said service, the Operator shall:

- provide at other terminals on all flights serving Sheboygan, adequate facilities and conveniences for Sheboygan passengers; and
- maintain on-duty at Sheboygan, at least one (1) person employed for the purpose of servicing airline customers at least eight (8) hours per day every weekday and on Saturday, Sunday, and holidays such personnel as may be required based on the service provided; and
- at all points served on flights to or from Sheboygan maintain sufficient personnel for servicing the airline customers; and
- conduct operations in accordance with an operation manual approved by the Federal Aviation Administration; and
- provide a minimum of three (3) round trips per weekday and such flights as may be required for the service provided on Saturday, Sunday, and holidays between Sheboygan and a specific terminal point and which schedule must be maintained except for mechanical or weather delays. The minimum daily flights shall not apply to service involving cargo only, and in said service a minimum of two (2) flights per day shall be required; and
- the Operator shall carry and keep in force public liability insurance covering personal injury and property damage and such other insurance as may be necessary to protect Sheboygan County from such claims and accidents; and without limiting its liability the Operating shell keep in force such insurance with limits of liability for personal injury in the sum of not less than One Million Dollars (\$1,000,000.00) single limit per incident and the Operator shall furnish the County with present certification that such insurance is in force and it shall keep such certification current.

(8) The Operator shall have a net worth as may be established by competent evidence that Operator has the financial ability to operate for a period of one (1) year on the routes, rates, and schedules proposed.

- Information from applicants:
 - Names and addresses of owners or more than ten percent (10%) of applicant, if corporate structure is involve;
 - Name and address of person responsible for service at Sheboygan;
 - Names and addresses of officers;
 - Routes and schedules proposed to be flown to or from Sheboygan;
 - Copy of operating authority issued by the federal government and the operating authority if any issued by the State of Wisconsin;
 - Current balance sheet and profit and loss statement (upon request by applicants, information concerning finances, routes, schedules, and rates will be treated confidentially and will under no circumstances be released or made available to anyone other than the appropriate County Board Committee and Corporation Counsel).

64.11 SPECIALIZED COMMERCIAL FLYING SERVICES.

(a) Statement of Concept. A "Specialized Commercial Flying Services Operator" is a person or persons, firm, or corporation engaged in air transportation for hire for the purpose of providing the use of aircraft for the activities listed below:

- (1) Non-stop sightseeing flights that begin and end at the same airport within a 25-mile radius of the Airport;
- (2) Crop-dusting, seeding, spraying, and bird chasing;
- (3) Banner towing and aerial advertising;
- (4) Aerial photography or survey;
- (5) Fire fighting;
- (6) Power line or pipe line patrol ;
- (7) Any other operations specifically excluded from Part 135 of the Federal Aviation Regulations.

(b) Minimum Standards.

(1) The Operator shall lease land from the County and erect a building sufficient to accommodate all activities and operations proposed by the Operator. The minimum areas in each instance shall be subject to the approval of the County of Sheboygan. In the case of crop dusting or aerial application, the Operator shall make suitable arrangements and have such space available in his leased area for safe loading and unloading and storage and containment of noxious chemical materials. All Operators shall demonstrate that they have the availability of aircraft suitably equipped for the particular type of operation they intend to perform.

(2) The Operator shall provide and have based on Operator's leasehold, either owned, or under written lease to Operator, not less than one (1) aircraft which will be airworthy, meeting all the requirements of the Federal Aviation Administration and applicable regulations of the State of Wisconsin with respect to the type of operations to be performed.

In the case of crop dusting or aerial application, Operator shall provide tank trucks for the handling of liquid spray and mixing liquids. Operator shall also provide adequate ground equipment for the safe handling and safe loading of dusting materials.

(3) The Operator performing the services under this category will be required to carry the following types of insurance in the limits specified:

- A. Aircraft Liability:
 - Bodily Injury (Each Accident)
 - \$1,000,000 each person
 - \$3,000,000 each accident
 - Passenger Liability*
 - Property Damage
 - \$3,000,000 each accident
- B. Comprehensive Public Liability and Comprehensive Property Damage:
 - Bodily Injury (Each Accident)
 - \$1,000,000 each person
 - \$3,000,000 each accident
 - Property Damage
 - \$3,000,000 each accident
- C. Hangar Keepers and/or Products liability of a sum sufficient to adequately cover the maximum liability exposure based on the intended use of the premises or value of the equipment to be serviced.

(4) The Operator must provide by means of an office or a telephone, a point of contact for the public desiring to utilize Operator's services.

* When applicable

(5) The Operator shall have in Operator's employ and on duty during appropriate business hours, trained personnel in such numbers as may be required to meet the minimum standards herein set forth in an efficient manner, but never less than one (1) person holding a current Federal Aviation Administration commercial certificate, properly rated for the aircraft to be used and the type of operation to be performed and one (1) other person to assist in the loading and servicing of aircraft.

64.12 MULTIPLE SERVICES.

(a) Statement of Concept. A "Multiple Services Operator" shall be one who engages in any two (2) or more of the aeronautical services for which minimum standards have been hereinbefore provided.

(b) Minimum Standards (combinations not including fuels and oil dispensing service).

(1) The Operator shall lease from Sheboygan County an area not less than 33,000 square feet of ground space (23,000 for repair shop only combinations) for aircraft storage, parking, and other use in accordance with the services to be offered and on which shall be erected a building to provide at least 6,500 square feet (6,000 square feet for repair shop only combinations) for aircraft storage and at least 1,500 square feet (1,000 square feet for repair shop only combinations) of floor space for office customer lounge, rest room, parts storage, and small machines, which shall be properly heated and lighted and shall provide telephone facilities for customer use.

If flight training is one of the multiple services offered, the Operator shall provide classroom and briefing room facilities in the aforementioned building.

If crop dusting, aerial application, or other commercial use of chemicals are part of the multiple services offered, the Operator shall provide a centrally drained, paved area of not less than 2,500 square feet for aircraft loading, washing, and servicing. Operator shall also provide for the safe storage and containment of noxious chemical matters. Such facilities will be in a location on the Sheboygan County Memorial Airport which will provide the greatest safeguard to the public.

The Operator shall provide auto parking space within the leased area to accommodate at least fifteen (15) automobiles.

The Operator shall provide a paved walkway within the leased area to accommodate pedestrian access to the Operator's office.

The Operator shall provide a paved aircraft apron within the leased area to accommodate aircraft movement from the Operator's taxiway that has been or will be provided for the Operator.

(2) The Operator shall comply with the aircraft requirements including the equipment thereon for each aeronautical service to be performed except as hereinafter provided.

Multiple uses can be made of all aircraft except aircraft used for crop dusting, aerial application or other commercial use of chemicals.

The Operator, except if the Operator is performing combinations of multiple services for which aircraft are not required, shall have available and based at the Sheboygan County Memorial Airport, either owned by Operator or under written lease to Operator, not less than two (2) certified and currently airworthy aircraft. These aircraft shall be equipped and capable of flight to meet the minimum standards as hereinbefore provided for each aeronautical service to be performed.

The Operator shall provide the equipment and services required to meet the minimum standards as hereinbefore provided for each aeronautical service the Operator is performing.

(3) The Operator shall obtain, as a minimum, that insurance coverage which is equal to the highest individual insurance requirement of all the aeronautical services being performed by Operator.

(4) The Operator shall adhere to the hours of operation required for each aeronautical service being performed.

(5) The Operator shall have in Operator's employ and on duty during the appropriate business hours, trained personnel in such numbers as are required to meet the minimum standards for each aeronautical services Operator is performing as hereinabove provided. Multiple responsibilities may be assigned to meet the personnel requirements for each aeronautical service being performed by the Operator, except such multiple responsibilities may not be assigned to the Federal Aviation Administration certificated repair stations.

64.13 GENERAL REQUIREMENTS.

(a) Buildings.

(1) The minimum space requirements as hereinbefore provided shall be satisfied with one (1) building, attached buildings, or separate buildings.

(2) The hangar buildings hereafter constructed shall have at least one (1) door with the following minimum dimensions:

Floor Space of Hangar Building	Door Width Clear Area	Door Height Clear Area
Under 2400 sq. feet	40 feet	12 feet
2400-4000 sq. feet	58 feet	12 feet
Over 4000 sq. feet	58 feet	15 feet

(b) All personnel hereinbefore required to hold Federal Aviation Administration certificates and ratings shall maintain such certificates and ratings.

64.14 LEASE CLAUSES.

(a) Premises to be Operated for Use and Benefit of Public. Lessee agrees to operate the premises leased for the use and benefit of the public.

(1) To furnish good, prompt, and efficient service adequate to meet all the demands for its service at the Airport.

(2) To furnish said service on a fair, equal, and non-discriminatory basis to all users thereof.

(3) To charge fair, reasonable, and non-discriminatory prices for each unit of sale or service provided that the lessee may be allowed to make reasonable and non-discriminatory discounts, rebates, or other similar types of price reductions to volume purchasers.

(b) Non-Discrimination Clause. The lessee and lessee's agents and employees will not discriminate against any person or class of persons by reason of race, religion, creed, color, national origin, physical disability, sex, age, marital status, ancestry, arrest or conviction record, membership in the military, or sexual orientation in providing any services or in the use of any of its facilities provided for the public in any manner prohibited by Part 15 of the Federal Aviation Regulations.

The lessee further agrees to comply with such enforcement procedures as the United States might demand that the lessor take in order to comply with the Sponsor's Assurances.

(c) Aircraft Service by Owner or Operator of Aircraft. It is clearly understood by the lessee that no right or privilege has been granted which would operate to prevent any person, firm, or corporation operating aircraft on the Airport from performing any services on its own aircraft with its own regular employees (including, but not limited to, maintenance and repair that it may choose to perform).

(d) Non-Exclusive Rights Clause. It is understood and agreed that nothing herein contained shall be construed to grant or authorize the granting of an exclusive right.

(e) Development of Sheboygan County Memorial Airport Clause. Lessor reserves the right to further develop or improve the landing area of the Airport as it sees fit, regardless of the desires or

view of the lessee and without interference or hindrance. If the physical development of the Airport requires the relocation of the lessee, the lessor agrees to provide a comparable location and agrees to relocate all buildings or provide a similar facilities for the lessee at no cost to the lessee.

(f) Lessor's Right Clause. Lessor reserves the right, but shall not be obligated to Lessee to maintain and keep in repair the landing area of the Airport and all publicly owned facilities of the Airport, together with the right to direct and control all activities of lessee in this regard.

(g) War or National Emergency. During the time of war or national emergency lessor shall have the right to lease the landing area or any part thereof to the United States Government if so requested by it for military or naval use, and if such lease is executed, the provisions of this instrument insofar as they are inconsistent with the provisions of the lease to the government shall be suspended.

(h) Obstructions at Sheboygan County Memorial Airport. Lessor reserves the right to take any action it considers necessary to protect the aerial approaches of the Airport against obstruction together with the right to prevent lessee from erecting or permitting to be erected any building or other structure on the Airport which, in the opinion of the lessor, would limit the usefulness of the Airport or constitute a hazard to aircraft.

(i) Subordination Clause. This lease shall be subordinate to the provisions of any existing or future agreement between lessor and the United States relative to the operation or maintenance of the Airport, the execution of which has been or may be required as a condition precedent to the expenditure of federal funds for the development of the Airport.

(j) General Lease Provisions.

(1) All leases between Sheboygan County and an operator covering the performance by an operation of any aeronautical service as hereinbefore provided shall be in writing.

(2) Lessee shall provide a performance bond insuring the completion of the building to be erected on the leasehold.

(3) Lessee shall furnish such evidence as may be reasonably requested by Sheboygan County to show the Lessee is financially capable of providing the services and facilities set forth in the lease.

64.15 LEASE PRO POSAL REQUIREMENTS. Sheboygan County will not accept a request to lease land area at the Sheboygan County Memorial Airport unless the request is a written proposal which sets forth the scope of operation to be performed and shall include the following:

- (a) The services to be offered.
- (b) The amount of land to be leased.
- (c) The building space to be constructed or leased.
- (d) The number of aircraft to be provided.
- (e) The number of persons to be employed.
- (f) The hours of proposed operation.
- (g) The number and types of insurance coverage to be maintained.
- (h) Evidence of financial capability to perform and provide the proposed services and facilities.
- (i) Where applicable, the following:
 - Names and addresses of owners of more than ten percent (10%) of applicant, if corporate structure is involved.
 - Name and address of person responsible for service at Sheboygan.
 - Names and addresses of officers.
 - Routes and schedules proposed to be flown to or from Sheboygan.
 - Copy of operating authority issued by the Federal Government and the operating authority, if any, issued by the State of Wisconsin.

 - Current balance sheet and profit and loss statement (upon request by applicant, information concerning finances, routes, schedules, and rates will be treated confidentially and will under no circumstances be released

or made available to anyone other than the appropriate County Board Committee and Corporation Counsel).

64.16 FLYING CLUBS. The following requirements pertain to all flying clubs desiring to base their aircraft at the Airport and be exempt from the minimum standards.

(a) Flying Club Organizations. Each Club must be a non-profit Wisconsin corporation or partnership. Each member must be a bona fide owner of the aircraft or a stockholder in the corporation. The Club may not derive greater revenue from the use of its aircraft than the amount necessary for the actual use of operation, maintenance, and replacement of its aircraft. The Club will file and keep current with the Airport owner a complete list of the Club's membership and investment share held by each member.

(b) Aircraft. The Club's aircraft will not be used by other than bona fide members for rental and by no one for hire, charter, or air taxi. Student instruction can be given by a lessee based at the Airport who provides flight training.

(c) Violations. In the event the Club fails to comply with these conditions, the Airport owner will notify the Club in writing of such violations. If the Club fails to correct the violation in fifteen (15) days, the Airport owner may take any action deemed advisable by the owner.

(d) Insurance. Each aircraft owned by the Club must have aircraft liability insurance coverage for the following amounts:

Aircraft Liability:

Bodily Injury (Each Accident)

\$1,000,000 each person

\$3,000,000 each accident

Property Damage

\$3,000,000 each accident

CHAPTER 65
AIRPORT ADVISORY COMMITTEE

- 65.01 CREATION OF COMMITTEE
- 65.02 COMMITTEE PURPOSE
- 65.03 MEMBERSHIP
- 65.04 APPOINTMENTS TO THE MEMBERSHIP
- 65.05 DUTIES

65.01 CREATION OF COMMITTEE. There is hereby created a committee to be known as the Airport Advisory Committee.

65.02 COMMITTEE PURPOSE. The purpose of the Committee is to serve as a resource to provide public input with regard to the Sheboygan County Memorial Airport "operational matters," which term shall be construed in its broadest manner.

65.03 MEMBERSHIP. The Committee shall consist of nine (9) members which members shall represent the following:

- (a) Two (2) members from the County Board Transportation Committee;
- (b) One (1) member from the Town Board of the Town of Sheboygan Falls;
- (c) One (1) member representing the corporate business community who owns a hangar at the Airport;
- (d) One (1) member representing the private hangar owners;
- (e) One (1) member who is an aircraft owner who rents hangar or tie -down space at the Airport;
- (f) One (1) member who represents the Sheboygan Area Chamber of Commerce; and
- (g) One (1) member representing the Fixed Base Operator.

In addition to the above, a representative from the Airport Department shall serve on the Committee as a resource person but shall not have any voting rights.

65.04 APPOINTMENTS TO THE COMMITTEE. Appointments to the Committee shall be made by the County Board Chairperson from a list of names submitted by the County Board Committee responsible for operation of the airport and subject to confirmation by the County Board. The initial appointments shall be made so that one -half of the members shall serve a one -year term and one -half shall serve a two -year term. Thereafter, each member shall serve a two-year term unless a vacancy is created, and, in such event, appointments to fill the vacancy shall be for the remainder of the term being filled.

65.05 DUTIES. The Committee shall meet periodically to obtain public input as to Airport procedures and operational matters. The Committee shall also advise the Transportation Committee and make recommendations with regard to the maintenance and operation of the Airport. So that its members may not have any personal liability, the Committee shall have no authority other than to consult, advise, and recommend as to the above matters.

CHAPTER 66

RESERVED

CHAPTER 67

RESERVED

CHAPTER 68

RESERVED

CHAPTER 69

RESERVED

CHAPTER 70
SANITARY REGULATIONS

- 70.01 STATUTORY AUTHORITY
- 70.02 PURPOSE
- 70.03 DEFINITIONS
- 70.04 COMPLIANCE
- 70.05 REPEAL AND EFFECTIVE DATE
- 70.06 INCORPORATION OF PROVISIONS BY REFERENCE
- 70.07 JURISDICTION
- 70.08 *RESERVED*
- 70.09 POWTS REQUIREMENTS
- 70.10 ABANDONMENT OF PRIVATE
- 70.11 SOIL AND SITE EVALUATION
- 70.12 SANITARY PERMITS
- 70.13 APPLICATION REQUIREMENTS
- 70.14 PLANS
- 70.15 PERMIT CARD
- 70.16 PERMIT EXPIRATION
- 70.17 TRANSFER OF OWNERSHIP
- 70.18 CHANGE OF PLUMBERS
- 70.19 PERMIT DENIAL
- 70.20 RECONNECTION AND REPAIR
- 70.21 CONSTRUCTION AFFECTING WASTEWATER FLOW OR CONTAMINANT LOAD
- 70.22 CONSTRUCTION NOT AFFECTING WASTEWATER FLOW OR CONTAMINANT LOAD
- 70.23 FEES AND CHARGES
- 70.24 INSPECTIONS; GENERAL
- 70.25 INSPECTIONS; SITE-CONSTRUCTED HOLDING TANKS
- 70.26 INSPECTIONS; NON-PLUMBING SANITARY SYSTEMS
- 70.27 INSPECTIONS; MOUNDS
- 70.28 INSPECTIONS; AT-GRADE SYSTEMS
- 70.29 INSPECTIONS; SAND FILTERS
- 70.30 EXPERIMENTAL SYSTEMS AND SYSTEMS NOT RECOGNIZED BY WIS. ADMIN. CODE CH. SPS 383.60
- 70.31 TESTING
- 70.32 MAINTENANCE AND MANAGEMENT
- 70.33 PRIVATE SEWAGE SYSTEMS MAINTENANCE PROGRAM
- 70.34 *RESERVED*
- 70.35 ADMINISTRATION, POWERS, AND DUTIES
- 70.36 BOARD OF ADJUSTMENTS
- 70.37 WAIVER OF LIABILITY
- 70.38 VIOLATIONS AND PENALTIES

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

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

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

A.T.U. Aerobic Treatment Unit.

Buildings. See Structure.

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

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

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

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

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

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

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

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

Licensed Individual. A licensed plumber, certified septage servicing operator, private sewage system inspector or other person(s) authorized under Wis. Admin. Code § SPS 383.54(4) to inspect, evaluate, maintain or service a private sewage system.

Modification in Wastewater Flow or Contaminant Load. A modification in wastewater flow or contaminant load shall be considered to occur:

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

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

Occupancy. The purpose for which a building, structure, equipment, materials, or premises, or part thereof, is used or intended to be used.

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

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

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

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

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

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

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

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, lake bed, 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.

- (a) 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.
- (b) The private sewage system or non-plumbing sanitation system for newly constructed structures or structures requiring a Reconnection Permit shall be installed, inspected, and approved before the structure may be occupied.

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), Wis. Stat. chs. 145, 281, 283, and § 968.10; Wis. Admin. Code Chs. SPS 352.63, 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

- 70.07 JURISDICTION. The jurisdiction of this Ordinance shall include all lands and waters within the unincorporated and incorporated areas of Sheboygan County, as provided in Wis. Stat. § 59.70(6).
- 70.08 *RESERVED.*
- 70.09 POWTS REQUIREMENTS.
- (a) All domestic wastewater shall enter a private sewage system unless otherwise exempted by the State or this Chapter.
 - (b) A non-plumbing sanitation system may be permitted only when the structure or premises served by the non-plumbing sanitation system is not provided with an indoor plumbing system. If plumbing is installed in the structure or running water is supplied to the structure, an acceptable method of sewage disposal other than, or in addition to, a non-plumbing sanitation system must be provided.
 - (c) Any private sewage system or portions(s) thereof installed within a floodplain shall comply with all applicable requirements of Wis. Admin. Code Ch. NR 116 and the Sheboygan County Floodplain Ordinance, Chapter 73 of the General Code of Ordinances for Sheboygan County.
 - (d) The installation of a holding tank as a private sewage system for new residential structures is prohibited except as provided in Subsections (1) through (5), below.
 - (1) A temporary holding tank may be installed when a public sewer, approved by the Department of Natural Resources, will be installed to serve the property within two (2) years of the date of sanitary permit issuance. In addition to items required in Section 70.13 of this Code, an application for a sanitary permit to install a temporary holding tank shall include written statements:
 - A. The municipality or sanitary district, verifying the date that public sewer will be installed and available to serve the property;
 - B. The Department of Natural Resources, verifying approval of the public sewer; and
 - C. The property owner, agreeing to connect to public sewer when it becomes available and to abandon the temporary holding tank.

If public sewer does not become available within two (2) years of the date of sanitary permit issuance, the holding tank must be replaced with another type of system recognized by Wis. Admin. Code Ch. Comm 83.
 - (2) A holding tank may be installed to serve a use with an Estimated Wastewater Flow (EWF) of less than one hundred (100) gallons per day. In addition to items required in Section 70.13 of this Code, an application for a sanitary permit to install a holding tank to serve a use with an EWF of less than one hundred (100) gallons per day shall include a written statement from the property owner, agreeing to install another type of system if any change of occupancy or use occurs which results in an EWF which equals or exceeds one hundred (100) gallons per day.
 - (3) New residential structures on farms as defined in Section 70.03 of this Code.
 - (4) New residential structures that are part of a sanitary district approved by or under the control of the local municipality and approved by the appropriate State agencies.

- (5) New residential structures constructed to replace an existing residential structure on property with an existing residential land use; provided the property owner provides a signed and notarized statement from a past or present town official attesting that the property in question was used as a residence before May 17, 1983.
- (e) Holding tanks are prohibited for use as a replacement private sewage system for an existing residential structure unless a current Soil Evaluation Report determines the site is not suitable for the installation of a private sewage system that provides onsite treatment and disposal of domestic wastewater except as allowed in Subsection 70.09(d)(1)-(4), above.
- (f) The installation and use of holding tanks as a private sewage system for public buildings are permitted regardless 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) Influent flows to the holding tank(s) shall be metered in accordance with Wis. Admin. Code SPS § 383.54(2)(d). The water meter shall include a remote reading device for each meter. The remote reader(s) shall be mounted in a conspicuous location on the exterior of the building(s) served by the holding tank(s) and shall have a numerical display of gallons used to the nearest 100 gallons.
 - (2) Inspection, evaluation, maintenance, and servicing reports, including water meter readings, shall be submitted to the Department within thirty (30) calendar days from the date of inspection, evaluation, maintenance, or servicing.
- (g) The use of a camping unit transfer container as a POWTS holding tank component shall be restricted to a campground permitted by the Department of Health Services under Wis. Admin. Code Ch. DHS 178.
- (h) When a failing private sewage system is identified, it shall be brought into compliance with current code requirements, replaced with a code-compliant system, or its use discontinued within that period of time required by Department order.

70.10 ABANDONMENT OF PRIVATE SEWAGE SYSTEMS.

- (a) When public sewers approved by the Department of Natural Resources become available to the structure or premises served, the private sewage system shall be disconnected and abandoned in accordance with the provisions of Wis. Admin. Code Ch. SPS 383.33. Determination of whether sewer is available shall be made by the local sewer service entity.
- (b) Within thirty (30) days after completion of the abandonment, the appropriate permit application form and fee shall be submitted to the Department for issuance of a Septic System Abandonment Permit.
- (c) The components of an existing private sewage system that are not part of the approved design of a replacement system shall be abandoned by the plumber installing the system at the time of the installation of the replacement system. The abandonment shall comply with Wis. Admin. Code Ch. SPS 383.

70.11 SOIL AND SITE EVALUATION.

- (a) Soil and site evaluations shall be done prior to the issuance of permits as specified in Wis. Admin. Code Chs. SPS 383 and SPS 385.

- (b) Soil test pits shall be constructed which allow adequate visual observation of the soil profile in place. At least one soil pit shall be an excavated backhoe pit, unless otherwise allowed by the Department.
- (c) Department verification of a Soil Evaluation Report may be necessary to determine the suitability of a lot for a private sewage system. This verification will be made at the discretion of the Department and will be made prior to the issuance of the sanitary permit. This verification will result in one of the following:
 - (1) Issuance of the permit, provided all information on the application is correct and complete.
 - (2) Establishment of a file indicating site suitability.
 - (3) Holding the application pending clarification of information or new information by the owner, the plumber, or the certified soil tester.
 - (4) Denial of the permit if the site does not meet all the provisions of this Ordinance and appropriate Wisconsin Statutes and Administrative Codes. If the permit application is denied, the fees will be returned to the submitting party.
- (d) A certified soil tester may request Department verification of a Soil Evaluation Report before a complete sanitary permit application is submitted.

70.12 SANITARY PERMITS.

- (a) Every private sewage system shall require a separate application and sanitary permit.
- (b) A sanitary permit shall be obtained by the property owner, his agent or contractor, in the name of the property owner, prior to the installation, establishment or construction of any structure which requires a private sewage system or non-plumbing sanitation system.
- (c) A sanitary permit shall be obtained by the property owner, his agent or contractor, before any private sewage system or part thereof may be installed, replaced, reconnected, or modified. A sanitary permit is not required for the addition of manhole risers or for the replacement of manhole covers, manhole risers, baffles, or pumps.
- (d) If any part of the private sewage system has failed or requires replacement or modification, a new sanitary permit shall be obtained and the remainder of the system shall be evaluated for compliance with codes in effect at the time the system was originally installed prior to the issuance of the new sanitary permit. The new sanitary permit application shall include specifications for the modification, replacement, alteration, or addition of the private sewage system, and a Soil Evaluation Report for those components that utilize soil for treatment or dispersal, unless a report acceptable to the Department is already on file with the Department.
- (e) Any other existing private sewage systems located on the same parcel on which a sanitary permit has been issued for a new private sewage system or replacement or repair of an existing system shall be evaluated for compliance with the Codes in effect at the time the system was originally installed by submitting information specified in Sections 70.20(c)(2)-(5) of this Code within thirty (30) calendar days of permit issuance. If the system is found to be non-code compliant, a sanitary permit shall be obtained to replace the subject system or otherwise bring it into compliance

70.13 APPLICATION REQUIREMENTS.

- (a) A sanitary permit application shall include the following information which shall be furnished by the applicant on forms required by the State and/or the Department along with all applicable fees:

- (1) Names and addresses of the applicant (owner of the site) and the plumber employed.
 - (2) Legal description of the subject site and the parcel identification or parcel number.
 - (3) All lot dimensions.
 - (4) Building use (single family, duplex, etc.).
 - (5) Soil Evaluation report.
 - (6) System plans (see Section 70.14 of this Code).
 - (7) Appropriate agreements and contracts for system management and maintenance.
 - (8) Copies of any documents required in Section 70.13(d) of this Code and verification that they have been recorded.
 - (9) Any other information required by the Department.
- (b) When any official State action is required prior to the issuance of a sanitary permit, an original copy of the official action shall accompany the application.
- (c) Pit privy permit applications shall be accompanied by soil data provided by a Certified Soil Tester to determine compliance with Wis. Admin. Code Ch. SPS 391.
- (d) The following documents must be recorded with the Sheboygan County Register of Deeds prior to sanitary permit issuance:
- (1) Maintenance agreements or POWTS agreements, when recording is required by Wis. Admin. Code Ch. SPS 383 or this Code.
 - (2) When a private sewage system or parts thereof are located on a separate parcel of ownership than the structure served, an appropriate easement must be recorded.
 - (3) When a private sewage system serves more than one structure under different ownership, a document identifying all parties that have ownership rights and are responsible for the operation and maintenance of the private sewage system must be recorded.
 - (4) When the design wastewater flow of a private sewage system for a dwelling is not based upon the number of bedrooms within the dwelling, a deed restriction limiting occupancy to that used in the design must be recorded.
- (e) The Department reserves the right to require a floodplain and/or wetland delineation for a proposed private sewage system area prior to sanitary permit issuance. The Department may require elevations on plans to be tied to floodplain elevation datum using NAVD 88 (North American Vertical Datum 88)
- (f) The Department reserves the right to refuse incomplete or incorrect permit applications or to delay permit issuance until corrected or completed applications are received.

70.14 PLANS. System plans shall be submitted for approval to the Department or to the State in accordance with Wis. Admin. Code Ch. SPS 383. Plans shall comply with the requirements of Wis. Admin. Code Ch. SPS 383 and this Ordinance.

- (a) Plans submitted to the Department shall include the **original** and two (2) copies.
- (b) When plans are reviewed and approved by the State, at least two (2) sets of the plans submitted to the Department shall bear an original State approval stamp or seal.
- (c) Plans submitted shall be clear, legible, and permanent copies.
- (d) Plans submitted shall comply with Wis. Admin. Code Ch. SPS 383 and include the following:
 - (1) The name of the property owner and the legal description of the site;
 - (2) Estimated daily wastewater flow and design wastewater flow.
 - (3) A detailed plot plan (site plan), dimensioned or drawn to scale, on paper no smaller than 8-1/2 inches by 11 inches in size. The plot plan shall delineate the lot size and the location of all existing and proposed: private sewage system components; building sewers; private interceptor main sewers; wells; water mains or water services; buildings; lot lines; swimming pools; navigable waters; and the benchmark established on the Soil Evaluation Report. Adjoining properties shall be checked to ensure compliance with the horizontal setback parameters in Wis. Admin. Code Ch. SPS 383.43. All separating distances and dimensions shall be clearly shown on the plot plan.
 - (4) Details and configuration layouts depicting how the system is to be constructed.
 - (5) A description of a contingency plan in the event the proposed private sewage system fails and cannot be repaired. [See Section 70.09(e) of this Code].
 - (6) Sufficient supporting information to determine whether the proposed design, installation, and management of the proposed private sewage system or modification to an existing system complies with this Ordinance.
- (e) Plans shall be signed or sealed as specified in Wis. Admin. Code Ch. SPS 383.
- (f) A copy of the approved plans shall be maintained at the construction site until the private sewage system installation is completed, inspected, and accepted. During inspections, the plans shall be made available to the Department or the State upon request.
- (g) A modification to the design of a private sewage system which has been previously approved shall be submitted to the Department or the State as specified in Wis. Admin. Code Ch. SPS 383. Plan revisions must be approved prior to system installation.

70.15 PERMIT CARDS.

- (a) The permit card issued by the Department to the property owner or their agent shall serve as the sanitary permit.
- (b) The permit card shall contain all the information required by Wis. Stat. § 145.135.
- (c) The permit card shall be displayed at the site in such a manner that it will be visible from a road abutting the lot during all construction phases.
- (d) The permit card may not be removed until the private sewage system has been installed, inspected, and approved by the Department.

- (e) Failure to display the permit card shall be considered a violation of this Section and may subject the property owner, their agent, or contractor to penalty provisions of this Ordinance.

70.16 PERMIT EXPIRATION.

- (a) All installations or modifications to a septic system shall be completed within two (2) years from the date the Department issues the sanitary permit. The Department will renew a sanitary permit upon a property owner or his or her agent's submittal of a new sanitary permit application, signed and completed by a plumber, to the Department prior to the expiration date of the original permit.
- (b) The renewal shall be based on regulations in force at the time of renewal.
- (c) Changed regulations may impede or prevent the renewal.
- (d) The property owner, their agent, or contractor shall return the original permit card at the time application is made for renewal and receive a new card when the permit is renewed.
- (e) The Department, in its discretion, may place conditions on the renewal of a sanitary permit to replace a septic system.
- (f) A new sanitary permit shall be obtained by the owner or their agent prior to beginning construction if a sanitary permit has expired.

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

- (a) A new sanitary permit application bearing the name of the new owner and indicating the transfer of ownership shall be submitted to the Department.
- (b) The original sanitary permit card shall be returned to the Department so that a new permit card may be issued.
- (c) Transfer of ownership shall not affect the expiration date or renewal requirements.

70.18 CHANGE OF PLUMBERS.

- (a) When an owner wishes to change plumbers, a new sanitary permit application signed by the new plumber and indicating the change of plumber shall be submitted to the Department.
- (b) The transfer of sanitary permits shall take place prior to the installation of the private sewage system.
- (c) Sanitary permits for systems requiring State plan approval shall not be transferred to a different plumber unless the plan bears the stamp of an architect or engineer, plumbing designer, or a State level approval is obtained by the new plumber.
- (d) The original sanitary permit card shall be returned to the Department so that a new permit card may be issued.

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

70.20 RECONNECTION AND REPAIR.

- (a) A Sheboygan County Sanitary Permit shall be obtained prior to:
- (1) Construction of a structure to be connected to an existing private sewage system;
 - (2) Disconnection of a structure from an existing private sewage system and connection of another structure to the system, except as permitted in Section 70.20(d) of this Code;
 - (3) Rebuilding a structure that is connected to a private sewage system;
 - (4) Renovation of an existing unplumbed building if the renovation includes installation of plumbing fixtures that require connection to an existing private sewage system;
 - (5) Construction or installation of a non-plumbing sanitation system; or
 - (6) Replacement or repair of piping, including but not limited to building sewer, gravity effluent piping, suction line or force-main, but does not include distribution piping.
- (b) Prior to issuing a Sheboygan County Sanitary Permit, a licensed individual shall examine the existing private sewage system to:
- (1) Determine if it is functioning properly and whether it is a failing system.
 - (2) Determine if it will be capable of handling the proposed wastewater flow and contaminant load from the building to be served.
 - (3) Determine that all minimum setback requirements of Wis. Admin. Code Ch. SPS 383 will be maintained.
- (c) Application for a Sheboygan County Sanitary Permit shall include the following:
- (1) All items in Sections 70.13(a)(1)-(4) of this Code;
 - (2) For all systems that utilize soil for treatment or disposal, a Soil Evaluation Report verifying that the infiltrative surface of the existing treatment or dispersal component is at least two feet (2') above groundwater or bedrock for systems installed prior to December 1, 1969, and at least three feet (3') above the groundwater or bedrock for systems installed on or after December 1, 1969, unless a valid report meeting these criteria is on file with the Department or a lesser separation is allowed by Wis. Admin. Code Ch. SPS 383;
 - (3) A report provided by a licensed individual, certified septage servicing operator, private sewage system inspector or other person(s) authorized to do so by Wis. Admin. Code Ch. SPS 383 relative to the condition, capacities, baffles, and manhole covers for any existing treatment or holding tanks;
 - (4) A report provided by a licensed individual, private sewage system inspector, or other person(s) authorized to do so by Wis. Admin. Code Ch. SPS 383 relative to the condition and capacities of all other system components and verifying that the system is not a failing system;
 - (5) A plot plan prepared by a plumber or other person(s) authorized to do so by Wis. Admin. Code Ch. SPS 383 including information specified in Section 70.14(d)(3) of this Code; and

- (6) Complete plans, as specified in Section 70.14 of this Code, for any system components which will be modified or replaced.
 - (7) Reconnection to existing holding tanks may require a new servicing contract and an updated holding tank agreement which meets the requirements of this Ordinance.
 - (8) Reconnection to an existing system other than a holding tank may require a new maintenance agreement or servicing contract;
 - (9) If wastewater flow is to be based upon per capita occupancy or usage of the structure to which the private sewage system is connected, a completed and approved "Flow and Loads Affidavit" shall be signed and recorded in the Office of the Sheboygan County Register of Deeds.
- (d) Replacing a structure with a new or different structure within two (2) years of the date of permit issuance will only require a statement that the system has not been altered, a statement that a modification in wastewater flow or contaminant load will not occur, a plot plan that documents all setbacks between the structure and system components.
 - (e) All systems shall be inspected at the time of reconnection, prior to backfilling, to ensure that proper materials and methods are being used.

70.21 CONSTRUCTION AFFECTING WASTEWATER FLOW OR CONTAMINANT LOAD. Construction that is considered to be a modification of wastewater flow or contaminant load is defined in Section 70.03 of this Code. Prior to commencing the construction of an addition to or modification of a structure which will affect the wastewater flow and/or contaminant load to an existing private sewage system, the owner(s) of the property shall:

- (a) Possess a sanitary permit to construct a new private sewage system or modify an existing private sewage system to accommodate the modification in wastewater flow or contaminant load; or
- (b) Provide the following to the Department:
 - (1) Documentation that a private sewage system of adequate capability and capacity to accommodate the wastewater flow and contaminant load already exists to serve the structure, as specified in Wis. Admin. Code Ch. SPS 383;
 - (2) Documentation showing that the location of the proposed structure conforms to the applicable setback distances to all of the existing private sewage system components; and
 - (3) Documentation specified in Sections 70.20(c)(2), (3), and (4) of this Code.
 - (4) If wastewater flow is to be based upon per capita occupancy or usage of the structure to which the private sewage system is connected, a completed and approved "Flow and Loads Affidavit" shall be signed and recorded in the Office of the Sheboygan County Register of Deeds.
- (c) 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.

70.22 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.

70.23 FEES AND CHARGES. Fees shall be as determined and adjusted from time to time by the Planning, Resources, Agriculture, and Extension Committee of the Sheboygan County Board and as maintained by the Department in its "Sheboygan County Planning Department Fee Schedule." Pursuant to Wis. Stat. § 66.0628(2), any fee imposed shall have a reasonable relationship to the service for which the fee is imposed.

- (a) 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.
- (b) 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.

70.24 INSPECTIONS; GENERAL.

- (a) The plumber responsible for the installation shall give the Department notice in accordance with Wis. Admin. Code Ch. SPS 383 for final inspection t for all private sewage systems installed, modified, or reconnected.
- (b) 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.
- (c) The entire system shall be left completely open until it has been inspected and approved, unless the requirements of Wis. Admin. Code Ch. SPS 383 are not met by the Department.
- (d) 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.
- (e) The Department shall inspect the interior plumbing to verify all domestic waste discharges to a an approved private sewage system.
- (f) Private sewage systems may be inspected periodically, after the initial installation inspection(s) and/or after the system is operative, as deemed necessary by the Department.

70.25 INSPECTIONS; SITE-CONSTRUCTED HOLDING TANKS.

- (a) All site-constructed holding tanks shall be inspected after the floor is poured and the keyway and water stop are installed or after the forms for the tank walls have been set, but in all instances before any concrete for the walls has been poured.
- (b) Concrete walls may be poured only after it has been determined that the tank, as formed, complies with the approved plans.
- (c) A final inspection by the Department is required after all other work has been completed, but prior to backfilling.

70.26 INSPECTIONS; NON-PLUMBING SANITARY SYSTEMS.

- (a) All non-plumbing sanitary systems installed shall be inspected for compliance with Wis. Admin. Code Ch. SPS 391, or as amended, and this Ordinance. Non-plumbing sanitary systems serving uses other than one and two family dwellings shall also be inspected for compliance with Wis. Admin. Code Ch. SPS 352.63.
- (b) The property owner shall contact the Department for inspection immediately after the non-plumbing sanitary system has been constructed or installed.

70.27 INSPECTIONS; MOUNDS.

- (a) The plumber installing the mound shall contact the Department for inspection the working day prior to or the morning of the installation, excluding Saturdays, Sundays, and holidays.
- (b) Mound systems may be inspected prior to the time the ground surface is plowed, at the time the distribution piping installation has been completed, and after all other work has been completed but prior to backfilling. At least one (1) inspection prior to completion is required.

70.28 INSPECTIONS; AT-GRADE SYSTEMS.

- (a) The plumber installing the at-grade shall contact the Department for inspection the working day prior to or the morning of the installation, excluding Saturdays, Sundays, and holidays.
- (b) At-grade systems may be inspected prior to the time the ground surface is plowed, at the time the distribution piping installation has been completed, and after all work has been completed but prior to backfilling. At least one (1) inspection prior to completion is required.

70.29 INSPECTIONS; SAND FILTERS.

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

70.30 EXPERIMENTAL SYSTEMS AND SYSTEMS NOT RECOGNIZED BY WIS. ADMIN. CODE CH. SPS 383.60.

- (a) The plumber installing the system shall coordinate any required preconstruction meeting(s).
- (b) 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.
- (c) Inspections shall be done pursuant to the approved plan requirements and as deemed necessary by the Department to assure compliance with appropriate codes and the plan approval.

70.31 TESTING.

- (a) 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 as specified in Section 70.24(c) of this Code, so that the Department may make an inspection during the test.

- (b) The Department shall verify that required testing has been completed, by:
 - (1) Performing an inspection during the test,
 - (2) Requiring written verification from the responsible person, or
 - (3) Both (1) and (2) above.

70.32 MAINTENANCE AND MANAGEMENT.

- (a) All private sewage systems shall be managed and maintained in accordance with Wis. Admin. Code Chs. SPS 383 and 384 and this Ordinance.
- (c) The property owner or the owner's agent shall submit a copy of an appropriate maintenance agreement and/or maintenance servicing contract to the Department prior to sanitary permit issuance for treatment components requiring maintenance at intervals of twelve (12) months or less based upon product approval conditions.
- (d) The property owner or the owner's agent shall submit a new or revised maintenance agreement and/or maintenance servicing contract to the Department whenever there is a change of ownership.
- (e) The property owner or the owner's agent shall submit a new maintenance agreement and/or maintenance servicing contract to the Department prior to expiration of any existing maintenance agreement and/or maintenance servicing contract.
- (f) The owner of a private sewage system is responsible for fulfillment of the requirements of this Section.

70.33 PRIVATE SEWAGE SYSTEM MAINTENANCE PROGRAM.

- (a) Private sewage systems shall be visually inspected within three (3) years of the date of installation and at least once every three (3) years thereafter. If the inspection reveals a combined sludge and scum volume greater than or equal to one-third (1/3) of the volume of each tank, the tanks associated with the private sewage system shall be pumped.
- (b) The inspection, evaluation, or maintenance of private sewage systems that utilize pre-treatment components which require maintenance at intervals of 12 months or less shall be conducted in accordance with the requirements specified by the manufacturer or designer of the component.
- (c) The owner of a private sewage system shall contract with a licensed individual to complete the maintenance of the septic system. Within thirty (30) days of performing the maintenance, the licensed individual shall file the maintenance report with the Department through the Sheboygan County website at <http://www.co.sheboygan.wi.us/>. It shall be the property owner's responsibility to verify the online report has been filed prior to the deadline established for maintenance of the septic system.
- (d) Visual inspection of private sewage system components may be conducted by any licensed individual to determine the condition of the septic system components and whether wastewater or effluent from the private sewage system is ponding on the ground surface.
- (e) Pumping of tanks associated with a private sewage system shall be done by a certified septage servicing operator in accordance with Wis. Admin. Code Ch. NR 113.

- (f) Holding tanks that are not serviced on a regular basis due to minimal water usage in the structure served by the holding tank shall be visually inspected within three (3) years of the date of installation and at least once every three (3) years thereafter. The visual inspection shall be completed by a licensed pumper, plumber, or other person authorized to do so by the Wisconsin Statutes and the Wisconsin Administrative Code. Within thirty (30) calendar days of completing said inspection, the service provider on behalf of the owner of the holding tank shall submit the completed inspection report online.
- (g) Servicing of holding tanks shall occur at least when the wastewater in the tank reaches a level of one foot (1') below the inlet invert of the tank(s).
- (h) Any tank which discharges sewage to the ground surface, including intentional discharges and discharges caused by neglect, shall be considered as a failing private sewage system which will need to be remediated to remain in compliance with the requirements of the State Code and this Ordinance.

70.34 RESERVED.

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

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

- (a) Delegate duties to and supervise clerical staff and other employees to assure full and complete compliance with this Ordinance and related Wisconsin Statutes and the Administrative Code.
- (b) Advise applicants concerning the provisions of this Ordinance and assist them in preparing permit applications.
- (c) Review and approve plans for private sewage systems for one- and two-family residences or as approved through agent status by the State.
- (d) Issue sanitary permits and inspect properties for compliance with this Ordinance and related Wisconsin Statutes and the Administrative Code.
- (e) Keep records of all sanitary permits issued, inspections made, work approved, and other official actions.
- (f) Report violations of this Ordinance to the District Attorney or Corporation Counsel for prosecution.
- (g) Have access to any premises for the purpose of performing official duties between 8 AM and 8 PM or at other times set by mutual agreement between the property owner or his agent and the Department or upon issuance of a special inspection warrant in accordance with Wis. Stat. § 66.0119. Application for a sanitary permit is considered for the purposes of this Ordinance as the owner's consent to enter the premises.
- (h) Upon reasonable cause or question as to proper compliance, revoke or suspend any sanitary permit and issue cease and desist orders per Wis. Stat. § 254.59(2) requiring the cessation of any construction, alteration or use of a building which is in violation of the provisions of this Ordinance, until compliance with this Ordinance or applicable Wisconsin Statutes and the Administrative Code is obtained.

- (i) Issue and enforce orders to plumbers, pumpers, property owners, their agents or contractors or the responsible party, to assure proper compliance with all provisions of this Ordinance.
- (j) Issue citations pursuant to Chapter 90.06 of the Sheboygan County Code of Ordinances.
- (k) Apply for and distribute grants obtained through the Wisconsin Fund Grant Program.
- (l) Perform other duties regarding private sewage systems as considered appropriate by the County or the State.

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

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

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

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

In lieu of forwarding the subject violation to the Corporation Counsel for prosecution, the Department may, pursuant to Chapter 90.06 of the Sheboygan County Code of Ordinances, issue a citation to the offender. Issuance of the citation and payment of the required forfeiture does not preclude compliance with the terms and conditions of this Ordinance.

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

CHAPTER 71
SUBDIVISION ORDINANCE

- 71.01 AUTHORITY
- 71.02 TITLE
- 71.03 PURPOSE
- 71.04 SEVERABILITY AND NON-LIABILITY
- 71.05 REPEAL
- 71.06 ABROGATION AND GREATER RESTRICTIONS
- 71.07 EFFECTIVE DATE
- 71.08 JURISDICTION
 - (a) Unincorporated Areas
 - (b) Incorporated Areas
- 71.09 COMPLIANCE WITH ORDINANCES, STATUTES, REGULATIONS, AND PLANS
- 71.10 VIOLATIONS
- 71.11 PENALTIES
- 71.12 VARIANCES AND APPEALS
- 71.13 REVIEW FEES
 - (a) Preliminary Plats
 - (b) Final Plats
 - (c) Certified Survey Maps
 - (d) Planned Unit Developments
 - (e) Stewardship Fund
- 71.14 DEDICATION OF LANDS
 - (a) Streets and Public Ways
 - (b) Parks and Open Space
- 71.15 RESERVATION OF LANDS FOR PARK, OPEN SPACE, SCHOOL, OR PUBLIC SITES
- 71.16 FLOODPLAINS, WETLANDS, AND LAKE ACCESS
- 71.17 LANDS BETWEEN MEANDER LINE AND WATER'S EDGE
- 71.18 RESTRICTIONS FOR PUBLIC BENEFIT
- 71.19 IMPROVEMENTS
 - (a) Survey Monuments
 - (b) Grading and Surfacing
 - (c) Curb and Gutter
 - (d) Sidewalks
 - 71.19 (e) Street Lamps
 - (f) Street Name signs
 - (g) Street Trees
 - (h) Public Sewage Disposal Facilities
 - (i) Private Sewage Disposal Facilities
 - (j) Water Supply Facilities
 - (k) Storm Water Management and Erosion Control Facilities
 - (l) Other Utilities
- 71.20 LAND SUITABILITY
- 71.21 DESIGN STANDARDS
 - (a) Streets and Highways
 - (b) Utility Easements
 - (c) Drainage Easements
 - (d) Blocks
 - (e) Lots
 - (f) Minimum Areas and Widths
 - (g) Storm Water Management and Erosion Control Facilities
- 71.22 SURVEY AND DATA SUBMISSION REQUIREMENTS
 - (a) Preliminary Plat
 - (b) Final Plat
 - (c) Certified Survey Map
- 71.23 REVIEW AND APPROVAL PROCEDURES
 - (a) Pre-application Procedure
 - (b) Preliminary Plat Procedure
 - (c) Final Plat Procedure
 - (d) Replat Procedure

- (e) Certified Survey Map Procedure
- 71.24 PLANNED UNIT DEVELOPMENTS (i.e., Clusters, Condominiums, Cooperatives)
 - (a) Purpose and Intent
 - (b) Submittal Requirements
 - (c) Design
 - (d) Maximum Number of Units
 - (e) Permitted Uses
 - (f) Dedication and Maintenance
 - (g) Expansion
- 71.25 PLANS, MAINTENANCE, AND INSPECTION
 - (a) Plans
 - (b) Maintenance
 - (c) Inspection
- 71.26 DEFINITIONS

71.01 AUTHORITY. This Ordinance is adopted under the authority granted by Wis. Stat. §§ 59.971(3), 144.26, 236.45, and Wis. Stat. ch. 703 and amendments thereto; and, pursuant to this authority, the County Board of Supervisors of the County of Sheboygan does ordain as follows.

71.02 TITLE. This Ordinance shall be entitled, **SUBDIVISION ORDINANCE, SHEBOYGAN COUNTY, WISCONSIN (Chapter 71, Sheboygan County Code of Ordinances)**.

71.03 PURPOSE. It is the purpose of this Ordinance to promote the following objectives:

- (a) to protect the public health, safety, convenience, and general welfare of Sheboygan County, Wisconsin;
- (b) to encourage planned and orderly land use and development;
- (c) to promote property values and the property tax base;
- (d) to permit the careful planning and efficient maintenance of highway systems;
- (e) to promote the provision of adequate transportation, water, sewerage, health, education, recreation, and other public facilities;
- (f) to recognize the needs of agriculture, forestry, industry, and commerce in future growth;
- (g) to encourage uses of land and other natural resources which are in accordance with their character and adaptability;
- (h) to preserve wetlands;
- (i) to conserve soil, water, and forest resources;
- (j) to reduce erosion damage and sedimentation of surface waters;
- (k) to prevent downstream flood hazards and loss of life and property due to unmanaged peak flows, volumes, and runoff following the land development process;
- (l) to protect the beauty and amenities of the landscape and manmade developments;
- (m) to provide healthy surroundings for family life;
- (n) to promote the efficient and economical use of public funds; and
- (o) to conserve the value of the buildings placed upon land, provide the best possible environment for human habitation, and encourage the most appropriate use of land throughout Sheboygan County.

71.04 SEVERABILITY AND NON-LIABILITY. If any Section, provision, or portion of this Ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby.

The County does not guarantee, warrant, or represent that only those areas designated as floodplains will be subject to periodic inundation, that those areas identified as erosion hazard areas will erode at a rate equal to or greater than present computations would predict, and that those soils determined to be unsuited for specific uses are the only unsuited soils within the County and thereby asserts that there is no liability on the part of the Board of Supervisors, its agencies, or employees for sanitation problems, structural damages, or other losses that may occur as a result of reliance upon and conformance with this Ordinance.

71.05 REPEAL. All other Ordinances or parts of Ordinances of the County inconsistent or conflicting with this Ordinance, to the extent of inconsistency or conflict only, are hereby repealed.

71.06 ABROGATION AND GREATER RESTRICTIONS. It is not intended by this Ordinance to repeal, abrogate, annul, impair, or interfere with any existing easements, covenants, deed restrictions, agreements, rules, regulations, or permits previously adopted or issued pursuant to law. However, where this Ordinance imposes greater restrictions, the provisions of this Ordinance shall govern.

71.07 EFFECTIVE DATE. This Ordinance shall be effective after adoption by the County Board of Supervisors and publication and posting as required by law.

71.08 JURISDICTION.

(a) Unincorporated Areas. The provisions of this Ordinance shall apply in all unincorporated areas of Sheboygan County.

(1) The provisions of this Ordinance, as they apply to divisions of tracts of land into less than five (5) parcels, shall not apply to:

- A. Transfers of interest in land by Will or pursuant to court order.
- B. Leases for a term not to exceed ten (10) years, mortgages, or easements involving five (5) parcels or less.
- C. Sale or exchange of parcels of land between owners of adjoining property if additional lots are not thereby created and the lots resulting are not reduced below the minimum sizes required by these regulations or applicable laws or ordinances. In order to qualify for the benefit of this subsection, the deed or other instrument of conveyance shall include the following specific language immediately after the legal description, with appropriate choices made at each italicized reference: "Grantee(s), by recording this (*Deed*) (*document*), agree(s) that the above-described premises shall merge with the property *he/she/it/they* own(s) adjacent to the above-described property and shall hereafter be considered as one. All future descriptions will describe the premises as one unit in order to comply with Section 71.08(a)(1)C of the Sheboygan County Subdivision Ordinance." **NOTE:** If, by specific deed language, titles to joined lands merge, a certified survey map shall not be required since a free-standing "additional lot" is not created. See Section 71.26 of this Code for definition of **LOT**.
- D. A division of land resulting in parcels more than forty (40) acres in area.
- E. Cemetery Plats pursuant to Wis. Stat. § 157.07 and Assessor's Plats pursuant to Wis. Stat. § 70.27.
- F. Conversion of the form of ownership of existing buildings into condominiums or cooperatives.

- (2) Any "Land Division*" that results in the creation of five (5) or more lots, parcels, or building sites from the same "Mother Tract*" within a period of five (5) years shall be considered to be a "Subdivision*" and shall be accomplished by a subdivision plat and not additional certified survey maps. (*See Section 71.26 of this Code, "Definitions.")
- (3) For the purpose of this Ordinance, lots, tracts, or parcels shall be considered in the same ownership when owned by: the same individual corporations; an individual and another in joint tenancy, or as tenants in common, and either of said joint or common tenants owns other lots individually or as a joint tenant or tenant in common, together with another, an individual, and other lots are owned by one's spouse, parent, grandparents, children, grandchildren, or the spouse of any child or grandchild, or a brother or sister or spouse of the brother or sister of such person; and, when any of said lots, tracts, or parcels are owned by an individual and other lots, tracts, or parcels are owned by the corporation in which said individual is an officer or director or controlling stockholder.
- (4) Lots, tracts, or parcels which are bisected by an existing public road, by a railroad right-of-way, or by navigable waters, for the purposes and provisions of this Ordinance as they apply to subsequent land divisions, shall be considered to be effectively divided into separate lots, tracts, or parcels. (See 77 Atty. Gen. 66, which notes that a public thoroughfare effectively splits land tracts which are not "susceptible to integration into a single unit of land.")
- (5) Any conveyance of land to a governmental agency, public entity, or public utility, and any land conveyance within a pre-planned business park shall not be considered a division of land for purposes of computing the number of parcels but shall be accomplished by a certified survey map or subdivision plat as hereinafter defined.

(b) Incorporated Areas.

- (1) The provisions of this Ordinance shall apply in all incorporated areas which have, under Wis. Stat. § 66.30 entered into agreement with Sheboygan County for the cooperative exercise of the authority to approve plats of subdivisions.
- (2) Plans of subdivisions located in all other incorporated municipalities shall be submitted to the Commission as provided by Wis. Stat. § 236.12(2)(b) for the purpose of determining whether the Commission has any objection to the plat. The basis for any objection to said plats shall be conflict with park and recreation areas, parkways, expressways, major highways, airports, drainage channels, floodplains, wetlands, schools, or other planned public development.

71.09 COMPLIANCE WITH ORDINANCES, STATUTES, REGULATIONS, AND PLANS. Any person dividing land which results in a subdivision shall prepare a plat of the subdivision, or which results in a land division shall prepare a certified survey map, in accordance with the requirements of this Ordinance and:

- (a) The provisions of Wis. Stat. ch. 236 and Wis. Stat. § 80.08;
- (b) The rules of the Department of Commerce, contained in Wis. Admin. Code Ch. Comm 85 for subdivisions not served by public sewer;
- (c) The rules of the Division of Highways, Department of Transportation, contained in Wis. Admin. Code Ch. HY 33 for subdivisions which abut a state highway or connecting street;
- (d) The rules of the Department of Natural Resources contained in Wis. Admin. Code Chs. NR 115 and NR 116 for Wisconsin's Shoreland-Wetland Management and Floodplain Management Programs;
- (e) All applicable County and local ordinances and regulations;

- (f) Local and County comprehensive plans or comprehensive plan components;
- (g) The official map of any municipality or governmental unit having jurisdiction; and
- (h) The rules and by-laws of the Department of Regulation and Licensing.

71.10 VIOLATIONS. It shall be unlawful to divide, convey, record, or monument any land in violation of this Ordinance or the Wisconsin Statutes. The County may institute appropriate action or proceedings to enjoin violations of this Ordinance.

71.11 PENALTIES. Any person failing to comply with the provisions of this Ordinance shall, upon conviction thereof, forfeit to Sheboygan County a penalty of not more than Five Hundred Dollars (\$500.00) plus the costs of prosecution for each violation, and in default of payment of such forfeiture and costs, shall be imprisoned in the County Jail until payment thereof but not exceeding thirty (30) days. Each day a violation exists or continues shall constitute a separate offense. Compliance therewith may also be enforced by injunctive order at the suit of the County.

71.12 VARIANCES AND APPEALS. Where the Commission finds that it would be inappropriate to apply literally or that exceptional and unnecessary hardships may result from strict, literal application of these regulations, it may waive or modify the regulations so that substantial justice may be done and the public interest served, provided that such variation will not have the effect of nullifying the intent and purpose of this Ordinance or be in conflict with state statutes and administrative codes. In so acting, the Commission may require such conditions as will, in its judgment, secure substantially the objectives and standards of this Ordinance. A simple majority vote of the Commission shall be required to grant any modification or variance and such actions shall be entered in the minutes of the Commission setting forth the reasons for the request and the reasons, in the judgment of the Commission, which justify the variance.

Any person seeking a review by the Commission under this Section shall submit to the Commission a review fee amounting to Three Hundred Dollars (\$300.00) prior to the Commission making its review.

Any person aggrieved by a modification, order, requirement, interpretation, or determination made by the Commission may appeal such decision to the Sheboygan County Board of Adjustments, pursuant to Chapter 76 of this Code and Wis. Stat. § 59.99.

Any person aggrieved by an objection to a plat or a failure to approve a plat may appeal therefrom, as provided in Wis. Stat. § 236.13(5) within thirty (30) days of notification of the rejection of the plat.

71.13 REVIEW FEES.

(a) Plats. The subdivider shall submit to the Commission a fee amounting to Four Hundred Dollars (\$400.00) plus Four Dollars (\$4.00) for each acre of land shown on the preliminary plat and Two Hundred Dollars (\$200.00) plus Four Dollars (\$4.00) for each acre of land shown on a final plat prior to receiving Commission approval thereof to assist in defraying the costs of necessary inspections and for the review of both the preliminary and final plats, only while the Commission acts in the capacity of "approving agency."

(b) Certified Survey Maps. The subdivider shall submit to the Commission a fee amounting to Two Hundred Sixty-five Dollars (\$265.00) prior to receiving Commission approval to assist in defraying the costs of necessary inspections and for review of the map.

(c) Condominium Plats and Planned Unit Developments. The subdivider shall submit to the Commission a fee amounting to Two Hundred Dollars (\$200.00) plus Four Dollars (\$4.00) for each acre of land shown on a final condominium plat and/or final development plan prior to receiving Commission approval thereof.

71.14 DEDICATION OF LANDS.

- (a) **Streets and Public Ways.** Whenever a parcel of land to be divided as a subdivision contains all, or in part, a street, highway, drainageway, other public way, or public access to navigable lakes or streams which has been designated in a comprehensive plan as defined in this Ordinance, or an official map adopted under Wis. Stat. § 62.23, such public way or access shall be made a part of the plat and dedicated or reserved by the subdivider in the location and dimensions indicated, unless otherwise provided herein.
- (b) **Stewardship.** While regulation of land division serves to lessen congestion in the streets and highways; furthers the orderly layout and use of land; secures safety from fire, panic, or other dangers; provides for adequate light and air, including access to sunlight for solar collectors and to wind for wind energy systems; prevents the overcrowding of land; avoids undue concentration of population; and facilitates adequate provision for transportation, water, sewerage, schools, parks, playgrounds, and other public requirements, additional measures beyond regulation of land division are necessary and appropriate. To that end, there is created a special "Stewardship Fund" into which fund on a non-lapsing basis the County Board may appropriate sums for the furtherance of the foregoing purposes. The Stewardship Fund shall be administered by the Planning and Resources Department.

71.15 RESERVATION OF LANDS FOR PARK, OPEN SPACE, SCHOOL, OR PUBLIC SITES. Whenever a parcel of land to be divided as a subdivision or a land division contains all, or in part, a site for a park or open space use, or a school or other public site, which has been designated in a comprehensive plan as defined in this Ordinance or an official map adopted under Wis. Stat. § 62.23 and the area of which is in excess of the amount of land required to be dedicated in Section 71.14, above, such park, open space, school, or public site shall be made a part of the plat. The subdivider shall reserve such proposed public lands for a period not to exceed three (3) years unless extended by mutual agreement for acquisition by the public agency having jurisdiction.

71.16 FLOODPLAINS, WETLANDS, AND LAKE ACCESS. Whenever a tract of land to be subdivided includes any part of identified floodplains or wetlands as defined in Chapter 72 of this Code, such floodplains and wetlands shall be made a part of the plat. Floodplains and wetlands included within a subdivision plat shall be included within lots or outlots or reserved for acquisition as provided in Sections 71.14 and 71.15, above, or if approved by the Commission, shall be reserved in perpetuity for the recreational use of the future residents of the land to be divided.

All subdivisions abutting a navigable lake or stream shall, pursuant to provisions of Wis. Stat. § 236.16 and this Ordinance, provide public access at least sixty (60) feet wide to the low water mark, such public access being connected to existing public roads at not more than one-half (1/2) mile intervals as measured along the lake or stream shore, except when greater intervals and wider access is agreed to by the Department of Natural Resources, the Department of Administration, and the Commission, and excluding shore areas where adequate accessible public parks or open space, streets, or roads on either side of a stream are provided. This requirement does not require any local unit of government to improve land provided for public access.

71.17 LANDS BETWEEN MEANDER LINE AND WATER'S EDGE. The lands lying between the meander line established in accordance with Wis. Stat. § 236.20(2)(g) and the water's edge, and any otherwise unplattable lands which lie between a proposed subdivision and the water's edge shall be included as part of lots, outlots, or public dedications in any plat abutting a lake or stream. This requirement applies not only to lands proposed to be subdivided, but also to all lands under option to the subdivider or in which he holds any interest and which are contiguous to the lands proposed to be subdivided and which abut a lake or stream.

71.18 RESTRICTIONS FOR PUBLIC BENEFIT. Any restrictions placed on platted land by covenant, grant of easement, or in any other manner, which were required by the Commission, town board, or public utility, or which name Sheboygan County, the town, or public utility as grantee, promisee, or beneficiary, vest in Sheboygan County, the town, or public utility the right to enforce the restriction at law or in equity against anyone who has or acquires an interest in land subject to the restriction. Such restrictions shall include obligations to pay maintenance assessments for commonly held open space property, shore protection works, erosion control measures, and other improvements. The restriction may be released or waived in writing by Sheboygan County, the town, or public utility having the right of enforcement.

71.19 IMPROVEMENTS. Prior to the approval of final plats or certified survey maps, the subdivider or the subdivider's agent shall furnish and install any of the following improvements in accordance with the standards and specifications hereinafter identified as being required by the Commission, the town board, or any municipality having extraterritorial plat approval jurisdiction. The required improvements are to be furnished and installed at the sole expense of the subdivider.

In lieu of causing the immediate construction of the required improvements, the subdivider shall enter into a contract which may require the filing of a performance bond, certified check, certified letter of credit, sufficient collateral, or other acceptable surety, with the Commission, the town board, and/or municipality agreeing and ensuring that the subdivider or the subdivider's agent will cause construction of the required improvements within a time period specified. The penal amount of the bond, or value of other acceptable surety, shall equal at least one hundred ten percent (110%) of the estimated costs of the improvements. The performance instrument shall also secure all lots improvements on individual lots as required in this Ordinance.

(a) Survey Monuments. The subdivider shall install survey monuments placed in accordance with the requirements of Wis. Stat. § 236.15. [Pursuant to Wis. Stat. § 236.15(l)(h) the governing body of the city, village, or town which is required to approve the subdivision under Wis. Stat. § 236.10 may waive the placing of monuments for a reasonable time on condition that the subdivider executes a surety bond to ensure that the subdivider will place the monuments within the time required.]

(1) Any land division resulting in a subdivision or certified survey map in Sheboygan County shall utilize the Sheboygan County Coordinate Monumentation System.

(b) Grading and Surfacing. The subdivider shall grade the right-of-way of all streets proposed to be dedicated in accordance with plans and standard specifications approved by the County Highway Commission and/or town board. After the installation of all utility and storm water drainage improvements, the subdivider shall surface all roadways and streets proposed to be dedicated in accordance with plans, standard specifications, and scheduling approved by the County Highway Commission and/or the town board.

(c) Street Sections. When permanent street sections have been approved by the unit of government having jurisdiction, the subdivider shall finish grade all shoulders and ditches, and install all necessary culverts and other storm and surface water drainage structures or systems to effect positive drainage away from buildings and service facilities and to prevent erosion and sedimentation, in accordance with plans and standard specifications approved by the Commission and/or the town board.

(d) Curb and Gutter. The town board may require the subdivider to construct concrete curbs and gutters within platted subdivisions in accordance with plans and standard specifications approved by the town board.

(e) Sidewalks. The town board may require the subdivider to construct a concrete sidewalk on one side of all frontage streets and on one or both sides of all other streets within platted subdivisions, in accordance with plans and standard specifications approved by the town board.

Wider than standard sidewalks may be required by the town board in the vicinity of schools, commercial areas, and other places of public assemblage, or where joint pedestrian/bicycle use thereon is deemed desirable; and it may require the construction of sidewalks in locations other than required above if such walks are necessary, in their opinion, for safe and adequate pedestrian or bicycle circulation.

(f) Street Lamps. The town board may require the subdivider to install street lamps along streets proposed to be dedicated within platted subdivisions in accordance with design, quality, and/or energy efficiency standards approved by the town board and deemed to be compatible with the neighborhood. Such lamps shall be placed at each street intersection and at such interior block spacing as may be required by the town board.

- (g) Street Name Signs. The town board may require the subdivider to install at the intersection of all streets proposed to be dedicated within platted subdivisions, a street name sign of a design specified by the town board.
- (h) Street Trees. The town board may require the subdivider to plant at least one (1) tree of an approved species and of at least six (6) feet in height for each fifty (50) feet of frontage on all streets to be dedicated within platted subdivisions. Tree plantings shall be completed in accordance with plans and specifications approved by and at such time as directed by the town board.
- (i) Public Sewage Disposal Facilities. When public sewer facilities, in the opinion of the Commission and the local municipality, are available to the subdivision, the subdivider shall construct sanitary sewerage facilities in such a manner as to make adequate sanitary sewerage service available to each lot within the subdivision. Such construction may include, where necessary, sanitary pumping stations, sanitary pressure mains, and sanitary interceptor mains, the cost of which shall be prorated on the basis of percent of service area within the subdivision.

The size, type, and installation of all sanitary sewerage facilities proposed to be constructed shall be in accordance with plans and standard specifications approved by the local municipality and/or minimum state standards. The local municipality may require the installation and capping of sewer laterals for future connection.

Where a town sanitary district has been created pursuant to Wis. Stat. § 60.71 for the purpose of providing and constructing sanitary sewers, plans and standard specifications shall be subject to approval by the town sanitary district commission.

- (j) Private Sewage Disposal Facilities. When public sewer facilities, in the opinion of the Commission and the local municipality, are neither presently available nor likely to become available within a reasonable time period, private on-site sewage disposal systems may be constructed to serve the individual lots in the subdivision. (Such construction is typically the responsibility of the individual lot owners at the time that building is proposed.) However, cluster or other common sewage collection and disposal systems may be designed by the subdivider and may be installed with the express consent of the Commission and the state agency having jurisdiction over private sewage disposal.

All private sewage disposal systems and site suitabilities therefor shall conform to the requirements of Wis. Admin. Code Ch. Comm 83 and Comm 85 of the and to the requirements of the Sheboygan County Sanitary Ordinance; each document is hereby adopted by reference and incorporated herein as though fully set out.

- (k) Water Supply Facilities. When public water supply and distribution facilities, in the opinion of the Commission and the local municipality, are available to the subdivision, the subdivider shall cause such facilities to be installed in such a manner as to make adequate water service available to each lot within the subdivision. The size, type, and installation of all public water supply facilities proposed to be constructed shall be in accordance with plans and standard specifications approved by the local municipality.

When a town sanitary district has been created pursuant to Wis. Stat. § 60.71 for the purpose of providing and constructing a system of water works, all plans and standard specifications shall be subject to approval by the town sanitary district commission.

In the absence of public water supply and distribution facilities, private wells and water supply systems may be constructed to serve the individual lots in the subdivision. (Such construction is typically the responsibility of the individual lot owners at the time that building is proposed.) All such private wells and water supply systems shall conform to the requirements of Wis. Admin. Code Chs. NR 112, Comm 83, and Comm 85, and to the requirements of the Sheboygan County Sanitary Ordinance; each document is hereby adopted by reference and incorporated herein as though fully set out.

- (l) Storm Water Management and Erosion Control Facilities. The subdivider shall construct storm water management and erosion control facilities which are adequate to serve the subdivision and which do not adversely affect adjacent lands outside of the subdivision, as established in Section 71.21(h) of this Code.
- (m) Other Utilities. All new electric distribution lines [excluding lines of fifteen thousand (15,000) volts or more], telephone lines from which individual lots are served, telegraph lines, and cable or community antenna television cables within all newly platted subdivisions and land divisions shall be installed underground unless the Commission determines that the location, topography, soil, stands of trees, or other physical barriers would make underground installation unreasonable or impractical or that the lots to be served by said facilities would be best served directly from existing overhead facilities. Associated equipment and facilities which are appurtenant to underground electric and communications systems, including but not limited to, substations, pad-mounted transformers, switches, and above-ground pedestal-mounted terminal boxes may be located above ground.

Utility easements shall be established on subdivision plats and certified survey maps as set forth in Section 71.21(b) of this Code.

71.20 LAND SUITABILITY. No land shall be divided or subdivided for use which is determined to be unsuitable by the Commission because of flooding or potential flooding, wetlands, soil or rock limitations, inadequate drainage, severe erosion potential, unfavorable topography, inadequate water supply or sewage disposal capabilities, incompatible surrounding land use, or any other condition likely to be harmful to the health, safety, or welfare of the future residents or users of the area, or likely to be harmful to the community or the County.

Except as provided herein, the Commission shall determine such unsuitability at the time the preliminary plat or certified survey map is considered for approval. The subdivider shall furnish such maps and data as may be necessary to make a determination of land suitability. In addition to the data required to be submitted with the preliminary plat or certified survey map, the subdivider may be required to submit some or all of the following additional information for development located in an area where flooding or potential flooding may be a hazard:

- (a) Two (2) copies of an aerial photograph or two (2) maps prepared by a registered land surveyor or professional engineer, which accurately locate the proposed development with respect to floodplain zoning district limits if present, channel or stream fill limits and elevations, and floodproofing measures taken or proposed to be taken.
- (b) Two (2) copies of a typical valley cross-section showing the channel of the stream, the floodplain adjoining each side of the channel, cross-sectional area to be occupied by the proposed development, and high water information.
- (c) Two (2) copies of a profile showing the slope of the channel or flow line of the stream.
- (d) Such other data as may be required.

In subdivisions along the Lake Michigan shoreline, erosion hazard setback lines shall be determined for all erodible bluffs, ravines, dunes, and beaches. In applying these provisions, the Commission may require subdividers to submit a report, prepared by a registered professional engineer, stating that the site is or can be made suitable for the proposed development. Factors to be described and analyzed include:

- (a) projected wave-induced erosion based upon recession rates and wave energy calculations;
- (b) geologic conditions including the soils and stratigraphy of the site and an analysis of the stability of the materials present;
- (c) ground and surface water conditions and variations including changes that will be caused by the proposed development;

- (d) plans and specifications for bluff and shoreline stabilization measures and for measures to protect against wave erosion, the estimated life of such measures, their costs, and maintenance required, and the effect on nearby properties and the shoreland and lake environment;
- (e) methods to be used to control surface erosion and stormwater runoff during and after construction;
- (f) the elevation of the one hundred- (100-) year flood and storm surge where the site is subject to flooding; and
- (g) other pertinent data to determine the site suitability of the proposed use and location.

Lands made, altered, or filled with non-earth materials or with soils differing in texture and structure from the existing soils, and lands drained by agricultural drainage systems, shall not be served by on-site soil absorption sewage disposal systems, unless specifically approved by the Commission and the state agency having jurisdiction over private sewage disposal.

Certain soil types in Sheboygan County have moderate to severe limitations for the operation of soil absorption sewage disposal systems because of slow permeability, near-surface soil saturation, shallow bedrock, or steep slopes. Because of these limitations, land comprised of such soil types shall be reviewed by the Commission to establish conformance with Wis. Admin. Code Chs. Comm 83 and Comm 85 and the Sheboygan County Sanitary Ordinance prior to approval of any subdivision or land division.

In applying the provisions of this Section, the Commission shall in writing, recite the particular facts upon which it bases its conclusion that the land is unsuitable for the intended use or development and afford the subdivider an opportunity to present evidence and the means of overcoming such unsuitability, if he so desires. Thereafter, the Commission may affirm, modify, or withdraw its determination of unsuitability.

71.21 DESIGN STANDARDS.

- (a) Streets and Highways.
 - (1) The subdivider shall dedicate land for and improve public streets in any new subdivision or land division. The arrangement, character, extent, width, grade, and location of all streets shall conform to all applicable plans, official maps, or highway width maps adopted by the applicable local unit(s) of government and the County, and shall be related to and complimentary with existing and planned streets, topographic conditions, existing natural features, prospective utilities, public convenience and safety, and proposed land uses to be served by such streets.

Each lot within the subdivision or land division shall have access to a public street. Where the Commission, pursuant to Section 71.12 "Variances and Appeals," approves access to any lot by a private road, lane, or drive, the said way shall have a minimum cleared right-of-way or access easement of fifty (50) feet and shall be continuous to a public street or acceptable private street [see Wis. Stat. § 80.13(5)]. Further, upon approval thereof, the seller or land divider shall place an affidavit on the face of the certified survey map or plat stating:

"The land divider and future assignees who acquire ownership of this (these) land parcel(s) hold Sheboygan County and the town harmless for problems of access to and from the public road and the building site(s)."

The right-of-way width and building setback requirements of all limited access expressways, highways, and county road routes shall be determined by the Commission upon the recommendation of the Department of Transportation or the County Highway Commission, whichever is appropriate. All town roads shall comply with the minimum design standards of Wis. Stat. § 86.26.

- (2) Arrangement of Streets.
 - A. Arterial streets, as herein defined, shall be arranged so as to provide ready access to centers of employment, governmental activity, commerce, and recreation and shall be properly integrated with the existing and proposed system of major streets, highways, and thoroughfares.
 - B. Collector streets, as herein defined shall be arranged so as to provide ready collection of traffic from residential areas and conveyance of this traffic to the arterial street and highway system, and shall be properly related to mass transportation systems, to special traffic generators such as schools, churches, and shopping centers, to other concentrations of population, and to the arterial streets into which they feed.
 - C. Local streets, as herein defined, shall be arranged to conform as much as possible to topography, to discourage use by through traffic, to permit the design of efficient drainage and sewer systems, and to require the minimum amount of street necessary to provide safe and convenient access to property.
 - D. Proposed streets shall be extended to the boundary lines of the tract being subdivided, unless prevented by topography or other physical conditions, or unless the Commission finds that such extension is not necessary or desirable for the coordination of the subdivision layout or for the advantageous development of the adjacent tracts. Consistency with master street plans, area development plans, or official maps, if any, adopted by the local municipality, shall be the primary criterion in determining street layout.
- (3) Where a subdivision abuts or contains an existing or proposed arterial street, the Commission may require marginal access streets (frontage streets), reverse frontage lots with screen plantings contained in a non-access reservation along the rear of the property line, or such other treatment as may be necessary for adequate protection of residential properties and to afford separation of through and local traffic.
- (4) When a subdivision borders on or contains a railroad right-of-way or limited access highway right-of-way, the Commission may require a street approximately parallel to and on each side of such right-of-way, at a distance suitable for the appropriate use of intervening land. Such distances shall also be determined with regard to the requirements of approach grades and future grade separation. [In Subsections (3) and (4) above, it is recommended that the Commission consider requiring a planting strip at least thirty (30) feet in depth adjacent to the highway or railroad in addition to the normal lot depth. This strip shall then be a part of the platted lots but shall have the following type of restriction lettered on the face of the plat: "This strip reserved for the planting of trees and shrubs, and the building of all structures excepting public or private utilities structures thereon is prohibited."]
- (5) The number of streets converging at one (1) intersection shall be reduced to a minimum preferably not more than two (2).
- (6) The number of intersections along arterial streets shall be held to a minimum. Wherever practicable, the distance between such intersections shall be not less than one thousand two hundred (1,200) feet.
- (7) Street jogs with centerline offsets of less than one hundred fifty (150) feet shall be avoided.

- (8) Where possible, lot lines shall be perpendicular to the street line and to the tangent at the lot corner of curved streets.
- (9) A tangent at least one hundred (100) feet long shall be introduced between reverse curves on arterial and collector streets.
- (10) Streets shall be laid out so as to intersect as nearly as possible at right angles and no street shall intersect any other street at less than seventy-five (75) degrees.
- (11) Reserve strips controlling access to streets shall be prohibited except where their control is placed with the town or County under conditions approved by the Commission.
- (12) All street rights-of-way shall be of the width specified by comprehensive plans, comprehensive plan components, or official maps, if any, of the County, town, or municipality having extra-territorial jurisdiction, or, if not specified therein, they shall not be less than the width specified in the chart below.
- (13) The maximum street grade and the minimum radius of curvature on the centerline shall be as specified in the chart below.

STREETS					
		Principal and Primary Arterials	Standard Arterials and Collectors	Local	Marginal Access (Frontage)
Minimum Right-of-Way Width (feet)		120	80	66	50
Minimum Radius of Curvature of Centerline (feet)		500	300	100	
Maximum Grade		6%	8%	10%	
Exceptions:	WIDTH	The right-of-way widths of minor residential streets (local) may be reduced pursuant to sec. 236.16(2), Stats.			
	GRADE	Where necessitated by exceptional topography and justifiable environmental considerations, the Commission may approve a steeper grade, but in NO case shall the grade of any street exceed twelve percent (12%).			

- (14) The design of the vertical alignment of the centerline shall be based on the minimum safe stopping sight distance in accordance with the design standards of the American Association of State Highway Officials (AASHO).
- (15) The use of cul-de-sacs shall be limited to portions of developments which, due to unusual topographical, environmental, or other particular conditions, may better be served by cul-de-sacs than by continuous streets. The unrestricted use of cul-de-sacs or courts will not be acceptable.
- (16) Cul-de-sac streets designed as permanent installations shall not exceed one thousand (1,000) feet in length. All permanent cul-de-sac streets shall terminate in a circular turnaround having a minimum radius for the outside curve of sixty (60) feet with a forty-five- (45-) foot minimum pavement radius. Where topographical, environmental, or other particular conditions warrant, the length may be extended and/or the radii reduced at the discretion of the Commission. However, whenever such relaxation is authorized by the Commission, the seller or land divider shall place an affidavit on the face of the certified survey map or plat stating,

"The land divider and future assignees who acquire ownership of this (these) land parcel(s) hold Sheboygan County and the town harmless for problems of access to and from the public road and the building site(s)."

- (17) Dead-end streets other than cul-de-sacs shall only be permitted if authorized by the Commission or if it appears on the official municipal street map. When so authorized, a suitable turnaround shall be provided, and appropriate arrangements shall be made for those parts of temporary turnarounds outside the right-of-way to revert to the abutting property owners when the street is extended.
- (18) The platting of half-streets (e.g. streets with less than full right-of-way width) shall be prohibited except where necessary for continuity of the street plan in the area or where the remaining portion appears on the municipality's official map. Where an existing dedicated or platted half-street is adjacent to a tract being subdivided, the other half of the street shall be dedicated by the subdivider.
- (19) In commercial and industrial districts, alleys or other definite and assured provisions shall be made for off-street loading and service access consistent with and adequate for the uses proposed. The width of alleys shall not be less than twenty-four (24) feet. Alleys shall not be permitted in residential areas.
- (20) Street names.
- A. The Commission may disapprove the name of any new street which has already been used elsewhere in the County or, because of similarity, may cause confusion.
- B. Any street which is the reasonable continuation of the existing street shall bear the same name. If the topography or other features of a reasonably permanent nature are such as to render the continuation of the actual roadway not reasonably possible, and where such nomenclature is apt to produce confusion, the street shall not carry the same name as the street to which it may be geometrically aligned.
- C. The following street designations shall be considered in nomenclature:
- BOULEVARD** A street with a divided pavement either existing or planned. If the divided pavement ends but the street continues, the same street name and suffix shall continue.
- LANE** A street one (1) block long not ending in a cul-de-sac.
- CIRCLE** A cul-de-sac having nine (9) lots or more.
- COURT** A cul-de-sac having eight (8) lots or less.
- PARKWAY** A street abutting a park or greenway or creek.
- D. The name of the projection of a street shall continue the same suffix as the street even if the projection terminates in a cul-de-sac.
- (21) No person shall sell any new parcel of land of forty (40) acres or less in size if it abuts on a road which has not been accepted as a public road. Where the Commission, pursuant to Section 71.12 "Variances and Appeals" approves access to any lot by a private road, lane, or drive, the said way shall have a minimum cleared right-of-way or access easement of fifty (50) feet and shall be continuous to a public street or acceptable private street [see Wis. Stat. §

80.13(5)]. Further, upon approval thereof, the seller or land divider shall place an affidavit on the face of the certified survey map or plat stating:

"The land divider and future assignees who acquire ownership of this (these) land parcel(s) hold Sheboygan County and the town harmless for problems of access to and from the public road and the building site(s)."

(b) Utility Easements.

- (1) Perpetual, unobstructed easements centered on rear lot lines of subdivisions and land divisions shall be provided for utilities (private and municipal) where necessary; such easements shall be at least twelve (12) feet wide and shall be designated as "Utility Easements" on the plat or certified survey map. Proper coordination shall be established between the subdivider and the applicable utility companies for the establishment of utility easements along adjoining properties.
- (2) Where topographical or other conditions are such as to make impractical the inclusion of utilities within the rear lot line, perpetual, unobstructed easements at least twelve (12) feet wide shall be provided along side lot lines and shall be designated as "Utility Easements" on the plat or certified survey map.

(c) Drainage Easements.

- (1) Where a subdivision is traversed by a stream, channel, watercourse, or drainageway, there shall be provided a stormwater drainage easement or right-of-way conforming substantially to the lines of such watercourse, and of such width and/or construction as will be adequate for the purpose. The location, width, alignment, and improvement of such drainageway or easement shall be consistent with the stormwater management and erosion control plans required in Section 71.21(h) of this Code. Wherever possible, it is desirable that parallel streets or parkways be employed in connection therewith and that stormwater drainage be maintained by open (seeded or sodded) waterways of adequate size and grade to hydraulically accommodate maximum potential volumes of flow, subject to review and approval by the Commission.
- (2) Whenever topography or other conditions are such as to make impractical the inclusion of drainage facilities within road rights-of-way, then perpetual, unobstructed easements at least fifteen (15) feet wide, or as expressly recommended by the County Land Conservation Department for such drainage facilities, shall be provided across property outside the road lines and with satisfactory access to the road. Such drainage easements shall be so designated on the final plat or certified survey map followed by reference to the permitted use or uses or any prohibitions expressly required by the Commission. Drainage easements shall be carried from the road to a natural watercourse or to other drainage facilities. When a proposed drainage system will carry water across private land outside the subdivision or land division, appropriate drainage rights must be secured and indicated on the final plat or certified survey map.

(d) Blocks.

- (1) The length, width, and shape of blocks shall be suited to the planned use of the land, zoning requirements, needs for convenient access, control, and safety of street traffic, and the limitations and opportunities of topography.
- (2) Blocks in residential areas shall not, as a general rule, be more than one thousand five hundred (1,500) in length unless otherwise dictated by exceptional topography or other limiting factors of good design as expressly approved by the Commission.

Class	Minutes Required for Water to Fall 1"	Lot Area (sq. ft.)	Average Lot Width (ft.)	Suitable Soil Area (sq. ft.)	Minimum Lot Area (sq. ft.)	Average Lot Width (ft.)	Suitable Soil Area (sq. ft.)
1	Under 10	20,000	100	10,000	12,000	75	6,000
2	10 to < 20	20,000	100	10,000	14,000	75	7,500
3	30 to < 45	25,000	100	12,500	16,000	75	8,000
4	45 to 60	30,000	100	15,000	18,000	100	9,000
5	> 60 to 120*	30,000	100	15,000	18,000	100	9,000
*Mound System Only							
NOTE: Chapter NR 112, Wisconsin Administrative Code, requires a 1,200 foot separation between potable water supply wells and proposed or existing sanitary landfills. The Department of Natural Resources should be consulted if a community water supply well is located in or near a proposed unsewered subdivision.							

- Any portion of a lot having a width of less than thirty (30) feet shall not be considered in determining the minimum lot area.
- Any easement or combination of adjacent easements which is greater than twenty (20) feet wide shall not be considered in determining minimum lot area, and the minimum lot area shall not be divided by any easement, unless approved in writing by the Commission, and when applicable, the Department of Commerce.

(g) Elevation Requirements. Unless reduced by "preplanning" under Wis. Admin. Code § Comm 85.04(7) each lot in a subdivision or land division shall have a minimum continuous suitable soil area not less than that specified in the preceding Table which meets all of the elevation requirements relating to floodwater, high ground water, bedrock, land slopes, and depth of suitable permeability. The following explains these requirements:

(1) Floodwater.

- A. Rivers, streams, and flow-through lakes. All of a lot's minimum continuous suitable soil area and at least ninety percent (90%) of a lot's minimum lot area shall be above the elevation of the regional flood as defined in Wis. Admin. Code Ch. NR 116. Where this is a factor, the regional flood elevation shall be delineated and so labeled on the recorded final plat. This elevation shall be verified by the Department of Natural Resources.
- B. Other bodies of water. All of a lot's minimum continuous suitable soil area and at least ninety percent (90%) of a lot's minimum lot area shall be at least two (2) feet above the highest known water elevation of any body of water not covered under Subsection 1, above. Where this is a factor, the contour two (2) feet above the highest known water elevation shall be delineated and so labeled on the recorded final plat.

(2) Groundwater and Bedrock.

- A. Subsurface systems. Except as provided in Subsection B, below, the minimum continuous suitable soil area shall have a minimum of three (3) feet of soil between the bottom of the proposed systems and high groundwater and bedrock.
- B. Mound systems. Where mound systems are proposed, the minimum continuous suitable soil area shall have a minimum of two (2) feet of soil from existing grade to high groundwater and bedrock.
- C. Non-complying areas. Any lot areas not meeting the requirements of Subparagraphs A and B, above, shall be delineated on all plats.

(3) Permeability.

- A. Subsurface systems. Except as provided in Subsection B, below, within the minimum continuous suitable soil area, a percolation rate of sixty (60) minutes per inch or faster shall exist for the depth of the proposed systems and to at least three (3) feet below that.
- B. Mound systems. Within the minimum continuous suitable soil area where mound systems are proposed, a percolation rate of one hundred twenty (120) minutes per inch or faster shall exist for a depth of at least two (2) feet below the existing grade.
- C. Non-complying areas. Any lot areas not meeting the requirements of Subsections A and B, above, shall be delineated on all plats.

(4) Land Slopes.

A. Subsurface systems.

- 1. Except as provided in Subsection 2, below, land slopes within the minimum continuous suitable soil area shall not exceed twenty percent (20%). A land surveyor registered in the state shall certify that all minimum continuous suitable soil areas do not have any land slopes exceeding twenty percent (20%).
- 2. Areas where land slopes exceed twenty percent (20%) shall be accurately delineated on a plat.

B. Mound systems.

- 1. Where mound systems are proposed:
 - (aa) Land slopes shall not exceed twelve percent (12%) within minimum suitable soil areas with percolation rates of thirty (30) minutes per inch or faster; or
 - (bb) Land slopes shall not exceed six percent (6%) within minimum suitable soil areas with percolation rates slower than thirty (30) minutes per inch, but not slower than one hundred twenty (120) minutes per inch.
- 2. A land surveyor shall certify that all minimum continuous suitable soil areas for proposed mound systems are free of land slopes exceeding the percentages of Subsection (d)(1)A., above.

- (5) Mound systems. The recorded final plat shall clearly indicate which lots, if any, must use mound systems due to the availability of suitable soils.

- (h) Storm Water Management and Erosion Control Facilities. The Commission shall require the subdivider to provide stormwater management and erosion control plans whenever it determines from the initial review of the preliminary plat or certified survey map that the soil, slope, vegetation, and/or other drainage characteristics of the site are such as to require significant cutting, clearing, grading, shoreline stabilization, or other land disturbing activities in the development of the subdivision or land division.

Specifications and guidelines contained in "Sheboygan County Erosion Control and Storm Water Management Guidelines" and "Sheboygan County Erosion Control and Storm Water Management Guidelines: Technical Reference" (Sheboygan County Planning and Resources Department and Sheboygan County Land Conservation Department) shall provide the primary framework for any design plans required under this Section. The following four (4) publications may be used as supplemental references:

- *Minimizing Erosion in Urbanizing Areas* (Soil Conservation Service);

- *Help Yourself* (Corps of Engineers);
- *Great Lakes Shore Protection: Structural Design Examples* (Wisconsin Coastal Management Council); and
- *Harmony With the Lake: Guide to Bluff Stabilization* (Illinois Department of Transportation).

Facilities designed under this Section shall be of a type, size, and grade to hydraulically accommodate the maximum potential volumes of flow resulting from a 10-year 3.8-inch 24-hour rainstorm if the drainage area is less than 25 acres, or a 25-year 4.4-inch 24-hour rainstorm if the drainage area is more than 25 acres.

Runoff rates and volumes resulting from the project, in excess of amounts existing before the development, shall be managed on-site to the greatest extent practicable. However, the Commission may allow storm water runoff that would be discharged in volumes or at rates in excess of those otherwise allowed by this Ordinance to be discharged into drainage facilities off the development site if all the following conditions are met:

- (1) It is not practicable to completely manage runoff on the site in a manner set forth in this Ordinance;
- (2) The off-site drainage facilities and channels leading to them are designed, constructed, and maintained in accordance with the requirements of this Ordinance;
- (3) Where oversized drainage facilities are deemed necessary by the Commission, town, or town sanitary district to serve tributary drainage areas lying outside of the subdivision, the costs of these facilities shall be prorated on the basis of percent of service area lying within the subdivision; and
- (4) Adverse environmental impacts on and off the site of development will be minimized.

Stormwater management and erosion control plans may require road ditches, waterways, storm sewers, curbs and gutters, catch basins and inlets, and water retention/settling basins. Landscaping techniques utilizing vegetative covers, grading specifications, berms, etc., may also be employed.

In subdivisions or land divisions along the Lake Michigan shoreline, the Commission may require the subdivider to install shoreline protection measures such as seawalls, bulkheads, revetments, groins, breakwaters, subsurface dewatering, and other bluff stabilization measures.

Regardless of whether a storm water management and erosion control plan is required, all land disturbing activity shall be conducted so as to prevent erosion and sedimentation and to least disturb the natural flora, fauna, water regimen, and topography. All areas in which the surface of the land is disturbed by construction shall be promptly seeded and mulched, sodded, or otherwise suitably protected against erosion at a time and in a manner satisfactory to the Commission and subdivider.

Plans required under this Section shall be submitted to the Commission which shall transmit them, where appropriate, to the County Land Conservation Department, Department of Natural Resources, and/or Corps of Engineers for review and comment.

71.22 SURVEY AND DATA SUBMISSION REQUIREMENTS.

- (a) Preliminary Plat. A preliminary plat shall be prepared for all subdivisions and shall be based upon a survey by a land surveyor registered in this State. The plat shall be submitted at a scale of not more than 100 feet to 1 inch, shall conform to any standards and specification set forth in Wis. Stat. ch. 236 shall utilize the Sheboygan County Coordinate Monumentation System, and shall show correctly on its face the following information:

- (1) Title of the proposed subdivision.
- (2) Location of the proposed subdivision by government lot, quarter section, section, township, range, and county.
- (3) Date, scale, and north point.
- (4) Name and address of the owner, subdivider, and land surveyor preparing the plat.
- (5) Entire area contiguous to the proposed plat owned or controlled by the subdivider, even though only a portion of said area is proposed for immediate development. (The Commission may waive this requirement where it is unnecessary to fulfill the purposes and intent of this Ordinance and undue hardship would result from strict application thereof.)
- (6) Exact length and bearing of the exterior boundaries of the proposed subdivision referenced to a corner established in the Sheboygan County Coordinate Monumentation System, and the total acreage encompassed thereby.
- (7) Location and names of any adjacent subdivisions, parks, and cemeteries, and owners of record of abutting unplatted lands.
- (8) Location, right-of-way width, and names of any existing or proposed streets, alleys, or other public ways, easements, railroad rights-of-way, and utility rights-of-way, and all section or quarter section lines within the exterior boundaries of the plat or immediately adjacent thereto.
- (9) Location of existing property lines, structures, drives, streams, and watercourses, lakes, wetlands, rock outcrops, wooded areas, and other similar significant features within the parcel being subdivided.
- (10) Water elevations of adjoining lakes, ponds, streams, and flowages at the date of the survey, and approximate high and low water elevations.
- (11) Type, width, and elevation of any existing street pavements within the exterior boundaries of the plat or immediately adjacent thereto with any legally established centerline elevations.
- (12) Contours within the exterior boundaries of the plat and extending to the centerline of adjacent public streets at vertical intervals of not more than two (2) feet.
- (13) Location and approximate dimensions of any sites to be dedicated or reserved for parks, open space, drainageways, schools, or other public uses.
- (14) Approximate dimensions of all lots, and proposed lot and block numbers.
- (15) Existing and proposed land use and zoning included within and immediately adjacent to the proposed subdivision.
- (16) Location and report identifying the results of soil boring and percolation tests within the exterior boundaries of the plat, conducted in accordance with Wis. Admin. Code Ch. Comm 85.
- (17) Floodplain, shoreland, wetland, and erosion hazard boundaries, pursuant to the County Shoreland-Floodplain Ordinance, and any proposed lake and stream access.
- (18) Surface drainage pattern mapping and indication of direction and established peak volume of soil drainage pattern.

- (19) Plans for all soil conservation and erosion control measures such as gutters, ditches, catch basins, storm sewers, culverts, open channels, sediment traps or basins, terraces, water diversions, and similar practices, keyed to locations on the preliminary plat, if required by the Commission.
 - (20) Where the Commission finds that it requires additional information relative to a particular problem presented by a proposed development to review the preliminary plat, it shall have the authority to request such information from the subdivider.
- (b) Final Plat. A final plat prepared by a land surveyor registered in this State is required for all subdivisions. It shall comply in all respects with this Ordinance and the standards and specifications of Wis. Stat. § 236.20 and that section is hereby adopted by reference.

Where the Commission finds that it requires additional information or plat data relative to a particular problem presented by a proposed development to review the final plat, it shall have the authority to request such information from the subdivider.

- (c) Certified Survey Map. A certified survey map prepared by a land surveyor registered in this State is required for all land divisions where the act of division creates:
- (1) less than five (5) lots, parcels, or building sites of forty (40) acres each or less in area, or
 - (2) less than five (5) lots, parcels, or building sites of forty (40) acres each or less in area by successive divisions from the same "Mother Tract" (see Section 71.26 of this Code, "Definitions") within a period of five (5) years.

All area calculations are to be exclusive of any dedications, right-of-way easements, or reservations.

All certified survey maps shall be prepared in accordance with the Sheboygan County Coordinate Monumentation System.

It shall comply in all respects with this Ordinance and the standards and specifications of Wis. Stat. § 236.34 and that section is hereby adopted by reference.

71.23 REVIEW AND APPROVAL PROCEDURES.

- (a) Pre-application Procedure. It is recommended that prior to the filing of an application for the approval of a preliminary plat or certified survey map the subdivider consult informally with the professional staff of the Commission, the town, and all affected utilities for assistance and advice regarding site suitabilities and general requirements. It is also suggested that the subdivider consult with the County Land Conservation Department to obtain planning assistance to avoid potential soil erosion and sedimentation problems. A sketch plan of the proposed subdivision or land division drawn on a topographic survey map should be submitted. The sketch plan should identify property boundaries, proposed roads, lots, and any proposed dedications; slopes exceeding fifteen percent (15%); general conditions, including wetlands, floodplains, erosion hazard areas, drainageways, rock outcroppings, and vegetation; proposed filling, grading, lagooning, or dredging; and a sketch of all contiguous property owned or controlled by the subdivider.
- (b) Preliminary Plat Procedure. Prior to submitting a final plat for approval, the subdivider shall prepare a preliminary plat and a letter of application for Commission approval. The preliminary plat shall be prepared in accordance with this Ordinance, and the subdivider shall submit four (4) copies of the plat, one (1) copy of all on-site soil test data, and all other plans and specifications required in this Ordinance, to the Commission. The Commission shall, within two (2) days, forward one (1) copy of the plat to the County Land Conservation Department for its review and recommendations pursuant to Sections 71.21(3) and (8) of this Code. One (1) copy of all plats abutting or adjoining county roads shall be submitted by the Commission to the County Surveyor/Highway Engineer for

review and recommendations with regard to access safety and design standards set forth in Section 71.21(1) of this Code.

Also, preliminary plats may be submitted by the subdivider to the Department of Administration ("state clearinghouse") for redistribution of two (2) copies each to those agencies having "plat approval authority" and "plat objecting authority" pursuant to Wis. Stat. §§ 236.10 and 236.12. As such, two (2) copies will be retained by the Department of Administration, and that agency will forward two (2) copies to the Department of Transportation if the subdivision abuts or adjoins a state highway or a connecting highway, two (2) copies to the Department of Commerce if the subdivision is not served by public sewer and provision for such service has not been made, two (2) copies to the Department of Natural Resources if navigable waters abut or are contained within the proposed subdivision, two (2) copies to the applicable town clerk, and two (2) copies to the clerk of each adjoining city or village if the subdivision lies within the extraterritorial plat approval jurisdiction of the city or village.

The above review agencies shall be classified as "approving," "objecting," or "advisory" agencies as follows:

APPROVING AGENCIES.

The County Planning and Zoning Commission ("Commission") (see Section 71.26, "Definitions," of this Code);
The applicable town board;
The applicable adjoining cities or villages.

OBJECTING AGENCIES.

Wisconsin Department of Administration ("state clearinghouse");
Wisconsin Department of Transportation;
Wisconsin Department of Commerce.

ADVISORY AGENCIES.

Wisconsin Department of Natural Resources;
Affected public or private utilities;
County Land Conservation Department;
County Surveyor/Highway Engineer.

The objecting agencies shall, within twenty (20) days of the date of receiving their copies of the preliminary plat, notify the subdivider and all agencies having the authority to object, of any objections. If there are no objections, they shall so certify on the face of the copy of the plat and shall return it to the Department of Administration. If an objecting agency fails to act within twenty (20) days, it shall be deemed to have no objection to the plat. All recommendations of advisory agencies shall be communicated in a like manner within twenty (20) days from the date the plat is filed.

Within ninety (90) days of the date of filing the plat, the Commission and any other approving authority (or its agent authorized to approve preliminary plats) shall take action to approve, approve conditionally, or reject the preliminary plat, unless the time is extended by agreement with the subdivider, based on its determination of conformance with the provisions of this Ordinance. One (1) copy of the plat shall thereupon be returned to the subdivider (or the Department of Administration if the plat were submitted for state review) with the date and action endorsed thereon; and if approved conditionally or rejected, a letter setting forth the conditions of approval or the reasons for rejection shall accompany the plat and shall be submitted to the subdivider. Failure of the Commission, other approving authority, or its agent to act within ninety (90) days of the date of filing, or agreed extension thereof, constitutes an approval of the preliminary plat.

Approval or conditional approval of a preliminary plat shall not constitute automatic approval of the final plat, except that if the final plat is submitted within six (6) months of the preliminary plat approval and conforms substantially to the preliminary plat as approved, including any conditions of that approval and to any local plans and ordinances adopted as authorized by law, as indicated in Wis. Stat. § 236.11(1)(b) the final plat is entitled to approval.

The Commission reserves the right to require all subdivision plats as defined in this Ordinance to undergo the review process set forth in this Section, regardless of statutory exemption.

Plats that are not being processed under Wis. Stat. § 236.12(2) may be reviewed under this Ordinance on the basis of any material that is capable of clearly legible reproduction.

- (c) Final Plat Procedure. The subdivider shall prepare a final plat and a letter application in accordance with this Ordinance and applicable state statutes and administrative codes for transmittal to the Commission (or the Department of Administration if the plat was submitted for state review), within six (6) months of preliminary plat approval, unless the time limitations be specifically waived by the Commission or that Department. If the final plat is not submitted within six (6) months of the last required approval of the preliminary plat, any approving authority may refuse to approve the final plat. The final plat may, if permitted by the approving authorities, constitute only that portion of the approved preliminary plat which the subdivider proposes to record at that time.

The objecting agencies shall, within twenty (20) days of the date of receiving their copies of the final plat, notify the subdivider and all agencies having authority to object, of any objections. If there are no objections, they shall so certify on the face of the copy of the plat and return that copy to the Department of Administration. If any objecting agency fails to act within twenty (20) days from the date of receipt of copies of the plat, it shall be deemed to have no objections to the plat.

All improvements and construction plans thereof required by this Ordinance shall be made or guaranteed in a manner described in Section 71.19 of this Code. The Commission shall, within sixty (60) days from the date received, approve or reject such plat unless the time is extended by agreement with the subdivider. If the plat is rejected, the reasons shall be submitted in written form to the Department of Administration and the subdivider. Failure of the Commission to act within sixty (60) days, the time having not been extended and no unsatisfied objections having been filed, the plat shall be deemed approved, and, upon demand, a certificate to that effect shall be made on the face of the plat by the authority which has failed to act. Approved final plats shall be recorded with the Sheboygan County Register of Deeds in accordance with requirements of Wis. Stat. § 236.25 before lots may be sold.

As a further condition of approval, the governing body of the town or municipality within which the subdivision lies may require that the subdivider make and install any public improvements reasonably necessary or that the subdivider execute a surety bond or provide other security to ensure that the subdivider will make those improvements within a reasonable time (see Section 71.19 of this Code).

- (d) Replat Procedure. When a replat of a recorded subdivision or part thereof is proposed so the boundaries are to be changed and/or areas to be dedicated to the public are to be altered, the subdivider shall initiate action to vacate or alter the recorded plat as provided by Wis. Stat. §§ 236.36 through 236.44. The replat shall be prepared and submitted as provided in Sections 71.23(1), (2), and (3) of this Code. Both the title of the replat and the title of the original plat shall appear in the surveyor's certification.
- (e) Certified Survey Map Procedure. No person shall divide any land located within unincorporated Sheboygan County which shall result in a land division as defined under Section 71.26 of this Code, or which divides a block, lot, or outlot within a recorded subdivision plat without changing the boundaries of said block, lot, or outlot, without first filing for approval by the Commission and subsequently recording with the Sheboygan County Register of Deeds, a certified survey map which complies fully with Wis. Stat. § 236.34 and with all applicable requirements contained in this Code.

The final certified survey map, with minimally two (2) copies, shall be submitted to the Commission by the subdivider or the subdivider's agent.

The Commission shall, within thirty (30) working days from the date of filing of the map (unless the time is extended by agreement with the subdivider), approve, approve conditionally, or reject the certified survey map based on a determination of conformance with the provisions of this Ordinance, the County Sanitary and Shoreland-Floodplain Ordinances, and any other applicable local or state codes and statutes. If the map is rejected, the reasons shall be stated in written form and submitted to the subdivider or the subdivider's agent. If the map is approved, the Commission shall so certify on the face of the original map and return the map to the subdivider or the subdivider's agent.

The applicable town board shall approve, approve conditionally, or reject the map and/or the dedication of streets or other public areas, as its jurisdiction allows, within thirty (30) days from the date of filing, unless the time is extended by agreement with the subdivider.

Whenever a certified survey map has been rejected by the applicable town board for failure to conform with any locally-adopted ordinance, such rejection, described in writing, shall be deemed to constitute an automatic rejection by the Commission, unless specifically ruled otherwise by agreement with the town board and the subdivider.

Soil and site evaluations conducted in accordance with Wis. Admin. Code Ch. Comm 83 and the County Sanitary Ordinance, are required if the lots being created will be served by on-site private sewage disposal systems, except that such tests may be waived by the Commission if:

- (1) the lots being created are already served by an acceptable on-site sewage disposal system, off-site common sewage disposal system, or municipal sewerage system; or
- (2) the lots being created are intended for uses other than residential and for which acceptable sewage disposal facilities plans have been filed with the Commission; or
- (3) the lots are being created for land conveyance purposes only. In this instance, upon the certified survey map, the subdivider shall have prominently placed a restrictive covenant prescribed by the Commission.

One (1) copy of all certified survey maps abutting or adjoining county roads shall be submitted by the Commission to the County Surveyor/Highway Engineer for review and comment. Within five (5) working days, the County Surveyor/Highway Engineer shall notify the Commission of any recommendations or objections.

The survey shall be performed and the map prepared by a land surveyor registered in this State. The map shall be prepared in accordance with Wis. Stat. §§ 236.20(2)(a), (b), (c), (e), (f), (g), (i), (j), (k), and (l), at a scale of not more than 500 feet to 1 inch. The map, with minimally two (2) copies for filing with the Commission, shall be prepared on durable white paper, or in the form of a silver haloid image on polyester film, 8-1/2 inches wide by 14 inches long. It shall include on its face in addition to the information required by Wis. Stat. § 236.34 the following:

- (1) Name of the owner.
- (2) Date of survey.
- (3) Graphic scale.
- (4) All existing buildings, and other developed features on the parcel.
- (5) Locations, rights-of-way, easements, and names of adjoining streets, highways, railroads, utilities, parks, cemeteries, subdivisions, as well as navigable ponds, streams, lakes, flowages, and zoned wetlands.
- (6) Size of the parcels being created in square feet.

- (7) Any applicable use or access restrictions and covenants.
- (8) All floodplain, shoreland, wetland, or erosion hazard boundaries, and the contour lines lying at a vertical distance of two (2) feet above the elevation of the one hundred- (100-) year recurrence interval flood, or, where such data is not available, at a vertical distance of five (5) feet above the elevation of the maximum flood of record.
- (9) Distances and bearings referenced to a line and a corner of the Sheboygan County Coordinate Monumentation System.
- (10) Surveyor's certification of compliance with all provisions of this Ordinance and other applicable laws.
- (11) Owner's and mortgagee's certification of dedication of streets and other public areas prepared in accordance with Wis. Stat. §§ 236.21(2) and 236.34(1)(e).
- (12) Where the Commission finds that it requires additional information relative to a particular problem presented by a proposed development to review the certified survey map, it shall have the authority to request such information from the subdivider.

71.24 PLANNED UNIT DEVELOPMENTS (i.e., clusters, condominiums, cooperatives).

- (a) Purpose and Intent. The purposes of this Section are to encourage and promote flexibility, ingenuity, and efficiency in the land development process, to allow maximum utilization of land, and to provide for variety and compatibility among housing types and non-residential uses. Projects proposed under this Section are to be planned and designed as a unit, be compatible with the local environment and neighboring properties and uses and shall not conflict with other laws or the overall public interest. Objectives include:
 - (1) to encourage developers to use creative and imaginative approaches in the design and overall land development process;
 - (2) to promote a land development process that enhances energy efficiency and is sensitive to the demands and economics of the local real estate market;
 - (3) to encourage the integration of compatible residential and non-residential uses rather than their segregation;
 - (4) to encourage the provision of recreational facilities, open space, and buffer yards in conjunction with residential and non-residential development;
 - (5) to provide an enjoyable living environment by preserving existing topography, stands of trees, surface waters, floodplains, wetlands, and similar natural assets and landforms;
 - (6) to encourage a variety of living environments and a pleasing blend of housing types;
 - (7) to encourage a uniqueness in architectural design; and
 - (8) to promote greater efficiency in providing public and utility services.

Development shall be planned, reviewed, and carried out in conformance with all municipal, state, and other laws and regulations. However, in interpreting and applying the provisions of this Section, it shall take precedence and be controlling when there is conflict between it and any other Sections of this Code.

- (b) **Submittal Requirements.** Submittal and sketch plan requirements shall follow the same procedures as required for conventional subdivisions (Section 71.23 of this Code), and the following information shall be provided:
- (1) A written statement of intent containing the major planning assumptions and objectives of the proposed development and its concept and the benefits that will accrue from it to the community at large, as well as to its residents;
 - (2) All contemplated land uses within the tract on the sketch or preliminary plan;
 - (3) Gross densities in each use;
 - (4) Proposed location of all principal and anticipated accessory structures and associated parking areas;
 - (5) Proposed circulation systems (pedestrian, bicycle, auto) by type, and how systems correlate with existing networks outside of site; and
 - (6) Any other plans and supporting information deemed necessary by the Commission.
- (c) **Design.** The developer, in the design of a cluster, condominium, or other planned unit development, shall give consideration to the reservation of suitable sites of adequate area for future school, park/playground, and other public uses. If such areas are designated on a local comprehensive plan or official map prepared under Wis. Stat. § 62.23 they shall be made part of the development.
- Ecologically sensitive lands, or land with unsafe or hazardous conditions such as open quarries, unconsolidated fill, floodways, or steep slopes shall not be developed unless the development provides for adequate safeguards which are approved by the local municipality and the Commission.
- The site shall be planned to provide for adequate landscaping, pedestrian movement between dwelling units, common open space, and parking areas. Prior to approval of the final plat or development plan, a written agreement must be executed between the subdivider and the Commission which sets forth exactly what improvements are going to be installed. Plans and specifications for improvements shall be presented by the subdivider to the Commission. In addition, the financial guarantees as set forth in Section 71.19 of this Code shall apply hereunder.
- Parking areas should be arranged so as to prevent through traffic to other parking areas, should be screened from adjacent development and roads, should be adequately lighted, and should be graded and drained to properly dispose of runoff waters and minimize erosion, flooding, and other inconveniences.
- Proposed cluster, condominium, or other planned unit developments shall be developed as a unit.
- (d) **Maximum Number of Units.** The maximum number of lots permitted shall be determined by dividing the total area of the subdivision, excluding streets, by the minimum lot sizes required in this Ordinance or the applicable zoning ordinance, whichever is LEAST restrictive. (In condominiums and similar developments, under which no new lots are created, the term "maximum number of dwelling units" shall substitute for the term "maximum number of lots" in the preceding statement in determining overall density.)
- (e) **Permitted Uses.** Customary residential uses in cluster, condominium, or other planned unit development may include detached and semi-detached single-family, and attached multi-family residential buildings, as well as their accessory structures. Recreational, commercial, and quasi-public or institutional uses may be included to serve the residents of these developments and/or residents of the surrounding area.

No uses are specifically excluded, but each use should be judged on a performance basis, deemed consistent with the objectives set forth in this Section. All uses proposed in a planned unit development shall be approved by the town board and the Commission.

- (f) Dedication and Maintenance. Land not used for lots and streets shall be dedicated in perpetuity to recreation, open space, or buffer yard use [1] by conveyance in common to each lot owner via a homeowner's association, condominium association, or similar donee, [2] by conveyance in fee simple of an equal, undivided interest in common to each lot owner, or [3] by dedication to the town or County. Any conveyance or change of ownership of any lot shall convey with it ownership in the common property; no lot owner shall have the right to convey his interest in the common property except as an incident of the ownership of a platted lot. Lands dedicated to the public must be accepted by action of the governing body of the accepting unit of government.

The care and maintenance of the above common open space areas and rights-of-way shall be assured either by establishment of an appropriate management association for development, by dedication of the open space areas and rights-of-way to the appropriate municipality (which may choose to accept or reject the dedication), or by agreement with the municipality for establishment of a special service district for the development area. (In special service districts, the municipality shall provide the necessary maintenance service and levy the cost thereof as a special assessment on the property tax bills of properties within the development. In all cases, the municipality, on the advice of its municipal attorney or corporation counsel, may levy an assessment for the cost of any maintenance not taken care of by an association to the satisfaction of the municipality. The manner of assuring maintenance and assessing such cost to individual properties shall be determined prior to the approval of the final development plan or plat and shall be included in the title of each property.)

All streets within the cluster, condominium, or other planned unit development shall be dedicated to public use and shall substantially conform to the standards set forth in Section 71.21(1) of this Code. Right-of-way widths and street pavement widths may be reduced as deemed appropriate by the local municipality if the development provides for separation of motorized traffic and pedestrian and bicycle circulation, and if off-street parking is deemed to be adequate.

- (g) Expansion. The expansion of a planned unit development project involving additional units and/or property shall meet the requirements of this Section and Wis. Stat. §§ 703.26(2)(a), (b), and (c), Stats.

71.25 PLANS, MAINTENANCE, AND INSPECTION.

- (a) Plans. The following plans and accompanying construction specifications, pursuant to Section 71.19 of this Code, may be required by the town board or the Commission:
- (1) Street plans and profiles showing existing and proposed grades, elevations, and cross-sections of required improvements.
 - (2) Storm water management and erosion control plans showing those structures required to retard or control the rate of runoff water and those grading, excavating, and site management practices that will prevent erosion and sedimentation.
 - (3) Sanitary sewer plans and profiles showing the locations, grades, elevations, sizes, and materials of required facilities.
 - (4) Water main plans and profiles showing the location, sizes, elevations, and materials of required facilities.
 - (5) Planting plans showing the locations, age, caliper, species, and time of planting of any required grasses, shrubs, trees and other vegetation.
 - (6) Additional special plans or information as required.

- (b) Maintenance. The installed system(s) required by this Ordinance shall be maintained by the owner except that the County or town may accept certain systems for County or town maintenance. The selection of critical areas and/or structures to be maintained by the County or town shall be expressly approved by the governing body thereof. All areas and/or structures to be maintained by the County or town must be dedicated to the County or town by plat or separate instrument and accepted by the governing body therefor. The County shall have the right of inspection of the system(s) to be maintained by the owner and, if necessary, to take corrective action should the owner fail to properly maintain the system(s). In the event of such failure, the Commission shall give such owner written notice of the nature of the existing defects and the corrective action necessary. Should the owner fail, within thirty (30) days from the date of the notice, to commence corrective action to the satisfaction of the Commission, the County may complete or cause the corrective action to be completed, the cost of which shall become a lien on the real property of the owner until paid.
- (c) Inspection. The subdivider shall notify the approving authorities having jurisdiction to provide for adequate inspection to review and approve all complete work prior to release of any sureties and to ensure compliance with the enacted requirements.

The Commission shall have access to premises and structures during reasonable hours to make those inspections as deemed necessary to ensure compliance with this Ordinance. If the Commission be refused entry after presentation of proper identification, it may procure a special inspection warrant in accordance with Wis. Stat. ch. 968 except in cases of emergency.

71.26 DEFINITIONS. For the purposes of this Ordinance, the following definitions shall be used. Words used in the present tense include the future; the singular number includes the plural number; and the plural number includes the singular number. The word "shall" is mandatory and not directory.

BLOCK. A tract of land bounded by streets or by a combination of one (1) or more streets and public parks, cemeteries, railroad rights-of-way, bulkhead lines, or shorelines of waterways, or corporate boundary lines.

BUILDING. Any structure having a roof supported by columns or walls.

BUILDING LINE. A line which indicates the distance from the boundaries of a lot within which buildings shall not be erected (see also **SETBACK**).

CERTIFIED SURVEY MAP. A map of a land division, not a subdivision, prepared in accordance with Wis. Stat. § 236.34 and in full compliance with the applicable provisions of this Ordinance. A certified survey map has the same legal force and effect as a subdivision plat.

COMMISSION. The Sheboygan County Resources Committee, created by the County Board of Supervisors pursuant to Wis. Stat. § 59.97 and/or the Sheboygan County Planning and Resources Department employing a full-time professional planner and his or her duly appointed professional staff, charged with the duties of administering this Ordinance and other zoning and planning legislation.

COMMON OPEN SPACE. A parcel or parcels of land or an area of water, or a combination of land and water within the site designated for a planned unit development and designed and intended for the use or enjoyment of residents of the planned unit development. Common open space may contain such complementary structures and improvements as are necessary and appropriate for the benefit and enjoyment of residents of the planned unit development.

COMPREHENSIVE PLAN. A plan, also called a master plan, or elements thereof, for guiding and shaping the growth or development of Sheboygan County or of a community or area in Sheboygan County which has been adopted by Sheboygan County or a governmental unit of Sheboygan County and whose preparation is authorized by the Wisconsin Statutes. Devices for the implementation of these plans such as zoning, official maps, subdivision control ordinances, and capital improvement programs shall also be considered a part of the comprehensive plan.

CONDOMINIUM. A form of real property ownership under which a declaration of condominium has been recorded pursuant to Wis. Stat. ch. 703.

EXTRATERRITORIAL PLAT APPROVAL JURISDICTION. The unincorporated area within three (3) miles of the corporate limits of a first, second, or third class city, or one and one-half (1½) miles of a fourth class city or a village, if such cities or villages have enacted a subdivision control ordinance or official map ordinance.

FLOODPLAINS. Those lands, including the flood fringes, floodways, and channels, subject to inundation by the one hundred- (100-) year recurrence interval flood (regional flood) or, where such data is not available, the maximum flood of record.

LAND DIVISION. A division of a lot, parcel, or tract of land by the owner thereof, or owner's agent where the act of division results in less than five (5) lots, parcels, or building sites of forty (40) acres each or less in area by one (1) division or successive divisions from the same **"MOTHER TRACT"** (see definition below) within a period of five (5) years. All area calculations are to be exclusive of any dedications, right-of-way easements, or reservations (see also **SUBDIVISION**). For purposes of the provisions of Section 71.08(1)(b), the term "Land Division" shall include divisions by an owner or owner's agent of any part of the Mother Tract during the applicable five- (5-) year period, including without limitation related owners, as defined in Section 71.08(1)(c), unrelated predecessors and successors, and any other owner or owner's agent.

LOT. A parcel of land between forty (40) acres and the minimum lot sizes set out in Section 71.21(6) of this Code having frontage on a public street or other officially approved means of access, occupied or intended to be occupied by a principal structure or use.

MOTHER TRACT. A parcel of land that is, or at any time in the previous twenty (20) years was, in the same ownership. Contiguous parcels in the same ownership are considered to be one (1) parcel for purposes of this definition, even though the separate parcels may have separate tax identification numbers or were acquired at different times or from different persons. See Section 71.08(1)(c) of this Code for further discussion of "in the same ownership."

OFFICIAL MAP. A map indicating the location, width, extent of the existing and proposed streets, highways, parkways, parks, and playgrounds adopted by the municipalities in Sheboygan County in accordance with Wis. Stat. § 62.23(6).

OUTLOT. A parcel of land, other than a lot or block, so designated on a plat or certified survey map, but not presently deemed either of standard lot size or suitability. An outlot may not be used as a building site unless it comes into compliance with the restrictions that resulted in its assuming an outlot status. An outlot may be either redivided into lots or combined with one (1) or more other adjacent outlots or lots in adjacent subdivisions or land divisions in the future for the purpose of potentially creating buildable lots. An outlot may be conveyed regardless of whether it may be used as a building site.

PERSON. An individual, group of individuals, partnership, firm, corporation, association, state, county, city, village, township, sanitary district, or other government corporation.

PLANNED UNIT DEVELOPMENT. An area of land controlled by a single owner, corporation, or any other legal entity to be developed as a single entity for a number of buildings, the plan for which is unique in its mixture of land uses and open spaces and not specifically provided for by applying customary block, lot, and density requirements of this Ordinance or town subdivision or zoning ordinances.

PLAT. A map of a subdivision.

PRELIMINARY PLAT. A map showing the salient features of a proposed subdivision submitted to an approving authority for purposes of preliminary consideration.

REPLAT. The process of changing, or the map or plat which changes, the boundaries of a recorded subdivision plat or part thereof. The legal dividing of a large block, lot, or outlot within a

recorded subdivision plat without changing exterior boundaries of said block, lot, or outlot is not a replat.

SETBACK. The minimum horizontal distance from the center of the traveled way or the right-of-way, as specified, and the nearest point of a building, or proposed building, or any projection thereof, including uncovered steps.

SHEBOYGAN COUNTY COORDINATE MONUMENTATION SYSTEM. The Sheboygan County Coordinate Grid, monumented by the Sheboygan County Geodetic Matrix of 1992 with subsequent revisions and additions by the Sheboygan County Surveyor, having the following parameters:

Projection	transverse mercator
Units	U.S. survey feet
Central Meridian (CM)	87°33'00"
Scale factor at CM	1.000000000
Latitude of grid origin	43°16'00"
False easting	262000.00 survey feet (79857.760 meters)
False northing	0.00 survey feet (0.00 meters)
Design elevation	148.68 meters (see below)
Geoidal separation	-34.02 meters
Vertical datum	NGVD 1929
Spheroid	modified GRS 80
Semi-major axis	6378285.48 meters
Semi-minor axis	6356900.7941403 meters
Flattening inverse	298.26416538669

SHORELANDS. Those lands established to be within the jurisdiction of the Shoreland-Floodplain Ordinance, Sheboygan County, as follows:

- ◆ Lands one thousand (1,000) feet from the ordinary high water mark of navigable lakes, ponds, and flowages.
- ◆ Lands three hundred (300) feet from the ordinary high water mark of navigable rivers and streams or to the landward side of a floodplain if that distance is greater.
- ◆ The shorelands of all lakes, ponds, flowages, marshes, wetlands, rivers, streams, and creeks as shown on the "Shoreland Zoning Map, Sheboygan County, Wisconsin."

SOIL TESTS. Percolation tests and soil borings or soil and site evaluations conducted as provided by the Sanitary Ordinance, Sheboygan County, and Wis. Admin. Code Ch. Comm 85 and Comm 83.

STREETS. Public ways for vehicular or pedestrian and vehicular traffic.

- (a) **Arterial Streets and Highways.** Roadways which provide for rapid movement of concentrated volumes of traffic over relatively long distances between activity areas (i.e., freeways, expressways).
- (1) **Principal Arterials.** Streets serving the major interstate and interregional traffic corridors. These routes provide the highest level of mobility under a high degree of access control.
 - (2) **Primary Arterials.** Streets serving major regions or connecting several significant cities and intercommunity corridors within the metropolitan area. These routes provide for a high degree of mobility under a high degree of access control.
 - (3) **Standard Arterials.** Streets which most commonly provide for intermediate length trips, thus serving through traffic to the primary and principal arterials from lower activity areas not served by such routes.

- (b) **Collector Streets**. Streets which provide for moderate speed movements within large areas. They are basically local streets which usually, because of more directness of routing and higher capacity than other local streets, receive higher volumes of traffic to be distributed from or collected toward nearby arterial streets.
- (1) **Connectors**. Streets which perform a semi-arterial function as well as serving as distribution and land access streets.
- (2) **Distributors**. Streets which gather and distribute traffic from and to the local streets and adjacent lands.
- (c) **Local Streets**. Streets designed for low speeds and volumes which provide access from low traffic generating areas to collector and arterial streets.
- (d) **Marginal Access Streets (Frontage Streets)**. Minor streets auxiliary to and located on the side of an arterial street for control of access and for service to the abutting development.
- (e) **Alleys**. Special streets affording only secondary access to abutting properties.
- (f) **Cul-de-sac Streets**. Streets closed at one (1) end with turn-arounds provided.
- (g) **Dead-end Streets**. Streets closed at one (1) end without turn-arounds.

SUBDIVIDER. Any person, or that person's agent, dividing or proposing to divide land resulting in a subdivision, land division, or replat.

SUBDIVISION. A division of a lot, parcel, or tract of land by the owner thereof, or the owner's agent, for the purpose of transfer of ownership or building development where the act of division creates:

- ◆ Five (5) or more lots, parcels, or building sites of forty (40) acres each or less in area; or
- ◆ Five (5) or more lots, parcels, or building sites of forty (40) acres each or less in area by successive divisions from the same "**MOTHER TRACT**" (see definition, above) within a period of five (5) years.

All area calculations are to be exclusive of any dedications, rights-of-way easements, or reservations (see also **LAND DIVISION**).

SURETY BOND. A bond guaranteeing performance of a contract or obligation through forfeiture of the bond if said contract or obligation is unfulfilled by the subdivider.

UTILITY EASEMENT. An easement to place, replace, maintain, or move utility facilities.

WETLANDS. Those areas where water is at, near, or above the land surface long enough to be capable of supporting aquatic or hydrophytic vegetation and which have soils indicative of wet conditions.

WISCONSIN ADMINISTRATIVE CODE. The rules of administrative agencies having rule-making authority in Wisconsin, published in loose-leaf, continual revision system as directed by Wis. Stat. § 35.93 and Wis. Stat. ch. 227 including subsequent amendments to those rules.

History:

CHAPTER 72
SHORELAND ORDINANCE

- 72.01 STATUTORY AUTHORITY
- 72.02 FINDING OF FACT
- 72.03 STATEMENT OF PURPOSE
- 72.04 TITLE
- 72.05 JURISDICTION
- 72.06 COMPLIANCE
- 72.07 SHORELAND DISTRICTS AND BOUND
- 72.08 LOCATING BOUNDARIES
- 72.09 SHORELAND-WETLAND DISTRICT
 - (1) Purpose
 - (2) Permitted Uses
 - (3) Prohibited Uses
 - (4) Rezoning of Lands in the Shoreland-Wetland District
- 72.10 SHORELAND DISTRICT
 - (1) Designation
 - (2) Purpose
 - (3) Permitted Uses
 - (4) Conditional Uses
- 72.11 LAND DIVISION REVIEW
- 72.12 *RESERVED*
- 72.13 SANITARY REGULATIONS
- 72.14 BUILDING SITES AND DIMENSIONS
- 72.15 SETBACKS
 - (1) Setbacks from the Water
 - (2) Exempt Structures
 - (3) Floodplain Structures
- 72.16 VEGETATION
- 72.17 FILLING, DREDGING, LAGOONING, GRADING, DITCHING, AND EXCAVATING
 - (1) General Standards
 - (2) Permit Required
 - (3) Permit Conditions
 - (4) Soil Conservation Practices and Agricultural Drainage Maintenance
- 72.18 IMPERVIOUS SURFACE STANDARDS
 - (1) Purpose
 - (2) Calculation of Impervious Surface
 - (3) Impervious Surface Standard
 - (4) Maximum Impervious Surface
 - (5) Existing Impervious Surfaces

(6) Construction

72.19 HEIGHT

72.20 NONCONFORMING USES AND STRUCTURES

- (1) Purpose
- (2) General Rule for nonconforming Uses and Structures
- (3) Discontinued nonconforming Use
- (4) Maintenance of Nonconforming Principal Structure
- (5) Vertical Expansion of Nonconforming Principal Structure
- (6) Expansion of a Nonconforming Principal Structure Beyond Setback
- (7) Replacement or Relocation of Nonconforming Principal Structure
- (8) Maintenance of Nonconforming Accessory Structures
- (9) Wet Boathouses

72.21 MITIGATION

72.22 ADMINISTRATION

72.23 PERMITS

- (1) When Required
- (2) Application
- (3) Expiration of Permit

72.24 CONDITIONAL USE (a/k/a SPECIAL EXCEPTIONS) PERMITS

- (1) Application
- (2) Evaluation
- (3) Other Conditions
- (4) Required Information
- (5) Deviation from Permit
- (6) State Review

72.25 BOARD OF ADJUSTMENTS

- (1) Powers
- (2) Appeal Time
- (3) Hearing Appeals and Actions Upon Variance Application

72.26 FEES

72.27 VIOLATIONS AND PENALTIES

72.28 STATUTE OF LIMITATIONS

72.29 ABROGATION AND GREATER RESTRICTIONS

72.30 INTERPRETATION

72.31 DEFINITIONS

72.32 CHANGES AND AMENDMENTS

72.33 SEVERABILITY

CHAPTER 72
SHORELAND ORDINANCE

72.01 STATUTORY AUTHORITY. This Ordinance is adopted under the authority of Wis. Stat. §§ 59.69, 59.692, 59.694, 87.30, 236.45, and 281.31.

72.02 FINDING OF FACT. Uncontrolled use of the shorelands and wetlands and pollution of the navigable waters of Sheboygan County will adversely affect the public health, safety, convenience, and general welfare, and impair the tax base. The Wisconsin legislature has delegated to the County responsibility to further the maintenance of safe and healthful conditions; to prevent and control water pollution; to protect spawning grounds, fish and aquatic life; to control building sites, placement of structures and land uses; to discourage development in erosion hazard areas, particularly along the coast of Lake Michigan; and to preserve shore cover and natural beauty. This responsibility is hereby recognized by Sheboygan County.

72.03 STATEMENT OF PURPOSE. The purpose of this Ordinance is to promote the public health, safety, convenience, and welfare, and promote and protect the public trust in navigable waters in the following manner:

- (1) Furthering the maintenance of safe and healthful conditions and preventing and controlling water pollution through:
 - (a) Limiting structures to those areas where soil and geological conditions will provide a safe foundation;
 - (b) Establishing minimum lot sizes to provide adequate area for private on-site waste treatment systems;
 - (c) Controlling filling and grading to prevent soil erosion problems; and
 - (d) Limiting impervious surfaces to control runoff which carries pollutants;
- (2) Protecting spawning grounds and fish and aquatic life through:
 - (a) Preserving wetlands and other fish and aquatic habitat;
 - (b) Regulating pollution sources; and
 - (c) Controlling shoreline alterations, dredging and lagooning;
- (3) Controlling building sites, placement of structures, and land uses through:
 - (a) Prohibiting certain uses detrimental to the shoreland-wetlands;
 - (b) Setting minimum lot sizes and widths;
 - (c) Setting minimum building setbacks from waterways; and
 - (d) Setting the maximum height of near shore structures;
- (4) Preserving and restoring shoreland vegetation and natural scenic beauty through:
 - (a) Restricting the removal of natural shoreland cover;
 - (b) Preventing shoreline encroachment by structures;

- (c) Controlling shoreland excavation and other earth-moving activities; and
- (d) Regulating the use and placement of boathouses and other structures.

72.04 TITLE. This Ordinance shall be known, cited, and referenced to as: **CHAPTER 72, SHORELAND ORDINANCE, SHEBOYGAN COUNTY, WISCONSIN**. As used herein, it may be referred to as "this Ordinance."

72.05 JURISDICTION. Areas regulated by this Ordinance shall include shorelands and wetlands of all navigable waters, as "navigable waters" is defined in Wis. Stat. § 281.31(2)(d) in the unincorporated areas of Sheboygan County which are:

- (1) Within one thousand feet (1,000') of the OHWM of navigable lakes, ponds, or flowages, or to the outer perimeter of contiguous mapped wetlands which extend beyond the one thousand feet (1,000') above and for which the applicable town board has filed a consent resolution in accordance with Wis. Stat. § 59.69(5) assigning zoning authority to Sheboygan County for the specific shoreland-wetlands identified on a map made a part of that resolution. Upon filing, such maps shall supplement the official shoreland zoning maps described in Section 72.07 of this Ordinance.
- (2) Within three hundred feet (300') of the OHWM of navigable waterways, or to the landward side of a floodplain, whichever is greater, or to the outer perimeter of contiguous mapped wetlands which extend beyond the three hundred feet (300') feet above and for which the applicable town board has filed a consent resolution in accordance with Wis. Stat. § 59.69(5) assigning zoning authority to Sheboygan County for the specific shoreland-wetlands identified on a map made a part of that resolution. Upon filing, such maps shall supplement the official shoreland zoning maps described in Section 72.07 of this Ordinance.

Lakes, ponds, flowages, or waterways in Sheboygan County shall be presumed to be navigable if they are designated on the shoreland and wetland maps described in Section 72.07 of this Ordinance. If evidence to the contrary is presented (i.e. that they are navigable or that they are not navigable), the Department shall make the determination as to whether or not the waters in question are navigable under the laws of Wisconsin. The Department shall also make the determination of the location of the OHWM. The Department may contact the appropriate office of the DNR for assistance in the determination of navigability or the location of the OHWM.

72.06 COMPLIANCE.

- (1) The use of any land or water; the size, shape, and placement of lots; the use, size, type, and location of structures on lots; the installation and maintenance of water supply and waste disposal facilities; the filling, grading, lagooning, and dredging of any lands; the cutting or removal of shoreland vegetation; and, the subdivision of lots on any area within the boundaries of the districts created and regulated by this Ordinance shall be in full compliance with the terms of this Ordinance and all other applicable local, state, or federal regulations. (See Section 72.20 of this Ordinance for standards applicable to pre-existing,

non-conforming uses.) Property owners, builders, and contractors are responsible for all Ordinance and code compliance and for reasonable care in construction or other development.

- (2) Unless specifically exempted by law, all cities, villages, towns, and counties are required to comply with this Ordinance and obtain all necessary permits. State agencies are required to comply Wis. Stat. § 13.48(13). Activities that are carried out under the direction and supervision of the Department of Transportation in connection with highway bridge or other transportation project design, location, construction, reconstruction, maintenance, and repair are not subject to the provisions of this Ordinance, provided the requirements of Wis. Stat. § 30.2022 are complied with. Activity where not exempt under Wis. Stat. § 30.2022 and the activity of County and local highways and bridges shall comply with this Ordinance and follow the procedure established in Wis. Admin. Code Ch. Trans 207, pursuant to an agreement with the DNR, and a Shoreland/Floodplain Zoning Permit shall not be required.

Notwithstanding the above, the permit and hearing fees set may be waived for such governmental applicants or agencies thereof, including special purpose units of government (e.g. sanitary and utility districts, lake management districts, school districts, housing authorities, public utilities).

- (3) Unless specifically exempted or prohibited by law, all maps, plats, or descriptions which are prepared by Sheboygan County or which are prepared by individuals or entities pursuant to this Chapter shall be oriented and referenced to the Sheboygan County Coordinate Grid as defined as the Sheboygan County Coordinate Monumentation System at Section 71.26 of the Sheboygan County Code of Ordinances.

72.07 SHORELAND DISTRICTS AND BOUNDARIES. The areas of Sheboygan County regulated by this Ordinance as described in Section 72.05 are hereby divided into two (2) districts: the Shoreland-Wetland District as defined and described in Section 72.09, and the Shoreland District as defined and described in Section 72.10.

The boundaries of the districts shall follow the boundaries illustrated on the following maps which are hereby adopted and made a part of this Ordinance and which are on file with the Department: "Shoreland Zoning Map, Sheboygan County, Wisconsin" and the supporting Wisconsin Wetland Inventory Maps for Sheboygan County as revised by the DNR and presented to the County in April 2009 and as presented most recently at the public hearing held by the Sheboygan County Planning, Resources, Agriculture, and Extension Committee on July 9, 2009.

72.08 LOCATING BOUNDARIES. Where an apparent discrepancy exists between the boundaries shown on the maps described in Section 72.07 and actual field conditions at the time the maps were adopted, the Department shall contact the appropriate office of the DNR to determine if the boundaries as mapped are in error. If the DNR staff concur with the Department that a particular area was incorrectly mapped, the Department shall have the authority to immediately grant or deny a Shoreland/Floodplain Zoning Permit in accordance with the regulations applicable to the correct zoning district. In order to

correct wetland mapping errors on the zoning map described in Section 72.07, the Department shall be responsible for initiating a map amendment within a reasonable period of time, but not to exceed one (1) year following the determination. Notwithstanding the foregoing, all portions of land subject to this Ordinance depicted on a certain map designated as the "April 8, 2003, Sheboygan County Highway Department Town of Mosel Permanent Easement Right-of-way Project No. 463395 Map" on file in the office of the Department shall be designated as being in the Shoreland District.

72.09 SHORELAND-WETLAND DISTRICT. This District includes all shorelands subject to regulation under Section 72.05 which are designated as wetlands on the wetland inventory maps referred to in Section 72.07 or by application of Section 72.08.

(1) PURPOSE. The purpose of the Shoreland-Wetland District is to maintain safe and healthful conditions, to prevent water pollution, to protect fish spawning grounds and wildlife habitat, to preserve shore cover and natural beauty, and to control building and development in wetlands whenever possible. Development in wetlands should be limited and, when development is permitted, it shall occur in a manner that minimizes the adverse impacts upon the wetland.

(a) Wetlands are seldom suitable as building sites for the following reasons:

1. On-site sewage disposal systems will not function because of high ground water.
2. Water supplies are often polluted by septic tank wastes that have not been adequately absorbed and purified by the soil.
3. Foundations, roads, and other pavements crack due to poor support capabilities and frost action.
4. Flooding is common in spring and other times of high water.

(b) Wetlands provide fish spawning grounds and wildlife habitat, and the natural plant and animal communities found in wetlands provide ecological balance to a watercourse.

(c) Wetlands serve as water storage areas and, therefore, minimize flooding and costly flooding damages.

(d) Wetlands biologically treat and purify water and, therefore, prevent water pollution.

(2) PERMITTED USES. The following uses shall be allowed, subject to the other general shoreland zoning regulations as applicable throughout this Ordinance, the provisions of Wis. Stat. chs. 30 and 31, Wis. Stat. §§ 281.36 and 281.37, and the provisions of other local, state, and federal laws, if applicable.

(a) Activities and uses which do not require the issuance of a Shoreland/Floodplain Zoning Permit, but which must be carried out

without filling, flooding, draining, dredging, ditching, tiling, or excavating except as allowed under Section 72.17(4):

1. Hiking, fishing, trapping, swimming, boating, and hunting, including the construction and maintenance of blinds for water fowling.
2. The harvesting of wild crops, such as marsh hay, ferns, moss, wild rice, berries, tree fruits, and tree seeds, in a manner that is not injurious to the natural reproduction of such crops. Peat mining is prohibited since it involves substantial excavation and may harm wetland values.
3. The practice of silviculture, including the planting, thinning, and harvesting of timber.
4. The pasturing of livestock.
5. The cultivation of agricultural crops.

(b) Uses which do not require the issuance of a Shoreland/Floodplain Zoning Permit and which may involve filling, flooding, draining, dredging, ditching, tiling, or excavating but only to the extent specifically provided below:

1. Temporary water level stabilization measures necessary to alleviate abnormally wet or dry conditions that would have an adverse impact on silvicultural activities if not corrected.
2. The cultivation of cranberries including flooding, dike and dam construction, or ditching necessary for the growing and harvesting of cranberries.
3. The maintenance and repair of existing agricultural drainage systems including ditching, tiling, dredging, excavating, and filling necessary to maintain the level of drainage required to continue the existing agricultural use. This includes the minimum filling necessary for disposal of dredged spoil adjacent to the drainage system provided that dredged spoil is placed on existing spoil banks where possible.
4. The construction or maintenance of fences for the pasturing of livestock including limited excavating and filling necessary for such construction or maintenance.
5. The construction or maintenance of piers, docks or walkways built on pilings including limited excavating and filling necessary for such construction and maintenance.

6. The maintenance, repair, replacement, or reconstruction of existing town and county highways and bridges including limited excavating and filling necessary for such maintenance, repair, replacement, or reconstruction.
- (c) Uses which require the issuance of a zoning permit and which may include limited filling, flooding, draining, dredging, tiling, or excavating, but only to the extent specifically provided below:
1. The construction and maintenance of roads which are necessary to conduct silvicultural activities or are necessary for agricultural cultivation provided that:
 - A. The road cannot as a practical matter be located outside the wetland
 - B. The road is designed and constructed to minimize the adverse impact upon the natural functions of the wetland enumerated in Section 72.09(4)(b)1 through 7;
 - C. The road is designed and constructed with the minimum cross-sectional area practical to serve the intended use;
 - D. Road construction activities are carried out in the immediate area of the roadbed only.
 2. The construction and maintenance of non-residential buildings provided that:
 - A. The building is essential for and used solely in conjunction with the raising of waterfowl, minnows, or other wetland or aquatic animals or some other use permitted in the Shoreland-Wetland District;
 - B. The building cannot, as a practical matter, be located outside the wetland;
 - C. Such building is not designed for human habitation and does not exceed five hundred (500) square feet in floor area; and
 - D. Filling or excavating is authorized only to that which is necessary to provide structural support for the building.
 3. The establishment of public and private parks and recreation areas, natural and outdoor education areas, historic and scientific areas, wildlife refuges, game preserves, and animal farms, fish hatcheries, and public boat launching ramps and attendant access roads, provided that:

- A. Any private development is used exclusively for the permitted purpose and the applicant has received a permit or license under Wis. Stat. ch. 29, where applicable;
 - B. Filling or excavating necessary for the construction or maintenance of boat launching ramps or attendant access roads is allowed only where such construction or maintenance meets the criteria of Section 72.09(2)(c); and
 - C. Ditching, excavating, dredging, or dike and dam construction in public and private parks and recreation areas, natural and outdoor educational areas, historic and scientific areas, wildlife refuges, game, bird, and animal farms, and fish hatcheries is allowed only for the purpose of improving wildlife habitat or to otherwise enhance wetland values.
- 4. The construction or maintenance of electric, gas, telephone, water and sewer transmission and distribution facilities by public utilities and cooperative associations organized for the purpose of producing or furnishing heat, light, power, or water to their members, and the construction or maintenance of railroad lines, provided that:
 - A. The transmission and distribution facilities and railroad lines cannot, as a practical matter, be located outside the wetland; and
 - B. Such construction or maintenance is done in a manner designed to minimize adverse impacts upon the natural functions of the wetlands enumerated in Section 72.09(4)(b)1 through 7.
- (3) PROHIBITED USES. Any use not listed in Section 72.09(2), above, is prohibited, unless the wetland or a portion of the wetland is rezoned by an amendment of this Ordinance in accordance with the requirements of Wis. Stat. § 59.69(5)(e), Wis. Admin. Code Ch. NR 115, and Section 72.09(4).
- (4) REZONING OF LANDS IN THE SHORELAND-WETLAND DISTRICT.
 - (a) For all proposed text and map amendments to the Shoreland-Wetland District, the appropriate office of the DNR shall be provided with the following:
 - 1. A copy of every petition for a text or map amendment to the Shoreland-Wetland District within five (5) days of the filing of such petition with the County Clerk with a copy to the Department. Such petition shall include a copy of the Wisconsin Wetland

Inventory Map adopted and referred to at Section 72.07 describing the proposed rezoning of a shoreland-wetland;

2. Written notice of the public hearing to be held on a proposed amendment, at least ten (10) days prior to such hearing;
3. A copy of the Department's findings and recommendations on each proposed amendment, within ten (10) days after the submission of those findings and recommendations to the County Board; and
4. Written notice of the County Board's enactment or other action, within ten (10) days after it is issued.

(b) A wetland or a portion thereof in the Shoreland-Wetland District shall not be rezoned if the proposed rezoning may result in a significant adverse impact upon any of the following:

1. Storm and flood water storage capacity;
2. Maintenance of dry season stream flow, the discharge of groundwater to a wetland, the recharge of groundwater from a wetland to another area, or the flow of groundwater through a wetland;
3. Filtering or storage of sediments, nutrients, heavy metals, or organic compounds that would otherwise drain into navigable waters;
4. Shoreline protection against soil erosion;
5. Fish spawning, breeding, nursery, or feeding grounds;
6. Wildlife habitat; or
7. Wetlands both within the boundary of designated areas of special natural resource interest and those wetlands which are in proximity to or have a direct hydrologic connection to such designated areas as defined in Wis. Admin. Code § NR 103.04 which can be accessed at the following web site:
<http://www.legis.state.wi.us/rsb/code/nr/nr103.pdf>.

(c) If the DNR has notified the Department that a proposed text or map amendment to the Shoreland-Wetland District may have a significant adverse impact upon any of the criteria listed in Subsection (b), above, that amendment, if approved by the County Board, shall contain the following provision: "This amendment shall not take effect until more than thirty (30) days have elapsed since written notice of the County Board's approval of this amendment was mailed to the DNR. During that

thirty- (30-) day period, the DNR may notify the County Board that it will adopt a superseding shoreland ordinance for the County under Wis. Stat. § 59.692(6). If the DNR does so notify the County Board, the effect of this amendment shall be stayed until the adoption procedure under Wis. Stat. § 59.692(6) is completed or otherwise terminated. If the DNR does not so notify the County Board, the amendment shall take effect upon publication." The Department shall notify the property owner that the amendment has been stayed.

72.10 SHORELAND DISTRICT.

- (1) DESIGNATION. This District includes all shorelands subject to regulation under Section 72.05 which are not designated as wetlands on the "Shoreland Zoning Map" and wetland inventory maps cited in Section 72.07.
- (2) PURPOSE. The purpose of the Shoreland District is to protect waters by providing for safe and orderly shoreland development. In this District, residential, recreational, and conservancy uses are permitted and a limited number of commercial uses are allowed as conditional uses. All permitted uses or conditional uses are subject to the general provisions of this Ordinance and all other applicable laws and regulations.
- (3) PERMITTED USES.
 - (a) Any use permitted under Section 72.09(2), except that if the use requires the issuance of a Shoreland/Floodplain Zoning Permit under Section 72.09, it requires a Shoreland/Floodplain Zoning Permit under this Section as well.
 - (b) Single-family detached dwellings, including mobile homes that meet the definition and standards set forth in Section 72.31(35), provided a Shoreland/Floodplain Zoning Permit under Section 72.23 is issued.
 - (c) Parks and playgrounds, provided a Shoreland/Floodplain Zoning Permit under Section 72.23 is issued.
 - (d) Accessory uses, provided a Shoreland/Floodplain Zoning Permit under Section 72.23 is issued.
 - (e) Boathouses, provided they meet the standards of Section 72.15(2)(a), and provided a Shoreland/Floodplain Zoning Permit under Section 72.23 is issued.
 - (f) Signs that meet the Shoreland setback requirement if approved by the Town in which they are located.
- (4) CONDITIONAL USES. The following uses, if permitted or approved pursuant to the underlying municipal zoning and other land use ordinances, are permitted

upon the issuance of a Conditional Use Permit according to the procedure set forth in Section 72.24.

- (a) All private inland lake access points providing access from more than two (2) dwelling units on back lots or building sites which do not front directly on the lake ("funnel subdivisions"). Such private access points shall have a minimum of fifty feet (50') in width at the OHWM for each of the first two (2) dwelling units served, plus an additional ten feet (10') of width for each additional dwelling unit served. The Resources Committee may attach conditions governing on-site storage of watercraft in length, types, and other specifications. That Committee shall consider the size, shape, depth, present and potential use of the lake, and the effect of the private access on public rights in navigable waters.
- (b) Two- (2-) family dwellings.
- (c) Multiple-family dwellings.
- (d) Planned Unit Developments, planned, designed, and developed in conformance with Section 71.24 of the Sheboygan County Code of Ordinances. The County Board may, at its discretion, upon its own motion or upon petition, approve a Planned Residential Unit Development Overlay District upon finding, after a public hearing, that all of the following facts exist:
 - 1. Area. The area proposed for the Planned Residential Unit Development shall be at least two (2) acres in size or have a minimum of two hundred (200) feet of frontage on navigable water.
 - 2. Lots. Any proposed lot in the Planned Residential Unit Development that does not meet the minimum size standards of Section 72.14 and as otherwise may be required shall be a non-riparian lot.
 - 3. Vegetative buffer zone and preservation of ground cover. The location of lots and the dedication of part of the land for use by the public or residents of the Planned Residential Unit Development shall preserve the vegetative buffer zone and ground cover of the shoreland to enhance scenic beauty of the navigable water, prevent erosion, and provide wildlife habitat. In cases where the vegetative buffer does not exist it shall be re-established. All lands not used for lots and streets shall be dedicated in perpetuity to remain in open space. This may be accomplished by conveyance in common to each of the owners of lots in the development or to a corporation formed by them, or by dedication to the County, Town, or municipality. Lands dedicated to the public must be accepted by action of the governing body of the accepting unit of government. If the land is to be conveyed to

owners of lots in the development, a homeowner's association, or similar legally constituted body shall be created to maintain the open space land. Any restriction placed on platted land by covenant, grant of easement, or any other manner which was required by a public body or which names a public body as grantee, promisee, or beneficiary, shall vest in the public body the right to enforce the restriction at law or in equity against anyone who has or acquires an interest in the land subject to the restriction.

4. Density. The number of platted lots shall not exceed those which would have been possible if the same land were platted in accordance with the minimum lot sizes and widths provided by the applicable provisions of the zoning ordinance. This figure shall be determined by dividing the total area of the subdivision by the minimum lot size requirement by Section 72.14.

5. Lot sizes, widths, setbacks, and vegetation removal. When considering approval of a Planned Residential Unit Development, the governing body shall consider whether proposed lot sizes, widths, and setbacks are of adequate size and distance to prevent pollution or erosion along streets or other public ways and waterways. Increased shoreland setbacks shall be a condition of approval as a way of minimizing adverse impacts of development. Shore cover provisions shall apply, except that maximum width of a lake frontage opening shall be one hundred (100) feet and minimum vegetative buffer depth shall be increased to offset the impact of the proposed development.

- (e) Public, parochial, and private schools.
- (f) Churches and similar places of religious worship.
- (g) Professional offices.
- (h) Governmental and cultural uses such as fire and police stations, community centers, municipal buildings, libraries, cemeteries, and museums.
- (i) Golf courses and country clubs.
- (j) Hotels, resorts [including two (2) or more seasonal dwelling units on a single lot for rent or lease], motels, restaurants, dinner clubs, taverns, and other private or public clubs.
- (k) Recreational camps and campgrounds. Recreational camps shall conform to Wis. Admin. Code Ch. H 75 and campgrounds shall conform to Wis. Admin. Code Ch. H 78.

- (l) Individual gift and retail specialty shops.
- (m) Marinas, boat liveries, bait shops, sports equipment stores, watercraft and marine motor sales and service stores, and fish farms.
- (n) Agricultural uses, provided that the following conditions shall apply in addition to any other conditions that may be established by the Committee:
 - 1. New farm buildings housing animals, and all new barnyards or feedlots, shall be located at least one hundred feet (100') from any navigable water and shall be located so that manure will not drain into any navigable water. (Waste collection and disposal systems may be required to prevent manure from draining into any navigable water.)
 - 2. The floodplain zoning standards set forth in Chapter 73 of the Sheboygan County Code of Ordinances shall apply hereto.
- (o) Warehouses, provided that the underlying zoning is industrial or commercial and that the following conditions shall apply in addition to any other conditions that may be established by the Committee:
 - 1. All structures over one thousand (1,000) square feet in area shall be set back at least one hundred feet (100') from the OHWM of navigable waters.
 - 2. All parking lots, support and accessory facilities, and other impervious surfaces that, in the aggregate, exceed five thousand (5,000) square feet in area shall be set back at least one hundred feet (100') from the OHWM of navigable waters.
 - 3. Stormwater management and erosion control plans (prepared in accordance with Wis. Admin. Code Chs. NR 151 and NR 152 or Chapter 78 of the Sheboygan County Code of Ordinances regardless of whether a permit might otherwise be required, whichever is more restrictive) shall be submitted for developments in which parking lots, support and accessory facilities, and other impervious surfaces, in the aggregate, exceed ten thousand (10,000) square feet in area. Such plans shall discourage direct stormwater discharge to the navigable waters, or shall provide for adequate detention/retention or pretreatment.
 - 4. The storage, processing, or manufacture of any materials hazardous, explosive, or otherwise injurious to humans, animals, vegetation, ground, and surface waters shall be prohibited.
 - 5. Motor vehicle service and repair facilities shall be prohibited.

(p) Light Industry, provided that the following conditions shall apply in addition to any other conditions that may be established by the Committee:

1. Only previously existing structures or other developments may be converted to light industrial uses.
2. The underlying municipal zoning is industrial or commercial.
3. All structures over one thousand (1,000) square feet in area shall be set back at least one hundred feet (100') from the OHWM of navigable waters.
4. All parking lots, support and accessory facilities, and other impervious surfaces that, in the aggregate, exceed five thousand (5,000) square feet in area shall be set back at least one hundred feet (100') from the OHWM of navigable waters.
5. Stormwater management and erosion control plans for the site shall be required and implemented. The plans and implementation shall be reviewed and approved by the Department for existing developments in which parking lots, support and accessory facilities, and other impervious surfaces, in the aggregate, exceed ten thousand (10,000) square feet in area. The plans and their implementation shall be based on Best Management Practices (BMPs) and shall be designed and installed to handle the largest storm event possible considering the physical constraints of the existing property prior to the planning and construction of additional impervious surfaces. The plans shall discourage direct stormwater discharge to the navigable waters, or shall provide for adequate detention/retention or pretreatment. In addition, the plans shall include an "Operation and Maintenance Plan" that establishes monitoring and maintenance requirements for the BMPs to ensure the BMPs will operate as designed and thereby protect the waters of the state. BMPs shall be constructed prior to the start of the industrial/manufacturing operation pending soil and weather conditions.
6. Outdoor storage of raw materials, finished products, and waste materials/process by-products shall be prohibited or otherwise screened from view and covered to prevent off-site migration via wind or water.
7. The storage, processing, or manufacture of any materials which are hazardous, explosive, or otherwise injurious to

humans, animals, vegetation, ground, and surface waters shall be prohibited.

8. Motor vehicle service and repair facilities shall be prohibited.

(q) Non-metallic mining, provided all provisions of Chapter 78 of the Sheboygan County Code of Ordinances are adhered to regardless of whether a permit is required and provided that the activity has a set-back of three hundred (300') feet from the OHWM.

72.11 LAND DIVISION REVIEW. In addition to the zoning provisions set forth herein, all land divisions involving land in the Shoreland-Wetland District and/or in the Shoreland District are subject to the requirements of Chapter 71 of the Sheboygan County Code of Ordinances, including Section 71.16 thereof.

72.12 *RESERVED.*

72.13 SANITARY REGULATIONS. In addition to the zoning provisions set forth herein, all land in the Shoreland-Wetland District and/or in the Shoreland District are subject to the sanitary regulations of Chapter 70 of the Sheboygan County Code of Ordinances.

72.14 BUILDING SITES AND DIMENSIONS. Any Shoreland/Floodplain Zoning Permit or Conditional Use Permit issued hereunder shall have as applicable these additional requirements:

(1) The dimensions of all building lots hereinafter created shall be subject to Chapter 71 of the Sheboygan County Code of Ordinances, and in addition, in order to afford protection against danger to health, safety, and welfare and protection against pollution of adjacent bodies of water:

(a) "Sewered lots." Lots served by a public sanitary sewer shall have a minimum width of sixty-five feet (65') and ten thousand (10,000) square feet of area. If abutting a navigable waterway, it shall have at least sixty-five feet (65') of frontage at the OHWM.

(b) "Unsewered lots." Lots not served by a public sanitary sewer shall have a minimum width of one hundred feet (100'), and twenty thousand (20,000) square feet of area. If abutting a navigable waterway, it shall also have at least one hundred feet (100') of frontage at the OHWM.

(2) A legally-created lot or parcel that met minimum area and minimum average width requirements when created but does not meet current lot size requirements may be used as a building site if all of the following apply:

(a) The substandard lot or parcel was never reconfigured or combined with another lot or parcel by plat, survey, or consolidation by the owner into one (1) parcel;

- (b) The substandard lot or parcel has never been developed with one (1) or more of its structures placed partly upon an adjacent lot or parcel; and
 - (c) The substandard lot or parcel is developed to comply with all other ordinance requirements.
- (3) Except for lots which meet the requirements of Section 72.14(1) and (2), a building permit for the improvement of a lot having lesser dimensions than those stated herein shall be issued only if a variance is granted by the Board of Adjustments.
 - (4) Only one (1) principal structure and one (1) principal use shall be permitted on a single parcel, lot, or tract of land unless expressly approved on an individual basis for such uses as Planned Unit Developments, condominiums, or other clustered projects, in accordance with the provisions of Sections 72.10, 72.11, and 72.13.
 - (5) Accessory structures shall not be constructed or placed until their principal structure is present or under construction.

72.15 SETBACKS. In order to conform to health and safety concerns, preserve natural beauty, reduce flood hazards, and avoid water pollution, any use of property within a Shoreland-Wetland District or a Shoreland District shall have as applicable these additional requirements:

- (1) SETBACKS FROM THE WATER. [NOTE: Setbacks hereunder are to be measured at right angles from lot lines or the OHWM, horizontally, to the closest projection of the structure or integral part thereof, including attached decks, porches, balconies, attached covered stairs and landings, chimneys, such architectural projections as sills, eaves, and belt courses, and attached garages.]
 - (a) Inland Navigable Waters, except if exempt or reduced as hereafter provided.
 - 1. Required Setbacks. All structures, except piers, wharves, boat hoists, boathouses, open fences, bridges, dams, and walkways and stairways which are necessary to provide pedestrian access to the shoreline, shall require a setback of at least seventy-five feet (75') from the OHWM although a greater setback may be required where otherwise regulated by the floodplain provisions of this Ordinance or other more restrictive ordinances.

Structures which require authorization or permits from the DNR pursuant to Wis. Stat. chs. 30 and 31 or which are to be located below the OHWM, namely bridges, dams, culverts, piers, wharves, navigational aids, and waterway crossings of transmission lines shall comply with all applicable federal, state, county, and local regulations, but shall not require the issuance of

a Shoreland/Floodplain Zoning Permit where the standards of this Ordinance are complied with.

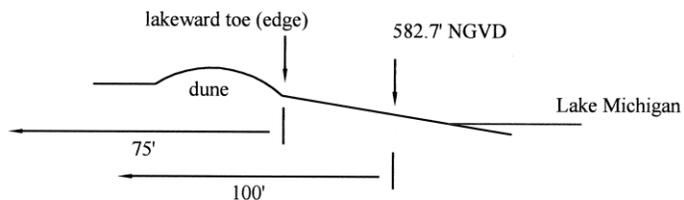
2. Reduced Principal Structure Setback. Existing development pattern means that principal structures exist within two hundred fifty feet (250') of the proposed principal structure in both directions along the shoreline. Where there is an existing development pattern, the shoreland setback for a proposed principal structure may be reduced to the average shoreland setback of the principal structure on each adjacent lot within two hundred fifty feet (250') of the proposed principal structure but no closer than the existing structure. The shoreland setback may not be reduced to less than thirty-five feet (35') from the OHWM of any navigable waters.

(b) Lake Michigan.

1. Findings of Fact. Lake Michigan possesses unique ecological characteristics, water level fluctuations, and erosion hazards, not found on other surface waters in Sheboygan County.
2. Required Setbacks. All structures, except piers, wharves, boat hoists, boathouses, open fences, bridges, dams, and walkways which are necessary to provide pedestrian access to the shoreline, shall be set back at least one hundred feet (100') from the OHWM elevation of 582.7' National Geodetic Vertical Datum (NGVD) or Mean Sea Level (MSL) or 75' from the lakeward toe of the natural primary dune, whichever is less, for the coastal reach extending from the south County line to the south City of Sheboygan limit.

Toe: The lowest point on the slope of a dune or bluff.

Lakeward toe: The toe or edge on the lake side of the dune.



From the north City of Sheboygan limit to the north County line the coast of Lake Michigan consists almost entirely of steep bluffs ± 50 feet in height; long-term recession (erosion) rates of ± 2 feet per year have been recorded along this coastal reach. To protect property and life and minimize costly damage, the setback from the OHWM of Lake Michigan for structures is based upon the long-term recession rate of two feet (2') per year and a fifty- (50-)

year period as the useful life of the structure. In addition, on these steep bluffs it shall also be necessary to determine an additional setback distance based upon a stable slope angle of two and one-half feet (2-1/2') horizontal distance for every one foot (1') vertical distance. [To illustrate, 50-year design life × 2 feet per year recession rate = 100-foot setback. If on the 50 foot high bluff; 2-1/2 feet (stable slope angle) × 50 feet (bluff height) = 125-foot setback. TOTAL SETBACK = 225 feet (100 + 125).]

Therefore, to achieve the added degree of protection for major structural investments as described above, all Principal Buildings shall be set back two hundred twenty-five feet (225') from the OHWM for the coastal reach extending from the north City of Sheboygan limit to the north County line. Accessory structures in this area shall be setback 100 feet from the OHWM.

Structures which require authorization or permits from the DNR pursuant to Wis. Stat. chs. 30 and 31 or which are to be located below the OHWM; namely bridges, dams, culverts, piers, wharves, navigational aids, and waterway crossings of transmission lines shall comply with all applicable federal, state, county, and local regulations, but shall not require the issuance of a Shoreland/Floodplain Zoning Permit where the standards of this Ordinance are complied with.

3. Procedure to Reduce Setback of Principal Buildings. For the coastal reach extending from the north City of Sheboygan Limit to the north County line, a lesser setback may be achieved for the principal building on an individual site where it is determined by a registered professional engineer or surveyor that the height of the bluff is less than fifty feet (50') and, therefore, that the stable slope angle setback (2-1/2:1) would be less than the one hundred twenty-five feet (125') established above. Measurement of the stable slope angle setback shall be made from the OHWM perpendicular to the shoreline. There shall be two such measurements for every one hundred feet (100') of shoreline at points not less than fifty feet (50') apart. The setback shall be a line connecting these two points, or such line extended.

The Board of Adjustments may approve, as a variance under the provisions of Section 72.25, a modification of the erosion hazard setback upon presentation by the applicant of acceptable engineering studies documenting:

- A. Lower recession rates;
- B. More stable slope conditions;
- C. Plans for structural protection against wave attack; and
- D. Plans for stabilization of the bluff or shoreline.

- (2) EXEMPT STRUCTURES. All of the following structures are exempt from the setback standards in Subsection (1), above:
- (a) Boathouses located entirely above the OHWM and entirely within the access and viewing corridor that do not contain plumbing and are not used for human habitation, subject to the following:
1. Boathouses shall be designed and constructed solely for the storage of watercraft and related equipment.
 2. Only one boathouse is permitted on a lot as an accessory structure.
 3. Boathouses shall not be constructed where the existing slope is more than twenty percent (20%).
 4. Boathouses shall not extend below the OHWM or more than thirty feet (30') landward of the OHWM and shall be constructed in conformity with all floodplain zoning standards.
 5. Boathouses shall not exceed three hundred (300) square feet in area.
 6. The height of a boathouse shall not exceed twelve feet (12') as measured from the lowest adjacent grade to the peak of the roof.
 7. Railings shall not be placed on top of the boathouse nor shall boathouse roofs be designed to provide general outdoor living space (i.e. a deck).
- (b) Open-sided and screened structures such as gazebos, decks, patios, and screen houses in the shoreland setback area that satisfy the requirements in Wis. Stat. § 59.692(1v).
1. The part of the structure that is nearest to the water is located at least thirty-five feet (35') landward from the OHWM.
 2. The floor area of all the structures in the shoreland setback area will not exceed two hundred (200) square feet.
 3. The structure that is the subject of the request for special zoning permission has no sides or has open or screened sides.
 4. The Department must approve a plan that will be implemented by the owner of the property to preserve or establish a vegetative buffer zone that covers at least seventy percent (70%) of the half of the shoreland setback area that is nearest to the water.

5. A Department-approved affidavit must be filed by the property owner with the Register of Deeds prior to construction acknowledging the limitations on the vegetation required above which shall run with the land.
 6. The structure must be free-standing and more than five feet (5') from a principal structure.
- (c) Broadcast signal receivers, including satellite dishes or antennas that are one (1) meter or less in diameter and satellite earth station antennas that are two (2) meters or less in diameter, and small, moveable structures at the discretion of Department staff.
 - (d) Utility transmission and distribution lines, poles, towers, water towers, pumping stations, well pumphouse covers, private on-site wastewater treatment systems that comply with Wis. Admin. Code Ch. SPS 383, and other utility structures that have no feasible alternative location outside of the minimum setback and that employ best management practices to infiltrate or otherwise control storm water runoff from the structure.
 - (e) Walkways, stairways, landings, or rail systems that are necessary to provide pedestrian access to the shoreline and are a maximum of sixty (60) inches in width.
- (3) FLOODPLAIN STRUCTURES. Buildings and structures to be constructed or placed in a floodplain shall be required to comply with Chapter 73 of the Sheboygan County Code of Ordinances.

72.16 VEGETATION

- (1) Purpose. To protect water quality, fish and wildlife habitat and natural scenic beauty, and to promote preservation and restoration of native vegetation, owners of property in shoreland-wetland zones and/or shoreland zones must consider sound forestry and soil conservation practices and the effect of vegetation removal on water quality, including soil erosion, and the flow of effluents, sediments and nutrients.
- (2) Limitations. Land that extends from the ordinary high water mark to a minimum of thirty-five feet (35') inland shall be designated as a vegetative buffer zone and removal of vegetation in the vegetative buffer zone is prohibited except as follows:
 - (a) Routine maintenance of vegetation is allowed.
 - (b) Removal of trees and shrubs in the vegetative buffer zone is allowed to create access and viewing corridors, provided that the combined width of all access and viewing corridors on a riparian lot or parcel may not exceed the lesser of thirty percent (30%) of the shoreline frontage or two hundred feet (200').

- (c) Removal of trees and shrubs in the vegetative buffer zone on a parcel with ten (10) or more acres of forested land consistent with “generally accepted forestry management practices” as defined in Wis. Admin. Code § NR 1.25(2)(b) and described in DNR publication *Wisconsin Forest Management Guidelines* (publication FR-226), provided that vegetation removal be consistent with these practices.
 - (d) Removal of vegetation within the vegetative buffer zone is allowed to manage exotic or invasive species, damaged vegetation, vegetation that must be removed to control disease, or vegetation creating an imminent safety hazard, provided that any vegetation removed under the permit be replaced by replanting in the same area as soon as practicable. The Department may require documentation from a qualified professional supporting the need for removal of the additional vegetation.
 - (e) Additional vegetation management activities in the vegetative buffer zone may be authorized by permit. The permit shall require that all management activities comply with detailed plans approved by the Department and designed to control erosion by limiting sedimentation into the waterbody, to improve the plant community by replanting in the same area, and to maintain and monitor the newly-restored area. The permit also shall require an enforceable restriction to preserve the newly-restored area. The Department may require documentation from a qualified professional supporting the need for additional vegetation management activities.
- (3) Cutting More than Thirty-five Feet (35') Inland. From the inland edge of the thirty-five-foot (35') area to the outer limits of the shoreland, the cutting of vegetation shall be allowed when accomplished using accepted forest management and soil conservation practices which protect water quality.

72.17 FILLING, DREDGING, LAGOONING, GRADING, DITCHING, AND EXCAVATING. Any filling, grading, lagooning, dredging, ditching, and excavating on property within a Shoreland-Wetland District or a Shoreland District shall be permitted only in accordance with the provisions of Wis. Admin. Code § NR 115.04, the requirements of Wis. Stat. chs. 30 and 31 and only if done in a manner designed to minimize erosion, sedimentation, and impairment of fish and wildlife habitat and natural scenic beauty, and these additional requirements:

- (1) GENERAL STANDARDS. Filling, dredging, lagooning, grading, ditching, or excavating which does not require a Shoreland/Floodplain Zoning Permit is allowed, provided that:
 - (a) It is done in a manner designed to minimize erosion, sedimentation, and impairment of fish and wildlife habitat.
 - (b) Filling, dredging, lagooning, grading, ditching, or excavating in a shoreland-wetland area meets the requirements of Section 72.09(2)(b).

- (c) A local, state, or federal permit is obtained if local, state, or federal laws require the issuance of a permit for the filling, dredging, lagooning, grading, ditching, or excavating that is proposed.
 - (d) Any fill placed in the shoreland area is protected against erosion by the use of riprapping, vegetative cover, or a bulkhead.
- (2) PERMIT REQUIRED. Except as provided in Section 72.17(4), a Shoreland/Floodplain Zoning Permit is required:
- (a) For development anywhere in a mapped floodplain under the jurisdiction of Chapter 73 of the Sheboygan County Code of Ordinances.
 - (b) For any filling or grading of any area which is within three hundred feet (300') of the OHWM of a navigable waterway and which has surface drainage toward the water and on which there is either:
 - 1. Any filling or grading on slopes of twenty percent (20%) or more; or
 - 2. Filling or grading of more than one thousand (1,000) square feet on slopes of twelve percent (12%) to twenty percent (20%); or
 - 3. Filling or grading of more than two thousand (2,000) square feet on slopes of twelve percent (12%) or less.
 - (c) For construction or dredging commenced on any artificial waterway, canal, ditch, lagoon, pond, lake, or similar waterway which is within three hundred feet (300') of the OHWM of a navigable body of water or where the purpose is the ultimate connection with a navigable body of water.
- (3) PERMIT CONDITIONS. In granting a permit under Subsection (2), above, the Department shall attach the following conditions, where appropriate, in addition to those provisions specified in Sections 72.23.
- (a) The smallest amount of bare ground shall be exposed for as short a time as feasible.
 - (b) Temporary ground cover (such as mulch or jute netting) shall be used and permanent vegetative cover shall be established.
 - (c) Diversion berms or bales, silting basins, terraces, filter fabric fencing, and other methods shall be used to prevent erosion.
 - (d) Lagoons shall be constructed to avoid fish trap conditions.
 - (e) Fill shall be stabilized according to accepted engineering standards.

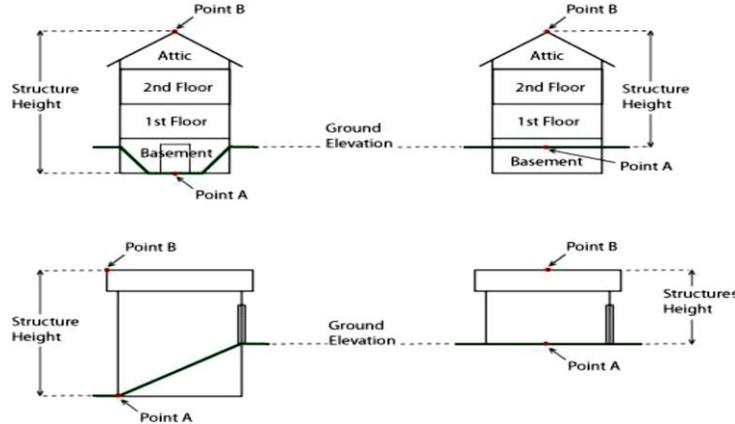
- (f) Filling shall comply with any local floodplain zoning ordinance and shall not restrict a floodway or destroy the flood storage capacity of a floodplain.
 - (g) Channels or artificial watercourses shall be constructed with side slopes of two (2) units horizontal distance to one (1) unit vertical or flatter which shall be promptly vegetated, unless bulkheads or riprap are provided.
- (4) SOIL CONSERVATION PRACTICES AND AGRICULTURAL DRAINAGE MAINTENANCE.
- (a) Soil conservation practices such as tiled terraces, runoff diversions and grassed waterways used for erosion control shall not require a permit when designed and constructed to Natural Resources Conservation Service technical standards.
 - (b) The maintenance of existing agricultural drainage systems shall be permitted in conformity with the following construction standards:
 - 1. The maintenance dredging of farm drainage ditches is limited to reestablishing the original ditch cross section unless a permit under Section 72.17(2) is obtained.
 - 2. Ditch banks shall be constructed at a slope of 2 horizontal to 1 vertical (50% grade) or flatter.
 - 3. Ditch banks shall be maintained in a sod cover and free of woody vegetation.
 - 4. A minimum ten- (10-) foot wide buffer strip of untilled, ungrazed sod cover shall be maintained adjacent to the ditch bank.

72.18 IMPERVIOUS SURFACE STANDARDS.

- (1) PURPOSE. To protect water quality and fish and wildlife habitat and to protect against pollution of navigable waters, these impervious surface standards are established and shall apply to the construction, reconstruction, expansion, replacement, or relocation of any impervious surface within three hundred feet (300') of the OHWM of any navigable waterway. These standards are in addition to and do not supersede any other applicable provisions of this Ordinance.
- (2) CALCULATION OF IMPERVIOUS SURFACE. The percentage of impervious surface shall be calculated by dividing the surface area of existing and proposed impervious surfaces on the portion of a lot or parcel that is within three hundred feet (300') of the OHWM by the total surface area of that portion of the lot or parcel that is within three hundred feet (300') of the OHWM and multiplied by one hundred (100). The Department may require a survey of existing impervious surfaces to be included as part of the permit application.

- (3) IMPERVIOUS SURFACE STANDARD. Up to fifteen percent (15%) of the portion of a lot or parcel that is within three hundred feet (300') of the OHWM may be comprised of impervious surface.
- (4) MAXIMUM IMPERVIOUS SURFACE. More than fifteen percent (15%) but not more than thirty percent (30%) of a lot or parcel that is within three hundred feet (300') of the OHWM may be comprised of impervious surface, but for that portion of the development that exceeds fifteen percent (15%) impervious surface but not more than thirty (30%) impervious surface, a permit shall be required which includes a mitigation plan that meets the standards found in Section 72.21.
- (5) EXISTING IMPERVIOUS SURFACES. For existing impervious surfaces that were lawfully placed when constructed but that do not comply with the impervious surface standards provided herein, the property owner may do any of the following:
 - (a) maintain and repair the existing impervious surfaces;
 - (b) replace existing impervious surfaces with similar surfaces within the existing impervious surface footprint;
 - (c) relocate or modify an existing impervious surface with similar or different impervious surface, provided that the relocation or modification does not result in an increase in the percentage of impervious surface that existed on the effective date of this Ordinance, and the impervious surface meets the applicable setback requirements in Section 72.15. If the relocation or modification results in a change in drainage pattern or reconfiguration of the impervious surface footprint, mitigation that meets the standards found in Section 72.21 is required.
- (6) CONSTRUCTION. This Section of the Ordinance shall not be construed to supersede the other provisions in this Ordinance. Maintenance, reconstruction, relocation, and expansion of existing structures must comply with other provisions in this Ordinance, including the shoreland setback and non-conforming structures provisions.

72.19 HEIGHT. To protect and preserve wildlife habitat and natural scenic beauty, construction shall not be permitted that results in a structure taller than thirty-five feet (35') within seventy-five feet (75') of the OHWM of any navigable waters. Structure height shall be measured as follows: The measurement of the vertical line segment starting at the lowest point of any exposed wall and its intersect with the ground (Point A in the following diagram) to a line horizontal to the highest point of a structure (Point B in the following diagram) unless specified under other Sections of this Ordinance.



72.20 NONCONFORMING USES AND STRUCTURES.

- (1) **PURPOSE.** To protect water quality, fish and wildlife habitat, and natural scenic beauty, some control is needed over the modification and reconstruction of nonconforming structures.
- (2) **GENERAL RULE FOR NONCONFORMING USES AND STRUCTURES.** Pursuant to Wis. Stat. § 59.692(1s),
 - (a) Restrictions that are applicable to damaged or destroyed nonconforming structures and that are contained herein shall not prohibit the restoration of a nonconforming structure if the structure will be restored to the size, subject to par. (b), location, and use that it had immediately before the damage or destruction occurred, or impose any limits on the costs of the repair, reconstruction, or improvement if all of the following apply:
 1. The nonconforming structure was damaged or destroyed after October 14, 1997.
 2. The damage or destruction was caused by violent wind, vandalism, fire, flood, ice, snow, mold, or infestation.
 3. A landowner has demonstrated by a permit application and approval the scope, nature, extent of the damage done as well as the dimensions of the damaged structure and proposed restoration.
 - (b) The size of a structure may be larger than the size it was immediately before the damage or destruction if necessary for the structure to comply with applicable state or federal requirements.
- (3) **DISCONTINUED NONCONFORMING USE.** If a nonconforming use is discontinued for a period of twelve (12) months, any future use of the building, structure, or property shall conform to this Ordinance.

- (4) MAINTENANCE OF NONCONFORMING PRINCIPAL STRUCTURE. An existing principal structure that was lawfully placed when constructed but that does not comply with the required building setback per Section 72.15 may be maintained and repaired within its existing building envelope. Maintenance and repair includes such activities as interior remodeling, plumbing, insulation, and replacement of windows, doors, siding, or roof.
- (5) VERTICAL EXPANSION OF NONCONFORMING PRINCIPAL STRUCTURE. An existing principal structure that was lawfully placed when constructed but that does not comply with the required building setback per Section 72.15 may be expanded vertically, provided that all of the following requirements are met:
- (a) The use of the structure has not been discontinued for a period of twelve (12) months or more.
 - (b) The existing principal structure is at least thirty-five feet (35') from the OHWM.
 - (c) Vertical expansion is limited to the height allowed in Section 72.19.
 - (d) A permit shall be issued by the Department which will include an approved mitigation plan which will be implemented by the property owner by the date specified in the permit. The mitigation plan shall meet the standards found in Section 72.21.
 - (e) All other provisions of this Ordinance shall be met.
- (6) EXPANSION OF A NONCONFORMING PRINCIPAL STRUCTURE BEYOND SETBACK. An existing principal structure that was lawfully placed when constructed but that does not comply with the required building setback under Section 72.15, may be expanded horizontally, landward, or vertically provided that the expanded area meets the building setback requirements of Section 72.15 and that all other provisions of this Ordinance are met. A mitigation plan is not required solely for expansion under this Subsection but may be required under Section 72.18.
- (7) REPLACEMENT OR RELOCATION OF NONCONFORMING PRINCIPAL STRUCTURE. An existing principal structure that was lawfully placed when constructed but that does not comply with the required building setback per Section 72.15 may be replaced or relocated on the property provided all of the following requirements are met:
- (a) The use of the structure has not been discontinued for a period of twelve (12) months or more.
 - (b) The existing principal structure is at least thirty-five feet (35') from the OHWM.

- (c) No portion of the replaced or relocated structure is located any closer to the OHWM than the closest point of the existing principal structure.
 - (d) The Department determines that no other location is available on the property taking into consideration other site constraints such as vegetation, lot line and road setbacks, and topography and utilities to build a principal structure of a comparable size to the structure proposed for replacement or relocation that will result in compliance with the shoreland setback requirement per Section 72.15.
 - (e) The Department shall issue a permit that requires an approved mitigation plan which shall be implemented by the property owner by the date specified in the permit. The mitigation plan shall meet the standards found in Section 72.21 and shall include enforceable obligations of the property owner to establish or maintain measures that the Department determines are adequate to offset the impacts of the permitted construction on water quality, near-shore aquatic habitat, upland wildlife habitat, and natural scenic beauty. The mitigation measures shall be proportional to the amount and impacts of the replaced or relocated structure being permitted. The obligations of the property owner under the mitigation plan shall be evidenced by an instrument approved by the Department and recorded by the owner in the office of the Register of Deeds.
 - (f) The permit shall require that all other structures on the lot or parcel that do not comply with the shoreland setback requirement and are not exempt per Section 72.15 shall be removed by the date specified in the permit.
 - (g) All other provisions of this Ordinance shall be met.
- (8) MAINTENANCE OF NONCONFORMING ACCESSORY STRUCTURES. Accessory structures that were legally constructed before the adoption of this Ordinance may be maintained and repaired but may not be expanded or rebuilt unless authorized by Wis. Stat. § 59.692(1s), or unless they are made to conform to all other provisions of this Ordinance.
- (9) WET BOATHOUSES. The maintenance and repair of nonconforming boathouses which extend landward of the OHWM of any navigable waters shall comply with Wis. Stat. § 30.121.

72.21 MITIGATION. Before the Department issues a permit requiring mitigation under Sections 72.18 and 72.20, the property owner must submit, along with the application, a complete mitigation plan that complies with the Sheboygan County Shoreland Mitigation Handbook as has been adopted by the Committee and which may be modified from time to time. The mitigation plan shall include the following:

- (1) A site plan that describes the proposed mitigation measures.

- (a) The site plan shall be designed and implemented to restore natural functions lost through development and human activities.
 - (b) The mitigation measures shall be proportional in scope to the impacts on water quality, near-shore aquatic habitat, upland wildlife habitat, and natural scenic beauty.
- (2) An implementation schedule and enforceable obligation on the property owner to establish and maintain the mitigation measures. The enforceable obligations shall be evidenced by an instrument approved by the Department and recorded by the owner in the office of the Register of Deeds prior to issuance of the permit.

72.22 ADMINISTRATION.

- (1) This Ordinance shall be administered in accordance with Wis. Stat. §§ 59.69, 59.692, and 87.30, as amended, and in conformance with Wis. Admin. Code Ch. NR 115 and NR 116, as amended.
- (2) The duties of administering this Ordinance are assigned to the Planning and Conservation Department (called "Department") employing a full-time professional planner and his/her duly appointed professional planning and zoning administration staff.
- (3) The Department shall have the authority and power to:
- (a) Advise applicants and answer any question about the provisions of this Ordinance.
 - (b) At all times during reasonable hours, enter upon and inspect any private or public premises for compliance, being clearly in the performance of their duty. If entry is refused after presentation of proper identification, a special inspection warrant may be procured in accordance with Wis. Stat. § 66.0119.
 - (c) Issue permits and approvals where appropriate.
 - (d) Keep the official records of all water surface profiles, documentations of certified elevation, shoreland, wetland, or floodplain zoning maps and ordinances, permits and permit applications, appeals, variances, and amendments related to this Ordinance.
 - (e) Report uncorrected violations of this Ordinance or other applicable regulations to the Sheboygan County Corporation Counsel for appropriate enforcement action.
 - (f) Submit copies of any required data, variances, amendments, case-by-case analyses, annual reports, and any other requested information to the DNR.

72.23 PERMITS.

- (1) WHEN REQUIRED. Except where another Section of this Ordinance specifically exempts certain types of development from this requirement, a Shoreland/Floodplain Zoning Permit shall be obtained from the Department.
- (2) APPLICATION. An application for a permit shall be made to the Department upon forms furnished by the Department and shall include for the purpose of proper enforcement of these regulations, the following information:
 - (a) Name and address of applicant and property owner.
 - (b) Legal description of the property and type of proposed use.
 - (c) A to scale drawing of the dimensions of the lot and location of all existing and proposed structures and impervious surfaces relative to the lot lines, center line of abutting highways and the OHWM of any abutting waterways.
 - (d) Location and description of any existing private water supply or sewage system or notification of plans for any such installation.
 - (e) Plans for appropriate mitigation when required.
 - (f) Payment of the appropriate fee.
 - (g) Additional information that may be required by the Department.
- (3) EXPIRATION OF PERMIT. Shoreland/Floodplain Zoning Permits shall expire one (1) year from the date of issue unless substantial work has commenced. If substantial work has commenced and a request for renewal is received by the Department prior to the expiration date, the permit can be renewed for an additional one- (1-) year period. If substantial work has not commenced prior to the expiration date, the permit will not be renewed and a new permit must be issued before work can commence. A permit will not be issued if the proposed development does not comply with the Ordinance in effect at the time of permit application.

72.24 CONDITIONAL USE (a.k.a. SPECIAL EXCEPTIONS) PERMITS.

- (1) APPLICATION. Permission for conditional uses specified in this Ordinance shall be allowed only upon application to the Department, on forms furnished by the Department, and issuance of a Conditional Use Permit by the Department's County Board liaison committee (called "Committee" throughout this Ordinance) following the same notice, hearing, and other procedures set forth for the Board of Adjustments in Wis. Stat. § 59.694 and Chapter 76 of the Sheboygan County Code of Ordinances.

- (2) EVALUATION. In passing upon a proposed conditional use application, the Committee shall evaluate the effect of the proposed use upon:
- (a) Maintenance of safe and healthful conditions.
 - (b) Prevention and control of water pollution, including erosion and sedimentation.
 - (c) Existing topography, drainage, and vegetative cover.
 - (d) Location to floodways and floodplains.
 - (e) Erosion potential based on percent slope, soil type, and vegetative cover.
 - (f) Existing and future access roads.
 - (g) Existing and future traffic and parking needs.
 - (h) Degree of site disturbance and its impact upon adjoining natural resource areas (e.g. wetlands, archaeological features, preserves, wildlife habitat).
 - (i) Compatibility with adjacent uses.
 - (j) Suitability for waste disposal and potable water supply.
 - (k) Natural scenic beauty.
 - (l) Conformance with other applicable codes and ordinances.
- (3) OTHER CONDITIONS. The Committee may attach such conditions, in addition to those required elsewhere in this Ordinance as it deems necessary in furthering the purpose of this Ordinance. Violation of any such established conditions shall be deemed a violation of this Ordinance. Such conditions may include specifications for, without limitation because of specific enumeration:
- (a) Type and extent of shore cover.
 - (b) Increased setbacks and yards.
 - (c) Specific sewage disposal and water supply facilities.
 - (d) Landscaping, planting screens, and buffer yards.
 - (e) Period of operation.
 - (f) Extent and duration of site disturbance.
 - (g) Operational control.
 - (h) Access and parking.
 - (i) Surety bonding.
 - (j) Deed restrictions.
 - (k) Location of structures.
 - (l) Type of construction.
 - (m) Floodproofing measures.
- (4) REQUIRED INFORMATION. As a basis for its determination, the Committee may require the applicant to furnish, in addition to the information required for a permit, the following data:
- (a) A plan map drawn to a reasonable scale showing contours and elevations, soil types, ground water conditions, bedrock, OHWM, slopes, and vegetative cover.
 - (b) Location of existing and proposed buildings, parking areas, access roads, walkways, piers, open spaces, and landscaping.

- (c) Specifications for areas of proposed filling, dredging, lagooning, or grading.
 - (d) Plans of sewage disposal and water supply facilities.
 - (e) Floodproofing measures.
 - (f) Any of the floodplain data described in Chapter 73 of the Sheboygan County Code of Ordinances deemed necessary by the Committee.
- (5) DEVIATION FROM PERMIT. When a Committee-approved conditional use is not carried out or does not continue in conformance with the conditions of the original approval, the conditional use shall be terminated and the permit revoked by action of the Committee. Revisions or amendments must be approved by the Committee using the same procedure as was used to obtain the initial conditional use approval.
- (6) STATE REVIEW. Written notice must be made to the appropriate office of the DNR at least ten (10) days prior to hearings on proposed conditional uses, and copies of decisions thereon shall be provided to that office within ten (10) days after they are granted or denied.

72.25 BOARD OF ADJUSTMENTS. The Sheboygan County Building, Zoning, and Sanitation Board of Adjustments, as established in Chapter 76 of the Sheboygan County Code of Ordinances, pursuant to Wis. Stat. § 59.694 is hereby authorized to administer the appropriate judicial functions set forth in this Ordinance. The said Board shall be referred to as the Board of Adjustments (Board) in this Ordinance.

- (1) POWERS. The Board may exercise all of the powers conferred on such Board by Wis. Stat. § 59.694.
- (a) It shall hear and decide appeals where it is alleged there is an error in any order, requirements, decision, or determination made by the Department or by the Committee.
 - (b) Upon application, it may grant a variance from the standards of this Ordinance. To grant a variance from the standards of this Ordinance, an applicant must convincingly demonstrate that:
 - 1. Literal enforcement of the provisions of the Ordinance will result in unnecessary hardship on the applicant;
 - 2. The hardship is due to special conditions unique to the property; and
 - 3. Is not contrary to the public interest.
 - (c) To interpret upon appeal the meaning or intent of a particular provision of this Ordinance or other ordinances of Sheboygan County.

(2) APPEAL TIME. Appeals to the Board of Adjustments may be made by a person aggrieved or by any officer, department, board, or bureau of Sheboygan County or the municipality affected by any decision of the Department. Such appeal shall be made by filing within thirty (30) days after the date of written notice of the decision or order of the Department or by the Committee, a notice of appeal specifying the reasons for appeal. The notice of appeal shall conform with the rules of the Board.

(3) HEARING APPEALS AND ACTIONS UPON VARIANCE APPLICATION.

(a) The Board of Adjustments (Board) shall fix a reasonable time for a hearing on the appeal or application. The Board shall give public notice thereof by publishing a Class 2 notice under Wis. Stat. § 985 specifying the date, time, and place of the hearing and the matters to come before the Board. Notice shall be mailed to the parties in interest. Written notice shall be given to the appropriate office of the DNR at least ten (10) days prior to hearings on proposed shoreland variances and appeals for map or text interpretations.

(b) A decision shall be made as soon as practical. Copies of all decisions on shoreland variances and appeals for map or text interpretations shall be submitted to the appropriate office of the DNR within ten (10) days after they are granted or denied.

(c) In granting a variance, the Board may impose restrictions including the requirement that the applicant obtain a permit, but the Board may not impose restrictions which are more restrictive than any of the specific standards in this Ordinance. Where the Ordinance is silent as to the extent of the restriction, the Board may impose any reasonable permit conditions to effect the purposes of this Ordinance. The applicant has one (1) year from the date of the written decision to obtain any necessary permit or the variance relief shall expire.

(d) At the public hearing, any party may appear in person or by agent or by attorney.

72.26 FEES. All persons, upon filing an application for permits, changes, and amendments, or Board of Adjustments reviews required pursuant to this Ordinance, shall pay a fee to the Department according to the fee schedule on file in the Planning and Conservation Department.

If in the determination of the Department a permit applicant contemplates construction in an amount of no more than Two Thousand Dollars (\$2,000.00) and the Department determines that the expense related to the issuance of the permit does not require the full fee, the Department, in its discretion, may waive all but Seventy-five Dollars (\$75.00) of the fee.

A double fee may be charged if work is started before a permit is applied for and issued.

72.27 VIOLATIONS AND PENALTIES. Any person, firm, association, corporation, or agents thereof who violates, disobeys, neglects, omits, or refuses to comply with any of the provisions of this Ordinance shall be deemed in violation. The Department shall refer violations to the Corporation Counsel who shall expeditiously prosecute violations.

Any person firm, association, or corporation who violates or refuses to comply with any of the provisions of this Ordinance shall, upon conviction, forfeit to the County not less than Twenty Dollars (\$20.00) nor more than Two Thousand Dollars (\$2,000.00), plus the costs of prosecution, for each offense. Each day during which such violation exists shall constitute a separate offense.

Every violation of this Ordinance is a public nuisance and the creation thereof may be enjoined and the maintenance thereof may be abated by action at the suit of the County, the State of Wisconsin, or any citizen thereof pursuant to Wis. Stat. § 59.69(11).

72.28 STATUTE OF LIMITATIONS.

- (1) As required by Wis. Stat. § 59.692(1t) where a building or structure violates the dimensional or use standards of this Ordinance, and the violating building or structure has been in place more than ten (10) years before an enforcement action is initiated, such building or structure shall be treated as a legal non-conforming structure. All provisions of Section 72.20 of this Ordinance shall apply to such non-conforming buildings or structures.
- (2) Any property owner asserting as a defense to a charge of violating this Ordinance that the alleged violation has been in place more than ten (10) years before enforcement action was initiated has the burden of proving that:
 - (a) The building or structure that is in violation has been in place more than ten (10) years before enforcement action was initiated;
 - (b) That the building or structure (and its use, if the use is non-conforming) has remained essentially unchanged for at least ten (10) years;
 - (c) That the use of the building or structure has been active and continual for ten (10) years or more. If the use was discontinued for more than twelve (12) months, that use shall not be considered active and continual.

72.29 ABROGATION AND GREATER RESTRICTIONS.

- (1) This Ordinance supersedes all provisions of any prior Ordinance enacted under Wis. Stat. §§ 59.69, 59.692, and 87.30 which relate to shorelands. However, where another County Ordinance is more restrictive than the provisions contained in this Ordinance, that ordinance shall control to the extent of the greater restrictions and not otherwise.
- (2) This Ordinance shall not require approval or be subject to disapproval by any town or town board.

- (3) If an existing town ordinance relating to shorelands is more restrictive than this Ordinance or any amendments thereto, the town ordinance continues in all respects to the extent of the greater restrictions but not otherwise.
- (4) It is not otherwise intended by this Ordinance to repeal, abrogate, or impair any existing deed restrictions, covenants, or easements; however, where this Ordinance imposes greater restrictions, the provisions of this Ordinance shall prevail.
- (5) This Ordinance continues in effect, and shall be administered by the annexing municipality, in any shoreland area annexed by a city or village after May 7, 1982, unless the city or village adopts, maintains, and enforces a zoning ordinance which complies with the requirements of Wis. Stat. § 59.692 and which is at least as restrictive as this Ordinance.
- (6) Notwithstanding the foregoing or any rules of interpretation, no provisions herein shall be interpreted to regulate the location, maintenance, expansion, replacement, repair, or relocation of a nonconforming structure in a manner that is more restrictive than the provisions promulgated by the DNR at Wis. Admin. Code Ch. NR 115, and no provision herein shall be interpreted to regulate the construction of a structure or building or a substandard lot in a manner that is more restrictive than the provisions promulgated by the DNR at Wis. Admin. Code Ch. NR 115.

72.30 INTERPRETATION. In their interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements and shall be liberally construed in favor of the County and shall not be deemed a limitation or repeal of any other powers granted by the Wisconsin Statutes.

Where a provision of this Ordinance is required by Wis. Admin. Code Chs. NR 115 or NR 116 and where the Ordinance provision is unclear, the provision shall be interpreted in light of Wis. Admin. Code Chs. NR 115 or NR 116 standards in effect on the date of the adoption of this Ordinance or in effect on the date of the most recent text amendment to this Ordinance.

72.31 DEFINITIONS. Unless specifically defined below, words, terms, or phrases used in this Ordinance or in the administration of this Ordinance shall be as defined in Chapters 70, 71, and 73 of the Sheboygan County Code of Ordinances, Wis. Stat. chs. 29, 30, 31, 144, 236; Wis. Stat. § 59.69, 59.692, and 87.30; and Wis. Admin. Code Chs. NR 115, NR 116, and SPS 383, or, if not defined therein, shall be interpreted so as to give them the same meaning as they have at common law and to give this Ordinance its most reasonable application. Words used in the present tense include the future, words in the singular number include the plural numbers. The word "shall" is mandatory, not permissive. All distances, unless specified otherwise, shall be measured horizontally.

- (1) **ACCESS AND VIEWING CORRIDOR.** A strip of vegetated land that allows safe pedestrian access to the shore through the vegetative buffer zone.

- (2) **ACCESSORY BUILDING.** A subordinate structure on the same lot as the principal building or use and devoted to a use incidental to the principal use or structure. (See **PRINCIPAL STRUCTURE** and **PRINCIPAL USE**.)
- (3) **ACCESSORY STRUCTURE or USE.** A facility, structure, building, or use which is accessory or incidental to the principal use of a property, structure, or building.
- (4) **ARBOR.** A frame structure consisting of vertical posts having beams attached to and connecting the posts at the top of the structure, supporting a roof composed of open joists. Roof or wall enclosures other than lattice or trellis are prohibited.
- (5) **BASEMENT.** Any enclosed area of a building having its floor sub-grade, i.e., below ground level on all sides.
- (6) **BEST MANAGEMENT PRACTICES (BMPs).** The Stormwater Management Technical Standards as defined by the Wisconsin Department of Natural Resources currently posted at <http://dnr.wi.gov/topic/stormwater/>, and any subsequent amendments thereto.
- (7) **BOATHOUSE.** A permanent structure used for the storage of watercraft and associated materials and includes all structures which are totally enclosed and has a roof, walls, or any combination of these structural parts.
- (8) **BUILDING.** See **STRUCTURE**.
- (9) **BUILDING ENVELOPE.** The three-dimensional space within which a structure is built.
- (10) **BULKHEAD.** An upright structure to dissipate wave energy or retard erosion which can be placed against the base of a dune or bluff or stand free to have fill placed behind it.
- (11) **BULKHEAD LINE.** A geographic line along a reach of navigable body of water that has been adopted by a municipal ordinance and approved by the DNR pursuant to Wis. Stat. § 30.11 and which allows limited filling between the OHWM and the bulkhead line, except where such filling is prohibited by the floodway and wetland provisions of this Ordinance.
- (12) **CAMPGROUND.** Any parcel of land which is designed, maintained, intended, or used for the purpose of providing sites for nonpermanent overnight use by four (4) or more camping units or which is advertised or represented as a camping area.
- (13) **CAMPING UNIT.** Any portable device, no more than four hundred (400) square feet in area, used as a temporary shelter, including but not limited to a camping trailer, motor home, bus, van, pick-up truck, tent, or other mobile recreational vehicle.

- (14) **CHANNEL.** A natural or artificial watercourse with definite bed and banks to confine and conduct the normal flow of water.
- (15) **CLASS II PUBLIC NOTICE.** Publication of a public hearing notice under Wis. Stat. ch. 985 in a newspaper of circulation in the affected area. Publication is required on two (2) consecutive weeks, the last at least seven (7) days prior to the hearing or event noticed.
- (16) **CONDITIONAL USE.** A use permitted in a particular zoning district only upon showing that such use in a specified location will comply with all the conditions and standards for the location or operation of such use, as specified in this Ordinance and authorized by the Committee. (Also called "special exception.")
- (17) **CRAWLWAYS or CRAWLSPACE.** An enclosed area below the first usable floor of a building, generally less than five feet (5') in height used for limited access to plumbing and electrical utilities.
- (18) **DECK.** An unenclosed exterior structure that has no roof or sides but has a permeable floor which allows the infiltration of precipitation.
- (19) **DEPARTMENT.** The Sheboygan County Planning and Conservation Department.
- (20) **DEVELOPMENT.** Any manmade change to improved or unimproved real estate, including, but not limited to, construction of, or additions or substantial improvements to, buildings, other structures, or accessory uses; the placement of manufactured/mobile homes; mining; dredging; filling; grading; excavating; ditching; lagooning; drilling operations; storage, deposition, or extraction of materials; but excluding tiling for agricultural purposes outside of the Shoreland-Wetland District.
- (21) **DNR.** Wisconsin Department of Natural Resources.
- (22) **DRAINAGE SYSTEM.** One (1) or more artificial ditches, tile drains, or similar devices which collect surface runoff or ground water and convey it to a point of discharge.
- (23) **EXISTING MANUFACTURED/MOBILE HOME PARK OR SUBDIVISION.** A parcel (or contiguous parcels) of land divided into two (2) or more mobile home lots for rent or sale for which the construction of facilities for servicing the lot on which the mobile home is to be affixed (including, at a minimum, the installation of utilities, either final site grading or the pouring of concrete pads, and the construction of streets is completed before the effective date of shoreland and floodplain management regulations adopted by Sheboygan County).
- (24) **EXPANSION TO EXISTING MANUFACTURED/MOBILE HOME PARK.** The preparation of additional sites by the construction of facilities for servicing the lots on which the mobile homes are to be placed. This includes installation of utilities, either final site grading or pouring of pads, or the construction of streets.

- (25) **FLOODPLAIN.** Land which has been or may be hereafter covered by flood water during the regional flood. It includes the floodway and the floodfringe as those terms are defined in Wis. Admin. Code Ch. NR 116.
- (26) **GENERALLY ACCEPTED FORESTRY MANAGEMENT PRACTICES** Forestry management practices that promote sound management of a forest. Generally accepted forestry management practices include those practices contained in the most recent version of the department publication known as Wisconsin Forest Management Guidelines and identified as PUB FR-226.
- (27) **GUESTHOUSE.** An accessory structure comprised only of a bedroom, bathroom, and sitting area but shall not be intended for more than occasional human occupancy.
- (28) **HABITABLE STRUCTURE.** Any structure or portion thereof used or designed for human habitation.
- (29) **HEARING NOTICE.** Publication or posting meeting the requirements of Wis. Stat. ch. 985. For appeals, a Class 1 Notice published once, at least one (1) week [seven (7) days] before the hearing is required. For all zoning ordinances and amendments, a Class 2 Notice published twice, once each week consecutively the last of which at least one (1) week [seven (7) days] before the hearing.
- (30) **HISTORIC STRUCTURE.** Any structure that is:
- (a) Listed individually in the National Register of Historic Places or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register; or
 - (b) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district; or
 - (c) Individually listed on a State inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
 - (d) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either by an approved state program as determined by the Secretary of the Interior, or directly by the Secretary of the Interior in states without approved programs.
- (31) **IMPERVIOUS SURFACE.** An area that releases as runoff all or a majority of the precipitation that falls on it. Impervious surfaces exclude frozen soil and structures, such as walkways and decks, which do not release, outside of their

footprint, the majority of the precipitation that falls on them, but rather where the precipitation is absorbed by the soil below them. Impervious surfaces include rooftops, sidewalks, driveways, and parking lots unless specifically designed, constructed and maintained to be pervious. Gravel roads are impervious. Arbors, as defined in this Ordinance, private roads serving three (3) or more properties, public roads, rock walls, rip rap, fences, and retaining walls are exempt from impervious surface calculations.

- (32) **LAND USE.** Any development (see definition of).
- (33) **LIGHT INDUSTRY.** Manufacturing which uses predominantly previously prepared materials, finished products, or parts, including processing, fabrication, assembly, treatment, packaging, incidental storage, sales and distribution of such products. Light industry does not include basic industrial processing and manufacturing of raw or extracted material and storage of or manufacturing processes using flammable, explosive, offensive, or otherwise potentially hazardous materials.
- (34) **MAINTENANCE AND REPAIR** Such activities as interior remodeling, painting, decorating, paneling, plumbing, insulation, and replacement of windows, doors, wiring, siding, roof, and other nonstructural components; and the repair of cracks in foundations, sidewalks, walkways and the application of waterproof coatings to foundations.
- (35) **MANUFACTURED/MOBILE HOME.** A structure transportable in one or more sections which is built on a permanent chassis and is designed to be used with or without a permanent foundation when connected to required utilities. The term "manufactured home" includes a mobile home but does not include a "mobile recreational vehicle."
- (36) **MITIGATION.** Balancing measures that are designed, implemented, and function to restore natural functions and values that are otherwise lost through development and human activities.
- (37) **MOBILE RECREATIONAL VEHICLE.** A vehicle which is built on a single chassis four hundred (400) square feet or less when measured at the largest horizontal projection designed to be self-propelled, carried or permanently towable by a licensed light-duty vehicle, is licensed for highway use if registration is required, and is designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use. Manufactured homes that are towed or carried onto a parcel of land but do not remain capable of being towed or carried including park mobile homes do not fall within the definition of "mobile recreational vehicles."
- (38) **NGVD or NATIONAL GEODETIC VERTICAL DATUM (MEAN SEA LEVEL).** Elevations referenced to mean sea level datum, 1929 adjustment.
- (39) **NAVIGABLE WATERS.** Lake Michigan, all natural inland lakes within Sheboygan County, Wisconsin, and all streams, ponds, sloughs, flowages, and other waters within the territorial limits of this County.

However, jurisdiction under this Chapter does not apply to lands adjacent to farm drainage ditches if:

- (a) Such lands are not adjacent to a natural navigable stream or river;
- (b) Those parts of such drainage ditches adjacent to such lands were non-navigable streams before ditching or had no previous stream history; and
- (c) Such lands are maintained in nonstructural agricultural use.

Wisconsin's Supreme Court has declared navigable bodies of water that have a bed differentiated from adjacent uplands and levels or flow sufficient, on an annually recurring basis, to support navigation by a recreational craft of the shallowest draft [*Muench v. Public Service Commission*, 261 Wis. 492 (1952) and *DeGayner & Co., v. Department of Natural Resources*, 70 Wis. 2d. 936 (1975)]. For example, a stream which is navigable by skiff or canoe during normal spring high water is navigable in fact under laws of this State though it may be dry during other seasons.

- (40) **NONCONFORMING LOT.** A lot, the area, dimensions, or location of which was lawful prior to the adoption, revision, or amendment of this Ordinance, but which fails thereafter to conform to the requirements of the zoning district. (NOTE: A legally granted "variance" pursuant to Section 72.25 of this Ordinance shall not be deemed to create a "nonconforming lot." When a variance is granted, it becomes a conforming lot.)
- (41) **NONCONFORMING STRUCTURE.** Pursuant to Wis. Stat. § 59.692(2m), a dwelling or other building that existed lawfully before this Ordinance was enacted or amended but that does not conform to one or more of the setback, height, lot coverage, and side yard elements in this current version of this Ordinance (NOTE: A legally granted "variance" pursuant to Section 72.25 of this Ordinance shall not be deemed to create a "nonconforming structure.")
- (42) **NONCONFORMING USE.** Pursuant to Wis. Stat. § 59.69(10), a use of land, a dwelling, or a building that existed lawfully before this Ordinance was enacted or amended but does not conform with the use restrictions in the current version of this Ordinance.
- (43) **ORDINARY HIGH WATER MARK (OHWM).** The point on the bank or shore up to which the presence and action of water is so continuous as to leave a distinctive mark by erosion, destruction, or prevention of terrestrial vegetation, predominance of aquatic vegetation, or other easily recognized characteristics.

Erosion scars, transitions in vegetation from aquatic to terrestrial types, cobbled beaches below the current waterline, and evidence of even-aged stands of woody vegetation paralleling contours or below the existing water line may all be indicators of current or historic OHWM. Only one (1) OHWM indicator need be

present to establish an OHWM, but a number of indicators may be interpreted together to locate it at a given site. When the bank or shore is of such character that it is difficult or impossible to ascertain the point of OHWM, recourse may be had to the opposite bank of a waterway or to similar places on the shore of a lake or flowage to determine whether a given stage of water is above or below the OHWM.

Notwithstanding the above, and for zoning purposes only, the OHWM for the coastal reach of Lake Michigan extending from the City of Sheboygan south to the south County line shall be determined by an elevation at 582.7 feet NGVD (National Geodetic Vertical Datum, also known as MSL, Mean Sea Level), an elevation equivalent to 581.4 feet IGLD (International Great Lakes Datum), as determined by the Bureau of Water Regulation & Zoning, Wisconsin Department of Natural Resources. Elevations shall be determined by a registered professional surveyor, employing not less than five (5) uniformly distributed points of elevation, tied to a fixed reference point. The OHWM shall be a line connecting these points.

- (44) **PERSON.** An individual, group of individuals, partnership, firm, corporation, association, state, county, city, village, township, sanitary district, or other government corporation.
- (45) **PIER.** A structure extending channelward, or more or less perpendicular out from the shore, with water on both sides, built or maintained for the purpose of providing a berth for watercraft or for loading or unloading cargo or passengers onto or from watercraft. (Generally any construction whose dimensions and accessories go beyond what is reasonably necessary to berth watercraft or load or unload cargo or passengers is not authorized as a pier by statute; see Wis. Stat. ch. 30.)
- (46) **PRINCIPAL BUILDING.** A building in which the principal authorized use of the lot on which it is located is conducted. (See **ACCESSORY BUILDING**.)
- (47) **PRINCIPAL USE.** The primary or predominant use of any lot (e.g. residential, commercial, industrial, conservation, institutional, etc.).
- (48) **PRIVATE SEWAGE SYSTEM.** A sewage treatment and disposal system serving a single structure with a septic tank and soil absorption field located on the same parcel as the structure. This term also means an alternative sewage system approved by the Wisconsin Department of Safety and Professional Services, Safety and Buildings Division, including a substitute for the septic tank or soil absorption field, a holding tank, a system serving more than one (1) structure, or a system located on a different parcel than the structure.
- (49) **PUBLIC UTILITIES.** Those utilities using underground or overhead transmission lines such as electric, telephone and telegraph, and distribution and collection systems such as water, sanitary sewer, storm sewer, and natural gas.

- (50) **RECREATIONAL VEHICLE.** A vehicular-type portable structure without permanent foundation, which can be towed, hauled, or driven and primarily designed as temporary living accommodation for recreational, camping, and travel use and including but not limited to travel trailers, truck campers, camping trailers, and self-propelled motor homes.
- (51) **REPLACEMENT.** See *SUBSTANTIAL IMPROVEMENT*.
- (52) **ROUTINE MAINTENANCE OF VEGETATION.** Normally-accepted horticultural practices that do not result in the loss of any layer of existing vegetation and do not require earth disturbance.
- (53) **SHORELAND DISTRICT.** Lands within the following distances from the OWHM of navigable waters: One thousand feet (1,000') from a lake, pond, or flowage, or, where approved, to the outer perimeter of contiguous mapped wetlands, whichever distance is greater; and, three hundred feet (300') from a river or stream, or to the landward side of the floodplain, or, where approved, to the outer perimeter of contiguous mapped wetlands, whichever distance is greater.
- (54) **SHORELAND-WETLAND DISTRICT.** The zoning district, created as a part of this Ordinance, comprised of shorelands that are designated as wetlands on the wetland maps which have been adopted and made a part of this Ordinance.
- (55) **SIGN.** Any device, display, or structure which is used to inform, advertise, identify, display, or direct attention to an object, person, institution, organization, business, product, service, event, or location by means of words, letters, numbers, figures, design, symbols, fixtures, colors, illumination, or projected images.
- (56) **START OF CONSTRUCTION.** The date the building permit was issued provided the actual start of construction, repair, reconstruction, habilitation, addition, placement, or other improvement was within one hundred (180) days of the permit date. The actual start means either the first placement of permanent construction on a site such as the pouring of the slab or footings, the installation of piles, the construction of columns, or any work beyond initial excavation, or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation such as clearing, grading and filling, nor does it include the installation of streets and/or walkways, nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms, nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For an alteration, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building whether or not that alteration affects the external dimensions of the building.
- (57) **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, lake bed, or another structure. "**Structures**" shall include, but not be limited to, buildings (regardless of size or use); mobile homes

and manufactured homes and dwellings; patios, stairways, walkways, parking lots, bridges, decks, and gazebos; swimming pools, hot tubs/spas, and playground apparatus; above-ground or underground storage tanks (excluding on-site private sewage disposal systems); and, signs, masts, towers, and satellite dishes [greater than one (1) meter in diameter]. Such small, movable structures as birdhouses, bird feeders, planter boxes, picnic tables, lawn furniture, portable grills, and flagpoles shall be exempt from setback requirements.

- (58) **SUBDIVISION.** Has the meaning given in Wis. Stat. § 236.02(12).
- (59) **SUBSTANTIAL DAMAGE.** Damage of any origin sustained by a structure whereby the cost of restoring the structure to its pre-damaged condition would equal or exceed fifty percent (50%) of the equalized assessed value of the structure before the damage occurred.
- (60) **SUBSTANTIAL IMPROVEMENT.** Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the present equalized assessed value of the structure either before the improvement or repair is started or, if the structure has been damaged and is being restored, before the damage occurred. The term does not, however, include either:
- (a) Any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions; or
 - (b) Any alteration of a structure or site documented as deserving preservation by the Wisconsin State Historical Society or listed on the National Register of Historic Places.

Ordinary maintenance repairs are not considered structural repairs or alterations. Such ordinary maintenance repairs include internal and external painting, decorating, paneling, and the replacement of doors, windows, and other nonstructural components. For purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.

- (61) **UNNECESSARY HARDSHIP.** That circumstance where special conditions, which were not self-created affect a particular property and make strict conformity with restrictions governing area, setbacks, frontage, height, or density unnecessarily burdensome or unreasonable in light of the purposes of this Ordinance.
- (62) **UTILITIES.** Any public or private facilities, such as water wells, water and sewage pumping stations, waste water collection and/or treatment/disposal systems, and any facilities owned or operated by a public utility as defined by Wis. Stat. § 196.01.

- (63) **VIOLATION.** The failure of a structure or other development to be fully compliant with the Shoreland Zoning Ordinance, a structure or other development without required permits.
- (64) **WATERSHED.** The entire region contributing runoff or surface water to a watercourse or body of water.
- (65) **WELL.** Means an excavation opening in the ground made by digging, boring, drilling, driving, or other methods to obtain groundwater regardless of its intended use.
- (66) **WETLANDS.** Those areas where water is at, near, or above the land surface long enough to be capable of supporting aquatic or hydrophytic vegetation and which have soils indicative of wet conditions.
- (67) **WHARF.** A structure extending along, and more or less parallel to, the shore and generally connected with the uplands throughout its length, built or maintained for the purpose of providing a berth for watercraft or for loading or unloading cargo or passengers onto or from watercraft. (Generally any construction whose dimensions or accessories go beyond what is reasonably necessary to berth watercraft or load or unload cargo or passengers is not authorized as a wharf by statute; see Wis. Stat. ch. 30.)
- (68) **WISCONSIN ADMINISTRATIVE CODE.** The rules of administrative agencies having rule-making authority in Wisconsin published in a loose-leaf, continual revision system as directed by Wis. Stat. §§ 35.93 and Wis. Stat. ch. 227 including subsequent amendments to those rules.

72.32 CHANGES AND AMENDMENTS.

- (1) The County Board of Supervisors may, from time to time, alter, supplement, or change the boundaries of use districts and the regulations contained in this Ordinance in the manner provided by law.
- (2) Amendments to this Ordinance may be made upon petition of any interested party in accordance with the provisions of Wis. Stat. § 59.69(5). Such petitions shall include any necessary data which may be required by Chapter 73 of the Sheboygan County Code of Ordinances.
- (3) Written notice to the appropriate office of the DNR shall be made at least ten (10) days prior to hearings on map or text amendments, and copies of such decisions shall be provided to that office within ten (10) days after they are granted or denied. For floodplain amendments only, no map or text amendment may take effect until approved by the DNR.

72.33 **SEVERABILITY.** Should any part of this Ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby.

CHAPTER 73
FLOODPLAIN ZONING ORDINANCE

- 73.01 STATUTORY AUTHORIZATION
- 73.02 FINDING OF FACT
- 73.03 STATEMENT OF PURPOSE
- 73.04 TITLE
- 73.05 GENERAL PROVISIONS
 - (1) Areas to be Regulated
 - (2) Official Maps & Revisions
 - (3) Establishment of Districts
 - (4) Locating Floodplain Boundaries
 - (5) Removal of Lands from Floodplain
 - (6) Compliance
 - (7) Municipalities and State Agencies Regulated
 - (8) Abrogation and Greater Restrictions
 - (9) Interpretation
 - (10) Warning and Disclaimer of Liability
 - (11) Severability
 - (12) Annexed Areas for Cities and Villages
 - (13) General Development Standards
- 73.06 GENERAL STANDARDS APPLICABLE TO ALL FLOODPLAIN DISTRICTS
 - (1) Hydraulic and Hydrologic Analyses
 - (2) Watercourse Alterations
 - (3) Wis. Stat. § 30.31 Development
 - (4) Public or Private Campgrounds
- 73.07 FLOODWAY DISTRICT (FW)
 - (1) Applicability
 - (2) Permitted uses
- 73.08 STANDARDS FOR DEVELOPMENT IN FLOODWAY AREAS
 - (1) General
- 73.09 PROHIBITED USES
- 73.10 FLOODFRINGE DISTRICT (FF)
 - (1) Applicability
 - (2) Permitted Uses
 - (3) Standards for Development in Floodfringe Areas
- 73.11 GENERAL FLOODPLAIN DISTRICT (GFD)
 - (1) Applicability
 - (2) Permitted Uses
 - (3) Standards for Development in the General Floodplain District
 - (4) Determining Floodway and Floodfringe Limits
- 73.12 GENERAL PROVISIONS FOR NONCONFORMING USES
 - (1) Applicability
- 73.13 SPECIAL PROVISIONS FOR NONCONFORMING USES IN FLOODWAY AREAS
- 73.14 FLOODFRINGE AREAS
- 73.15 ADMINISTRATION
- 73.16 SHORELAND/FLOODPLAIN ZONING PERMIT
 - (1) General Information
 - (2) Site Development Plan
 - (3) Data Requirements to Analyze Developments
 - (4) Expiration
 - (5) Fee
 - (6) Certificate of Compliance
 - (7) Other Permits
- 73.17 RESOURCES COMMITTEE
- 73.18 BOARD OF ADJUSTMENTS
 - (1) Powers and Duties
 - (2) Appeals to the Board of Adjustments
 - (3) Boundary Disputes
 - (4) Variance

- 73.19 TO REVIEW APPEALS OF PERMIT DENIALS
- 73.20 FLOODPROOFING
- 73.21 PUBLIC INFORMATION
- 73.22 AMENDMENTS
 - (1) General
 - (2) Procedures
- 73.23 ENFORCEMENT AND PENALTIES
- 73.24 DEFINITIONS

73.01 STATUTORY AUTHORIZATION. This Ordinance is adopted under the authority of Wis. Stat. §§59.69, 59.692, and 59.694 and the requirements of § 87.30.

73.02 FINDING OF FACT. Uncontrolled development and use of the floodplains and rivers in Sheboygan County would impair the public health, safety, convenience, general welfare, and tax base.

73.03 STATEMENT OF PURPOSE. This Ordinance is intended to regulate floodplain development to:

- (1) Protect life, health, and property;
- (2) Minimize expenditures of public funds for flood control projects;
- (3) Minimize rescue and relief efforts undertaken at the expense of the taxpayers;
- (4) Minimize business interruptions and other economic disruptions;
- (5) Minimize damage to public facilities in the floodplain;
- (6) Minimize the occurrence of future flood blight areas in the floodplain;
- (7) Discourage the victimization of unwary land and home buyers;
- (8) Prevent increases in flood heights that could increase flood damage and result in conflicts between property owners; and
- (9) Discourage development in a floodplain if there is any practicable alternative to locate the activity, use, or structure outside of the floodplain.

73.04 TITLE. This Ordinance shall be known as the **FLOODPLAIN ZONING ORDINANCE, SHEBOYGAN COUNTY, WISCONSIN.**

73.05 GENERAL PROVISIONS.

- (1) AREAS TO BE REGULATED. This Ordinance regulates all areas that would be covered by the regional flood or base flood.
- (2) OFFICIAL MAPS & REVISIONS. The boundaries of all floodplain districts are designated as floodplains or A-Zones on the maps listed below and the revisions in the Sheboygan County Floodplain Appendix. Any change to the Base Flood Elevations (BFE) in the Flood Insurance Study (FIS) or on the Flood Insurance Rate Map (FIRM) must be reviewed and approved by the Wisconsin Department of Natural Resources (DNR) and Federal Emergency Management Agency (FEMA) before it is effective. No changes to Regional Flood Elevations (RFEs) on non-FEMA maps shall be effective until approved by the DNR. These maps and revisions are on file in the office of the Sheboygan County Planning and Resources Department (the Department). If more than one map or revision is referenced, the most restrictive information shall apply.
 - (a) OFFICIAL MAPS BASED ON THE FLOOD INSURANCE SURVEY. The boundary of the floodplain districts, including floodway, floodfringe, and other floodplain districts designated as floodplains or A-Zones on the Flood Insurance Rate Maps (FIRMs) for Sheboygan County (Community Number 550424) prepared by the Federal Emergency Management Agency (FEMA) shall be as located on the following panels:

55117C0020F	55117C0040F	55117C0045F	55117C0063F *	55117C0064F
55117C0068F	55117C0069F *	55117C0090F	55117C0095F	55117C0115F

55117C0135F	55117C0145F	55117C0155F	55117C0160F	55117C0165F
55117C0167F	55117C0170F	55117C0180F	55117C0181F	55117C0182F
55117C0183F	55117C0184F	55117C0186F	55117C0188F	55117C0190F
55117C0191F	55117C0192F	55117C0193F	55117C0194F	55117C0201F
55117C0202F	55117C0203F	55117C0204F	55117C0210F	55117C0211F *
55117C0212F	55117C0213F	55117C0214F	55117C0216F	55117C0217F
55117C0218F	55117C0219F	55117C0230F	55117C0236F	55117C0237F
55117C0238F	55117C0260F	55117C0270F *	55117C0280F *	55117C0285F
55117C0290F	55117C0292F	55117C0294F	55117C0295F	55117C0301F
55117C0302F	55117C0305F	55117C0306F	55117C0307F	55117C0308F *
55117C0309F	55117C0311F *	55117C0313F	55117C0315F	55117C0320F
55117C0326F	55117C0327F	55117C0328F	55117C0329F	55117C0331F
55117C0332F	55117C0333F	55117C0334F	55117C0337F	55117C0339F
55117C0340F	55117C0341F	55117C0342F *	55117C0343F	55117C0344F
55117C0351F	55117C0353F	55117C0354F	55117C0362F	55117C0365F
55117C0385F	55117C0395F	55117C0405F	55117C0406F	55117C0407F
55117C0408F	55117C0409F	55117C0415F	55117C0416F	55117C0417F
55117C0430F	55117C0435F	55117C0440F	55117C0445F *	55117C0455F
55117C0456F *	55117C0458F	55117C0460F	55117C0465F	55117C0470F
55117C0480F				

Based on the Flood Insurance Study (FIS) No. 55117CV000A dated April 2, 2009, these panels have been approved by FEMA and the Wisconsin Department of Natural Resources and are on file in the Office of the Planning and Resources Department. Asterisked panels have not been printed by FEMA.

- (b) OFFICIAL MAPS BASED ON OTHER STUDIES. In addition to the districts set forth in (a) above, any district shown on the following individual property studies from 1999 to the date of enactment which have been approved by the Wisconsin Department of Natural Resources (and in some cases FEMA) and which are on file in the office of the Planning and Resources Department are districts for purposes of this Ordinance. To the extent that boundaries shown on these individual property studies conflict with boundaries shown on the FIRMs set forth in (a) above, these individual studies shall be considered "best available information" in the approximate Zone A floodplains.

Individual property studies from 1999 to the date of enactment where floodplains were expressly identified and which take precedence over approximations shown on the maps set forth in (a), above.

PROPERTY OWNER	TOWN	PERMIT NUMBER
Greenlawn Memorial Park	Sheboygan	SHP-86-99
Study date is August 24, 1999; WDNR approval date is March 23, 2000		
Sunset Hills Golf Course	Sheboygan Falls	SHP-47-00
Study date is March 24, 2000; WDNR approval date is September 2000		
Joe Van Horn Chevrolet	Plymouth	SHP-117-00
Study date is September 8, 2000; WDNR approval date is October 12, 2000		
Kenneth and Amy Van Wyk	Lyndon	SHP-43-04

Study date is January 8, 2002; WDNR approval date is April 30, 2002		
Hidden Creek Subdivision	Sheboygan	SHP-25-03
Study date is August 2001; WDNR approval date is January 15, 2003		
Green Meadows Subdivision	Sheboygan	SHP-62-05
Study date is March 2004; WDNR approval date is April 23, 2004		
Justin Fink	Plymouth	SHP-44-06
Study date is date February 1, 2006; WDNR approval date is April 13, 2006		
Brett Hoffmann	Lima	SHP-82-06
Study date is July 14, 2006; WDNR approval date is August 17, 2006		
Dorothy Quasius	Rhine	SHP-29-07
Study date is February 28, 2007; WDNR approval date is April 19, 2007		
Mark Kleinhans	Plymouth	
Miller HEC-RAC study date is December 2007; WDNR approval date is December 4, 2007; FEMA approval date is April 24, 2008		
Cindy Borland	Scott	SHP-01-08
Study date September 2007; WDNR approval date is December 12, 2007		
Barr Creek culvert replacement under Sauk Trail Road	Holland (West)	
Study date is September 29, 2006; WDNR approval date is August 25, 2008; FEMA approval date is January 19, 2009		

- (3) ESTABLISHMENT OF DISTRICTS. The regional floodplain areas are divided into three (3) districts as follows:
- (a) The Floodway District (FW) is the channel of a river or stream and those portions of the floodplain adjoining the channel required to carry the regional floodwaters.
 - (b) The Floodfringe District (FF) is that portion of the floodplain between the regional flood limits and the floodway.
 - (c) The General Floodplain District (GFD) is those areas that have been or may be covered by floodwater during the regional flood.
- (4) LOCATING FLOODPLAIN BOUNDARIES. Discrepancies between boundaries on the official floodplain zoning map and actual field conditions shall all be resolved using the criteria in Subsections (a) or (b), below. If a significant difference exists, the map shall be amended according to Section 73.22 of this Code. The Department can rely on a boundary derived from a profile elevation to grant or deny a land use permit whether or not a map amendment is required. The Department shall be responsible for documenting actual pre-development field conditions and the basis upon which the district boundary was determined and for initiating any map amendments required under this Section. Disputes between the Department and an applicant over the district boundary line shall be settled according to Section 73.18(3) of this Code and the criteria in Subsections (a) and (b), below.
- (a) If flood profiles exist, the map scale and the profile elevations shall determine the district boundary. The regional or base flood elevations shall govern if there are any discrepancies.
 - (b) Where flood profiles do not exist, the location of the boundary shall be determined by the map scale, visual on-site inspection and any information provided by the DNR.
- Note:** Where the flood profiles are based on established base flood elevations from a FIRM, FEMA must also approve any map amendment pursuant to Section 73.22(1)(f) of this Code.
- (5) REMOVAL OF LANDS FROM FLOODPLAIN. Compliance with the provisions of this Ordinance shall not be grounds for removing land from the floodplain unless it is filled at least

two feet (2') above the regional or base flood elevation, the fill is contiguous to land outside the floodplain, and the map is amended pursuant to Section 73.22 of this Code.

Note: This procedure does not remove the requirements for the mandatory purchase of flood insurance. The property owner must contact FEMA to request a Letter of Map Change (LOMC).

- (6) **COMPLIANCE.** Any development or use within the areas regulated by this Ordinance shall be in compliance with the terms of this Ordinance and other applicable local, state, and federal regulations.
- (7) **MUNICIPALITIES AND STATE AGENCIES REGULATED.** Unless specifically exempted by law, all cities, villages, towns, and counties are required to comply with this Ordinance and obtain all necessary permits. State agencies are required to comply subject to Wis. Stat. § 13.48(13). Activities that are carried out under the direction of the Department of Transportation in connection with highways, bridges, or other transportation project design, location, construction, reconstruction, maintenance, and repair are not subject to the provisions of this Ordinance provided the requirements of Wis. Stat. § 30.2022 are complied with. Notwithstanding the above, the permit and hearing fees set may be waived for such governmental applicants or agencies thereof, including special purpose units of government (e.g. sanitary and utility districts, lake management districts, school districts, housing authorities, and/or public utilities).
- (8) **ABROGATION AND GREATER RESTRICTIONS.**
 - (a) This Ordinance supersedes all the provisions of any prior ordinance enacted under Wis. Stat. §§ 59.69, 59.692, or 59.694 which relate to floodplains. If another ordinance is more restrictive than this Ordinance, that Ordinance shall control to the extent of the greater restrictions and not otherwise.
 - (b) This Ordinance is not intended to repeal, abrogate, or impair any existing deed restrictions, covenants, or easements. If this Ordinance imposes greater restrictions, the provisions of this Ordinance shall prevail.
- (9) **INTERPRETATION.** In their interpretation and application, the provisions of this Ordinance are the minimum requirements liberally construed in favor of Sheboygan County and are not a limitation on or repeal of any other powers granted by the Wisconsin Statutes. If a provision of this Ordinance required by Wis. Admin. Code Ch. NR 116 is unclear, the provision shall be interpreted in light of the standards in effect on the date of the adoption of this Ordinance or in effect on the date of the most recent text amendment to this Ordinance.
- (10) **WARNING AND DISCLAIMER OF LIABILITY.** The flood protection standards in this Ordinance are based on engineering experience and scientific research. Larger floods may occur or the flood height may be increased by man-made or natural causes. This Ordinance does not imply or guarantee that non-floodplain areas or permitted floodplain uses will be free from flooding and flood damages. Nor does this Ordinance create liability on the part of or a cause of action against Sheboygan County or any officer or employee thereof for any flood damage that may result from reliance on this Ordinance.
- (11) **SEVERABILITY.** Should any portion of this Ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected.
- (12) **ANNEXED AREAS FOR CITIES AND VILLAGES.** The Sheboygan County Floodplain Zoning provisions in effect on the date of annexation shall remain in effect and shall be enforced by the municipality for all annexed areas until the municipality adopts and enforces an ordinance which meets the requirements of Wis. Admin. Code Ch. NR 116 and the National Flood Insurance Program (NFIP). These annexed lands are described on the municipality's official zoning map. County floodplain zoning provisions are incorporated by reference for the purpose of administering this Section and are to be on file in the office of the municipality's zoning

administrator. All plats or maps of annexation shall show the regional flood elevation and the location of the floodway .

- (13) GENERAL DEVELOPMENT STANDARDS. The Department shall review all permit applications to determine whether proposed building site is in a flood -prone area, all new construction and substantial improvements shall be designed or modified and adequately anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads; be constructed with materials resistant to flood damage; be constructed by methods and practices that minimize flood damages; and be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities designed and/or located so as to prevent water from entering or accumulating with the components during conditions of flooding. Subdivisions shall be reviewed for compliance with the above standards. All subdivision proposals (including manufactured/mobile home parks) shall include regional flood elevation and floodway data for any development that meets the subdivision definition of this Ordinance.

73.06 GENERAL STANDARDS APPLICABLE TO ALL FLOODPLAIN DISTRICTS.

(1) HYDRAULIC AND HYDROLOGIC ANALYSES.

(a) Except as allowed in Subsection (3), below, no floodplain development shall:

1. Obstruct flow, defined as development which blocks the conveyance of floodwaters by itself or with other development, increasing regional flood height; or
2. Increase regional flood height due to floodplain storage area lost which equals or exceeds 0.01 foot.

(b) The Department shall deny permits if it is determined the proposed development will obstruct flow or increase regional flood heights 0.01 foot or more, based on the officially adopted FIRM unless the provisions of Subsection (3) are met.

(c) Obstructions or increases equal to or greater than 0.01 foot may only be permitted if amendments are made to this Ordinance, the official floodplain zoning maps, floodway lines and water surface profiles in accordance with Section 73.22 of this Code.

Note: This Section refers to obstructions or increases in base flood elevations as shown on the officially adopted FIRM or other adopted map. Any such alterations must be reviewed and approved by FEMA and the DNR.

(2) WATERCOURSE ALTERATIONS. No land use permit to alter or relocate a watercourse in a mapped floodplain shall be issued until the Department has notified in writing all adjacent municipalities, the DNR, and FEMA regional offices and required the applicant to secure all necessary state and federal permits. The flood carrying capacity of any altered or relocated watercourse shall be maintained. As soon as it is practicable, but not later than six (6) months after the date of the watercourse alteration or relocation, the Department shall notify FEMA of the changes by submitting appropriate technical or scientific data in accordance with NFIP guidelines that shall be used to revise the FIRM, risk premium rates, and floodplain management regulations as required.

(3) WIS. STAT. § 30.31 DEVELOPMENT. Development which requires a permit from the DNR under Wis. Stat. chs. 30 and 31 such as docks, piers, wharves, bridges, culverts, dams, and navigational aids may be allowed if the necessary permits are obtained and amendments to the floodway lines, water surface profiles, BFEs established in the FIS, or other data from the officially adopted FIRM or other floodplain zoning maps or the Floodplain Zoning Ordinance are made according to Section 73.22 of this Code.

(4) PUBLIC OR PRIVATE CAMPGROUNDS. Public or private campgrounds shall have a low flood damage potential and shall meet the following provisions:

- (a) The campground is approved by the State Department of Health and Family Services;
- (b) A Shoreland/Floodplain Zoning Permit for the campground is issued by the Planning Department;
- (c) The character of the river system and the elevation of the campground is such that a seventy-two- (72-) hour warning of an impending flood can be given to all campground occupants.
- (d) There is an adequate flood warning procedure for the campground that offers the minimum notice required under this Section to all persons in the campground. This procedure shall include a written agreement between the campground owner, County Emergency Management, and the Sheriff which specifies the flood elevation at which evacuation shall occur, personnel responsible for monitoring flood elevations, types of warning systems to be used and the procedures for notifying at-risk parties, and the methods and personnel responsible for conducting the evacuation.
- (e) This Agreement shall be for no more than one (1) calendar year, at which time the Agreement shall be reviewed and updated by the officials identified in Subsection (4), above, to remain in compliance with all applicable regulations including those of the State Department of Health and Family Services and all other applicable regulations.
- (f) Only camping units are allowed.
- (g) The camping units may not occupy any site in the campground for more than one hundred eighty (180) consecutive days, at which time the camping unit must be removed from the floodplain for a minimum of twenty-four (24) hours.
- (h) All camping units that remain on-site for more than thirty (30) days shall be issued a limited authorization by the campground operator, a written copy of which is kept on file at the campground. Such authorization shall allow placement of a camping unit for a period not to exceed one hundred eighty (180) days and shall ensure compliance with all the provisions of this Section.
- (i) The Department shall monitor the limited authorizations issued by the campground operator to assure compliance with the terms of this Section.
- (j) All camping units that remain in place for more than one hundred eighty (180) days must meet the applicable requirements in either Sections 73.07 or 73.10 of this Code for the floodplain district in which the structure is located.
- (k) The campground shall have signs clearly posted at all entrances warning of the flood hazard and the procedures for evacuation when a flood warning is issued.
- (l) All service facilities, including but not limited to refuse collection, electrical service, natural gas lines, propane tanks, sewage systems, and wells shall be properly anchored and placed at or floodproofed to the flood protection elevation.

73.07 FLOODWAY DISTRICT (FW).

- (1) **APPLICABILITY.** This Section applies to all floodway areas on the official floodplain maps and those identified pursuant to Sections 73.05(2) and 73.11(4) of this Code.
- (2) **PERMITTED USES.** The following open space uses are allowed in the floodway district and the floodway areas of the general floodplain district if:
 - they are not prohibited by any other ordinance;
 - they meet the standards in Sections 72.08 and 73.09 of this Code; and
 - all permits or certificates have been issued according to Section 73.15 of this Code:

- (a) Agricultural uses, such as farming, outdoor plant nurseries, horticulture, viticulture, and wild crop harvesting.
 - 1. A buffer strip meeting the minimum standards as determined by the County Land & Water Conservation Department shall be established and maintained between the farmed area and the edge of the waterway; waterway crossings shall be permitted for livestock and shall be of a design deemed appropriate by the County Land & Water Conservation Department. An agricultural producer may be exempt from this Section if soil and water conservation practices are deemed sufficient and no pollution is occurring in the opinion of the County Land & Water Conservation Department.
 - 2. If there is a pollution problem resulting from the grazing or pasturing of livestock, the agricultural producer will be required to erect a fence or otherwise abate the pollution in such a manner as may be determined by the County Land & Water Conservation Department and the Department. If a fence is erected, provision will be allowed for watering the livestock in the waterway.
- (b) Nonstructural industrial and commercial uses, such as loading areas, parking areas, and airport landing strips.
- (c) Nonstructural recreational uses, such as golf courses, tennis courts, archery ranges, picnic grounds, boat ramps, swimming areas, parks, wildlife and nature preserves, game farms, fish hatcheries, shooting, trap, and skeet activities, hunting and fishing areas, and hiking and horseback riding trails, subject to the fill limitations of Section 73.08(4) of this Code.
- (d) Uses or structures accessory to open space uses or classified as historic structures that comply with Sections 73.08 and 73.09 of this Code.
- (e) Extraction of sand, gravel, or other materials that comply with Section 73.08(4) of this Code, and Chapter 78, Non-Metallic Mining Reclamation Regulations, if applicable.
- (f) Functionally water-dependent uses, such as docks, piers, or wharves; dams; flowage areas; culverts; navigational aids and river crossings of transmission lines; and pipelines that comply with Wis. Stat. chs. 30 and 31.
- (g) Public utilities, streets, and bridges that comply with Section 73.08(3) of this Code.

73.08 STANDARDS FOR DEVELOPMENT IN FLOODWAY AREAS.

(1) GENERAL.

- (a) Any development in floodway areas shall comply with Section 73.06 of this Code and have a low flood damage potential.
- (b) Applicants shall provide the following data to determine the effects of the proposal according to Section 73.06(1) of this Code:
 - 1. A cross-section elevation view of the proposal perpendicular to the watercourse showing if the proposed development will obstruct flow; or
 - 2. An analysis calculating the effects of this proposal on regional flood height.
- (c) The Department shall deny the permit application if the project will increase flood elevations upstream or downstream 0.01 foot or more based on the data submitted for Subsection (b), above.

- (2) Structures accessory to permanent open space uses classified as historic structures or functionally dependent on a waterfront location may be allowed by permit if the structures comply with the following criteria:
 - (a) The structures are not designed for human habitation and do not have a high flood damage potential;
 - (b) The structures are constructed and placed on the building site so as to increase flood heights less than 0.01 foot and minimally obstruct the flow of floodwaters. Structures shall be constructed with the long axis parallel to the flow of floodwaters and on the same line as adjoining structures;
 - (c) The structures are properly anchored to prevent them from floating away and restricting bridge openings or other restricted sections of the stream or river; and
 - (d) The structures have all service facilities at or above the flood protection elevation.
- (3) Public utilities, streets, and bridges may be allowed by permit if:
 - (a) Adequate floodproofing measures are provided to the flood protection elevation; and
 - (b) Construction meets the development standards of Section 73.06(1) of this Code.
- (4) Fills or deposition of materials may be allowed by permit if:
 - (a) The requirements of Section 73.06(1) of this Code are met;
 - (b) No material is deposited in the navigable channel unless a permit is issued by the DNR pursuant to Wis. Stat. ch. 30 and a permit pursuant to Section 404 of the Federal Water Pollution Control Act, Amendments of 1972, 33 U.S.C. 1344 has been issued, if applicable, and the other requirements of this Section are met;
 - (c) The fill or other materials will be protected against erosion by riprap, vegetative cover, sheet piling, or bulkheading; and
 - (d) The fill is not classified as a solid or hazardous waste material.

73.09 PROHIBITED USES. All uses not listed as permitted uses in Section 73.07(2) of this Code are prohibited, including the following uses:

- (1) Habitable structures, structures with high flood damage potential, or those not associated with permanent open-space uses;
- (2) Storing materials that are buoyant, flammable, explosive, injurious to property, water quality, or human, animal, plant, fish, or other aquatic life;
- (3) Uses not in harmony with or detrimental to uses permitted in the adjoining districts;
- (4) Any private or public sewage systems except portable latrines that are removed prior to flooding and systems associated with recreational areas and DNR-approved campgrounds that meet the applicable provisions of local ordinances and Wis. Admin. Code Ch. Comm 83.
- (5) Any public or private wells which are used to obtain potable water, except those for recreational areas that meet the requirements of local ordinances and Wis. Admin. Code Chs. NR 811 and NR 812.
- (6) Any solid or hazardous waste disposal sites;
- (7) Any wastewater treatment ponds or facilities except those permitted under Wis. Admin. Code § NR 110.15(3)(b).

- (8) Any sanitary sewer or water supply lines except those to service existing or proposed development located outside the floodway which complies with the regulations for the floodplain area occupied.

73.10 FLOODFRINGE DISTRICT (FF).

- (1) **APPLICABILITY.** This Section applies to all floodfringe areas shown on the official floodplain zoning maps described in Section 73.05(2)(a) and those identified pursuant to Section 73.11(4) of this Code.
- (2) **PERMITTED USES.** Any structure, use, or development is allowed in the floodfringe district if the standards in Section 73.10(3) of this Code are met, the use is not prohibited by this or any other Ordinance or regulation, and all permits or certificates specified in Section 73.15 of this Code have been issued.
- (3) **STANDARDS FOR DEVELOPMENT IN FLOODFRINGE AREAS.**
- (a) All of the provisions of Section 73.06(1) of this Code shall apply. In addition, the following requirements shall apply according to the use requested.
- (b) **Residential Uses.** Any habitable structure including a manufactured/mobile home which is to be erected, constructed, reconstructed, altered, or moved into the floodfringe area shall meet or exceed the following standards:
1. The elevation of the lowest floor, excluding the basement or crawlway, shall be at or above the flood protection elevation on fill. The fill shall be one foot (1') or more above the regional flood elevation extending at least fifteen feet (15') beyond the limits of the structure. The Department may authorize other floodproofing measures if the elevations of existing streets or sewer lines makes compliance impractical and the Board of Adjustments grants a variance;
 2. The basement or crawlway floor may be placed at the regional flood elevation if it is floodproofed to the flood protection elevation. No basement or crawlway floor is allowed below the regional flood elevation;
 3. Contiguous dryland access shall be provided from a structure to land outside of the floodplain except as provided in Subsection (d), below.
 4. In developments where existing street or sewer line elevations make compliance with Subsection (c), below, impractical, the municipality may permit new development and substantial improvements where access roads are at or below the regional flood elevation if:
 - A. The municipality has written assurance from police, fire, and emergency services that rescue and relief will be provided to the structure(s) by wheeled vehicles during a regional flood event, or
 - B. The municipality has a natural disaster plan approved by Wisconsin Emergency Management and the DNR.
- (c) **Accessory Structures or Uses.**
1. Except as provided in Subsection 2, below, an accessory structure which is not connected to a principal structure may be constructed with its lowest floor at or above the regional flood elevation.
 2. An accessory structure which is not connected to the principal structure and which is less than six hundred (600) square feet in size and valued at less

than Ten Thousand Dollars (\$10,000.00) may be constructed with its lowest floor no more than two feet (2') below the regional flood elevation if it is subject to flood velocities of no more than two feet (2') per second and it meets all the provisions of Sections 73.08(2)(a), (b), (c), (d), and 73.10(3)(f), below.

- (d) Commercial Uses. Any commercial structure which is erected, altered, or moved into the floodfringe area shall meet the requirements of Section 73.10(3)(b) of this Code. Subject to the requirements of Subsection (3)(f), below, storage yards, surface parking lots, and other such uses may be placed at lower elevations if an adequate warning system exists to protect life and property.
- (e) Manufacturing and Industrial Uses. Any manufacturing or industrial structure which is erected, altered, or moved into the floodfringe area shall be protected to the flood protection elevation using fill, levees, floodwalls, or other flood proofing measures in Section 73.20 of this Code. Subject to the requirements of Subsection (3)(f), below, storage yards, surface parking lots, and other such uses may be placed at lower elevations if an adequate warning system exists to protect life and property.
- (f) Storage of Materials. Materials that are buoyant, flammable, explosive, or injurious to property, water quality, or human, animal, plant, fish, or aquatic life shall be stored at or above the flood protection elevation or floodproofed in compliance with Section 73.20 of this Code. Adequate measures shall be taken to ensure that such materials will not enter the water body during flooding.
- (g) Public Utilities, Streets, and Bridges. All utilities, streets, and bridges shall be designed to be compatible with comprehensive floodplain development plans; and
 1. When failure of public utilities, streets, and bridges would endanger public health or safety, or where such facilities are deemed essential, construction of and substantial improvements to such facilities may only be permitted if they are floodproofed in compliance with Section 73.20 of this Code to the flood protection elevation;
 2. Minor roads or nonessential utilities may be constructed at lower elevations if they are designed to withstand flood forces to the regional flood elevation.
- (h) Sewage Systems. All on-site sewage disposal systems shall be floodproofed pursuant to Section 73.20 of this Code to the flood protection elevation and shall meet the provisions of all local ordinances and Wis. Admin. Code Ch. Comm 83.
- (i) Wells. All wells shall be floodproofed pursuant to Section 73.20 of this Code to the flood protection elevation and shall meet the provisions of Wis. Admin. Code Ch. NR 811 and NR 812.
- (j) Solid Waste Disposal Sites. Disposal of solid or hazardous waste is prohibited in floodfringe areas.
- (k) Deposition of Materials. Any deposited material must meet all the provisions of this Ordinance.
- (l) Manufactured/Mobile Homes.
 1. Owners or operators of all manufactured/mobile home parks and subdivisions shall provide adequate surface drainage to minimize flood damage and prepare, secure approval, and file an evacuation plan indicating vehicular access and escape routes with local emergency management authorities.
 2. In existing manufactured/mobile home parks, all new homes, replacement homes on existing pads, and substantially improved homes shall:

- A. have the lowest floor elevated to the flood protection elevation; and
 - B. be anchored so they do not float, collapse, or move laterally during a flood.
3. Outside of existing manufactured/mobile home parks, including new manufactured home parks and all single units outside of existing parks, all new, replacement, and substantially improved manufactured/mobile homes shall meet the residential development standards for the floodfringe in Section 73.10(3)(b) of this Code.
- (m) Mobile Recreational Vehicles. All mobile recreational vehicles that are on site for one hundred eighty (180) consecutive days or more or are not fully licensed and ready for highway use shall meet the elevation and anchoring requirements in Section 73.10(3)(l)2 and 3 of this Code. A mobile recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick-disconnect utilities and security devices, and has no permanently attached additions.

73.11 GENERAL FLOODPLAIN DISTRICT (GFD).

- (1) APPLICABILITY. The provisions for this district shall apply to all floodplains for which flood profiles are not available or where flood profiles are available but floodways have not been delineated. Floodway and floodfringe districts shall be delineated when adequate data is available.
- (2) PERMITTED USES. Pursuant to Section 73.11(4) of this Code, it shall be determined whether the proposed use is located within a floodway or floodfringe area. Those areas permitted in floodway [Section 73.07(2) of this Code] and floodfringe areas [Section 73.10(2) of this Code] are allowed within the general floodplain district according to the standards of Section 73.11(3) of this Code provided that all permits or certificates required under Section 73.15 of this Code have been issued.
- (3) STANDARDS FOR DEVELOPMENT IN THE GENERAL FLOODPLAIN DISTRICT. Section 73.07 of this Code applies to floodway areas; Section 73.10 of this Code applies to floodfringe areas. The rest of this Ordinance applies to either district.
- (4) DETERMINING FLOODWAY AND FLOODFRINGE LIMITS. Upon receiving an application for development within the general floodplain district, the Department shall:
 - (a) Require the applicant to submit two (2) copies of an aerial photograph or a plan which shows the proposed development with respect to the general floodplain district limits, stream channel, and existing floodplain developments, along with a legal description of the property, fill limits and elevations, building floor elevations, and flood proofing measures;
 - (b) Require the applicants to furnish any of the following information deemed necessary by the DNR to evaluate the effects of the proposal upon flood height and flood flows, regional flood elevation, and to determine floodway boundaries:
 - 1. A typical valley cross-section showing the stream channel, the floodplain adjoining each side of the channel, the cross-sectional area to be occupied by the proposed development, and all historic high water information;
 - 2. Plan (surface view) showing elevations or contours of the ground; pertinent structure, fill, or storage elevations; size, location, and layout of all proposed and existing structures on the site; location and elevation of streets, water supply, and sanitary facilities, soil types, and other pertinent information.

3. Profile showing the slope of the bottom of the channel or flow line of the stream;
 4. Specifications for building construction and materials, floodproofing, filling, dredging, channel improvement, storage, water supply, and sanitary facilities.
- (c) Transmit one (1) copy of the information described in Subsections (4)(a) and (b), above, to the DNR district office along with a written request for technical assistance to establish regional flood elevations and, where applicable, floodway data. Where the provisions of Section 73.16(3) of this Code apply, the applicant shall provide all required information and computations to delineate floodway boundaries and the effects of the project on flood elevations.

73.12 GENERAL PROVISIONS FOR NONCONFORMING USES.

- (1) **APPLICABILITY.** These standards conform with Wis. Stat. § 59.69(10) and apply to all modifications or additions to any nonconforming use or structure and to the use of any structure or premises which was lawful before the passage of this Ordinance or any amendment thereto or a previous version thereof.
- (2) The existing lawful use of the structure or its accessory use which is not in conformity with the provisions of this Ordinance may continue subject to the following conditions:
 - (a) No modifications or additions to a nonconforming use or structure shall be permitted unless they comply with this Ordinance. The words "modification" and "addition" include but are not limited to any alteration, addition, modification, structural repair, rebuilding or replacement of any such existing use, structure, or accessory structure or use. Ordinary maintenance repairs are not considered an extension, modification, or addition; these include painting, decorating, paneling, and the replacement of doors, windows, and other nonstructural components and the maintenance, repair, or replacement of existing private sewage or water supply systems or connections to public utilities. Ordinary maintenance repairs do not include any costs associated with the repair of a damaged structure.

The construction of a deck that does not exceed two hundred (200) square feet and that is adjacent to the exterior wall of a principal structure is not an extension, modification, or addition. The roof of the structure may extend over a portion of the deck in order to provide safe ingress and egress to the principal structure.
 - (b) If a nonconforming use or the use of a nonconforming structure is discontinued for twelve (12) consecutive months, it is no longer permitted, and any future use of the property and any structure or building thereon shall conform to the applicable requirements of this Ordinance.
 - (c) The Department shall keep a record which lists all nonconforming uses and nonconforming structures, their present equalized assessed value, the cost of all modifications or additions which have been permitted, and the percentage of the structure's total current value those modifications represent.
 - (d) No modification or addition to any nonconforming structure or any structure with a nonconforming use which over the life of the structure would equal or exceed fifty percent (50%) of its present equalized assessed value shall be allowed unless the entire structure is permanently changed to a conforming structure with a conforming use in compliance with the applicable requirements of this Ordinance. Contiguous dry land access must be provided for residential and commercial uses in compliance with Section 73.10(3)(b) of this Code. The costs of elevating a nonconforming building or a building with a nonconforming use to the flood protection elevation are excluded from the fifty percent (50%) provisions of this Subsection.

- (e) Except as provided in the following paragraphs, if a nonconforming structure or any structure with a nonconforming use is destroyed or is substantially damaged, it cannot be replaced, reconstructed, or rebuilt unless the use and the structure meet the current Ordinance requirements. A structure is considered substantially damaged if the total cost to restore the structure to its pre-damaged condition equals or exceeds fifty percent (50%) of the structure's present equalized assessed value.

For nonconforming buildings that are damaged or destroyed by a nonflood disaster, the repair or reconstruction of any such nonconforming building may be permitted in order to restore it after the nonflood disaster provided that the nonconforming building will meet all of the minimum requirements under 44 CFR Part 60 or under the regulations promulgated thereunder.

Notwithstanding the foregoing, any nonconforming structure whose damage or destruction was caused by violent wind, vandalism, fire, flood, ice, snow mold, infestation or any whole damage or destruction occurring after March 1, 2006, may be restored to the size, location, and use that it had immediately before the damage or destruction occurred without limitation on the costs of the repair, reconstruction, or improvement. If applicable, State or federal requirements necessitate that the size of the structure be larger than the size it was immediately before the damage or destruction, such larger size shall be allowed.

- (f) A nonconforming historic structure may be altered if the alteration will not preclude the structure's continued designation as a historic structure, the alteration will comply with Section 73.08(1) of this Code, flood-resistant materials are used, and construction practices and floodproofing methods that comply with Section 73.20 of this Code are used.

73.13 SPECIAL PROVISIONS FOR NONCONFORMING USES IN FLOODWAY AREAS.

- (1) No modification or addition shall be allowed to any nonconforming structure or any structure with a nonconforming use in a floodway area unless such modification or addition:
 - (a) Has been granted a permit or variance which meets all Ordinance requirements;
 - (b) Meets the requirements of Section 73.12, above;
 - (c) Will not increase the obstruction to flood flows or regional flood height;
 - (d) Any addition to the existing structure shall be floodproofed pursuant to Section 73.20 of this Code by means other than the use of fill to the flood protection elevation;
 - (e) Mechanical and utility equipment must be elevated or floodproofed to or above the regional flood elevation;
 - (f) It must not obstruct the flow of flood waters or cause any increase in flood levels during the occurrence of the regional flood; and
 - (g) Its use must be limited to parking and/or limited storage.
- (2) No new on-site sewage disposal system or addition to an existing on-site sewage disposal system, except where an addition has been ordered by a government agency to correct a hazard to public health, shall be allowed in a floodway area. Any replacement, repair, or maintenance of an existing on-site sewage disposal system in a floodway area shall meet the applicable requirements of all municipal ordinances and Wis. Admin. Code Ch. Comm 83.
- (3) No new well or modification to an existing well used to obtain potable water shall be allowed in a floodway area. Any replacement, repair, or maintenance of an existing well in a floodway area shall meet the applicable requirements of all municipal ordinances and Wis. Admin. Code Chs NR811 and NR 812.

73.14 FLOODFRINGE AREAS.

- (1) No modification or addition shall be allowed to any nonconforming structure or any structure with a nonconforming use unless such modification or addition has been granted a permit or variance by the Department and the modification or addition shall be placed on fill or floodproofed to the flood protection elevation in compliance with the standards for that particular use in Section 73.10(3) of this Code except where Section 73.14(2) of this Code is applicable.
- (2) Where compliance with the provisions of Subsection (1), above, would result in unnecessary hardship and only where the structure will not be used for human habitation or be associated with a high flood damage potential, the Board of Adjustments, using the procedures established in Section 73.18 of this Code, may grant a variance from those provisions of Subsection (1), above, for modifications or additions using the criteria listed below. Modifications or additions which are protected to elevations lower than the flood protection elevation may be permitted if:
 - (a) No floor is allowed below the regional flood elevation for residential or commercial structures;
 - (b) Human lives are not endangered;
 - (c) Public facilities, such as water or sewer, will not be installed;
 - (d) Flood depths will not exceed two feet (2');
 - (e) Flood velocities will not exceed two feet (2') per second; and
 - (f) The structure will not be used for storage of materials as described in Subsection 73.10(3)(f) of this Code.
- (3) If neither the provisions of Subsections (1) or (2), above, can be met, one (1) addition to an existing room in a nonconforming building or a building with a nonconforming use may be allowed in a floodfringe, if the addition:
 - (a) Meets all other regulations and will be granted by permit or variance;
 - (b) Does not exceed sixty (60) square feet in area ; and
 - (c) In combination with other previous modifications or additions to the building does not equal or exceed fifty percent (50%) of the present equalized assessed value of the building.
- (4) All new private sewage disposal systems or additions to, replacement, repair, or maintenance of a private sewage disposal system shall meet all the applicable provisions of all local ordinances and Wis. Admin. Code Ch. Comm 83.
- (5) All new wells or additions to, replacement, repair, or maintenance of a well shall meet the applicable provisions of this Ordinance and Wis. Admin. Code Chs. NR 811 and NR 812.

73.15 ADMINISTRATION.

- (1) The Department, through its zoning staff and under the supervision of the Resources Committee, is authorized to administer this Ordinance and shall have the following duties and powers to:
 - (a) Advise applicants of the Ordinance provisions, assist in preparing permit applications and appeals, and assure that the regional flood elevation for the proposed development is shown on all permit applications.

- (b) Issue permits and inspect properties for compliance with provisions of this Ordinance and issue certificates of compliance where appropriate.
- (bm) Inspect all damaged floodplain structures and perform a substantial damage assessment to determine if substantial damage to the structures has occurred.
- (c) Keep records of all official actions such as:
 - 1. All permits issued, inspections made, and work approved;
 - 2. Documentation of certified lowest floor and regional flood elevations for floodplain development;
 - 3. Records of water surface profiles, floodplain zoning maps and ordinances, nonconforming uses and structures including changes, appeals, variances, and amendments.
 - 4. All substantial damage assessment reports for floodplain structures.
- (d) Submit copies of the following items to the DNR district office:
 - 1. Within ten (10) days of the decision, a copy of any decision on variances, appeals for map or text interpretations, and map or text amendments;
 - 2. Copies of any case-by-case analyses and any other information required by the DNR including an annual summary of the number and types of floodplain zoning actions taken.
 - 3. Copies of substantial damage assessments performed and all related correspondence concerning the assessments.

**Note: Information on conducting substantial damage assessments is available on the DNR website —
<http://dnr.wi.gov/org/water/wm/dsfm/flood/title.htm>**

- (e) Investigate, prepare reports, and report violations of this Ordinance to the Resources Committee and the Corporation Counsel for prosecution. Copies of the records shall also be sent to the DNR district office.
- (f) Submit copies of text and map amendments and biennial reports to the FEMA regional office.

73.16 SHORELAND/FLOODPLAIN ZONING PERMIT . A Shoreland/Floodplain Zoning Permit shall be obtained before any new development or any repair or change in the use of a building or structure, including sewer and water facilities, may be initiated. The application to the Department for the Shoreland/Floodplain Zoning Permit shall include:

- (1) GENERAL INFORMATION.
 - (a) Name and address of the applicant, property owner, and contractor;
 - (b) Legal description, proposed use, and whether it is new construction or a modification;
- (2) SITE DEVELOPMENT PLAN. A site plan drawn to scale shall be submitted with the permit application form and shall contain:
 - (a) Location, dimensions, area, and elevation of the lot;
 - (b) Location of the ordinary high water mark of any abutting navigable waterways;

- (c) Location of any structures with distances measured from the lot lines and street center lines;
- (d) Location of any existing or proposed on-site sewage systems or private water supply systems;
- (e) Location and elevation of existing or future access roads;
- (f) Location of floodplain and floodway limits as determined from the official floodplain zoning maps;
- (g) The elevation of the lowest floor of proposed buildings and any fill using National Geodetic and Vertical Datum (NGVD);
- (h) Data sufficient to determine the regional flood elevation in NGVD at the location of the development and to determine whether or not the requirements of Sections 73.07 through 73.10 of this Code are met;
- (i) Data to determine if the proposed development will cause an obstruction to flow or an increase in regional flood height or discharge according to Section 73.06(1) of this Code. This may include any of the information noted in Section 73.08(1) of this Code.

(3) DATA REQUIREMENTS TO ANALYZE DEVELOPMENTS.

- (1) The applicant shall provide all survey data and computations required to show the effects of the project on flood heights, velocities, and floodplain storage for all subdivision proposals, as "subdivision" is defined in Wis. Stat. ch. 236 and other proposed developments exceeding five (5) acres in area or where the estimated cost exceeds One Hundred Twenty-five Thousand Dollars (\$125,000.00). The applicant shall provide:
 - (a) An analysis of the effect of the development on the regional flood profile, velocity of flow, and floodplain storage capacity;
 - (b) A map showing location and details of vehicular access to lands outside the floodplain; and
 - (c) A surface drainage plan showing how flood damage will be minimized.

The estimated cost of the proposal shall include all structural development, landscaping, access and road development, utilities, and other pertinent items, but need not include land costs.

- (4) EXPIRATION. All permits issued under the authority of this Ordinance shall expire one (1) year after the date of issue and the work permitted shall be completed prior to the expiration date extension for additional periods of up to one (1) year may be granted by the Department subject to the following conditions:
 - (a) Extension requests shall be made in writing to the Department at least thirty (30) days prior to the expiration date.
 - (b) Permits shall be reviewed by the Department for compliance with current local, county, state, and federal requirements. If not in compliance, the extension shall be denied.

- (5) FEE. All persons, upon filing an application for permits, changes, or amendments, or Board of Adjustments reviews required pursuant to this Ordinance shall pay a fee to the Department according to the following schedule:

- Shoreland Zoning Permit - New Construction..... \$250.00

- Shoreland Zoning Permit	\$150.00
- Conditional Use Permit	\$300.00
- Board of Adjustments Hearing Fee	\$500.00
- Zoning District Changes & Amendments Hearing Fee	\$300.00

If in the determination of the Department a permit applicant contemplates construction in an amount of no more than Five Hundred dollars (\$500.00) and the Department determines that the expense related to the issuance of the permit does not require the full fee, the Department, in its discretion, may waive all but Seventy-five Dollars (\$75.00) of the fee.

A double fee may be charged if work is started before a permit is applied for and issued.

- (6) CERTIFICATE OF COMPLIANCE. No land shall be occupied or used and no building which is hereafter constructed, altered, added to, modified, repaired, rebuilt, or replaced shall be occupied until a Certificate of Compliance is issued by the Department except where no permit is required subject to the following provisions:
- (a) The Certificate of Compliance shall show that the building or premises or part thereof and the proposed use conform to the provisions of this Ordinance.
 - (b) Application for such Certificate shall be concurrent with the application for a permit.
 - (c) If all Ordinance provisions are met, the Certificate of Compliance shall be issued within ten (10) days after written notification that the permitted work is completed;
 - (d) The applicant shall submit a certification signed by a registered professional engineer or registered land surveyor that the fill, lowest floor, and floodproofing elevations are in compliance with the permit issued. Floodproofing measures also require certification by a registered professional engineer or registered architect that floodproofing measures meet the requirements of Section 73.20 of this Code.
- (7) OTHER PERMITS. The applicant must secure all necessary permits from federal, state, and local agencies including those required by the U.S. Army Corps of Engineers under Section 404 of the Federal Water Pollution Control Act, Amendments of 1972, 33 U.S.C. 1344.

73.17 RESOURCES COMMITTEE.

- (1) The County Board through its Resources Committee, shall:
- (a) Oversee the functions of the Planning and Zoning Department staff; and
 - (b) Review and advise the County Board on all proposed amendments to this Ordinance, maps, and text.
- (2) This Resources Committee shall not:
- (a) Grant variances to the terms of the Ordinance in place of action by the Board of Adjustments; or
 - (b) Amend the text or zoning maps which may only be done by the County Board.

73.18 BOARD OF ADJUSTMENTS. The Board of Adjustments (or "Board") created under Wis. Stat. § 59.694 and pursuant to Chapter 76 of this Code is hereby authorized and shall be appointed to act for the purposes of this Ordinance. The Board shall exercise the powers conferred by Wisconsin Statutes and adopt rules for the conduct of business. Department staff shall provide secretarial services to the Board but shall not serve as an officer of the Board.

- (1) POWERS AND DUTIES. The Board of Adjustments shall:

- (a) Appeals. Hear and decide appeals where it is alleged there is an error in any order, requirement, decision, or determination made by an administrative official in the enforcement or administration of this Ordinance, including permit denials.
- (b) Boundary Disputes. Hear and decide disputes concerning the district boundaries shown on the official floodplain zoning map.
- (c) Variances. Hear and decide upon appeal variances from the Ordinance standards.

(2) APPEALS TO THE BOARD OF ADJUSTMENTS.

(a) Appeals to the Board of Adjustments may be taken by any person aggrieved or by any officer or department of a municipality affected by any decision of the Department. Such appeal shall be taken within thirty (30) days unless otherwise provided by the rules of the Board by filing with the Department and with the Board a notice of appeal specifying the reasons for the appeal. The Department shall transmit to the Board all records regarding the matter appealed.

(b) Notice and Hearing for Appeals Including Variances.

1. Notice. The Board shall:

- A. Fix a reasonable time for the hearing;
- B. Publish adequate notice pursuant to Wisconsin Statutes, specifying the date, time, place, and subject of the hearing;
- C. Assure that notice shall be mailed to the parties in interest and the DNR district office at least ten (10) days in advance of the hearing.

2. Hearing. Any party may appear in person or by agent or attorney. The Board shall:

- A. Resolve boundary disputes according to Section 73.18(3) of this Code.
- B. Decide variance applications according to Section 73.18(4) of this Code.
- C. Decide appeals of permit denials according to Section 73.19 of this Code.

(c) Decision. The final decision regarding the appeal or variance application shall:

- 1. Be made within a reasonable time;
- 2. Be sent to the DNR district office within ten (10) days of the decision;
- 3. Be a written determination signed by the chairperson or secretary of the Board.
- 4. State the specific facts which are the basis for the Board's decision;
- 5. Either affirm, reverse, vary, or modify the order, requirement, decision, or determination appealed in whole or in part, dismiss the appeal for lack of jurisdiction, or grant or deny the variance application;
- 6. Include the reasons for granting an appeal, describing the hardship demonstrated by the applicant in the case of a variance, clearly stated in the recorded minutes of the Board proceedings.

(3) BOUNDARY DISPUTES. The following procedure shall be used by the Board in hearing disputes concerning floodplain district boundaries:

- (a) If a floodplain district boundary is established by approximate or detailed floodplain studies, the flood elevations or profiles shall prevail in locating the boundary. If none exist, other evidence may be examined.
- (b) In all cases, the person contesting the boundary location shall be given a reasonable opportunity to present arguments and technical evidence to the Board.
- (c) If the boundary is incorrectly mapped, the Board should inform the Department or the person contesting the boundary location to petition the County Board for a map amendment according to Section 73.22 of this Code.

(4) VARIANCE.

(a) The Board may upon appeal grant a variance from the standards of this Ordinance if an applicant convincingly demonstrates that:

- 1. Literal enforcement of the Ordinance provisions will cause unnecessary hardship;
- 2. The hardship is due to adoption of the Floodplain Ordinance and unique property conditions not common to adjacent lots or premise. In such case the Ordinance or map must be amended;
- 3. The variance is not contrary to the public interest; and
- 4. The variance is consistent with the purposes of this Ordinance as stated in Section 73.03 of this Code.

(b) In addition to the criteria in Subsection (a), above, to qualify for a variance under FEMA regulations, the following criteria must be met:

- 1. The variance may not cause any increase in the regional flood elevation;
- 2. Variances can only be granted for lots that are less than onehalf acre and are contiguous to existing structures constructed below the RFE;
- 3. Variances shall only be granted upon a showing of good and sufficient cause, shall be the minimum relief necessary, shall not cause increased risks to public safety or nuisances, shall not increase costs for rescue and relief efforts, and shall not be contrary to the purpose of the Ordinance.

(c) A variance shall not::

- 1. Grant, extend, or increase any use prohibited in the zoning district;
- 2. Be granted for a hardship based solely on an economic gain or loss;
- 3. Be granted for a hardship which is self-created;
- 4. Damage the rights or property values of other person in the area;
- 5. Allow actions without the amendments to this Ordinance or map(s) required in Section 73.22(1) of this Code.
- 6. Allow any alteration of a historic structure including its use which would preclude its continued designation as a historic structure.

- (d) When a floodplain variance is granted, the Board shall notify the applicant in writing that it may increase flood insurance premiums and risks to life and property. A copy shall be maintained with the variance record.

73.19 TO REVIEW APPEALS OF PERMIT DENIALS

- (1) The Board of Adjustments shall review all data related to the appeal. This may include:
 - (a) Permit application data listed in Section 73.16 of this Code.
 - (b) Floodway/floodfringe determination data in Section 73.11(6).
 - (c) Data listed in Section 73.08(1)(b)2 of this Code where the applicant has not submitted this information to the Department.
 - (d) Other data submitted with the application or submitted to the Board with the appeal.
- (2) For appeal of all denied permits the Board shall:
 - (a) Follow the procedures of Section 73.18 of this Code;
 - (b) Consider Department recommendations; and
 - (c) Either uphold the denial or grant the appeal.
- (3) For appeals concerning increases in regional flood elevation the Board shall:
 - (a) Uphold the denial where the Board agrees with the data showing an increase in flood elevation. Increases equal to or greater than 0.01 foot may only be allowed after amending the flood profile and map and all appropriate legal arrangements are made with all adversely affected property owners.
 - (b) Grant the appeal where the Board agrees that the data properly demonstrates that the project does not cause an increase equal to or greater than 0.01 foot provided no other reasons for denial exist.

73.20 FLOODPROOFING.

- (1) No permit or variance shall be issued until the applicant submits a plan certified by a registered professional engineer or architect that the floodproofing measures will protect the structure or development to the flood protection elevation.
- (2) Floodproofing measures shall be designed to:
 - (a) Withstand flood pressures, depths, velocities, uplift and impact forces, and other regional flood factors;
 - (b) Protect structures to the flood protection elevation;
 - (c) Anchor structures to foundations to resist flotation and lateral movement; and
 - (d) Ensure that structural walls and floors are watertight so the flood protection elevation and the interior remains completely dry during flooding without human intervention.
- (3) Floodproofing measures could include:
 - (a) Reinforcing walls and floors to resist rupture or collapse caused by water pressure or floating debris.

- (b) Adding mass or weight to prevent flotation.
- (c) Placing essential utilities above the flood protection elevation.
- (d) Installing surface or subsurface drainage systems to relieve foundation wall and basement floor pressures.
- (e) Constructing water supply wells and waste treatment systems to prevent the entry of flood waters.
- (f) Putting cut-off valves on sewer lines or eliminating gravity flow basement drains.

73.21 PUBLIC INFORMATION. The Department shall endeavor to:

- (1) Place marks on structures to show the depth of inundation during the regional flood.
- (2) Make all maps, engineering data, and regulations available and widely distributed.
- (3) Encourage all real estate transfers to show what floodplain zoning district any real property is in.

73.22 AMENDMENTS.

- (1) GENERAL. The County Board may change or supplement the floodplain zoning district boundaries and this Ordinance in the manner provided by law. Actions which require an amendment include but are not limited to the following:
 - (a) Any change to the official floodplain zoning map, including the floodway line or boundary of any floodplain area.
 - (b) Correction of discrepancies between the water surface profiles and floodplain zoning maps.
 - (c) Any fill in the floodplain which raises the elevation of the filled area to a height at or above the flood protection elevation and is contiguous to land lying outside the floodplain.
 - (d) Any fill or floodplain encroachment that obstructs flow, increasing regional flood height 0.01 foot or more.
 - (e) Any upgrade to a floodplain zoning ordinance text required by Wis. Admin. Code Ch. NR 116.05 or otherwise required by law or for changes by the municipality.
 - (f) All channel relocations and changes to the maps to alter floodway lines or to remove an area from the floodway or the floodfringe that is based on a base flood elevation from a FIRM requires prior approval by FEMA.

Note: Consult the FEMA web site – www.fema.gov – for a current map change fee schedule.

- (2) PROCEDURES. Ordinance amendments may be made upon petition of any interested party according to the provisions of Wis. Stat. § 59.69. Such petitions shall include all necessary data required by Sections 73.11(4) and 73.16 of this Code.
 - (a) The proposed amendment shall be referred to the Department for a public hearing and recommendation to the County Board. The amendment and notice of public hearing shall be submitted to the DNR district office for review prior to the hearing. The amendment procedure shall comply with the provisions of Wis. Stat. § 59.69.
 - (b) No amendments shall become effective until reviewed and approved by the DNR.

- (c) All persons petitioning for a map amendment that obstructs flow, increasing regional flood height 0.01 foot or more shall obtain flooding easements or other appropriate legal arrangements from all adversely affected property owners and notify local units of government before the amendment can be approved by the County Board.
- (d) For amendments in areas with no water surface profiles, the Department or Board shall consider data submitted by the DNR, the Department's visual on-site inspections, and other available information. [See Section 73.05(4).]

73.23 ENFORCEMENT AND PENALTIES. Any violation of the provisions of this Ordinance by any person shall be unlawful and shall be referred to the Corporation Counsel for appropriate enforcement action. A violator shall upon conviction forfeit to the Sheboygan County a penalty of not less than Twenty Dollars (\$20.00) and not more than Two Thousand Dollars (\$2,000.00) together with the taxable cost of such action. Each day of continued violation shall constitute a separate offense. Every violation of this Ordinance is a public nuisance and the creation may be enjoined and the maintenance may be abated by action at suit of the County, the State, or any citizen thereof pursuant to Wis. Stat. § 87.30.

73.24 DEFINITIONS. Unless specifically defined below, words, terms, or phrases used in this Ordinance shall be as defined in Chapters 70, 71, and 73 of the Code of Ordinances, Wis. Stat. chs. 29, 30, 31, 144, 236; Wis. Stat. § 59.69, 59.692, and 87.30; and Wis. Admin. Code Chs. NR 115, NR 116, Comm 83, and Comm 85, or, if not defined therein, shall be interpreted so as to give them the same meaning as they have at common law and to give this Ordinance its most reasonable application. Words used in the present tense include the future, words in the singular number include the plural numbers. The word "shall" is mandatory, not permissive. All distances, unless specified otherwise, shall be measured horizontally.

- (1) **A ZONES.** Those areas shown on the Official Floodplain Zoning Map which would be inundated by the regional flood. These areas may be numbered or unnumbered A Zones. The A Zones may or may not be reflective of flood profiles depending on the availability of data for a given area.
- (2) **ACCESSORY BUILDING.** A subordinate structure on the same lot as the principal building or use and devoted to a use incidental to the principal use or structure. (See **PRINCIPAL STRUCTURE** and **PRINCIPAL USE**.)
- (3) **ACCESSORY STRUCTURE or USE.** A facility, structure, building, or use which is accessory or incidental to the principal use of a property, structure, or building.
- (4) **ARBOR.** A frame structure consisting of vertical posts having beams attached to and connecting the posts at the top of the structure, supporting a roof composed of open joists. Roof or wall enclosures other than lattice or trellis are prohibited.
- (5) **BASE FLOOD.** A flood having a one percent (1%) chance of being equaled or exceeded in any given year as published by FEMA as part of an FIS and depicted on a FIRM.
- (6) **BASE FLOOD ELEVATION.** An elevation equal to that which reflects the height of the base flood.
- (7) **BASEMENT.** Any enclosed area of a building having its floor sub-grade, i.e., below ground level on all sides.
- (8) **BUILDING.** See **STRUCTURE**.
- (9) **BULKHEAD.** An upright structure to dissipate wave energy or retard erosion which can be placed against the base of a dune or bluff or stand free to have fill placed behind it.
- (10) **BULKHEAD LINE.** A geographic line along a reach of navigable water that has been adopted by a municipal ordinance and approved by the DNR pursuant to Wis. Stat. § 30.11 and which

allows limited filling between this bulkhead line and the original ordinary high water mark except where such filling is prohibited by the floodway provisions of this Ordinance.

- (11) **CAMPGROUND.** Any parcel of land which is designed, maintained, intended, or used for the purpose of providing sites for nonpermanent overnight use by four (4) or more camping units or which is advertised or represented as a camping area.
- (12) **CAMPING UNIT.** Any portable device, no more than four hundred (400) square feet in area, used as a temporary shelter, including but not limited to a camping trailer, motor home, bus, van, pick-up truck, tent, or other mobile recreational vehicle.
- (13) **CERTIFICATE OF COMPLIANCE.** A certification that the construction and the use of land or a building, the elevation of fill, or the lowest floor of a structure is in compliance with all of the provisions of this Ordinance.
- (14) **CHANNEL.** A natural or artificial watercourse with definite bed and banks to confine and conduct normal flow of water.
- (15) **CLASS II PUBLIC NOTICE.** Publication of a public hearing notice under Wis. Stat. ch. 985 in a newspaper of circulation in the affected area. Publication is required on two (2) consecutive weeks, the last at least seven (7) days prior to the hearing or event noticed.
- (16) **CONDITIONAL USE.** A use permitted in a particular zoning district only upon showing that such use in a specified location will comply with all the conditions and standards for the location or operation of such use, as specified in this Ordinance and authorized by the Resources Committee. (Also called "special exception.")
- (17) **CRAWLWAYS or CRAWL SPACE.** An enclosed area below the first usable floor of a building, generally less than five feet (5') in height used for limited access to plumbing and electrical utilities.
- (18) **CRITICAL USE FACILITY.** A facility used for an activity for which flooding may pose an unacceptable risk. For purposes of this Ordinance, the term "critical use facility" is limited to the following: hazardous waste disposal facilities as defined in Wis. Admin. Code Ch. NR 181.04(26) public water supply or public water treatment facilities, hospitals, group homes for the mentally or physically handicapped or impaired, prisons, nursing homes, and police, fire, and emergency service operations.
- (19) **DECK.** An unenclosed exterior structure that has no roof or sides but has a permeable floor which allows the infiltration of precipitation.
- (20) **DEPARTMENT.** The Sheboygan County Planning and Resources Department, employing a full-time professional planner, and his/her duly appointed professional planning and zoning staff, charged with the duties of administering this Ordinance and other planning and zoning legislation, operating under the jurisdiction of the Resources Committee of the Sheboygan County Board of Supervisors.
- (21) **DEVELOPMENT.** Any artificial change to improved or unimproved real estate, including but not limited to the construction of buildings, structures, or accessory structures, the construction of additions or alterations to buildings, structures, or accessory structures; the repair of any damaged structure, or the improvement or renovation of any structure, regardless of percentage of damage or improvement; the placement of buildings or structures; subdivision layout and site preparation; mining, dredging, filling, grading, paving, excavation, or drilling operations; the storage, deposition, or extraction of materials or equipment; and the installation, repair, or removal of public or private sewage disposal systems or water supply facilities.
- (22) **DNR.** The Wisconsin Department of Natural Resources.
- (23) **DRAINAGE SYSTEM.** One (1) or more artificial ditches, tile drains, or similar devices which collect surface runoff or ground water and convey it to a point of discharge.

- (24) **DRYLAND ACCESS.** A vehicular access route which is above the regional flood elevation and which connects land located in the floodplain to land outside the floodplain, such as a road with its surface above regional flood elevation and wide enough for wheeled rescue and relief vehicles.
- (25) **ENCROACHMENT.** Any fill, structure, equipment, building, use, or development in the floodway.
- (26) **EXISTING MANUFACTURED HOME PARK OR SUBDIVISION.** A parcel of land, divided into two (2) or more manufactured home lots for rent or sale on which the construction of facilities for servicing the lots is completed before the effective date of this Ordinance. At a minimum, this would include the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads.
- (27) **EXPANSION TO EXISTING MANUFACTURED/MOBILE HOME PARK.** The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured/mobile homes are to be affixed. This includes installation of utilities, construction of streets, and either final site grading or the pouring of concrete pads.
- (28) **FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA).** The federal agency that administers the National Flood Insurance Program. This agency was previously known as the Federal Insurance Administration (FIA) or Department of Housing and Urban Development (HUD).
- (29) **FIVE HUNDRED-YEAR (500-YEAR) FLOOD.** A flood which may be expected to occur or be exceeded on a particular lake or waterway once in every five hundred (500) years.
- (30) **FIVE HUNDRED-YEAR (500-YEAR) FLOOD PROTECTION ELEVATION.** An elevation two (2) feet above the five hundred-year (500-year) flood elevation.
- (31) **FLOOD or FLOODING.** A general and temporary condition of partial or complete inundation of normally dry land areas caused by one of the following conditions:
- (a) The overflow or rise of inland waters;
 - (b) The rapid accumulation or runoff of surface waters from any source;
 - (c) The inundation caused by waves or currents of water exceeding anticipated cyclical levels along the shore of Lake Michigan; or
 - (d) The sudden increase caused by an unusually high water level in a natural body of water accompanied by a severe storm or by an unanticipated force of nature, such as a seiche, or by some similarly unusual event.
- (32) **FLOOD FREQUENCY.** The probability of a flood occurrence which is determined from statistical analyses. The frequency of a particular flood event is usually expressed as occurring on the average once in a specified number of years or as a percent chance of occurring in any given year.
- (33) **FLOODFRINGE.** That portion of the floodplain outside of the floodway which is covered by flood waters during the regional flood and associated with standing water rather than flowing water.
- (34) **FLOOD HAZARD BOUNDARY MAP.** A map designating approximate flood hazard areas. Flood hazard areas are designated as unnumbered A-Zones and do not contain floodway lines or regional flood elevations. This map forms the basis for both the regulatory and insurance aspects of the National Flood Insurance Program (NFIP) until superseded by a Flood Insurance Study and a Flood Insurance Rate Map.

- (35) **FLOOD INSURANCE RATE MAP (FIRM)** . A map of a community on which the Federal Insurance Administration has delineated both special flood hazard areas (the floodplain) and the risk premium zones applicable to the community. This map can only be amended by the Federal Emergency Management Agency.
- (36) **FLOOD INSURANCE STUDY** . A technical engineering examination, evaluation, and determination of the local flood hazard areas. It provides maps designating those areas affected by the regional flood and provides both flood insurance rate zones and base flood elevations and may provide floodway lines. The flood hazard areas are designated as numbered and unnumbered A-Zones. Flood Insurance Rate Maps that accompany the Flood Insurance Study form the basis for both the regulatory and the insurance aspects of the National Flood Insurance Program.
- (37) **FLOODPLAIN**. Land which has been or may be covered by flood water during the regional flood. It includes the floodway and the floodfringe and may include other designated floodplain areas for regulatory purposes.
- (38) **FLOODPLAIN ISLAND**. A natural geologic land formation within the floodplain that is surrounded but not covered by floodwater during the regional flood.
- (39) **FLOODPLAIN MANAGEMENT**. Policy and procedures to ensure wise use of floodplains including mapping and engineering, mitigation, education, and administration and enforcement of floodplain regulations.
- (40) **FLOOD PROFILE**. A graph or a longitudinal profile line showing the relationship of the water surface elevation of a flood event to locations of land surface elevations along a stream or river.
- (41) **FLOODPROOFING**. Any combination of structural provisions, changes or adjustments to properties and structures, water and sanitary facilities, and contents of buildings subject to flooding for the purpose of reducing or eliminating flood damage.
- (42) **FLOOD PROTECTION ELEVATION**. An elevation of two feet (2') of freeboard above the water surface profile elevation designated for the regional flood. (Also see FREEBOARD.)
- (43) **FLOOD STORAGE**. Those floodplain areas where storage of floodwaters has been taken into account during analysis in reducing the regional flood discharge.
- (44) **FLOODWAY**. The channel of a river or stream and those portions of the floodplain adjoining the channel required to carry the regional flood discharge.
- (45) **FREEBOARD**. A safety factor expressed in terms of a specified number of feet above a calculated flood level. Freeboard compensates for any factors that cause flood heights greater than those calculated, including ice jams, debris accumulation, wave action, obstruction of bridge openings and floodways, the effects of watershed urbanization, loss of flood storage areas due to development and aggregation of the river or stream bed.
- (46) **GUESTHOUSE**. An accessory structure comprised only of a bedroom, bathroom, and sitting area but shall not be intended for more than occasional human occupancy.
- (47) **HABITABLE STRUCTURE**. Any structure or portion thereof used or designed for human habitation.
- (48) **HEARING NOTICE**. Publication or posting meeting the requirements of Wis. St at. ch. 985. For appeals, a Class 1 notice published once, at least one (1) week [seven (7)] days before the hearing is required. For all zoning ordinances and amendments, a Class 2 notice published twice, once each week consecutively the last of which at least one (1) week [seven (7) days] before the hearing.

- (49) **HIGH FLOOD DAMAGE POTENTIAL.** Damage that could result from flooding that includes any danger to life or health or any significant economic loss to a structure or building and its contents.
- (50) **HISTORIC STRUCTURE.** Any structure that is either:
- (a) listed individually in the National Register of Historic Places or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
 - (b) Certified or preliminary determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
 - (c) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
 - (d) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either by an approved state program, as determined by the Secretary of the Interior or by the Secretary of the Interior in states without approved programs.
- (51) **INCREASE IN REGIONAL FLOOD HEIGHT.** A calculated upward rise in the regional flood elevation equal to or greater than 0.01 foot, based on a comparison of existing conditions and proposed conditions which is directly attributable to development in the floodplain but not attributable to manipulation of mathematical variables such as roughness factors, expansion and contraction coefficients, and discharge.
- (52) **LAND USE.** Any development (see definition of).
- (53) **LEVEE.** A continuous dike or embankment of earth constructed parallel to a waterway to prevent flooding of certain areas of land.
- (54) **MANUFACTURED/MOBILE HOME.** A structure transportable in one or more sections which is built on a permanent chassis and is designed to be used with or without a permanent foundation when connected to required utilities. The term "manufactured home" includes a mobile home but does not include a "mobile recreational vehicle."
- (55) **MOBILE RECREATIONAL VEHICLE.** A vehicle which is built on a single chassis four hundred (400) square feet or less when measured at the largest horizontal projection, designed to be self-propelled, carried or permanently towable by a licensed light-duty vehicle, is licensed for highway use if registration is required, and is designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use. Manufactured homes that are towed or carried onto a parcel of land but do not remain capable of being towed or carried including park model homes do not fall within the definition of "mobile recreational vehicles."
- (55m) **NAVD or NORTH AMERICAN VERTICAL DATUM.** Elevations referenced to mean sea level datum, 1988 adjustment.
- (56) **NGVD or NATIONAL GEODETIC VERTICAL DATUM.** Elevations referenced to mean sea level datum, 1929 adjustment.
- (57) **NAVIGABLE WATERS.** Lake Michigan, all natural inland lakes within Sheboygan County, Wisconsin, and all streams, ponds, sloughs, flowages, and other waters within the territorial limits of this County.

However, jurisdiction under this Chapter does not apply to lands adjacent to farm drainage ditches if:

- (a) Such lands are not adjacent to a natural navigable stream or river;

- (b) Those parts of such drainage ditches adjacent to such lands were non-navigable streams before ditching or had no previous stream history; and
- (c) Such lands are maintained in nonstructural agricultural use.

Wisconsin's Supreme Court has declared navigable bodies of water that have a bed differentiated from adjacent uplands and levels or flow sufficient, on an annually recurring basis, to support navigation by a recreational craft of the shallowest draft [*Muench v. Public Service Commission*, 261 Wis. 492 (1952) and *DeGayner & Co. v. Department of Natural Resources*, 70 Wis. 2d. 936 (1975)]. For example, a stream which is navigable by skiff or canoe during normal spring high water is navigable in fact under laws of this State though it may be dry during other seasons.

- (58) **NEW CONSTRUCTION.** For floodplain management purposes, "new construction" means structures for which the start of construction commenced on or after the effective date of floodplain zoning regulations adopted by this community and includes any subsequent improvements to such structures. For the purposes of determining flood insurance rates, it includes any structures for which the "start of construction" commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures.
- (59) **NONCONFORMING LOT.** A lot, the area, dimensions, or location of which was lawful prior to the adoption, revision, or amendment of this Ordinance, but which fails thereafter to conform to the requirements of the zoning district. (NOTE: A legally granted "variance" pursuant to Section 72.26 of this Code shall not be deemed to create a "nonconforming structure.")
- (60) **NONCONFORMING STRUCTURE.** An existing lawful structure or building which is not in conformity with the dimensional or structural requirements of this Ordinance for the area of the floodplain which it occupies. (For example, an existing residential structure in the floodfringe district is a conforming use. However, if the lowest floor is lower than the flood protection elevation, the structure is nonconforming.)
- (61) **NONCONFORMING USE.** An existing lawful use or accessory use of a structure or building which is not in conformity with the provisions of this Ordinance for that area of the floodplain which it occupies. (Such as a residence in the floodway.)
- (62) **OBSTRUCTION TO FLOW.** Any development which blocks the conveyance of floodwaters such that this development alone or together with any future development will cause an increase in regional flood height.
- (63) **OFFICIAL FLOODPLAIN ZONING MAP.** That map adopted and made part of this Ordinance as described in Section 73.05(2) of this Code which has been approved by the DNR and FEMA.
- (64) **OFFICIAL LETTER OF MAP AMENDMENT (LOMA)** . Official notification from the Federal Emergency Management Agency that a Flood Insurance Study Map or other adopted flood boundary map has been amended and that the property owner may or may not be exempt from the National Flood Insurance Program requirements.
- (65) **OPEN SPACE USE.** Those uses having a relatively low flood damage potential and not involving structure.
- (66) **ORDINARY HIGH WATER MARK.** The point on the bank or shore up to which the presence and action of water is so continuous as to leave a distinctive mark by erosion, destruction, or prevention of terrestrial vegetation, predominance of aquatic vegetation, or other easily recognized characteristics.
- (67) **PERSON.** An individual or group of individuals, corporations, partnership, association, municipality, or state agency.

- (68) **PIER.** A structure extending channelward, or more or less perpendicular out from the shore, with water on both sides, built or maintained for the purpose of providing a berth for watercraft or for loading or unloading cargo or passengers onto or from watercraft. (Generally any construction whose dimensions and accessories go beyond what is reasonably necessary to berth watercraft or load or unload cargo or passengers is not authorized as a pier by statute; see Wis. Stat. ch. 30.)
- (70) **PRINCIPAL BUILDING.** A building in which the principal authorized use of the lot on which it is located is conducted. (See **ACCESSORY BUILDING.**)
- (71) **PRINCIPAL USE.** The primary or predominant use of any lot (e.g. residential, commercial, industrial, conservation, institutional, etc.
- (72) **PRIVATE SEWAGE SYSTEM .** A sewage treatment and disposal system serving one structure with a septic tank and soil absorption field located on the same parcel as the structure. It also means an alternative sewage system approved by the Department of Commerce, including a substitute for the septic tank or soil absorption field, a holding tank, a system serving more than one structure or a system located on a different parcel than the structure.
- (73) **PUBLIC UTILITIES.** Those utilities using underground or overhead transmission lines such as electric, telephone and telegraph, and distribution and collection systems such as water, sanitary sewer and storm sewer.
- (74) **REASONABLY SAFE FROM FLOODING.** Means base flood waters will not inundate the land or damage structures to be removed from the special flood hazard area and that any subsurface waters related to the base flood will not damage existing or proposed buildings.
- (75) **RECREATIONAL VEHICLE.** A vehicular-type portable structure without permanent foundation, which can be towed, hauled, or driven and primarily designed as temporary living accommodation for recreational, camping, and travel use and including but not limited to travel trailers, truck campers, camping trailers, and self-propelled motor homes.
- (76) **REGIONAL FLOOD.** A flood determined to be representative of large floods known to have occurred in Wisconsin. A regional flood is a flood with a one percent (1%) chance of being equaled or exceeded in any given year and if depicted on the FIRM, the RFE is equivalent to the BFE.
- (77) **SHORELAND DISTRICT.** Lands within the following distances from the ordinary high water mark (OHWM) of navigable waters: One thousand feet (1,000') from a lake, pond, or flowage, or where approved, to the outer perimeter of contiguous mapped wetlands, whichever distance is greater; and three hundred feet (300') from a river or stream, or to the landward side of the floodplain, or where approved, to the outer perimeter of contiguous mapped wetlands, whichever distance is greater.
- (78) **SIGN** Any device, display, or structure which is used to inform, advertise, identify, display, or direct attention to an object, person, institution, organization, business, product, service, event, or location by means of words, letters, figures, design, symbols, fixtures, colors, illumination, or projected images.
- (79) **START OF CONSTRUCTION .** The date the building permit was issued provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within one hundred eighty (180) days of the permit date. The actual start means either the first placement of permanent construction on a site such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond initial excavation, or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation such as clearing, grading and filling, nor does it include the installation of streets and/or walkways, nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms, nor does it include

the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For an alteration, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building whether or not that alteration affects the external dimensions of the building.

- (80) **STORAGE CAPACITY OF A FLOODPLAIN.** The volume of space above an area of floodplain land that can be occupied by flood water of a given stage at a given time regardless of whether the water is moving.
- (81) **STRUCTURE.** Anything constructed, erected, or relocated from another premises that is permanently or temporarily attached to or resting on or in either the ground, stream, lake bed, or another structure. "**Structures**" shall include, but not be limited to, buildings (regardless of size or use); mobile homes and manufactured homes and dwellings; patios, stairways, walkways, parking lots, bridges, decks, and gazebos; swimming pools, hot tubs/spas, and playground apparatus; above-ground or underground storage tanks (excluding on-site private sewage disposal systems); and signs, masts, towers, and satellite dishes [greater than one (1) meter in diameter]. Such small, movable structures as birdhouses, bird feeders, planter boxes, picnic tables, lawn furniture, portable grills, and flagpoles shall be exempt from setback requirements.
- (82) **SUBDIVISION.** Has the meaning given in Wis. Stat. § 236.02(12).
- (83) **SUBSTANTIAL DAMAGE.** Damage of any origin sustained by a structure whereby the cost of restoring the structure to its pre-damaged condition would equal or exceed fifty percent (50%) of the equalized assessed value of the structure before the damage occurred.
- (84) **SUBSTANTIAL IMPROVEMENT.** Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the present equalized assessed value of the structure either before the improvement or repair is started or, if the structure has been damaged and is being restored, before the damage occurred. The term does not, however, include either:
- (a) Any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions; or
 - (b) Any alteration of a structure or site documented as deserving preservation by the Wisconsin State Historical Society or listed on the National Register of Historic Places.
- Ordinary maintenance repairs are not considered structural repairs or alterations. Such ordinary maintenance repairs include internal and external painting, decorating, paneling, and the replacement of doors, windows, and other nonstructural components. For purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.
- (85) **UNNECESSARY HARDSHIP.** That circumstance where uniquely and extremely special conditions which were not self-created and which are not solely related to economic loss or gain so affect a particular property that no reasonable use can be made of it and that make strict conformity with restrictions governing area, setbacks, frontage, height, or density unnecessarily burdensome or unreasonable in light of the purposes of this Ordinance.
- (86) **UTILITIES.** Any public or private facilities, such as water wells, water and sewage pumping stations, waste water collection and/or treatment/disposal systems, and any facilities owned or operated by a public utility as defined by Wis. Stat. § 196.01.
- (87) **VARIANCE.** An authorization by the Board of Adjustments or appeals for the construction or maintenance of a building or structure in a manner which is inconsistent with dimensional standards (not uses) contained in the Floodplain Zoning Ordinance.

- (88) **VIOLATION.** The failure of a structure or other development to be fully compliant with the Floodplain Zoning Ordinance. A structure or other development without required permits, lowest floor elevation documentation, floodproofing certificates, or required floodway encroachment calculations is presumed to be in violation until such time as that documentation is provided.
- (89) **WATERSHED.** The entire region contributing runoff or surface water to a watercourse or body of water.
- (90) **WELL.** Means an excavation opening in the ground made by digging, boring, drilling, driving, or other methods to obtain groundwater regardless of its intended use.
- (91) **WETLANDS.** Those areas where water is at, near, or above the land surface long enough to be capable of supporting aquatic or hydrophytic vegetation and which have soils indicative of wet conditions.
- (92) **WHARF.** A structure extending along, and more or less parallel to, the shore and generally connected with the uplands throughout its length, built or maintained for the purpose of providing a berth for watercraft or for loading or unloading cargo or passengers onto or from watercraft. (Generally any construction whose dimensions or accessories go beyond what is reasonably necessary to berth watercraft or load or unload cargo or passengers is not authorized as a wharf by statute; see Wis. Stat. ch 30.)
- (93) **WISCONSIN ADMINISTRATIVE CODE .** The rules of administrative agencies having rule-making authority in Wisconsin published in a loose-leaf, continual revision system as directed by Wis. Stat. § 35.93 and Wis. Stat. ch. 227 including subsequent amendments to those rules.

CHAPTER 74
PLANNING AND CONSERVATION DEPARTMENT

- 74.01 CREATION OF PLANNING AND CONSERVATION DEPARTMENT
- 74.02 DUTIES AND RESPONSIBILITIES
- 74.03 TRANSITIONAL PROVISIONS

74.01 CREATION OF PLANNING AND CONSERVATION DEPARTMENT. Pursuant to Wis. Stat. §§ 59.03 and 59.51, there is hereby established and created a Sheboygan County Planning and Conservation Department to be administered by a Director of Planning and Conservation appointed by the County Administrator and such other necessary personnel authorized by the County's Table of Organization (Chapter 40 of this County Code of Ordinances).

74.02 DUTIES AND RESPONSIBILITIES. The Sheboygan County Planning and Conservation Department shall be assigned the duties of and act as the agency responsible for:

- (1) developing and administering the County soil and water conservation program pursuant to Wis. Stat. § 59.70(20) and Wis. Stat. ch. 92 including but not limited to administering farmland preservation, resource management and planning, and soil erosion control;
- (2) the erosion control and stormwater management provisions of Chapter 75 of the County Code;
- (3) the animal waste storage provisions of Chapter 76 of the County Code;
- (4) the non-metallic mining provisions of Chapter 78 of the County Code;
- (5) the planning and zoning agency pursuant to Wis. Stat. §§ 59.69(2) and 59.692;
- (6) the County sanitary regulation provisions of Chapter 70 of the County Code;
- (7) the subdivision regulations provision of Chapter 71 of the County Code;
- (8) the shoreland zoning requirements of Chapter 72 of the County Code;
- (9) the floodplain zoning requirements of Wis. Stat. § 87.30 and Chapter 73 of the County Code;
- (10) technical and staff assistance as may be required for the Board of Adjustments under Chapter 76 of the County Code;
- (11) the stewardship fund established under 71.13(5) of the County Code;
- (12) the County parks and recreational facilities pursuant to Chapter 24 of the County Code;
- (13) the non-motorized transportation pilot program established in Sheboygan County pursuant to Sec. 1807 of P.L. 109-59 (Part B) of 2005, 109th Congress;
- (14) the uniform numbering system provisions of Chapter 36 of the County Code; and
- (15) other duties and assignments as the County Administrator and the County Board might assign.

74.03 TRANSITIONAL PROVISIONS. All references in the Code to Land and Water Conservation Department, Planning Department, County Conservationist, or Planning Director shall hereafter refer to the Planning and Conservation Department or the Planning and Conservation Director, respectively.

History: Ord. 3 (2010/11)

CHAPTER 75

EROSION CONTROL AND STORMWATER MANAGEMENT

75.01 AUTHORITY

75.02 FINDINGS OF FACT

75.03 DEFINITIONS

75.04 SEVERABILITY

SUBCHAPTER A – EROSION CONTROL

75.05 PURPOSE

75.06 APPLICABILITY AND JURISDICTION

- (1) Applicability
- (2) Jurisdiction
- (3) Exclusions

75.07 TECHNICAL STANDARDS

75.08 PERFORMANCE STANDARDS

- (1) Responsible Party
- (2) Plan
- (3) Erosion and Other Pollutant Control Requirements
- (4) Location
- (5) Alternate Requirements

75.09 PERMITTING REQUIREMENTS, PROCEDURES, AND FEES

- (1) Permit Required
- (2) Permit Application and Fees
- (3) Review and Approval of Permit Application
- (4) Surety Bond
- (5) Permit Requirements
- (6) Permit Conditions
- (7) Permit Duration
- (8) Maintenance

75.10 EROSION CONTROL PERMIT APPLICATION REQUIREMENTS

- (1) Erosion Control Plan
- (2) Amendments

75.11 FEE SCHEDULE

75.12 INSPECTION

75.13 ENFORCEMENT

75.14 APPEALS

- (1) Board of Adjustment

CHAPTER 75

EROSION CONTROL AND STORMWATER MANAGEMENT
(Continued)

SUBCHAPTER B – STORMWATER MANAGEMENT

75.15 PURPOSE

75.16 INTENT

75.17 APPLICABILITY AND JURISDICTION

- (1) Applicability
- (2) Jurisdiction
- (3) Exclusions

75.18 TECHNICAL STANDARDS

75.19 PERFORMANCE STANDARDS

- (1) Responsible Party
- (2) Plan
- (3) Requirements
- (4) General Considerations for On-site and Off-site Stormwater Management Measures
- (5) Location
- (6) Alternate Requirements

75.20 PERMITTING REQUIREMENTS, PROCEDURES, AND FEES

- (1) Permit Required
- (2) Permit Application and Fees
- (3) Review and Approval of Permit Application
- (4) Permit Requirements
- (5) Permit Conditions
- (6) Permit Duration

75.21 STORMWATER MANAGEMENT PERMIT APPLICATION REQUIREMENTS

- (1) Stormwater Management Plan
- (2) Alternate Requirements
- (3) Amendments

75.22 MAINTENANCE AGREEMENT

- (1) Maintenance Agreement Required
- (2) Agreement Provisions

75.23 FINANCIAL GUARANTEE

- (1) Establishment of the Guarantee
- (2) Conditions for Release

75.24 FEE SCHEDULE

75.25 ENFORCEMENT

75.26 APPEALS

- (1) Board of Adjustment
- (2) Who May Appeal

CHAPTER 75

EROSION CONTROL AND STORMWATER MANAGEMENT

75.01 AUTHORITY.

- (1) This Ordinance is adopted under the authority granted by Wis. Stat. § 59.693. This Chapter supersedes all conflicting and contradictory regulations previously enacted by Sheboygan County or enacted under Wis. Stat. § 59.69 or Wis. Stat. ch. 236 that relates to construction site erosion control and stormwater management regulations.
- (2) The provisions of this Ordinance are deemed not to limit any other lawful regulatory powers of the County Board.
- (3) The County Board hereby designates the Sheboygan County Land and Water Conservation Department (SCLWCD) as the County Department to administer and enforce the provisions of this Ordinance.
- (4) The requirements of this Ordinance do not preempt more stringent erosion, sediment control, and stormwater management requirements that may be imposed by any of the following:
 - (a) Wisconsin Department of Natural Resources administrative rules, permits, or approvals including those authorized under Wis. Stat. §§ 23 1.16 and 283.33.
 - (b) Targeted non-agricultural performance standards promulgated in rules by the Wisconsin Department of Natural Resources under Wis. Admin. Code § NR 151.004.

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 SCLWCD 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 SCLWCD.
- (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.
- (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.
- (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 SCLWCD 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.
- (14) "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.

- (15) "Development" means residential, commercial, industrial, or institutional land uses and associated roads.
- (16) "Double-ring infiltrometer test" means a test performed in accordance with ASTM standard 5093.
- 75.03(17)
- (17) "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.
- (18) "Enforcement standard" has the meaning given in Wis. Admin. Code § NR 140.05(7).
- (19) "Erosion" means the process by which the land's surface is worn away by the action of wind, water, ice, or gravity.
- (20) "Erosion control plan" means a comprehensive plan developed to address pollution caused by erosion and sedimentation of soil particles or rock fragments during construction.
- (21) "Exceptional resource waters" means waters listed in Wis. Admin. Code Ch. NR 102.11.
- (22) "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.
- (23) "Financial guarantee" means a performance bond, maintenance bond, surety bond, irrevocable letter of credit, or similar guarantees submitted to the SCLWCD by the responsible party to assure that requirements of the Chapter are carried out in compliance with the stormwater management plan.
- (24) "Governing body" means the Sheboygan County Board of Supervisors.
- (25) "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.
- (26) "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.
- (27) "Infiltration" means the entry of precipitation or runoff into or through the soil.
- (28) "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.
- (29) "Infiltration volume" means the total volume of infiltration accounting for infiltration systems and pervious surfaces.
- (30) "In-fill area" means an undeveloped area of land located within existing development.

- (31) "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.
- (32) "Karst feature" means an area or surficial geologic feature subject to bedrock dissolution so that it is likely to provide a direct or nearly direct conduit for surface water to reach groundwater and may include caves, enlarged fractures, mine features, exposed bedrock surfaces, sinkholes, springs, seeps, or swallets.
- 75.03(33)
- (33) "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.
- (34) "Maintenance agreement" means a legal document that provides for longterm maintenance of stormwater management practices.
- (35) "MEP" or "maximum extent practicable" means a level of implementing best management practices in order to achieve a performance standard specified in this Chapter which takes into account the best available technology, cost-effectiveness, and other competing issues such as human safety and welfare, endangered and threatened resources, historic properties, and geographic features. MEP allows flexibility in the way to meet the performance standards and may vary based on the performance standard and site conditions.
- (36) "Navigable waters" or "navigable waterway" means any body of water which is navigable under the laws of this State.
- (37) "New development" means development resulting from the conversion of previously undeveloped land or agricultural land uses.
- (38) "Off-site" means located outside the property boundary described in the permit application.
- (39) "On-site" means located within the property boundary described in the permit application.
- (40) "Ordinary high water mark" has the meaning given in Wis. Admin. Code § NR 115.03(6).
- (41) "Outstanding resource waters" means waters listed in Wis. Admin. Code § NR 102.10.
- (42) "Percent fines" means the percentage of a given sample of soil which passes through a #200 sieve.
- (43) "Perennial 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 perennial stream shall be based on a site survey.
- (44) "Performance standard" means a narrative or measurable number specifying the minimum acceptable outcome for a facility or practice.
- (45) "Permit" means a written authorization made by the SCLWCD to the applicant to conduct land disturbing construction activity or to discharge post-construction runoff to waters of the State.

- (46) "Permit administration fee" means a sum of money paid to the SCLWCD by the permit applicant for the purpose of recouping the expenses incurred by the authority in administering the permit.
- (47) "Pervious surface" means an area that releases as runoff a small portion of the precipitation that falls on it. Lawns, gardens, parks, forests, or other similar vegetated areas are examples of surfaces that typically are pervious.
- (48) "Point of standards application" has the meaning given in Wis. Admin. Code § NR140.05(15).
- (49) "Pollutant" has the meaning given in Wis. Stat. § 283.01(13).
75.03(50)
- (50) "Pollution" has the meaning given in Wis. Stat. § 281.01(10).
- (51) "Post-construction site" means a construction site following the completion of land-disturbing construction activity and final site stabilization.
- (52) "Pre-development condition" means the extent and distribution of land cover types present before the initiation of land-disturbing construction activity, assuming that all land uses prior to development activity are managed in an environmentally sound manner.
- (53) "Preventative action limit" has the meaning given in Wis. Admin. Code § NR 140.05(17).
- (54) "Rainfall event" means the amount of rainfall that occurs within a twentyfour- (24-) hour period using measurement techniques outlined in the Sheboygan County Erosion Control and Stormwater Manual or other SCLWCD-approved methods.
- (55) "Receipt of a permit application" means that SCLWCD has either obtained an application in person at the SCLWCD offices or signed for the application package received via registered mail.
- (56) "Record drawing" means a scale drawing representing the site conditions after final site stabilization including but not limited to topography, buildings, infrastructure, impervious area, underground piping, and any other information that would be necessary to accurately describe the features pertinent to this Chapter.
- (57) "Redevelopment" means areas where development is replacing older development.
- (58) "Regulatory wetland" or "wetland" has the meaning given in Wis. Admin. Code § NR 103.02(5). For this Chapter only, the regulatory wetland does not include the portion of wetlands where fill has been placed or approved to be placed in the wetland in accordance with all applicable state and federal regulations.
- (59) "Regulatory wetland boundary" or "wetland boundary" has the meaning given in Wis. Admin. Code § NR103.08(1m).
- (60) "Responsible party" means any entity holding fee title to the property or performing services to meet the performance standards of this Chapter through a contract or other agreement. Examples of County -approved responsible parties are contained in the Sheboygan County Erosion Control and Stormwater Manual.
- (61) "Runoff" means stormwater or precipitation including rain, snow, or ice melt or similar water that moves on the land surface via sheet or channelized flow.

- (62) "Sediment" means settleable solid material that is transported by runoff, suspended within runoff, or deposited by runoff away from its original location.
- (63) "Seasonal high water table" means the highest elevation that the water table reaches during a typical year as indicated by soil properties. If site-specific information is available, the site-specific information shall be utilized. Otherwise, regional map(s) of the seasonal high water table approved by the SCLWCD shall be utilized.
- (64) "Separate storm sewer" means a conveyance or system or conveyances including roads with drainage systems, streets, catch basins, curbs, gutters, ditches, constructed channels, or storm drains, which meets all of the following criteria:
- (a) Is designed or used for collecting water or conveying runoff.
 - (b) Is not part of a combined sewer system.
 - (c) Is not draining to a stormwater treatment device or system.
- 75.03(64)(d)
- (d) Discharges directly or indirectly to waters of the State.
- (65) "Sheboygan County Erosion Control and Stormwater Manual" means a document prepared by the SCLWCD to provide an applicant with a checklist for compliance with the provisions of this Ordinance and outlining the standards required under this Ordinance.
- (66) "Site" means the entire area included in the legal description for the land on which the land-disturbing construction activity is proposed in the permit application.
- (67) "Stop work order" means an order issued by the SCLWCD which requires that all construction activity on the site be stopped.
- (68) "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.
- (69) "Stormwater management system plan" is a comprehensive plan designed to reduce the discharge of runoff and pollutants from hydrologic units on a regional or municipal scale.
- (70) "Technical standard" means a document that specifies design, predicted performance, and operation and maintenance specifications for a material, device, or method.
- (71) "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 SCLWCD shall be utilized.
- (72) "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.
- (73) "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.
- (74) "Transportation facility" means any County or Town road classified as a major collector as defined in the 2020 Transportation Plan, prepared by the Bay Lake Regional Planning Commission.

- (75) "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."
- (76) "Waters of the State" has the meaning given in Wis. Stat. § 281.01(18).
- (77) "Wetlands in areas of specific natural resources interest" or "ASNRI" have the meaning given in Wis. Admin. Code § NR103.04.
- (78) "Work in conjunction with the stormwater management plan" means any construction directly related to the stormwater management features designed to meet the performance standards outlined in this Chapter including but not limited to detention basins, infiltration systems, detention basin outlet structures, and conveyance features.

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

75.05

SUBCHAPTER A – EROSION CONTROL

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

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

75.06 APPLICABILITY AND JURISDICTION.

(1) APPLICABILITY.

(a) This Subchapter A applies to land-disturbing construction activities on a construction site which has one (1) or more acres of land disturbing construction activity except as provided under Subchapter (b), below.

(b) This Subchapter A does not apply to the following:

- 1. Land-disturbing construction activity that includes the construction of a building and is otherwise regulated by the Wisconsin Department of Commerce under Wis. Admin. Code §§ COMM 21.125 or COMM 50.115.
- 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 silvi culture activities.
5. Routine maintenance for project sites 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 SCLWCD 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.

75.06(2)(c)

(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).

75.07 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:

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

75.08 PERFORMANCE STANDARDS.

(1) RESPONSIBLE PARTY. The responsible party shall implement an erosion control plan developed in accordance with Section 75.11 of this Code that incorporates the requirements of this Section.

(2) PLAN. A written plan shall be developed in accordance with Section 75.11 of this Code and implemented for each construction site as either a separate document or as a portion of the construction plan.

(3) EROSION AND OTHER POLLUTANT CONTROL REQUIREMENTS.

- (a) The plan required under Subsection (2), above, shall by design limit the total off-site annual aggregate soil loss for exposed areas resulting from sheet and rill erosion to an annual, cumulative soil loss rate not to exceed the rate specified in the Manual. Unless more stringent requirements are mandated as outlined in Subsection (5), below, no person shall be required to reduce the annual, cumulative soil loss rate below the specified rate in the Manual to meet the requirements of this Subsection.
- (b) Notwithstanding Subsection (a), above, if BMPs cannot be designed and implemented to reduce the sediment load below the Manual specified rate on an average annual basis, the plan shall include a written and site-specific explanation as to why the reduction goal is not attainable, and the sediment load shall be reduced to the maximum extent practicable.
- (c) Erosion and sediment control BMPs may be used alone or in combination to meet the requirements of Subsection (a), above.
- (d) In addition to the erosion control practices necessary to meet the requirements outlined in Subsection (a) above, the plan shall include erosion and sediment controls where appropriate to do all of the following to the maximum extent practicable:
 1. Prevent tracking of sediment from the construction site onto roads and other paved surfaces.
 2. Prevent the discharge of sediment as part of site dewatering.

75.08(3)(d)3

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. Protect infiltration systems from receiving sediment until final stabilization.
7. Divert off-site runoff around the construction limits.
8. Maintain soil stockpiles to minimize erosion.
9. Provide measure to clean up sediment that has migrated offsite from the site.
10. Minimize dust to the maximum extent practicable.

- (e) The use, storage, and disposal of chemicals, cement, and other compounds and materials used on the construction site shall be managed during the construction period to prevent their entrance into waters of the State. However, projects that require the placement of these materials in waters of the State, such as constructing bridge footings or BMP installations, are not prohibited by this Subsection.

(4) LOCATION. The BMPs used to comply with this Section shall be located prior to runoff entering regulatory wetlands, waters of the State, or other natural resources as determined by the SCLWCD.

(5) ALTERNATE REQUIREMENTS. The SCLWCD 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.

75.09 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 SCLWCD.
- (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 75.10 of this Code and shall pay an application fee as described in Section 75.11 of this Code. By submitting an application, the applicant is authorizing the SCLWCD to enter the site to obtain information required for the review of the erosion control plan.

(3) REVIEW AND APPROVAL OF PERMIT APPLICATION. The SCLWCD 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 SCLWCD 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 SCLWCD shall issue the permit.
- (c) If the permit application or plan is disapproved, the SCLWCD shall state in writing the reasons for disapproval.
- (d) If the SCLWCD deems the application to be incomplete, the SCLWCD may request additional information from the applicant. If additional information is submitted, the SCLWCD 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.

75.09(3)(e)

(e) Failure by the SCLWCD 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 that the application was received by SCLWCD prior to commencing land-disturbing construction activities.

(4) SURETY BOND. As a condition of approval and issuance of the permit, the SCLWCD 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. All permits shall require the responsible party to:

- (a) 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.
- (b) Notify the SCLWCD within forty-eight (48) hours of commencing any land-disturbing construction activity.
- (c) Obtain permission in writing from the SCLWCD prior to any modification pursuant to Section 75.10(3), below, of the erosion control plan.
- (d) Install properly all BMPs as identified in the approved erosion control plan and according to the standards outlined in the Manual.
- (e) Notify the SCLWCD of completion of any BMPs within fourteen (14) days after their installation.
- (f) Maintain all road drainage systems, stormwater drainage systems, BMPs, and other facilities identified in the erosion control plan.

- (g) Repair any siltation or erosion damage to adjoining surfaces and drainage ways resulting from land-disturbing construction activities and document repairs in a site erosion control log.
 - (h) 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 erosion control 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.
 - (i) Allow the SCLWCD 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. Keep a copy of the erosion control plan at the construction site.
- (6) PERMIT CONDITIONS. Permits issued under this Section may include conditions established by SCLWCD in addition to the requirements set forth in Subsection (5), above, where needed to assure compliance with the performance standards in Section 75.08 of this Code.

75.09(7)

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

75.10 EROSION CONTROL PERMIT APPLICATION REQUIREMENTS.

- (1) EROSION CONTROL PLAN.
- (a) An erosion control plan shall be prepared and submitted to the SCLWCD. The plan submittal shall consist of a cover letter identifying the applicant and landowner, an erosion control plan summary checklist as described in the Manual, and the technical elements of the plan described in this Chapter.
 - (b) The erosion control plan shall be designed to meet the performance standards in Section 75.08 of this Code and other requirements of this Subchapter A.
 - (c) The erosion control plan shall include at a minimum the following items:
 - 1. A narrative and supporting documents (or equivalent as approved by SCLWCD), including:
 - a. The name(s) and address(es) of the owner or developer of the site and of any consulting firm retained by the applicant together with the name of the applicant's principal contact at such firm.

- b. 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 SCLWCD.
- c. The start and end dates for construction, and where appropriate, any additional project milestones pertinent to the erosion control plan.
- d. Description of the site and the nature of the construction activity.
- e. A sequence of construction activities of the development site, including but not limited to clearing; topsoil stripping; rough grading, construction of utilities, infrastructure, and buildings; installation of erosion control measures; final grading; and establishment of permanent vegetation and landscaping. Sequencing shall identify the expected start and end dates of each construction activities.
- f. Description of all erosion control measures and their intended use to meet the performance requirements of this Subchapter A.
- g. Description of interim and permanent stabilization practices and maintenance of existing vegetation where possible, including a practice implementation schedule.

75.10(1)(c)1.h

- h. Estimates of the total area of the site and the total area of the site that is expected to be disturbed by construction activities.
 - i. Estimates, including calculations if any of the runoff coefficient of the site before and after construction activities are completed.
 - j. Calculations demonstrating that the site plan and proposed erosion control plan meets the performance standards outlined in Section 75.09 of this Code.
 - k. Existing data describing the surface soil as well as subsoils.
 - l. Depth to seasonal high-water table.
 - m. Name of the immediate named receiving water from the United States Geological Survey 7.5-minute series topographic maps.
2. A site drawing 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 proposed topography, vegetative cover, natural and engineered drainage systems, roads, and surface waters. Lakes, streams, wetlands, channels, ditches, and other watercourses on and immediately adjacent to the site shall be shown. Any identified one hundred- (100-) year floodplains, flood fringes, and floodways shall also be shown.

- b. Construction limits.
- c. Topsoil and general fill stockpile locations.
- d. Areas of soil disturbance (if different than the construction limits).
- e. Location of all structural and non-structural erosion controls identified in the plan.
- f. Location of areas where stabilization practices will be employed.
- g. Areas which will be vegetated following construction.
- h. Regulatory wetland boundaries on the site and locations where stormwater is discharged to waters of the State or regulatory wetland.
- i. Locations of all waters of the State and wetlands within two hundred (200) feet of the construction site.
- j. An alphanumeric or equivalent grid overlying the entire construction site map.

(2) AMENDMENTS. The applicant shall amend the erosion control plan if any of the following occur:

75.10(2)(a)

- (a) There is a change in design, construction, schedule, operation, or maintenance of the site which has the reasonable potential for the discharge of pollutants to waters of the State as determined by SCLWCD and which has not otherwise been addressed in the erosion control plan.
- (b) The SCLWCD notifies the applicant of changes needed in the erosion control plan.

75.11 FEE SCHEDULE. The fees referred to in other Sections of this Subchapter A shall be established by the Sheboygan County Agriculture & Land Conservation Committee and may from time to time be modified by the Committee. A schedule of the fees shall be available for review in the SCLWCD office.

75.12 INSPECTION. If land-disturbing construction activities are being carried out without a permit required by this Subchapter A, the SCLWCD may enter the land pursuant to the provisions of Wis. Stat. § 56.0119(1), (2), and (3).

75.13 ENFORCEMENT.

- (1) The SCLWCD may post a stop-work order if any of the following occurs:
 - (a) Any land-disturbing construction activity regulated under this Subchapter A is being undertaken without a permit.
 - (b) The erosion control plan is not being implemented in a good faith manner as determined by the SCLWCD.
 - (c) The conditions of the permit are not being met.

- (2) If the responsible party does not cease activity as required in a stop-work order posted under this Section or fails to comply with the erosion control plan or permit conditions, the SCLWCD may revoke the permit.
- (3) If the responsible party, where no permit has been issued, does not cease the activity after being notified by the SCLWCD or if a responsible party violates a stop-work order posted under Subsection (1), above, the SCLWCD may request the Corporation Counsel to seek a cease-and-desist order from the Circuit Court.
- (4) The County Board of Adjustments may retract the stop-work order issued under Subsection (1), above, or the permit revocation under Subsection (2), above.
- (5) After posting a stop-work order under Subsection (1), the SCLWCD may issue a notice of intent to the responsible party of its intent to perform work necessary to comply with this Subchapter A. The SCLWCD may go on the land and commence the work after issuing the notice of intent.
- (6) Any person violating any of the provisions of this Subchapter A shall be subject to a forfeiture of not less than Twenty-five Dollars (\$25.00) or more than Five Thousand Dollars (\$5,000.00) and the costs of prosecution for each violation to be prosecuted by the Corporation Counsel at the request of the SCLWCD. Each day a violation exists shall constitute a separate offense.
- (7) As a substitute for or in addition to forfeiture actions, the Corporation Counsel, on behalf of the County, as requested by the SCLWCD, may seek enforcement of any and all parts of this Subchapter A by Court action seeking injunctive or restraining orders or orders for the restoration of the site.

75.13(8)

- (8) Any engineering, construction, legal, and other related costs plus interest incurred by the SCLWCD related to enforcement actions taken by the SCLWCD under this Section shall be billed to the responsible party, deducted from any financial guarantee posted pursuant to Section 75.09 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.

75.14 APPEALS.

- (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 SCLWCD in administering this Subchapter A except for cease-and-desist Orders obtained under Section 75.13(3) of this Code.
 - (b) Upon appeal, may authorize variances from the provisions of this Subchapter A which are not contrary to the public interest and where owing to special conditions a literal enforcement of the provisions of the Subchapter 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 any office, Department, Board, or bureau of Sheboygan County affected by any decision of the SCLWCD.

SUBCHAPTER B: STORMWATER MANAGEMENT

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

- (1) Further the maintenance of safe and healthy conditions.
- (2) Prevent and control soil erosion and water pollution.
- (3) Protect spawning grounds, fish, and aquatic life.
- (4) Control building sites, placement of structures, and land uses.
- (5) Preserve ground cover and scenic beauty.
- (6) Promote sound economic growth.
- (7) Control exceedance of the safe capacity of existing drainage facilities and receiving water bodies.
- (8) Prevent undue channel erosion.
- (9) Control increases in the scouring and transportation of particulate matter.
- (10) Prevent conditions that endanger downstream property.

75.16 INTENT. It is the intent of the County Board that this Subchapter B regulates post-construction stormwater discharges to waters of the State. This Subchapter B may be applied on a site-by-site basis. The County Board recognizes, however, that the preferred method of achieving the stormwater performance standards set forth in this Subchapter B is through the preparation and implementation of comprehensive, systems-level stormwater management plans that cover hydrologic units, such as watersheds, on a municipal and regional scale. Such plans may prescribe regional stormwater devices, practices, or systems, any of which may be designed to treat runoff from more than one (1) site prior to discharge to waters of the State. Where such plans are in conformance with the performance standards developed under Wis. Stat. § 281.16 for regional stormwater management

75.17

measures and have been approved by the County Board, it is the intent of this Subchapter B that the approved plan be used to identify post-construction management measures acceptable for the community.

75.17 APPLICABILITY AND JURISDICTION.

- (1) APPLICABILITY.
 - (a) Where not otherwise limited by law, this Subchapter B applies after final stabilization to a site of one (1) or more acres of land disturbing construction activity unless the site is otherwise exempt from Subsection (b), below.
 - (b) A site that meets any of the criteria in this Subsection is exempt from the requirements of this Subchapter B.
 1. A redevelopment post-construction site with no increase in impervious surface.
 2. A post-construction site with less than ten percent (10%) connected imperviousness based on complete development of the postconstruction site,

provided the cumulative area of all impervious surfaces is less than one (1) acre.

3. Nonpoint discharge from agricultural facilities and practices.
4. Nonpoint discharges from silviculture activities.
5. Routine maintenance for project sites if performed to maintain the original impervious area, line and grade, hydraulic capacity, or original purpose of the facility.
6. Underground utility construction such as water, sewer, and fiberoptic lines. This exemption does not apply to the construction of any above-ground structures associated with utility construction.

(c) Notwithstanding the applicability requirements in Subsection (a), above, this Subchapter B applies to post-construction sites of any size that in the opinion of the SCLWCD is 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 B applies to post-construction sites meeting the applicability criteria in Subsection (1), above, within the boundaries and jurisdiction of the:

- (a) Unincorporated portions of Sheboygan County.
- (b) Any other Village or City within the County upon the Village or City's written request to the County.
- (c) Post-construction sites in townships within Sheboygan County that adopt a separate stormwater ordinance that is determined by the Sheboygan County Board to be equivalent or more stringent than this Subchapter B are exempt from this Subchapter B but are subject to applicable township ordinances.

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

75.18

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

- (1) The Sheboygan County Erosion Control and Stormwater Manual.
- (2) Technical standards identified, developed, or disseminated by the Wisconsin Department of Natural Resources under Wis. Admin. Code Ch. NR 151, Subchapter V.
- (3) Other technical standards, provided they are approved by the SCLWCD.
- (4) In this Subchapter B the following year(s) and location(s) have been selected as average annual rainfall(s): Green Bay, 1969 (Mar. 29 - Nov. 25); Milwaukee, 1969 (Mar. 28 - Dec. 6). The location that shall be used shall be based on which location is closer to the site.
- (5) Pre-development conditions shall assume "good hydrologic conditions" for appropriate land covers as identified in TR -55 or an equivalent methodology. The meaning of "hydrologic soil group"

and "runoff curve number" are as determined in TR -55. However, when pre-development land cover is cropland and the curve number exceeds the values in Table 1 rather than using TR-55 values for cropland, the runoff curve numbers in Table 1 shall be used.

Table 1 – Maximum Pre-development Runoff Curve Numbers for Cropland Areas				
Hydrologic Soil Group	A	B	C	D
Runoff Curve Number	56	70	79	83

- (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 responsible party shall implement a post -construction stormwater management plan that incorporates the requirements of this Section.
- (2) PLAN. A written stormwater management plan in accordance with Section 75.21 of this Code shall be developed and implemented 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. For any development, including but not limited to new development, not covered under Subsections 2 through 4, below, by design, reduce the total suspended solids load by eighty percent (80%) based on the average annual rainfall or equivalent method.
 2. For redevelopment, by design, reduce the total suspended solids load by forty percent (40%) based on the average annual rainfall or equivalent method approved by the SCLWCD as compared to no runoff management controls. 75.19(3)(a)3
 3. For in-fill development on sites of area under five (5) acres for which the SCLWCD receives a complete permit application prior to October 1, 2015, by design, reduce the total suspended solids load by forty percent (40%), based on an average annual rainfall or equivalent method approved by the SCLWCD as compared to no runoff management controls.
 4. For in-fill development that the SCLWCD receives a complete permit application after October 1, 2012, by design, reduce the total suspended solids load by eighty percent (80%) based on an average annual rainfall or equivalent method approved by the SCLWCD as compared to no runoff management controls.
 5. Notwithstanding Subsections 1 through 4, above, if the design to meet the applicable total suspended solids reduction specified is beyond the maximum extent practicable, 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.

(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 the pre-development peak runoff rate for the two - (2-) year design storm.
 - 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.
 - 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.

75.19(3)(c)

(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 residential developments one of the following methods and performance criteria shall be met:
 - a. Annual average method.
 - i. 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.

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

b. Design storm method.

- i. Infiltrate twenty-five percent (25%) of the post-development runoff volume from the two - (2-) year, twenty-four- (24-) hour design storm.
- ii. When designing appropriate infiltration systems to meet the requirement in Subsection 1.b.i, above, no more than one percent (1%) fo the site is required as an effective infiltration area.

2. For non-residential development, including but not limited to commercial, industrial, and institutional development, one of the following shall be met:

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 2.a.i, ab ove, no more than two percent (2%) of the impervious surface is required as an effective infiltration area.

b. Design storm method.

- i. Infiltrate ten percent (10%) of the runoff volume from the two (2-) year, twenty-four- (24-) hour design storm.
- ii. When designing appropriate infiltration systems to meet the requirements of Subsection 2.b.i, above, no more than two percent (2%) of the impervious surface is required as an effective infiltration area.

3. Groundwater Quality and Clogging Protection.

75.19(3)(c)3.a

- 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 SCLWCD.

- 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 preventative 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 modified to prevent infiltration to the maximum extent practicable.

4. Exclusions.

- a. Runoff from the following source areas are prohibited from discharging to an infiltration system:
 - i. Areas associated with tier 1 industrial facilities identified in Wis. Admin. Code § NR 216.21(2)(a) including storage, loading, rooftop, and parking.
 - ii. Storage and loading areas of tier 2 industrial facilities identified in Wis. Admin. Code § NR 216.21(2)(b).
 - iii. Fueling and vehicle maintenance areas.
- b. Infiltration systems located in the following areas are prohibited. If locating infiltration systems outside the following areas goes beyond the maximum extent practicable, the site is excluded from meeting the requirements of this Subsection.
 - i. Where the soil through which infiltration will occur has contaminants of concern as defined in Wis. Admin. Code § NR 720.03(2).
 - ii. Where the infiltration systems are within four hundred (400) feet of a community water system as specified in Wis. Admin. Code § 812.16(4) or within one hundred (100) feet of a private well as specified in Wis. Admin. Code § NR 812.08(4) if the source area is commercial, industrial, or institutional land use or if the source area includes residential roadways.

75.19(3)(c)4.b.iii

- c. Infiltration systems located in the following areas will not be credited toward meeting the requirements outlined in Subsections 1 and 2. If locating infiltration systems outside the following areas goes beyond the maximum extent practicable, the site is excluded from meeting the requirements of this Subsection.
 - i. Infiltration systems within one thousand (1000) feet upgradient or within one hundred (100) feet downgradient of karst features.
 - ii. Infiltration systems with less than three (3) feet separation distance from the bottom of the infiltration system to the elevation of seasonal high-water table or the top of bedrock. This exclusion does not apply when the source area is solely rooftops and/or pervious surfaces.
 - iii. Infiltration systems with less than five (5) feet separation distance from the bottom of the infiltration system to the elevation of seasonal high-water table or the top of bedrock. This exclusion only applies to source areas with transportation facilities, industrial, commercial, or institutional parking lots and roads.
 - iv. Infiltration systems where the soil does not exhibit one of the following soil characteristics between the bottom of the infiltration system and the seasonal high-water table or top of bedrock: at least a three- (3-) foot soil layer with twenty percent (20%) fines or greater; or at least a five- (5-) foot soil layer with ten percent (10%) fines or greater. This exclusion does not apply when the soil medium within the infiltration system provides an equivalent level of protection as determined by the SCLWCD or the source area is solely rooftops and/or pervious surfaces.
 - v. Infiltration systems where the infiltration rate of the soil beneath the infiltration system is less than six tenths (0.6) of an inch per hour measured using a double-ring infiltrometer test at the proposed finished elevation of the infiltration system or at a minimum five (5) feet below the pre-development ground surface, whichever is lower.
 - d. A site that meets any of the criteria in this Subsection 4.d. 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.
5. 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.
- (d) Protective Areas.

75.19(3)(d)1

1. "Protective area" means an area of land that commences at the top of the channel or at the regulatory wetland boundary and that is the greatest of the following widths as measured horizontally from the top of the channel or delineated wetland boundary. 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. Seventy-five (75) feet for wetlands in areas of special natural resource interest.
 - c. Fifty (50) feet for perennial and intermittent streams.
 - d. Fifty (50) feet for highly susceptible wetlands.
 - e. Ten percent (10%) of the average wetland width but no less than ten (10) feet and no more than thirty (30) feet for all other wetlands.
 - f. Ten (10) for concentrated flow channels.
2. This Subsection does not apply to:
 - a. Redevelopment post-construction sites.
 - b. In-fill development areas less than five (5) acres.
 - c. Structures that cross or access surface waters such as boat landings, bridges, and culverts.
 - d. Structures constructed in accordance with Wis. Stat. § 59.693(1v).
 - e. Impervious areas from which runoff is treated to the performance standards of this Subchapter B prior to entering the resource described in Subsection 1, above.
3. The following requirements shall be met:
 - a. Impervious surfaces shall not be located within the protective area to the maximum extent practicable. If impervious surfaces are located within the protective area, a written description shall be provided to SCLWCD outlining the reason(s) that placing the impervious surfaces outside the protective is beyond the maximum extent practicable.
 - b. Where land disturbing construction activity occurs within a protective area, the stormwater management plan shall contain a written site-specific explanation for any parts of the protective area that are disturbed during construction. Where no impervious surface is present, a self-sustaining vegetative cover or equivalent with greater than seventy percent (70%) coverage within the protective area shall be established.

75.19(3)(d)3.c

- c. Best management practices outlined in the Manual that are designed to control pollutants from non-point sources may be located in the protective area.
- (e) Fueling and Vehicle Maintenance Areas.
 - 1. Applicability.
 - a. New fueling and vehicle maintenance areas.
 - b. Any modifications to existing fueling and vehicle maintenance areas that require site plan review.
 - 2. Performance standards.
 - a. Fueling and vehicle maintenance areas shall, to the maximum extent practicable, have BMPs designed, installed, and maintained to reduce petroleum within runoff. A combination of the following BMPs may be used: oil and grease separators, canopies, petroleum spill clean-up materials, or any other structural or non-structural method of preventing or treating petroleum in runoff.
 - b. BMPs installed as part of a site modification shall to the maximum extent possible, be designed and operated to treat all stormwater leaving the site.
- (f) Transportation Facilities.
 - 1. Applicability. Except as provided in Subsection 2, below, transportation facilities that use swales for runoff conveyance and pollutant removal meet all of the requirements of Subsections (a), (b), and (c) of this Subchapter B except (b)2., if the swales are designed to the maximum extent practicable to do all of the following:
 - a. Be vegetated. However, where appropriate, non-vegetative measures may be employed to prevent erosion or provide for runoff treatment such as rock riprap stabilization or check dams.
 - b. Carry runoff through a swale for two hundred (200) feet or more in length that is designed with a flow velocity no greater than 1.5 feet per second for the peak flow generated using either a two- (2-) year, twenty-four- (24-) hour design storm or a two- (2-) year storm with a duration equal to the time of concentration as appropriate. If a swale of two hundred (200) feet in length cannot be designed with a flow velocity of 1.5 feet per second or less then the flow velocity shall be reduced to the maximum extent practicable.
 - 2. Exemptions. The SCLWCD may, consistent with water quality standards, require other provisions of this Subchapter B be met on a transportation facility runoff from the transportation facility directly enters a water of the State classified as one of the following:
 - a. An outstanding resource water.
 - b. An exceptional resource water.
 - c. Waters listed in Section 303(d) of the Federal Clean Water Act that are identified as impaired in whole or in part, due to nonpoint source impacts.

- d. Waters where targeted performance standards are developed under Wis. Admin. Code § NR 151.004 to meet water quality standards.

(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.

(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, post -construction runoff from new development shall meet the post-construction performance standards outlined in this Subchapter B prior to entering a navigable surface water.
- (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 effective date of this Subchapter B and the BMP either received a permit issued under Wis. Stat. ch. 30 or the BMP did not require a ch. 30 permit; and
 2. The discharge from the BMP complies with all of the requirements of this Subchapter B.
- (e) Runoff from existing development, redevelopment, and in -fill areas shall meet the post-construction performance standards in accordance with this Subsection.
 1. To the maximum extent practicable, BMPs shall be located to treat runoff prior to discharge to navigable surface waters.
 2. Post-construction BMPs for such runoff may be located in a navigable surface water if allowed under all other applicable federal, State, and local regulations such as Wis. Admin. Code Ch. NR 103 and Wis. Stat. ch. 30.

- (f) The SCLWCD may approve off-site management measures provided that all of the following conditions are met:

75.19(5)(f)

1. The off-site facility is in place.
2. The off-site facility meets all the performance standards outlined in this Subchapter B and is approved by the SCLWCD.
3. The off-site facility has a legally obligated entity responsible for its long-term operation and maintenance.

- (g) Where a regional treatment option exists such that the SCLWCD 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 SCLWCD. In determining the fee for postconstruction runoff, the SCLWCD shall consider an equitable distribution of the cost for land, engineering design, construction, and maintenance of the regional treatment option.

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

75.20 PERMITTING REQUIREMENTS, PROCEDURES, AND FEES.

- (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 SCLWCD.
- (2) PERMIT APPLICATION AND FEES. Unless specifically excluded by this Subchapter B, any responsible party desiring a permit shall submit to the SCLWCD a permit application made on a form provided by the SCLWCD for that purpose.
 - (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.
 - (b) The stormwater management plan shall be prepared to meet the requirements of Section 75.22 of this Code the financial guarantee shall meet the requirements of Section 75.23 of this Code, and fees shall be those established as set forth in Section 75.24 of this Code.
- (3) REVIEW AND APPROVAL OF PERMIT APPLICATION. The SCLWCD shall review any complete permit application. The following approval procedure shall be used:
 - (a) Within thirty (30) calendar days of the receipt of a complete permit application, including all items as required by Subsection (2), above, the SCLWCD shall inform the applicant whether the application, plan, and maintenance agreement are approved or disapproved based on the requirements of this Subchapter B.
 - (b) If the stormwater permit application, plan, and maintenance agreement are approved, or if an agreement upon payment of fees in lieu of stormwater management practices is made, the SCLWCD shall issue the permit.

- (c) IF the stormwater permit application, plan, or maintenance agreement is disapproved, the SCLWCD shall detail in writing the reasons for disapproval.
- (d) If the SCLWCD deems the application to be incomplete, the SCLWCD may request additional information from the applicant. If additional information is submitted, the SCLWCD shall have thirty (30) calendar days from the date the additional information is received to inform the applicant that the plan and maintenance agreement are either approved or disapproved. 75.20(3)(e)

- (e) Failure by the SCLWCD 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 with the SCLWCD prior to commencing land-disturbing construction activities that the application was received by SCLWCD.

(4) PERMIT REQUIREMENTS. All permits issued under this Subchapter B shall be subject to the following conditions and holders of permits issued under this Subchapter B shall be deemed to have accepted these conditions. The SCLWCD may suspend or revoke a permit for violation of a permit condition, following written notification of the responsible party. An action by the SCLWCD to suspend or revoke this permit may be appealed in accordance with Section 75.26 of this Code.

- (a) 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.
- (b) The responsible party shall design and install all structural and non-structural stormwater management measures in accordance with the approved stormwater management plan and this permit.
- (c) The responsible party shall notify the SCLWCD of any significant modifications it intends to make to an approved stormwater management plan. The SCLWCD may require that the proposed modifications be submitted to the SCLWCD for approval prior to incorporation into the stormwater management plan and execution by the responsible party.
- (d) The responsible party shall notify the SCLWCD within forty-eight (48) hours of commencing any work in conjunction with the stormwater management plan.
- (e) The responsible party shall permit property access to the SCLWCD or its designee for the purpose of inspecting the property for compliance with the approved stormwater management plan and this permit.
- (f) The responsible party shall notify the SCLWCD within fourteen (14) calendar days upon completion of the stormwater management practices.
- (g) Completed stormwater management practices must pass a final inspection by the SCLWCD or its designee to determine if they are in accordance with the approved stormwater management plan and Subchapter.
- (h) The SCLWCD 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

SCLWCD's written notification unless working conditions are unsuitable as determined by SCLWCD.

- (i) If SCLWCD 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 SCLWCD's request.

75.20(4)(j)

- (j) The responsible party authorizes the SCLWCD 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.

- (k) If so directed by the SCLWCD 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.

- (l) Where site development or redevelopment involves changes in direction, increases in peak rate and/or total volume of runoff from a site, the SCLWCD may require the responsible party to make appropriate legal arrangements with affected property owners concerning the prevention of endangerment to property or public safety.

- (m) 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.

- (n) The responsible party shall maintain all stormwater management practices in accordance with the stormwater management plan 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 SCLWCD 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 SCLWCD notifies the responsible party that all stormwater management practices have passed the final inspection required under Subsection (4)(d), above.

75.21 STORMWATER MANAGEMENT PERMIT APPLICATION REQUIREMENTS.

- (1) STORMWATER MANAGEMENT PLAN.

- (a) A stormwater management plan shall be prepared and submitted to the SCLWCD. 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 Chapter.

- (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 SCLWCD) including:

75.21(1)(d)1.a.

- a. Name, 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 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 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 SCLWCD.
- d. Site location and approximate site boundaries shown on a Sheboygan County Soil Survey Map or equivalent as approved by the SCLWCD.
- 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.
- 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 restriction on stormwater management measures in the development area imposed by wellhead protection plans and ordinances.

75.21(1)(d)1.n

- n. Other information requested in writing by the SCLWCD 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 center 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 side 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.
 - 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.

75.21(1)(d)3.f

- 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.
- n. Hydrologic parameters for watershed utilized in the hydrologic and hydraulic computations.
- o. Location of wells and wellhead protection areas covering the project area and delineated pursuant to Wis. Admin. Code § NR 811.16.

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

- (2) ALTERNATE REQUIREMENTS. The SCLWCD 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 SCLWCD 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 SCLWCD 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:

75.22(a)

- (a) Identification of the stormwater facilities and designation for 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 SCLWCD responsible for long-term maintenance of the stormwater management practices identified in the stormwater management plan.
- (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 SCLWCD 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 SCLWCD 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 SCLWCD of maintenance problems which require correction. The specified corrective actions shall be undertaken within a reasonable time frame as set by the SCLWCD.
- (h) Authorization of the SCLWCD 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 SCLWCD 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.

75.23 FINANCIAL GUARANTEE.

- (1) ESTABLISHMENT OF THE GUARANTEE. The SCLWCD may require the submittal of a financial guarantee shall be in an amount determined by the SCLWCD to be the estimated cost of construction and the estimated cost of maintenance of the SCLWCD 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 SCLWCD 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 SCLWCD 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 SCLWCD shall release the portion of the financial guarantee established under this Section less any costs incurred by the SCLWCD to complete installation of practices, upon submission of record drawings by a licensed professional engineer. The SCLWCD may make provisions for a partial pro-rata release of the financial guarantee based on the completion of various development stages.
 - (b) The SCLWCD shall release the portion of the financial guarantee established under this Section to assure maintenance of stormwater practices less any costs incurred

75.24

by the SCLWCD at such time that the responsibility for practice maintenance is passed on to another entity via an approved maintenance agreement.

75.24 FEE SCHEDULE. The fees referred to in other Sections of this Subchapter B shall be established by the Sheboygan County Agriculture & Land Conservation Committee and may from time to time be modified by resolution. A schedule of the fees shall be available for review in the SCLWCD office.

75.25 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 SCLWCD 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 SCLWCD 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 SCLWCD 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 SCLWCD may enter the land and take emergency actions necessary to prevent such damage.
- (5) The SCLWCD is authorized to post a stopwork 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 SCLWCD 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 SCLWCD or by a court with jurisdiction.
- (8) The SCLWCD is authorized to refer any violation of this Subchapter B or of a stopwork 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.
- (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 SCLWCD 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 SCLWCD or a party designated by the SCLWCD 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.

75.25(12)

- (12) Any engineering, construction, legal, and other related costs plus interest incurred by the SCLWCD related to enforcement actions taken by the SCLWCD 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.

75.26 APPEALS.

- (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 SCLWCD 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 SCLWCD.

CHAPTER 76
BOARD OF ADJUSTMENTS

- 76.01 ESTABLISHMENT OF BOARD
- 76.02 POWERS OF THE BOARD
- 76.03 MEMBERSHIP
- 76.04 OFFICE AND COMPENSATION
- 76.05 MEETINGS
- 76.06 HEARINGS
- 76.07 BASIS FOR ACTION TAKEN
- 76.08 FEES

CHAPTER 76
BOARD OF ADJUSTMENTS

76.01 ESTABLISHMENT OF BOARD. Pursuant to the provisions of sec. 59.70(1), Stats., "Building and Sanitary Codes"; sec. 59.70(5), Stats., "Private Sewage System Ordinance"; sec. 59.694, Stats., "County Zoning, Adjustment Board"; and Chapter 78 of this Code, there is hereby established the Sheboygan County Building, Zoning, and Sanitation Board of Adjustments hereafter referred to as the "BOARD OF ADJUSTMENTS."

76.02 POWERS OF THE BOARD. Except as specifically provided, no action of the Board of Adjustments shall have the effect of nullifying the intent or negating any of the provisions of the County Ordinance "REGULATING HEIGHT OF STRUCTURES AND TREES AND THE USE OF PROPERTY IN THE VICINITY OF THE SHEBOYGAN COUNTY MEMORIAL AIRPORT" (Chapter 63), the County "SANITARY ORDINANCE" (Chapter 70), and the County "SHORELAND-FLOODPLAIN ORDINANCE" (Chapter 72). The Board of Adjustments shall have the following powers:

(a) To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by the County Planning Department or the Airport Department.

(b) To hear and decide special exceptions (also known as conditional uses) to the terms of Chapters 63, 70, and 72 of this Code upon which the Board of Adjustments is required to pass.

(c) To authorize upon appeal in specific cases such variance from the terms of Chapters 63, 70, and 72 of this Code as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the provisions of said Chapters will result in unnecessary hardship and so that the spirit of said Chapters shall be observed, public safety and welfare secured, and substantial justice done.

(d) To allow alternate reclamation requirements to operators of nonmetallic mining sites pursuant to Section 78.18 of this Code.

76.03 MEMBERSHIP. The Board of Adjustments shall consist of five (5) members appointed by the Chairperson of the County Board, subject to confirmation by the County Board, with the initial terms of office to be staggered in such a way that not more than two (2) successors will be appointed in any one (1) year following any term expiration. The members of the Board of Adjustments shall all reside within those areas of the County which are under the jurisdiction of Chapters 63, 70, and 72, but no two (2) members shall be from the same town.

76.04 OFFICE AND COMPENSATION. The County Board shall provide the Board of Adjustments with office space and shall pay the expenses incurred in the performance of its duties. The County Board may provide additional compensation if it so desires and may also provide salaried assistants.

76.05 MEETINGS. The County Resources Committee shall adopt rules for the governance and procedure of the Board of Adjustments in addition to those established in this Section. Meetings shall be held at the call of the Chairperson and at such other times as the Board of Adjustments may determine. The Chairperson, or in the Chairperson's absence the acting Chairperson, may administer oaths and compel the attendance of witnesses. All meetings shall be open to the public.

76.06 HEARINGS. The Board of Adjustments shall fix a reasonable time and place to conduct its hearings and shall give a Class II notice thereof pursuant to ch. 985, Stats.

76.07 BASIS FOR ACTION TAKEN. In every case where a variance from the regulations has been granted by the Board, the minutes of the Board shall affirmatively show that an "unnecessary hardship" exists, and the records of the Board shall clearly show in what particular and specific respects an "unnecessary hardship" is created.

76.08 FEES. All persons, upon filing an application for Board of Adjustments review, shall pay a fee of Three Hundred Dollars (\$300.00) to the Board.

CHAPTER 77
ANIMAL WASTE STORAGE

- 77.01 AUTHORITY, FINDINGS, AND DECLARATION OF POLICY
- 77.02 PURPOSE
- 77.03 GEOGRAPHIC APPLICABILITY
- 77.04 INTERPRETATION
- 77.05 SEVERABILITY
- 77.06 DEFINITIONS
- 77.07 APPLICABILITY
- 77.08 COMPLIANCE WITH PERMIT REQUIREMENTS
- 77.09 EXCEPTION TO PERMIT REQUIREMENTS
- 77.10 FEE
- 77.11 REVIEW OF APPLICATION
- 77.12 PERMIT CONDITIONS
- 77.13 STANDARDS AND SPECIFICATIONS
- 77.14 OTHER PLAN REQUIREMENTS
- 77.15 PROHIBITED PRACTICES
- 77.16 PERMIT REVOCATION
- 77.17 DELEGATION OF AUTHORITY
- 77.18 ADMINISTRATIVE DUTIES
- 77.19 INSPECTION AUTHORITY
- 77.20 ENFORCEMENT AUTHORITY
- 77.21 PENALTIES
- 77.22 ENFORCEMENT OF INJUNCTION
- 77.23 COST-SHARING
- 77.24 ALTERNATE ENFORCEMENT OPTION

CHAPTER 77

ANIMAL WASTE STORAGE
(Continued)

77.25 AUTHORITY

77.26 PROCEDURES

77.27 WHO MAY APPEAL

CHAPTER 77

ANIMAL WASTE STORAGE

77.01 AUTHORITY, FINDINGS, AND DECLARATION OF POLICY. This Ordinance is adopted under authority granted by Wis. Stat. ch. 59 and Wis. Stat. §§ 92.15 and 92.16.

The Board of Supervisors finds that storage of livestock wastes in facilities and animal feedlots and the land application of livestock waste may cause pollution of the surface waters and ground waters of Sheboygan County and may result in actual or potential harm to the health and safety of County residents and transients, to livestock, aquatic life, and other animals and plants, and to the property tax base of Sheboygan County.

The Board of Supervisors finds this Ordinance is designed to protect and promote the agricultural industry and also to promote and enhance the water quality, aesthetic conditions, and general welfare of the people and communities within Sheboygan County.

The Board of Supervisors further finds that the technical standards developed by the United States Department of Agriculture (USDA) Natural Resources Conservation Service (NRCS) and adopted by the Sheboygan County Agriculture & Land Conservation Committee provide effective, practical, and environmentally safe methods of construction, operation, and maintenance of manure storage facilities and animal feeding operations.

The County of Sheboygan permits operation of properly -conducted agricultural operations within the County. If property is located near agricultural lands of operation or included within an area zoned for agricultural purposes, it may be subject to conditions arising from such operations. These conditions may include, but are not limited to: noises, odors, lights, fumes, dust, operation of machinery, and the storage and disposal of manure. One or more of these conditions described may occur as a result of any agricultural operation which is in conformance with existing laws and regulations and accepted customs and standards. Those residing near an agricultural area should be prepared to accept such outcomes as a normal and necessary aspect of living in a county with strong rural character and an active agricultural sector. Sheboygan County has established the Agriculture & Land Conservation Committee to assist in the resolution of any animal waste management disputes which might arise between residents of the County regarding agricultural operations.

77.02 PURPOSE. The purpose of this Ordinance is to assure the safe handling and spreading of animal waste as well as to regulate the location, design, construction, alteration, operations, and maintenance of all animal feeding operations and livestock waste storage facilities; to regulate the abandonment of livestock waste storage facilities in order to prevent water pollution, protect the health and safety of residents and transients, prevent the spread of disease, and to promote the prosperity and general welfare of the citizens of Sheboygan County.

77.03 GEOGRAPHIC APPLICABILITY. This Ordinance applies to the unincorporated areas of Sheboygan County.

77.04 INTERPRETATION. In their interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements and shall be liberally construed in favor of Sheboygan County and shall not be deemed a limitation or repeal of any other power granted by the Wisconsin Statutes. Notwithstanding the foregoing, no interpretations or application should be construed to require nutrient management or other conservation practices for livestock operations that exceed the practices required under Wis. Admin. Code §§ NR151.05 to 151.08 or the related conservation practices or technical standards in Ch. ATCP 50 or Wis. Stat. § 92.15.

77.05 SEVERABILITY. If any section, provision, or portion of this Ordinance is ruled invalid by a Court, the remainder shall not for that reason be rendered ineffective.

77.06 DEFINITIONS.

(a) **ADEQUATE SOD OR SELF -SUSTAINING VEGETATIVE COVER:** Maintenance of sufficient vegetation types and densities such that the physical integrity of the streambank or lakeshore is preserved. Self-sustaining vegetative cover includes grasses, forbs, sedges, and duff layers of fallen leaves and woody debris.

(b) **AGRICULTURE & LAND CONSERVATION COMMITTEE:** The standing Committee of the Sheboygan County Board of Supervisors organized as required by Wis. Stat. §59.70(19) and acting as liaison to the Sheboygan County Land & Water Conservation Department.

(c) **ANIMAL FEEDING OPERATION:** A feedlot or facility, other than a pasture, where animals have been, are, or will be fed, confined, maintained, or stabled for a total of forty-five (45) days or more in any twelve - (12-) month period. Two (2) or more animal feeding operations under common ownership or common management are a single operation if at least one (1) of the following is true:

(1) The operations are adjacent;

(2) The operations utilize common systems for the landspreading of manure or other wastes, including a manure management plan or landspreading acreage;

(3) Manure, barnyard runoff, or other wastes are commingled in a common storage facility prior to landspreading.

(d) **ANIMAL UNIT:** A unit of measure used to determine the total number of single animal types or combination of animal types, as specified in Wis. Admin. Code § NR 243.11, which are fed, confined, maintained, or stabled in an animal feeding operation.

(e) **APPLICANT:** Any person who applies for a permit under this Ordinance.

(f) **BEDROCK:** Any naturally formed consolidated rock material and weathered in-place material with less than fifty percent (50%), by volume, larger than two (2) millimeters in size. Bedrock includes but is not limited to limestone (dolomite), sandstone, shale, and igneous and metamorphic crystalline rock, including granite, rhyolite, quartzite, gabbro, basalt, gneiss, schist, diorite, and greenstone.

(g) **DIRECT RUNOFF:** A discharge of a significant amount of pollutants to waters of the state resulting from any of the following practices:

(1) Runoff from a manure storage facility;

(2) Runoff from an animal lot that can be predicted to reach surface waters of the state through a defined or channelized flow path or man-made conveyance;

(3) Discharge of leachate from a manure pile;

(4) Seepage from a manure storage facility;

(5) Construction of a manure storage facility in permeable soils or over fractured bedrock without a liner designed in accordance with Wis. Admin. Code § NR154.04(3).

(h) **GROUNDWATER:** The water filling all the unblocked pores of underlying material below the water table.

(i) INCORPORATION: To blend, mix, or combine into the soil which may include injection, discing, plowing, chisel plowing, roto-tilling, or other tillage methods.

77.06(j)

(j) LAND & WATER CONSERVATION DEPARTMENT (LWCD): The enforcing authority of Sheboygan County for this Ordinance.

(k) MANURE: Livestock excreta, which includes livestock bedding, water, soil, hair, feathers, and other debris that becomes intermingled with livestock excreta in normal manure handling operations.

(l) MANURE STORAGE FACILITY: A concrete, steel, earthen, or otherwise fabricated containment structure used for temporary storage of animal manure or other organic waste. This definition covers facilities relating to components of a planned agricultural waste management system. It also refers to all components of a system to transfer material from the source to a storage facility, treatment facility, or loading area. However, it does not apply to conveyance systems using equipment such as barn cleaners, alley scrapers, or belts for moving manure in the housing facility to the reception pit, pump, channel, or conduit.

(m) NATURAL RESOURCE CONSERVATION SERVICE (NRCS): An agency of the United States Department of Agriculture.

(n) NAVIGABLE BODY OF WATER: Any lake, pond, or other body of water determined to be navigable by the Wisconsin Department of Natural Resources (DNR) and the Sheboygan County Planning and Resources Department as reflected on the shoreland district maps as referred to in Section 72.24 of the Sheboygan County Code of Ordinances.

(o) NUTRIENT MANAGEMENT PLAN: Means any of the following:

(1) A plan required under Wis. Admin. Code §§ ATCP 50.04(3) or 50.62(5)(f);

(2) A farm nutrient plan prepared or approved for a landowner, by a qualified nutrient management planner.

(p) PASTURE: An area of land where animals graze or otherwise seek feed in a manner that maintains the vegetative cover over all of the grazing area and where the vegetative cover is the primary food source for the animals.

(q) PERMIT: The signed, written statement issued by the LWCD under this Ordinance authorizing the applicant to construct or substantially alter or abandon a manure storage facility or animal feeding operation or to abandon a manure storage facility.

(r) PERMITTEE: Any person to whom a permit is issued under this Ordinance.

(s) PERSON: Any individual, corporation, partnership, joint venture, agency, unincorporated association, municipal corporation, county, or state agency within Wisconsin, the federal government, or any combination thereof.

(t) SINKHOLE: A depression or opening on the land surface, usually funnel-shaped, generally formed by solution or collapse of limestone, dolomite, or to a lesser extent sandstone bedrock occurring at or near the surface. Sinkholes may be partially or completely filled with unconsolidated material and solution enlargement of vertical passages often extend to the water table. Collapse of mine workings in other consolidated formations are also considered sinkholes.

(u) SITE SUSCEPTIBLE TO GROUNDWATER CONTAMINATION: Means any of the following:

- (1) An area within two hundred fifty (250) feet of a private well;
- (2) An area within one thousand feet (1,000) feet of a municipal well ;

77.06(u)(3)

(3) An area within three hundred (300) feet upslope or one hundred (100) feet downslope of karst features;

(4) A channel with a cross-sectional area equal to or greater than three (3) square feet that flows to a karst feature;

(5) An area where the soil dept to groundwater or bedrock is less than two (2) feet;

(6) An area where the soil does not exhibit one of the following soil characteristics:

A. At least a two - (2-) foot soil layer with forty percent (40%) fines or greater above groundwater and bedrock.

B. At last a three- (3-) foot soil layer with twenty percent (20%) fines or greater above groundwater and bedrock;

C. At least a five - (5-) foot soil layer with ten percent (10%) fines or greater above groundwater and bedrock.

(v) SUBSTANTIALLY ALTER: To initiate a change that results in a relocation of a structure or facility or significant changes to the size, depth, or configuration of a structure or facility, including:

(1) Replacement of a liner in a manure storage struct ure;

(2) An increase in the volumetric capacity or area of a structure or facility by greater than twenty percent (20%);

(3) A change in a structure or facility related to a change in livestock management from one species of livestock to another such as cattle to poultry.

(w) TECHNICAL GUIDE: The United States Department of Agriculture (USDA) Natural Resources Conservation Service (NRCS) Technical Guide as updated from time to time with the updates as incorporated by Wis. Admin. Code §§ 50.56 and 50.04(3).

(x) TECHNICAL STANDARDS: The written standards and specifications for animal lots and livestock waste storage facilities contained in the USDA -NRCS Technical Guide.

(y) UNCONFINED MANURE PILE: A quantity of manure that is at least one hundred seventy-five (175) feet cubed (³) in volume and which covers the ground surface to a depth of at least two (2) inches and is not confined within a manure storage facility, livestock housing facility, or barnyard runoff control facility or covered or contained i n a manner that prevents storm water access and direct runoff to surface water or leaching of pollutants to groundwater

(z) WATERS OF THE STATE: Those portions of Lake Michigan and Lake Superior within the boundaries of Wisconsin and all lakes, bays, rivers, streams, springs, ponds, wells, impounding reservoirs, marshes, water courses, drainage systems, and other surface water and groundwater, natural or artificial, public or private, within the state or its jurisdiction as defined in Wis. Stat. § 147.015(20).

(aa) WATER QUALITY MANAGEMENT AREA: The area within one thousand (1,000) feet from the ordinary high-water mark of navigable waters mark that consists of a lake, pond, or flowage, except that, for navigable water that is a glacial pothole lake, the term means the area within one thousand (1,000) feet from the high-water mark of the lake; the area within three hundred (300) feet from the ordinary high-water mark of navigable waters that consist of a river or stream and a site,

such as a sinkhole, that is susceptible to groundwater contamination or that has the potential to be a direct conduit for contamination to reach groundwater.

(bb) WETLAND: An area that has a predominance of hydric soils and that is inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and under normal circumstances does support, a prevalence of hydrophytic vegetation typically adapted for life in saturated-soil conditions.

77.07 APPLICABILITY. Except as hereinafter provided, any person who acquires ownership of, leases or constructs, abandons or substantially alters any manure storage facility or animal feeding operation is required to obtain a permit and adhere to the provisions of this Chapter of the Code. Construction or substantial alteration of a manure storage facility or an animal feeding operation requires a Construction Permit. Closure of a manure storage facility requires a Closure Permit. Any person who applies livestock waste on land for which a Nutrient Management Plan as part of the permitting process is required shall be subject to the provisions of this Chapter of the Code.

77.08 COMPLIANCE WITH PERMIT REQUIREMENTS. A person is in compliance with this Ordinance if that person follows the procedures of this Ordinance, receives a permit from the LWCD before beginning activities subject to regulation under this Section, and complies with the requirements of the permit.

77.09 EXCEPTION TO PERMIT REQUIREMENTS Emergency repairs for broken pipes or equipment, leaking dikes, or the removal of obstructions may be performed without a Construction Permit from the LWCD as long as it is performed within two (2) business days of the emergency. The determination as to need for additional work and a permit shall be rendered by the LWCD within two (2) business days of the aforementioned report. No Construction Permit or requirement for a Plan provision under a Construction Permit application shall be required if the Permit or provision conflicts with or is more restrictive than allowed by Wis. Stat. § 93.90 or any Administrative Code provision adopted thereunder.

77.10 FEE. The fee for permits and any annual compliance reviews if undertaken under this Ordinance shall be as established from time to time by the Agriculture & Land Conservation Committee.

77.11 REVIEW OF APPLICATION. The LWCD shall receive and review all permit applications. The LWCD shall determine if the proposed facility or closure and plans meet required standards set forth in Sections 77.13 and 77.14 of this Ordinance. The applicant shall inform the LWCD no later than two (2) working days prior to digging any soil test pit. Within thirty (30) days after receiving the completed application and fee, the LWCD shall inform the applicant in writing whether the permit application is approved or disapproved. If additional information is required, the LWCD shall so notify the applicant. The LWCD has thirty (30) days from the receipt of the additional information in which to approve or disapprove the application. If the LWCD fails to approve or disapprove the permit application in writing within thirty (30) days of the receipt of the permit application or additional information, as appropriate, the application shall be deemed approved and the applicant may proceed as if a permit had been issued.

77.12 PERMIT CONDITIONS. All permits issued under this Ordinance shall be issued subject to the following conditions and requirements:

(a) Design, construction, and management shall be carried out and maintained in accordance with the Plan and applicable standards specified in Sections 77.13 and 77.14 of this Ordinance. Notwithstanding the foregoing, no applicant for a construction permit for an animal feeding operation shall be denied a permit if the standards specified in Sections 77.13 and 77.14 are more restrictive than state requirements promulgated under Wis. Stat. Sec. 93.90 or if the denial of a permit would exceed the LWCD's authority under Wis. Stat. Sec. 93.90.

(b) The permittee shall give five (5) working days' notice to the LWCD before starting any construction activity authorized by the permit.

(c) Approval in writing must be obtained from the LWCD prior to implementation of any modifications to the approved Construction Plan.

77.12(d)

(d) The permittee or civil engineer registered in the State of Wisconsin or a DATCP or NRCS engineering practitioner, and, if applicable, the contractor, shall certify in writing by signing a certification sheet that the facility was constructed as planned and designed. A copy of the signed certification sheet shall be mailed to the LWCD within thirty (30) calendar days of completion of installation. Until such certification sheet is received and accepted by LWCD, the facility may not be put into operation.

(e) Activities authorized by permit must be completed within two (2) years from the date of issuance after which such permit shall be void.

(f) The permittee has paid all fees.

(g) The permittee has obtained all other required permits and approvals, including conditional approvals.

(h) The permittee shall submit, by each June 1 to the LWCD a current (590) Nutrient Management Plan annually for as long as the permittee operates a livestock waste storage facility until such facility is no longer in use and properly abandoned.

(i) The permittee shall allow the LWCD to enter upon land to inspect pursuant to Section 77.19 of this Code.

77.13 STANDARDS AND SPECIFICATIONS.

(a) Manure Storage Facility Requirements: Every application for a Manure Storage Facility Construction Permit shall include Construction Plans. The Plan standards and specifications for design, setbacks, construction, operation, and maintenance of manure storage facilities are those identified in Standards 313 and 634, USDA-NRCS Technical Guide and Wis. Admin. Code Ch. NR 812.

(b) Management and Utilization: Every application for a Manure Storage Facility Construction Permit shall include a Nutrient Management Plan that complies with Wis. Admin Code Sec. ATCP 50.04(3) and shall include the following:

(1) The Plan shall include every field on which the landowner mechanically applies nutrients.

(2) A nutrient management planner qualified under Wis. Admin. Code § ATCP 50.48 shall prepare or approve the Plan.

(3) The plan shall be based on soil nutrient tests conducted at a laboratory certified under Wis. Admin. Code Ch. § ATCP 50.50.

(4) The Plan shall comply with the NRCS Technical Guide Nutrient Management Standard 590 dated March 1999 or any phosphorus -based standard that NRCS may adopt which is adopted by the Department of Agriculture Trade & Consumer Protection.

(5) The Plan may not recommend nutrient applications that exceed the amounts required to achieve applicable crop fertility levels recommended by the University of Wisconsin-Extension in Soil Test Recommendations for Field, Vegetable and Fruit Crops, UWEX publication A-2809 (1998), unless the nutrient management planner can show that one or more of the following circumstances justifies the recommended application:

- A. A soil or tissue test reveals a specific nutrient deficiency.
 - B. Excess nutrients are the result of an unforeseen change in the type of crop planted.
- 77.13(b)(5)C

- C. Excess nutrients are the result of prior manure applications.
- D. Organic nutrients are the only nutrients applied to the field.
- E. Excess nutrients from organic nutrient applications will be used later in the planned crop rotation.
- F. Corn after corn is conservation tilled with greater than fifty percent (50%) residue after planting.
- G. Starter fertilizer is properly applied to row crops.
- H. The crop is irrigated.
- I. Other special agronomic conditions documented by the planner.

(c) Animal Feeding Operations: Every application for an Animal Feeding Operation Construction Permit shall include Construction Plans. The standards and specifications for design, construction, operation, and maintenance of animal feeding operations are those identified in Standards 350 and 635, USDA-NRCS Technical Guide and Wis. Admin. Code Ch. NR 8 12.

(d) Animal Feeding Operation Setback Requirements: Every application for an Animal Feeding Operation Construction Permit for a new operation shall comply with setback requirements of a minimum of fifty (50) feet from wells and three hundred (300) feet from any waters of the State. An animal feeding operation may be sited between three hundred (300) feet and seventy-five (75) feet from waters of the State with an approved variance from the LWCD.

77.14 OTHER PLAN REQUIREMENTS.

(a) Manure Storage Facility Plan Requirements. Each application for a Construction Permit for a Manure Storage Facility under this Chapter of the Code shall include an Manure Storage Facility Plan. In addition to the requirements of Section 77.13 of this Code, such Plan shall include the following:

- (1) A Plan map showing location of the facility, including buildings and homes within three hundred (300) feet of the proposed site. The sketch shall be drawn to scale, with a scale no smaller than one (1) inch = one hundred (100) feet.
- (2) The location of any wells within three hundred (300) feet of the facility.
- (3) The location of all soil test pits, including a detailed log of each pit to a depth of at least five (5) feet below the planned bottom elevation of the facility. The soil test pit log shall include the location and surface elevation, depth of the pit, description of the soil profile, and the USDA Uniform Soil Classification. The location of each test pit, prior to digging, and the log descriptions of each pit as it is excavated, shall be determined and recorded by the LWCD or NRCS staff.
- (4) Depth of high ground water, estimated or observed, in the soil profile and date determined.

(5) Depth to bedrock, estimated or observed.

(6) Ground contours [two - (2-) foot maximum intervals], with spot elevations indicating land slope at and around the site for a minimum distance of one hundred (100) feet.

77.14(a)(7)

(7) Provisions for adequate drainage and control of runoff to prevent pollution of surface and ground water, such as exposed bedrock or sinkholes. The location of any navigable body of water within five hundred (500) feet of the proposed site must be shown.

(8) The number(s) and type(s) of animals for which storage is to be provided.

(9) Planned duration of storage, expressed in days or months, and volume of storage, expressed in cubic feet.

(10) Description of the type(s) of materials the facility is to consist of; size, dimensions, and cross-sections of the facility; and any other specific details including but not limited to concrete, concrete thickness in floors and walls, steel schedules, and fencing.

(11) A time schedule for construction of the facility.

(12) Description of how waste will be transferred into and removed from the facility.

(13) A Nutrient Management Plan, as set forth in Section 77.13(d) of this Code.

(14) Scale of the Plan drawing(s) and north arrow.

(15) Description of bench mark(s) including elevation(s) expressed in feet and hundredths.

(16) Provisions for drainage and control of runoff to prevent erosion of pollution of surface water and groundwater.

(b) Animal Feeding Operation Facility Plan Requirements. Each application for a Construction Permit for a feeding operation under this Chapter of the Code shall include an Animal Feeding Operation Plan. In addition to the requirements of Section 77.13 of this Code, such Plan shall include the following:

(1) A Plan map showing location of the facility, including buildings, homes, and wells within three hundred (300) feet of the proposed site. The sketch shall be drawn to scale, with a scale no smaller than one (1) inch = one hundred (100) feet.

(2) The location of any wells within three hundred (300) feet of the facility.

(3) Depth of high ground water, estimated or observed.

(4) Depth to bedrock, estimated or observed.

(5) Ground contours [two- (2-) maximum intervals], with spot elevations, indicating land slope at and around the site for a minimum distance of one hundred (100) feet.

(6) Provisions for adequate drainage and control of runoff to prevent pollution of surface and ground water such as exposed bedrock or sinkholes. The location of any navigable body of water within five hundred (500) feet of the proposed site must be shown.

(7) Description of the type(s) of materials the facility is to consist of; size, dimensions, and cross-sections of the facility, and any other specific details including but not limited to concrete, concrete thickness in floors and walls, steel schedules, and fencing.

(8) A time schedule for construction of the facility.

77.14(b)(9)

(9) Scale of the Plan drawing(s) and north arrow.

(10) Description of bench mark(s) including elevation(s) expressed in feet and hundredths.

(c) Manure Storage Facility Closure Requirements. Any person who seeks to discontinue operating a manure storage facility and any person who abandons the operation of a manure storage facility must obtain a Closure Permit and the facility must be permanently disabled and sealed pursuant to the terms of the Closure Permit. The Closure Permit requirements shall include a plan with drawings and descriptions showing how the closure will comply with NRCS Closure of Waste Impoundments Standard 360 (June 2001).

Any manure storage facility shall be deemed abandoned when an operation where the facility is located ceases operations or manure has not been added or removed from the facility for a period of twenty-four (24) months. Manure storage facilities shall be closed in a manner that will prevent future contamination of groundwater and surface waters. The owner or operator may retain the facility for a longer period of time by demonstrating to the LWCD that all of the following conditions are met:

(1) The facility is designed, constructed, and maintained to minimize the risk of structural failure of the facility, minimize leakage of the facility in order to comply with groundwater standards, and maintain one (1) foot of freeboard storage or adequate freeboard storage to the equivalent volume of a twenty-five- (25-) year, twenty-four- (24-) hour storm whichever is greater or if the facility was either constructed after October 1, 2002, or substantially altered after October 1, 2002;

(2) The facility is designed to store manure for a period of time longer than twenty-four (24) months;

(3) Retention of the facility is warranted based on anticipated future use. Each application for a permit under this Section shall include a closure plan.

77.15 PROHIBITED PRACTICES. The following practices are prohibited at any facility which has received a Permit pursuant to this Ordinance:

(a) Overflow of livestock waste storage facilities;

(b) Existence of an unconfined manure pile within a water quality management area;

(c) Direct runoff from animal feeding operations or stored manure to waters of the state;

(d) Unlimited access by livestock to waters of the state in a location where high concentrations of animals prevent the maintenance of adequate sod or self-sustaining vegetative cover.

77.16 PERMIT REVOCATION. The LWCD may revoke any permit issued under this Ordinance if the holder of the permit has misrepresented any material fact in the permit application, the Manure Storage Facility Plan, the Nutrient Management Plan, the Animal Feeding Operation Plan, or if the holder of the permit violates any of the conditions of the permit.

77.17 DELEGATION OF AUTHORITY. The LWCD shall administer and enforce this Ordinance.

77.18 ADMINISTRATIVE DUTIES. In the administration and enforcement of this Ordinance, the LWCD shall:

77.18(a)

(a) Keep an accurate record of all permit applications, Manure Storage Facility Plans, Nutrient Management Plans, Animal Feeding Operation Plan permits issued, inspections made, and other official actions.

(b) Review permit applications and issue permits in accordance with this Ordinance.

(c) Periodically observe the manure storage facility or animal feeding operation construction to assess conformance of the facility with construction plans and specifications.

(d) Investigate complaints relating to compliance with this Ordinance.

(e) Make available to applicants and members of the public the most current version of the Technical Guide and Technical Standards identified in this Ordinance.

(f) Perform other duties as specified in the Ordinance.

77.19 INSPECTION AUTHORITY. The LWCD shall be authorized to enter upon any land affected by this Ordinance to inspect the land prior to or after the permit issuance to determine compliance with this Ordinance pursuant to the authority granted by Wis. Stat. § 92.07(14). If permission cannot be received from the applicant or permittee, entry by the LWCD personnel shall be according to Wis. Stat. §§66.0119. Refusal to grant permission to enter lands affected by this Ordinance for purposes of inspection may be grounds for denial or revocation of the permit.

77.20 ENFORCEMENT AUTHORITY. The LWCD shall be authorized to post an order stopping work upon land which has had a permit revoked or on land currently undergoing activity in violation of this Ordinance. Notice is given by both posting upon the land where the violation occurs one or more copies of a poster stating the violation, and by mailing a copy of the order by certified mail to the person whose activity is in violation of this Ordinance. The order shall specify that the activity must cease immediately or be brought into compliance within thirty (30) days. Any permit revocation or order stopping work shall remain in effect until retracted by the Agriculture & Land Conservation Committee, the LWCD, or by a court of competent jurisdiction; or until the activity is brought into compliance with the Ordinance.

The LWCD is authorized to refer any violation of this Ordinance or of a stopwork order issued pursuant to this Ordinance to the Corporation Counsel for commencement of legal proceedings.

77.21 PENALTIES. Any person who violates, neglects, or refuses to comply with or resists the enforcement of any provisions of this Ordinance shall be subject to a forfeiture of not less than Ten Dollars (\$10.00) nor more than Five Hundred Dollars (\$500.00) plus costs of prosecution for each violation. An unlawful violation includes failure to comply with any standard of this Ordinance or with any condition or qualification attached to the permit. Each day a violation exists shall be a separate offense. Should the local Health Officer determine that any manure storage facility constitutes a human health hazard pursuant to Wis. Stat. § 254.59,

Sheboygan County reserves the right to abate said human health hazard and to assess costs pursuant to Wis. Stat. § 254.59.

77.22 ENFORCEMENT OF INJUNCTION. As a substitute for or an addition to forfeiture actions, Sheboygan County may seek enforcement of any part of this Ordinance by court actions seeking injunctions or restraining orders.

77.23 COST-SHARING. No person operating a manure storage facility or an animal feeding operation that is in existence before October 1, 2002, shall be required to comply with any permitting requirements, performance standards, prohibitions, conservation practices or technical standards under this ordinance or be subject to any enforcement actions except the alternate enforcement option set forth at Section 77.24 unless cost-sharing is available from any source, to the person. A determination that cost-sharing is available to meet the requirements of this Code will be determined in accordance with NR 151.09(4)(d) or NR 151.095(5)(d) when funding is provided under Wis Stat. Sec. 281.65, and will be

determined in accordance with ATCP Ch. 50 when funds are from any other source. Cost -sharing under this Section is only required for the minimum practices necessary to meet the performance standards and prohibitions.

77.24 ALTERNATE ENFORCEMENT OPTION. The LWCD may elect, in lieu of or in addition to the other enforcement options provided in this Code to request of the Agriculture and Land Conservation Committee to take action under Wis. Admin. Code § ATCP 50.16(6) to suspend a landowner's eligibility for farmland preservation tax credit if the landowner's failure to comply with the conservation standards under Wis. Admin. Code § ATCP 50.16(1) also constitutes a violation of any provision of this Code.

77.25 AUTHORITY. Under authority of Wis. Stat. ch. 68, the Agriculture & Land Conservation Committee, created under Wis. Stat. § 59.878 and under Section 2.12(b)(5) of this Code, and acting as an appeal authority under Wis. Stat. § 68.09(2), is authorized to hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination by the County Conservationist or designated authority in administering this Ordinance.

77.26 PROCEDURES. The rules, procedures, duties, and powers of the Agriculture & Land Conservation Committee and Wis. Stat. ch. 68 shall apply to this Ordinance.

77.27 WHO MAY APPEAL. Appeals may be taken by any person having a substantial interest which is adversely affected by the order, requirement, decision, or determination made by the LWCD or designated authority.

CHAPTER 78
NONMETALLIC MINING RECLAMATION REGULATIONS

Part I - General

- 78.01 TITLE
- 78.02 PURPOSE
- 78.03 STATUTORY AUTHORITY
- 78.04 RESTRICTIONS ADOPTED UNDER OTHER AUTHORITY
- 78.05 INTERPRETATION
- 78.06 SEVERABILITY
- 78.07 APPLICABILITY
- 78.08 ADMINISTRATION
- 78.09 EFFECTIVE DATE
- 78.10 DEFINITIONS

Part II - Standards

- 78.11 STANDARDS

Part III - Permitting

- 78.12 NONMETALLIC MINING RECLAMATION PERMIT APPLICATION
- 78.13 RECLAMATION PLAN
- 78.14 FINANCIAL ASSURANCE
- 78.15 PUBLIC NOTICE AND RIGHT OF HEARING
- 78.16 ISSUANCE OF A NONMETALLIC MINING RECLAMATION PERMIT
- 78.17 PERMIT DENIAL
- 78.18 ALTERNATIVE REQUIREMENTS
- 78.19 PERMIT DURATION
- 78.20 PERMIT TRANSFER
- 78.21 PREVIOUSLY PERMITTED SITES
- 78.22 REVIEW
- 78.23 PERMIT MODIFICATION
- 78.24 PERMIT SUSPENSION AND REVOCATION
- 78.25 ANNUAL OPERATOR REPORTING
- 78.26 PLAN REVIEW FEES
- 78.27 ANNUAL FEES
- 78.28 REGULATORY REPORTING AND DOCUMENTATION
- 78.29 COMPLETED RECLAMATION - REPORTING, CERTIFICATION, AND EFFECT
- 78.30 PERMIT TERMINATION

Part V - Enforcement

- 78.31 RIGHT OF ENTRY AND INSPECTION
- 78.32 ORDERS AND CITATIONS
- 78.33 PENALTIES

Part I - General

- 78.01 TITLE. The title of this Chapter shall be "Nonmetallic Mining Reclamation Regulations" for the County of Sheboygan.
- 78.02 PURPOSE. The purpose of this Chapter is to establish a local program to ensure the effective reclamation of nonmetallic mining sites on which nonmetallic mining takes place in Sheboygan County after the effective date of this Chapter, in compliance with Chapter NR 135, Wisconsin Administrative Code and Wis. Stat. ch. 295, Subchapter I.
- 78.03 STATUTORY AUTHORITY. This Chapter is adopted under authority of Wis. Stat. § 295.13(1), Section NR 135.32, Wisconsin Administrative Code, and Wis. Stat. § 59.51.
- 78.04 RESTRICTIONS ADOPTED UNDER OTHER AUTHORITY. The purpose of this Chapter is to adopt and implement the uniform statewide standards for nonmetallic mining required by Wis. Stat. § 295.12(1)(a) and contained in Chapter NR 135, Wisconsin Administrative Code. It is not intended that this Chapter repeal, abrogate, annul, impair, or interfere with any existing rules, regulation, ordinances, or permits not concerning nonmetallic mining reclamation previously adopted pursuant to other Wisconsin law.

78.05 INTERPRETATION. In their interpretation and application, the provisions of this Chapter shall be held to be the applicable requirements for nonmetallic mining reclamation and shall not be deemed a limitation or repeal of any other power granted by the Wisconsin Statutes outside the reclamation requirements for nonmetallic mining sites required by Wis. Stat. ch. 295, Subchapter I, and Chapter NR 135, Wisconsin Administrative Code. Where any terms or requirements of this Chapter may be inconsistent or conflicting, the more restrictive requirements or interpretation shall apply. Where a provision of this Chapter is required by Wisconsin Statutes or by a standard in Chapter NR 135, Wisconsin Administrative Code, and where the provision is unclear, the provision shall be interpreted to be consistent with the Wisconsin Statutes and the provisions of Chapter NR 135, Wisconsin Administrative Code.

78.06 SEVERABILITY. Should any portion of this Chapter be declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Chapter shall not be affected.

78.07 APPLICABILITY.

(1) Overall Applicability. The requirements of this Chapter apply to all operators of nonmetallic mining sites within Sheboygan County operating on or commencing to operate after August 1, 2001, except as exempted in Subsection (2), below, and for nonmetallic mining sites located in a city, village or town within Sheboygan County that has adopted an ordinance pursuant to Wis. Stat. § 295.14, and Section NR 135.32(2), Wisconsin Administrative Code. This Chapter does not apply to nonmetallic mining sites where nonmetallic mining permanently ceased before August 1, 2001. This Chapter applies to nonmetallic mining conducted by or on behalf of the State of Wisconsin, by or on behalf of a municipality, or for the benefit or use of the state or any state agency, board, commission, or department, except for the waiver of financial assurance in Section 78.14(3) of this Code.

(2) Exemptions. This Chapter does not apply to the following activities:

(a) Nonmetallic mining at a site or that portion of a site that is subject to permit and reclamation requirements of the DNR under Wis. Stat. §§ 30.19, 30.195, or 30.20, and complies with Chapter NR 340, Wisconsin Administrative Code.

(b) Excavations subject to the permit and reclamation requirements of Wis. Stat. §§ 30.30 or 30.31.

(c) Excavations or grading by a person solely for domestic or farm use at that person's residence or farm.

(d) Excavations or grading conducted for the construction, reconstruction, maintenance, or repair of a highway, railroad, airport facility, or any other transportation facility where the excavation or grading is entirely within the property boundaries of the transportation facility.

(e) Grading conducted for preparing a construction site or restoring land following a flood or natural disaster.

(f) Excavations for building construction purposes conducted on the building site.

(g) Nonmetallic mining at nonmetallic mining sites that affect less than one (1) acre of total area over the life of the mine.

(h) Any mining operation, the reclamation of which is required in a permit obtained under Wis. Stat. ch. 293.

(i) Any activities required to prepare, operate, or close a solid waste disposal facility under Wis. Stat. ch. 289, or a hazardous waste disposal facility under Wis. Stat. ch. 291, that are conducted on the property where the facility is located, but an applicable nonmetallic mining reclamation ordinance and the standards established in this Chapter apply to activities related to solid waste or hazardous waste disposal that are

conducted at a nonmetallic mining site that is not on the property where the solid waste or hazardous waste disposal facility is located, such as activities to obtain nonmetallic minerals to be used for lining, capping, covering, or constructing berms, dikes or roads.

- (j) Mining for Highway Use.
 - 1. Nonmetallic mining conducted to obtain stone, soil, sand, or gravel for construction, reconstruction, maintenance, or repair of a highway, railroad, airport, or any other transportation facility or part thereof, if the nonmetallic mining is subject to the requirements of the Wisconsin Department of Transportation concerning the restoration of the nonmetallic mining site.
 - 2. This exemption only applies to a nonmetallic mining operation with limited purpose and duration where the Wisconsin Department of Transportation actively imposes reclamation requirements and the operator reclaims the nonmetallic mining site in accordance with these requirements. The duration of the exemption shall be specific to the length of the Wisconsin Department of Transportation contract for construction of a specific transportation project.
 - 3. If a nonmetallic mining site covered under Subsections 1 and 2, above, is used to concurrently supply materials for projects unrelated to the Wisconsin Department of Transportation project, the exemption in this Subsection still applies, provided that the site is fully reclaimed under Wisconsin Department of Transportation contract and supervision.
- (k) Dredging for navigational purposes, to construct or maintain farm drainage ditches, and for the remediation of environmental contamination and the disposal of spoils from these activities.
- (l) Removal of material from the bed of Lake Michigan or Lake Superior by a public utility pursuant to a permit under Wis. Stat. § 30.21.
- (m) Pond excavation for the purpose of recreation, fish, wildlife, or stormwater management uses.

78.08 ADMINISTRATION. The provisions of this Chapter shall be administered by the Sheboygan County Land and Water Conservation Department.

78.09 EFFECTIVE DATE. The provisions of this Chapter shall take effect on June 1, 2007.

78.10 DEFINITIONS. In this Chapter:

- (1) "Alternative requirement" means an alternative to the reclamation standards of this Chapter provided through a written authorization granted by the Sheboygan County pursuant to Section 78.18 of this Code.
- (2) "Applicable reclamation ordinance" means a nonmetallic mining reclamation ordinance, including this Chapter, that applies to a particular nonmetallic mining site and complies with the requirements of this Chapter NR 135, Wisconsin Administrative Code, and Wis. Stat. ch. 295, Subchapter I, unless the DNR is the regulatory authority as defined in Section 78.10(20)(c). If the DNR is the regulatory authority, "applicable reclamation ordinance" means the relevant and applicable provisions of Chapter NR 135, Wisconsin Administrative Code.
- (3) "Borrow site" means an area outside of a transportation project site from which stone, soil, sand, or gravel is excavated for use at the project site, except the term does not include commercial sources.
- (4) "Contemporaneous reclamation" means the sequential or progressive reclamation of portions of the nonmetallic mining site affected by mining operations that is performed in advance of final

site reclamation, but which may or may not be final reclamation, performed to minimize the area exposed to erosion, at any one time, by nonmetallic mining activities.

- (5) "Department" means the Wisconsin Department of Natural Resources, also referred to as "DNR."
- (6) "Environmental pollution" has the meaning in Wis. Stat. § 295.11(2).
- (7) "Financial assurance" means a commitment of funds or resources by an operator to a regulatory authority that satisfies the requirements in Section 78.14 and is sufficient to pay for reclamation activities required by this Chapter.
- (8) "Highwall" means a vertical or nearly vertical face in solid rock or a slope of consolidated or unconsolidated material that is steeper than 3:1.
- (9) "Landowner" means the person who has title to land in fee simple or who holds a land contract for the land. A landowner is not a person who owns nonmetallic mineral rights to land, if a different person possesses title to that land in fee simple or holds a land contract for that land.
- (10) "Licensed Professional Geologist" means a person who is licensed as a professional geologist pursuant to Wis. Stat. ch. 470.
- (11) "Municipality" means any city, town, or village.
- (12) "Nonmetallic mineral" means a product, commodity or material consisting principally of naturally occurring, organic or inorganic, nonmetallic, nonrenewable material. Nonmetallic minerals include, but are not limited to, stone, sand, gravel, asbestos, beryl, diamond, clay, coal, feldspar, peat, talc, and topsoil.
- (13) "Nonmetallic mining" or "mining" means all of following:
 - (a) Operations or activities at a nonmetallic mining site for the extraction from the earth of mineral aggregates or nonmetallic minerals for sale or use by the operator. Nonmetallic mining includes use of mining equipment or techniques to remove materials from the in-place nonmetallic mineral deposit, including drilling and blasting, as well as associated activities such as excavation, grading and dredging. Nonmetallic mining does not include removal from the earth of products or commodities that contain only minor or incidental amounts of nonmetallic minerals, such as commercial sod, agricultural crops, ornamental or garden plants, forest products, Christmas trees, or plant nursery stock.
 - (b) Processes carried out at a nonmetallic mining site that are related to the preparation or processing of the mineral aggregates or nonmetallic minerals obtained from the nonmetallic mining site. These processes include, but are not limited to, stockpiling of materials, blending mineral aggregates or nonmetallic minerals with other mineral aggregates or nonmetallic minerals, blasting, grading, crushing, screening, scalping, and dewatering.
- (14) "Nonmetallic mining reclamation" or "reclamation" means the rehabilitation of a nonmetallic mining site to achieve a land use specified in a nonmetallic mining reclamation plan approved under this Chapter, including removal or reuse of nonmetallic mining refuse, grading of the nonmetallic mining site, removal, storage, and replacement of topsoil, stabilization of soil conditions, reestablishment of vegetative cover, control of surface water and groundwater, prevention of environmental pollution and, if practicable, the restoration of plant, fish, and wildlife habitat.
- (15) "Nonmetallic mining refuse" means waste soil, rock, and mineral, as well as other natural site material resulting from nonmetallic mining. Nonmetallic mining refuse does not include marketable by-products resulting directly from or displaced by the nonmetallic mining that are

scheduled to be removed from the nonmetallic mining site within a reasonable period of time after extraction.

- (16) "Nonmetallic mining site" or "site" means all contiguous areas of present or proposed mining described in Section 78.10(16)(a), below, and subject to the qualifications in Section 78.10(16)(b), below.
- (a) Nonmetallic mining site means the following:
1. The location where nonmetallic mining is proposed or conducted.
 2. Storage and processing areas that are in or contiguous to areas excavated for nonmetallic mining.
 3. Areas where nonmetallic mining refuse is deposited.
 4. Areas affected by activities such as the construction or improvement of private roads or haulage ways for nonmetallic mining.
 5. Areas where grading or regrading is necessary.
 6. Areas where nonmetallic mining reclamation activities are carried out or structures needed for nonmetallic mining reclamation, such as topsoil stockpile areas, revegetation test plots, or channels for surface water diversion are located.
- (b) "Nonmetallic mine site" does not include any of the following areas:
1. Those portions of sites listed in Section 78.10(16)(a), above, not used for nonmetallic mining or purposes related to nonmetallic mining after August 1, 2001.
 2. Separate, previously mined areas that are not used for nonmetallic mineral extraction after August 1, 2001, and are not contiguous to mine sites, including separate areas that are connected to active mine sites by public or private roads.
 3. Areas previously mined but used after August 1, 2001, for a non-mining activity, such as stockpiles of materials used for an industrial process unrelated to nonmetallic mining.
- (17) "Operator" means any person who is engaged in, or who has applied for a permit to engage in, nonmetallic mining, whether individually, jointly, or through subsidiaries, agents, employees, contractors, or subcontractors.
- (18) "Person" means an individual, owner, operator, corporation, limited liability company, partnership, association, county, municipality, interstate agency, state agency, or federal agency.
- (19) "Registered professional engineer" means a person who is registered as a professional engineer pursuant to Wis. Stat. § 443.04.
- (20) "Regulatory authority" means the following:
- (a) Sheboygan County for nonmetallic mine sites located within its jurisdiction except where a municipality has adopted an applicable reclamation ordinance pursuant to Subsection (b), below, or
- (b) A municipality in which the nonmetallic mining site is located and which has adopted an applicable reclamation ordinance under Wis. Stat. § 295.14, or

- (c) The DNR, but only if there is no applicable reclamation ordinance enacted by the municipality or the county in which the nonmetallic mining site is located.
- (21) "Replacement of topsoil" means the replacement or redistribution of topsoil or topsoil substitute material to all areas where topsoil was actually removed or affected by nonmetallic for the purposes of providing adequate vegetative cover and stabilization of soil conditions needed to achieve the approved post-mining land use and as required by the reclamation plan approved pursuant to this Chapter.
- (22) "Solid waste" means any garbage, refuse, sludge from a waste treatment plant, water supply treatment plant, or air pollution control facility, and other discarded or salvageable materials, including solid, liquid, semisolid, or contained gaseous materials resulting from industrial, commercial, mining, and agricultural operations, and from community activities, but does not include solids or dissolved material in domestic sewage, or solid or dissolved materials in irrigation return flows or industrial discharges which are point sources subject to permits under Wis. Stat. ch. 283, or source material, special nuclear material or by-product material, as defined in Wis. Stat. § 254.31 (1).
- (23) "Topsoil" means the surface layer of soil which is generally more fertile than the underlying soil layers, which is the natural medium for plant growth and which can provide the plant growth, soil stability, and other attributes necessary to meet the success standards approved in the reclamation plan.
- (24) "Topsoil substitute material" means soil or other unconsolidated material either used alone or mixed with other beneficial materials and which can provide the plant growth, site stability, and other attributes necessary to meet the success standards approved in the reclamation plan.
- (25) "Unreclaimed acre" or "unreclaimed acres" means those unreclaimed areas in which nonmetallic mining has occurred after August 1, 2001, and areas where nonmetallic mining reclamation has been completed but is not yet certified as reclaimed under Section 78.29(3) of this Code. However, the term does not include any areas described in Section 78.10(26), below.
- (26) "Unreclaimed acre" or "unreclaimed acres" does not include:
 - (a) Those areas where reclamation has been completed and certified as reclaimed under Section 78.29(3) of this Code.
 - (b) Those areas previously affected by nonmetallic mining but which are not used for nonmetallic mining after August 1, 2001.
 - (c) Those portions of nonmetallic mining sites which are included in an nonmetallic mining reclamation plan approved pursuant to this Chapter but are not yet affected by nonmetallic mining.
 - (d) Areas previously mined but used after August 1, 2001, for a non-mining activity, such as stockpiling of materials used for an industrial activity such as an asphalt plant, concrete batch plant, block and tile operation, or other industry that uses products produced from nonmetallic mining.
 - (e) For purposes of fees under Section 78.27, those areas within a nonmetallic mining site which Sheboygan County has determined to have been successfully reclaimed on an interim basis in accordance with Section 78.29(3) of this Code.

Part II – Standards

78.11 STANDARDS. All nonmetallic mining sites subject to this Chapter shall be reclaimed in conformance with the standards contained below.

- (1) General Standards.

- (a) Refuse and other Solid Wastes. Nonmetallic mining refuse shall be reused in accordance with a reclamation plan. Other solid wastes shall be disposed of in accordance with applicable rules of the DNR adopted pursuant to Wis. Stat. chs. 289 and 291.
 - (b) Area Disturbed and Contemporaneous Reclamation. Nonmetallic mining reclamation shall be conducted, to the extent practicable, to minimize the area disturbed by nonmetallic mining and to provide for nonmetallic mining reclamation of portions of the nonmetallic mining site while nonmetallic mining continues on other portions of the nonmetallic mining site.
 - (c) Public Health, Safety, and Welfare. All nonmetallic mining sites shall be reclaimed in a manner so as to comply with federal, state, and local regulations governing public health, safety, and welfare.
 - (d) Habitat Restoration. When the land use required by the reclamation plan approved pursuant to this Chapter requires plant, fish, or wildlife habitat, it shall be restored, to the extent practicable, to a condition at least as suitable as that which existed before the lands were affected by nonmetallic mining operations.
 - (e) Compliance with Environmental Regulations. Reclamation of nonmetallic mining sites shall comply with any other applicable federal, state, and local laws, including those related to environmental protection, zoning, and land use control.
- (2) Surface Water and Wetlands Protection. Nonmetallic mining reclamation shall be conducted and completed in a manner that assures compliance with the DNR's water quality standards for surface waters and wetlands contained in Chapters NR 102 to NR 105, Wisconsin Administrative Code. Before disturbing the surface of a nonmetallic mining site and removing topsoil, all necessary measures for diversion and drainage of runoff from the site to prevent pollution of waters of the state shall be installed in accordance with the reclamation plans approved pursuant to this Chapter. Diverted or channelized runoff resulting from reclamation may not adversely affect neighboring properties.
- (3) Groundwater Protection.
- (a) Groundwater Quantity. A nonmetallic mining site shall be reclaimed in a manner that does not cause a permanent lowering of the water table that results in adverse effects on surface waters or a significant reduction in the quantity of groundwater reasonably available for future users of groundwater.
 - (b) Groundwater Quality. Nonmetallic mining reclamation shall be conducted in a manner which does not cause groundwater quality standards in Chapter NR 140, Wisconsin Administrative Code, to be exceeded at a point of standards application defined in that Chapter.
- (4) Topsoil Management.
- (a) Removal. Topsoil and topsoil substitute material shall be removed, protected, and redistributed to support reclamation and site stabilization. Topsoil shall be managed as specified in the reclamation plan approved pursuant to this Chapter in order to achieve reclamation to the approved post-mining land use. Topsoil and topsoil substitute material removal shall be performed, as required by the reclamation plan, prior to any mining activity associated with any specific phase of the mining operation.
 - (b) Volume. The operator shall obtain the volume of soil required to perform final reclamation by removal of on-site topsoil or topsoil substitute material or by obtaining topsoil or substitute material as needed to make up the volume of topsoil as specified in the reclamation plan approved pursuant to this Chapter.

- (c) Storage. Once removed, topsoil or topsoil substitute material shall, as required by the reclamation plan approved pursuant to this Chapter, either be used in contemporaneous reclamation or stored in an environmentally acceptable manner. The location of stock piled topsoil or topsoil substitute material shall be chosen to protect the material from erosion or further disturbance or contamination. Runoff water shall be diverted around all locations in which topsoil or topsoil substitute material is stockpiled.
- (5) Final Grading and Slopes.
- (a) All areas affected by mining shall be addressed in the approved reclamation plan pursuant to Section 78.13 of this Code to provide that a stable and safe condition consistent with the post-mining land use is achieved. The reclamation plan may designate highwalls or other unmined and undisturbed natural solid bedrock as stable and safe and not in need of reclamation or designate other areas affected by mining including slopes comprised of unconsolidated materials that exceed a 3:1 slope whether or not graded as stable and safe. For slopes designated as stable under this Subsection, the regulatory authority may require that either a sitespecific engineering analysis be performed by a registered professional engineer to demonstrate that an acceptable slope stability factor is attainable at a steeper slope or the operator perform a field test plot demonstration to demonstrate that a stable and safe condition will be achieved and that the postmining land use specified in the reclamation plan will not be adversely affected.
 - (b) Final reclaimed slopes covered by topsoil or topsoil substitute material may not be steeper than a 3:1 horizontal to vertical incline unless found acceptable through one or more of the following: alternative requirements are approved under Section 78.18 of this Code; steeper slopes are shown to be stable through a field plot demonstration approved as part of an approved reclamation plan; or stable slopes can be demonstrated based on site-specific engineering analysis performed by a registered professional engineer. All areas in the nonmetallic mine site where topsoil or topsoil substitute material is to be reapplied shall be graded or otherwise prepared prior to topsoil or topsoil substitute material redistribution to provide the optimum adherence between the topsoil or topsoil substitute material and the underlying material.
 - (c) When the approved post-mining land use includes a body of water, the approved final grade at the edge of a body of water shall extend vertically 6 feet below the lowest seasonal water level. A slope no steeper than 3:1 shall be created at a designated location or locations, depending on the size of the water body to allow for a safe exit.
- (6) Topsoil Redistribution for Reclamation. Topsoil or topsoil substitute material shall be redistributed in accordance with the reclamation plan approved pursuant to this Chapter in a manner which minimizes compaction and prevents erosion. Topsoil or topsoil substitute material shall be uniformly redistributed except where uniform redistribution is undesirable or impractical. Topsoil or topsoil substitute material redistribution may not be performed during or immediately after a precipitation event until the soils have sufficiently dried .
- (7) Revegetation and Site Stabilization. Except for permanent roads or similar surfaces identified in the reclamation plan approved pursuant to this Chapter, all surfaces affected by nonmetallic mining shall be reclaimed and stabilized by revegetation or other means. Revegetation and site stabilization shall be in accordance with the approved reclamation plan and shall be performed as soon as practicable after mining activity has permanently ceased in any part of the mine site.
- (8) Assessing Completion of Successful Reclamation.
- (a) The criteria for assessing when reclamation is complete and, therefore, when the financial assurance may be released shall be specified in the reclamation plan approved pursuant to this Chapter. Criteria to evaluate reclamation success shall be quantifiable.

- (b) Compliance with the revegetation success standards in the approved reclamation plan shall be determined by:
 - 1. On-site inspections by Sheboygan County or its agent;
 - 2. Reports presenting results obtained during reclamation evaluations including summarized data on revegetation, photodocumentation, or other evidence that the criteria approved in the reclamation plan to ascertain success have been met; or
 - 3. A combination of inspections and reports.
- (c) In those cases where the post mining land use specified in the reclamation plan requires a return of the mining site to a pre-mining condition, the operator shall obtain baseline data on the existing plant community for use in the evaluation of reclamation success pursuant to this Section.
- (d) Revegetation success may be determined by:
 - 1. Comparison to an appropriate reference area;
 - 2. Comparison to baseline data acquired at the mining site prior to its being affected by mining; or
 - 3. Comparison to an approved alternate technical standard.
- (e) Revegetation using a variety of plants indigenous to the area is favored.
- (9) Intermittent Mining. Intermittent mining may be conducted provided that the possibility of intermittent cessation of operations is addressed in an operator's reclamation permit, no environmental pollution or erosion of sediments is occurring, and financial assurance for reclamation pursuant to Section 78.14 of this Code is maintained covering all remaining portions of the site that have been affected by nonmetallic mining and that have not been reclaimed.
- (10) Maintenance. During the period of the site reclamation, after the operator has stated that reclamation is complete but prior to release of financial assurance, the operator shall perform any maintenance necessary to prevent erosion, sedimentation, or environmental pollution, comply with the standards of this Subchapter, or to meet the goals specified in the reclamation plan approved pursuant to this Chapter.

Part III – Permitting

78.12 NONMETALLIC MINING RECLAMATION PERMIT APPLICATION.

- (1) Permit Application Required. No person may engage in nonmetallic mining or in nonmetallic mining reclamation without possession a nonmetallic mining reclamation permit issued pursuant to the applicable reclamation ordinance unless the activity is specifically exempted in Subsections 78.07(1) and (2), or 78.10(16)(b) of this Code.
- (2) Required Submittal. All operators of nonmetallic mining sites shall apply for a reclamation permit from Sheboygan County. All applications for reclamation permits under this Section shall be accompanied by the following information:
 - (a) A brief description of the general location and nature of the nonmetallic mine.
 - (b) A legal description of the property on which the nonmetallic mine is located or proposed, including the parcel identification number.

- (c) The names, addresses, and telephone numbers of all persons or organizations who are owners or lessors of the property on which the nonmetallic mining site is located.
 - (d) The name, address, and telephone number of the person or organization who is the operator.
 - (e) A certification by the operator of his or her intent to comply with the statewide nonmetallic mining reclamation standards established by Part II.
- (3) Reclamation Permit Application Contents. The operator of any nonmetallic mine shall submit an application that meets the requirements specified below to the Sheboygan County Land and Water Conservation Department prior to beginning operations.
- (a) The information required by Section 78.12(2) above.
 - (b) The plan review and annual fees required by Sections 78.26 and 78.27 of this Code.
 - (c) A reclamation plan conforming to Section 78.13 of this Code.
 - (d) A certification that the operator will provide, as a condition of the reclamation permit, provide financial assurance as required by Section 78.14 of this Code upon granting of the reclamation permit and before mining begins.
 - (e) To avoid duplication, the permit application and submittals required under this Subsection may, by reference, incorporate existing plans or materials that meet the requirements of this Chapter.

78.13 RECLAMATION PLAN.

- (1) Reclamation Plan Required. All operators who conduct or plan to conduct nonmetallic mining shall submit to Sheboygan County a reclamation plan that meets all of the following requirements and complies with the reclamation standards of Part II.
- (2) Post-Mining Land Use. The reclamation plan shall include information sufficient to describe the existing natural and physical conditions of the site, including, but not limited to:
 - (a) Maps of the nonmetallic mining site including the general location, property boundaries, the aerial extent, geologic composition and depth of the nonmetallic mineral deposit, the distribution, thickness, and type of topsoil, the location of surface waters and the existing drainage patterns, the approximate elevation of ground water as determined by existing hydrogeologic information. In specific instances where the hydrogeologic information is insufficient for purposes of the reclamation plan, the applicant may supplement the information with the opinion of a licensed professional geologist or hydrologist.
 - (b) Topsoil or topsoil substitute material, if required to support revegetation needed for reclaiming the site to approved post-mining use, can be identified using County soil surveys or other available information including that obtained from a soil scientist or the University of Wisconsin Soil Science Extension Agent or other available information sources.
 - (c) Information available to the mine operator on biological resources, plant communities, and wildlife use at and adjacent to the proposed or operating mine site.
 - (d) Existing topography as shown on contour maps of the site at contour intervals of two (2) feet in elevation.
 - (e) Location of manmade features on or near the site.

- (f) For proposed nonmetallic mining sites that include previously mined areas, a plan view drawing showing the location and extent of land previously affected by nonmetallic mining, including the location of stockpiles, wash ponds, and sediment basins.
- (3) Post-mining Land Use.
- (a) The reclamation plan shall specify a proposed postmining land use for the nonmetallic mine site. The proposed post-mining land use shall be consistent with local land use plans and local zoning at the time the plan is submitted, unless a change to the land use plan or zoning is proposed. The proposed post-mining land use shall also be consistent with all applicable local, state, or federal laws in effect at the time the plan is submitted.
 - (b) Land used for nonmetallic mineral extraction in areas zoned under an exclusive agricultural use ordinance pursuant to Wis. Stat. § 91.75 shall be restored to agricultural use. Sheboygan County does not have an Ordinance pursuant to Wis. Stat. § 91.75.
- (4) Reclamation Measures. The reclamation plan shall include a description of the proposed reclamation, including methods and procedures to be used and a proposed schedule and sequence for the completion of reclamation activities for various stages of reclamation of the nonmetallic mining site. The following shall be included:
- (a) A description of the proposed earthwork and reclamation, including final slope angles, high wall reduction, benching, terracing, and other structural slope stabilization measures, and if necessary, a site-specific engineering analysis performed by a registered professional engineer as provided in Section 78.11(5)(a) or (b) of this Code.
 - (b) The methods of topsoil or topsoil substitute material removal, storage, stabilization, and conservation that will be used during reclamation.
 - (c) A plan or map which shows anticipated topography of the reclaimed site and any water impoundments or artificial lakes needed to support the anticipated future land use of the site.
 - (d) A plan or map which shows surface structures, roads, and related facilities after the cessation of mining.
 - (e) The estimated cost of reclamation for each stage of the project or the entire site if reclamation staging is not planned.
 - (f) A revegetation plan which shall include timing and methods of seed bed preparation, rates and kinds of soil amendments, seed application timing, methods and rates, mulching, netting, and any other techniques needed to accomplish soil and slope stabilization.
 - (g) Quantifiable standards for revegetation adequate to show that a sustainable stand of vegetation has been established which will support the approved postmining land use. Standards for revegetation may be based on the percent vegetative cover, productivity, plant density, diversity, or other applicable measures.
 - (h) A plan and, if necessary, a narrative showing erosion control measures to be employed during reclamation activities. These shall address how reclamation activities will be conducted to minimize erosion and pollution of surface and groundwater.
 - (i) A description of any areas which will be reclaimed on an interim basis sufficient to qualify for the waiver of fees pursuant to Sections 78.29(2) and 78.29(4) of this Code and which will be subsequently disturbed prior to final reclamation. Descriptions shall

include an identification of the proposed areas involved, methods of reclamation to comply with the standards in Part II and timing of interim and final reclamation.

- (j) A description of how the reclamation plan addresses the long-term safety of the reclaimed mining site. The description shall include a discussion of site-specific safety measures to be implemented at the site and include measures that address public safety with regard to adjacent land uses.
- (5) Criteria for Successful Reclamation. The reclamation plan shall contain criteria for assuring successful reclamation in accordance Section 78.11(8) of this Code.
- (6) Certification of Reclamation Plan. The operator shall provide a signed certification that reclamation will be carried out in accordance with the reclamation plan. If the operator does not own the land, the landowner or lessor, if different from the operator, shall also provide signed certification that they concur with the reclamation plan and will allow its implementation.
- (7) Existing Plans and Approvals. To avoid duplication of effort, the reclamation plan required by this Section may by reference incorporate existing plans or materials that meet the requirements of this Chapter.
- (8) Approval of Reclamation Plan. Sheboygan County shall approve, conditionally approve, or deny the reclamation plan submitted under this Section in writing in accordance with Section 78.16(2) of this Code for mines that apply for a reclamation permit in conformance with Section 78.12 of this Code. Conditional approvals of reclamation plans shall be made according to Section 78.16(5) of this Code and denials of reclamation plans shall be made pursuant to Section 78.17 of this Code. The operator shall keep a copy of the reclamation plan approved under this Subsection at the mine site or, if not practicable, at the operator's nearest place of business.

78.14 FINANCIAL ASSURANCE.

- (1) Financial Assurance Requirements. All operators of nonmetallic mining sites in Sheboygan County shall prepare and submit a proof of financial assurance that meets the following requirements:
 - (a) Notification. The regulatory authority shall provide written notification to the operator of the amount of financial assurance required under Section 78.14(1)(c), below.
 - (b) Filing. Following approval of the nonmetallic mining reclamation permit, and as a condition of the permit, the operator shall file a financial assurance with in Sheboygan County. The financial assurance shall provide that the operator shall faithfully perform all requirements in this Chapter, an applicable Reclamation Ordinance, and the Reclamation Plan. Financial assurance shall be payable exclusively to Sheboygan County. In cases where one or more other regulatory authorities regulate a nonmetallic mining site, all financial assurance shall be made payable to Sheboygan County only if it currently has primary regulatory responsibility.
 - (c) Amount and Duration of Financial Assurance. The amount of financial assurance shall equal as closely as possible the cost to Sheboygan County of hiring a contractor to complete either final reclamation or progressive reclamation according to the approved reclamation plan. The amount of financial assurance shall be reviewed periodically by Sheboygan County to assure it equals outstanding reclamation costs. Any financial assurance filed with Sheboygan County shall be in an amount equal to the estimated cost for reclaiming all sites the operator has under project permits. Sheboygan County may accept a lesser initial amount of financial assurance provided that the permittee initiates a process to continuously increase the amount of financial assurance until it is adequate to effect reclamation. An escrow account may be established that is based on production gross sales and serves to provide regular payments to an account that is designed to grow to the amount necessary to guarantee performance of reclamation by the expected time of final reclamation. The period of the financial

assurance is dictated by the period of time required to establish the post mining land use declared and approved of in the reclamation plan. This may extend beyond the permit if required to accomplish successful and complete implementation of the reclamation plan.

- (d) **Form and Management.** Financial assurance shall be provided by the operator and shall be by a bond or an alternate financial assurance. Financial assurance shall be payable to Sheboygan County and released upon successful completion of the reclamation measures specified in the reclamation plan. Alternate financial assurances may include, but are not limited to, cash, certificates of deposits, irrevocable letters of credit, irrevocable trusts, established escrow accounts, demonstration of financial responsibility by meeting net worth requirements, or government securities. Any interest from the financial assurance shall be paid to the operator. Certificates of deposit shall be automatically renewable or other assurances shall be provided before the maturity date. Financial assurance arrangements may include, at the discretion of Sheboygan County, a blend of different options for financial assurance including a lien on the property on which the nonmetallic mining site occurs or a combination of financial assurance methods.
- (e) **Multiple Projects.** Any operator who obtains a permit from Sheboygan County for two (2) or more nonmetallic mining sites may elect, at the time the second or subsequent site is approved, to post a single financial assurance in lieu of separate financial assurance instruments for each nonmetallic mining site. When an operator elects to post a single financial assurance in lieu of separate financial assurances for each mining site, no financial assurances previously posted on individual mining sites shall be released until the new financial assurance has been accepted by Sheboygan County.
- (f) **Multiple Jurisdictions.** In cases where more than one regulatory authority has jurisdiction, a cooperative financial security arrangement may be developed and implemented by the regulatory authorities to avoid requiring the permittee to prove financial assurance with more than one regulatory authority for the same nonmetallic mining site. Financial assurance is required for each site and two (2) or more sites of less than one (1) acre by the same operator, except that governmental units are not required to obtain financial assurance.
- (g) **Certification of Completion and Release.**
 - 1. The operator shall notify the regulatory authority, by filing a notice of completion, at the time that he or she determines that reclamation of any portion of the mining site or the entire site is complete. Sheboygan County shall inspect the mine site or portion thereof that was the subject of the notice of completion to determine if reclamation has been carried out in accordance with the approved reclamation plan. Sheboygan County may partially release the financial assurance if it determines that compliance with a portion of the reclamation plan has been achieved and requires no waiting period. After determining that reclamation is complete Sheboygan County shall issue a certificate of completion and shall release the financial assurance or appropriately reduce the financial assurance in the case of reclamation of a portion of the mining site.
 - 2. Sheboygan County shall make a determination of whether or not the certification in Subsection 1, above, can be made within sixty (60) days that the request is received.
 - 3. Sheboygan County may make a determination under this Subsection that:
 - A. Reclamation is not yet complete;

- B. It is not possible to assess whether reclamation is complete due to weather conditions, snow cover, or other relevant factors;
 - C. Reclamation is complete in a part of the mine; or
 - D. Reclamation is fully complete.
- (h) Forfeiture. Financial assurance shall be forfeited if any of the following occur:
- 1. A permit is revoked under Section 78.24 and the appeals process has been completed.
 - 2. An operator ceases mining operations and fails to reclaim the site in accordance with the reclamation plan.
- (i) Cancellation. Financial assurance shall provide that it may not be cancelled by the surety or other holder or issuer except after not less than a ninety (90) day notice to Sheboygan County in writing by registered or certified mail. Not less than thirty (30) days prior to the expiration of the ninety- (90-) day notice of cancellation, the operator shall deliver to Sheboygan County a replacement proof of financial assurance. In the absence of this replacement financial assurance, all mining shall cease until the time it is delivered and in effect.
- (j) Changing Methods of Financial Assurance. The operator of a nonmetallic mining site may change from one method of financial assurance to another. This may not be done more than once a year unless required by an adjustment imposed pursuant to Subsection (m), below. The operator shall give Sheboygan County at least sixty (60) days' notice prior to changing methods of financial assurance and may not actually change methods without the written approval of Sheboygan County.
- (k) Bankruptcy Notification. The operator of a nonmetallic mining site shall notify the regulatory authority by certified mail of the commencement of voluntary or involuntary proceeding under Bankruptcy Code, 11 USC, et seq., naming the operator as debtor, within ten (10) days of commencement of the proceeding.
- (l) Adjustment of Financial Assurance. Financial assurance may be adjusted when required by Sheboygan County. Sheboygan County may notify the operator in writing that adjustment is necessary and the reasons for it. Sheboygan County may adjust financial assurance based upon prevailing or projected interest or inflation rates, or the latest cost estimates for reclamation.
- (m) Net Worth Test.
- 1. Only an operator that meets the definition of "company" in Wis. Stat. § 289.41(1)(b) may use the net worth method of providing financial assurance.
 - 2. The operator shall submit information to the regulatory authority in satisfaction of the net worth test requirements of Wis. Stat. § 289.41(4). The criteria in Wis. Stat. §§ 289.41(6)(b), (d), (e), (f), (g), (h), and (i) shall apply.
 - 3. An operator using the net worth test to provide financial assurance for more than one mine shall use the total cost of compliance for all mines in determining the net worth to reclamation cost ratio in accordance with Wis. Stat. § 289.41(6).
 - 4. Determinations under the net worth test shall be done in accordance with Wis. Stat. § 289.41(5).

5. In addition, the operator shall submit a legally binding commitment to faithfully perform all compliance and reclamation work at the mine site that is required under this Chapter.
- (2) Private Nonmetallic Mines. The operator of any nonmetallic mining site that applies for a reclamation permit in conformance with Section 78.12 of this Code shall submit the proof of financial assurance required by Section 78.14(1) of this Code as specified in the reclamation permit issued to it under this Chapter.
- (3) Public Nonmetallic Mining. The financial assurance requirements of this Section do not apply to nonmetallic mining conducted by the State of Wisconsin, a state agency, board, commission, or department, or a municipality.

78.15 PUBLIC NOTICE AND RIGHT OF HEARING.

- (1) Reclamation Plan Hearing. Sheboygan County shall provide public notice and the opportunity for a public informational hearing as set forth below:
 - (a) Public Notice.
 1. When Sheboygan County receives an application to issue a reclamation permit, it shall publish a public notice of the application no later than thirty (30) days after receipt of a complete application that satisfies Section 78.12 of this Code.
 2. The notice shall briefly describe the mining and reclamation planned at the nonmetallic mining site. The notice shall be published as a class 1 notice pursuant to Wis. Stat. § 985.07(1) in the official newspaper of Sheboygan County. The notice shall mention the opportunity for public hearing pursuant to this Section and shall give the locations at which the public may review the application and all supporting materials including the reclamation plan
 3. Copies of the notice shall be forwarded by Sheboygan County to the Sheboygan County Planning and Resources Department, Sheboygan County Conservationist, to any applicable local zoning board, and owners of land within three hundred (300) feet of the boundaries of the parcel or parcels of land on which the site is located.
 - (b) Hearing. Sheboygan County shall provide for an opportunity for a public informational hearing on an application or request to issue a nonmetallic mining reclamation permit as follows.
 1. If it conducts a zoning -related hearing on the nonmetallic mine site, Sheboygan County shall provide the opportunity at this hearing to present testimony on reclamation-related matters. This opportunity shall fulfill the requirement for public hearing for a nonmetallic mining reclamation permit required by this Section. Sheboygan County shall consider the reclamation-related testimony in the zoning -related hearing in deciding on a permit application pursuant to this Chapter.
 2. If there is no opportunity for a zoning-related hearing on the nonmetallic mine site as described in Section 78.15(1)(b)1, above, opportunity for public hearing required by this Section shall be provided as follows. Any person residing within, owning property within, or whose principal place of business is within three hundred (300) feet of the boundary of the parcel or parcels of land in which the nonmetallic mining site is located or proposed may request a public informational hearing. Sheboygan County shall hold a public hearing if requested by any of these persons within thirty (30) days of the actual date of public notice under Section 78.15(1)(a), above. This public informational hearing shall be held no sooner than thirty (30) days nor later than sixty (60)

days after being requested. The hearing shall be conducted as an informational hearing for the purpose of explaining and receiving comment from affected persons on the nature, feasibility and effects of the proposed reclamation. The procedure for the public informational hearing shall be as follows: the Manager of the Sheboygan County Land and Water Conservation Department or his or her designee shall conduct the hearing. The meeting shall be an Open Meeting with advance notice of the meeting given pursuant to Wis. Stat. § 19.84 at least twenty-four (24) hours in advance of the meeting. The meeting shall be held in a place reasonably accessible to members of the public and open to all citizens at all times. The operator shall be given up to twenty (20) minutes to make any presentation deemed appropriate. Any member of the public may then make any presentation for up to twenty (20) minutes each. The operator shall then be given ten (10) minutes for any further presentation. Nothing shall preclude the public information hearing from being held as an Agenda item as part of a meeting of the Land and Water Conservation Committee.

3. The subject matter and testimony at this informational hearing shall be limited to reclamation of the nonmetallic mine site.
- (2) Local Transportation-Related Mines. No public notice or informational hearing is required for a nonmetallic mining reclamation permit issued to a local transportation-related mine pursuant to Section 78.16(3) of this Code.

78.16 ISSUANCE OF A NONMETALLIC MINING RECLAMATION PERMIT.

- (1) Permit Required. No person may engage in nonmetallic mining reclamation in Sheboygan County without first obtaining a reclamation permit issued under this Section except for nonmetallic mining sites that are exempt from this Chapter under Sections 78.07(1), 78.07(2), or 78.10(16)(b).
- (2) Permit Issuance. Applications for reclamation permits for nonmetallic mining sites that satisfy Section 78.12 of the Code shall be issued a reclamation permit or otherwise acted on as provided below.
 - (a) Unless denied pursuant to Section 78.17 of this Code, Sheboygan County shall approve in writing a request that satisfies the requirements of Section 78.12 of this Code to issue a nonmetallic mining reclamation permit for the proposed nonmetallic mine.
 - (b) Sheboygan County may not issue an approval without prior or concurrent approval of the reclamation plan that meets the requirements of Section 78.13 of this Code. The regulatory authority may issue a reclamation permit subject to conditions in Section 78.16(5) of this Code if appropriate. The permit decision shall be made no sooner than thirty (30) days nor later than ninety (90) days following receipt of the complete reclamation permit application that meets the requirements in Section 78.12 of this Code and reclamation plan that meets the requirements of Section 78.13 of this Code, unless a public hearing is held pursuant to Section 78.15 of this Code. If a public hearing is held, the regulatory authority shall issue the reclamation permit, subject to conditions pursuant to Section 78.16(5) of this Code if appropriate, or shall deny the permit as provided in Section 78.17 of this Code, no later than sixty (60) days after completing the public hearing.
 - (c) Permits issued pursuant to this Subsection shall require compliance with a reclamation plan that has been approved and satisfies the requirements of Section 78.13 of this Code and provision by the applicant of financial assurance required under Section 78.14 of this Code and payable to Sheboygan County prior to beginning mining.
- (3) Automatic Permit for Local Transportation-Related Mines.

- (a) Sheboygan County shall automatically issue an expedited permit under this Subsection to any borrow site that:
1. Will be opened and reclaimed under contract with a municipality within a period not exceeding thirty-six (36) months;
 2. Is a nonmetallic mine which is intended to provide stone, soil, sand, or gravel for the construction, reconstruction, maintenance, or repair of a highway, railroad, airport facility, or other transportation facility under contract with the municipality;
 3. Is regulated and will be reclaimed under contract with the municipality in accordance with the requirements of the Wisconsin Department of Transportation concerning the restoration of nonmetallic mining sites;
 4. Is not a commercial source;
 5. Will be constructed, operated and reclaimed in accordance with applicable zoning requirements, if any and;
 6. Is not otherwise exempt from the requirements of this Chapter under Section 78.07(2)(j) of this Code.
- (b) In this Subsection, "municipality" has the meaning defined in Wis. Stat. § 299.01(8).
- (c) Automatic permits shall be issued under this Subsection in accordance with the following provisions:
1. The applicant shall notify Sheboygan County of the terms and conditions of the contract with respect to reclamation of the proposed borrow site.
 2. The applicant shall provide evidence to Sheboygan County to show that the borrow site and its reclamation will comply with applicable zoning requirements, if any.
 3. Sheboygan County shall accept the contractual provisions incorporating requirements of the Wisconsin Department of Transportation in lieu of a reclamation plan under Section 78.13 of this Code.
 4. Sheboygan County shall accept the contractual provisions in lieu of the financial assurance requirements in Section 78.14 of this Code.
 5. The public notice and hearing provisions of Section 78.15 of this Code do not apply to nonmetallic mining sites that are issued automatic permits under this Subsection.
 6. Mines permitted under this subsection shall pay an annual fee to Sheboygan County as provided in Section 78.27 of this Code, but shall not be subject to the plan review fee provided in Section 78.26 of this Code. The total annual fee, including the share of the Department of Natural Resources, shall not exceed the amount in Table 2 of Section 78.27 of this Code.
 7. Sheboygan County shall issue the automatic permit within seven (7) days of the receipt of a complete application.
 8. If the borrow site is used to concurrently supply materials for other than the local transportation project, the automatic permitting in this Subsection still applies provided the site will be reclaimed under a contractual obligation with the municipality in accordance with the Wisconsin Department of Transportation requirements.

9. Notwithstanding Section 78.25 of this Code, the operator of a borrow site under this Subsection is required to submit only the information in an annual report necessary to identify the borrow site and to determine the applicable annual fee.
- (4) Expedited Review. Any operator of a nonmetallic mining site may request expedited review of a reclamation permit application under Subsections (a) or (b), below:
 - (a) The operator may submit a request for expedited permit review with payment of the expedited review fee specified in Section 78.26(2) of this Code. This request shall state the need for such expedited review and the date by which such expedited review is requested.
 - (b) The operator may submit a request for expedited review under this Subsection if the applicant requires a reclamation permit to perform services under contract with a municipality. This request for expedited review shall state the need for expedited review and shall include a copy of the applicable sections of the contract and the date by which the expedited review is requested.
 - (c) Following receipt of a request under this Subsection, Sheboygan County shall inform the applicant of the estimated date for decision on issuance of the permit. If the applicant then elects not to proceed with the expedited review, the fee paid under Subsection (a), above, shall be returned.
 - (d) Expedited review under this Subsection shall not waive, shorten or otherwise affect the public notice and right of hearing pursuant to Section 78.15 of this Code. This Subsection does not impose an obligation upon the regulatory authority to act upon a permit application under this Subsection by a specific date.
 - (5) Permit Conditions. Any decision under this section may include conditions as provided below:
 - (a) Sheboygan County may issue a reclamation permit or approve a reclamation plan subject to general or site-specific conditions if needed to assure compliance with the nonmetallic mining reclamation requirements of this Chapter. The approvals may not include conditions that are not related to reclamation.
 - (b) One required condition of the issued permit shall be that the new mine obtain financial assurance pursuant to Section 78.14 of this Code prior to beginning mining.

78.17 PERMIT DENIAL. An application for a nonmetallic mining reclamation permit shall be denied as set forth below:

- (1) An application to issue a nonmetallic mining reclamation permit shall be denied, within the time frame for permit issuance specified in Section 78.16 of this Code if Sheboygan County finds any of the following:
 - (a) The applicant has, after being given an opportunity to make corrections, failed to provide to Sheboygan County an adequate permit application, reclamation plan, financial assurance or any other submittal required by Chapter NR 135, Wisconsin Administrative Code or this Chapter.
 - (b) The proposed nonmetallic mining site cannot be reclaimed in compliance with the reclamation standards contained in this chapter, Chapter NR 135, Wisconsin Administrative Code or Wis. Stat. § 295, Subchapter I.
 - (c) The applicant, or its agent, principal, or predecessor has, during the course of nonmetallic mining in Wisconsin within ten (10) years of the permit application or modification request being considered shown a pattern of serious violations of this Chapter or of federal, state, or local environmental laws related to nonmetallic mining

reclamation. The following may be considered in making this determination of a pattern of serious violations:

1. Results of judicial or administrative proceedings involving the operator or its agent, principal, or predecessor.
 2. Suspensions or revocations of nonmetallic mining reclamation permits pursuant to this Chapter, other reclamation ordinances or Chapter NR 135, Wisconsin Administrative Code.
 3. Forfeitures of financial assurance.
 4. A denial under this Subsection shall be in writing and shall contain documentation of reasons for denial.
- (2) A decision to deny an application to issue a reclamation permit may be reviewed under Section 78.22 of this Code.

78.18 ALTERNATIVE REQUIREMENTS.

- (1) **Scope of Alternative Requirements Approvable.** An operator of a nonmetallic mining site may request an alternative requirement to the reclamation standard established in Section 78.11 of this Code. Sheboygan County may approve an alternative requirement to the reclamation standards established in this Chapter if the operator demonstrates and Sheboygan County finds that all of the following criteria are met:
- (a) The nonmetallic mining site, the surrounding property or the mining plan or reclamation plan has a unique characteristic which requires an alternative requirement.
 - (b) Unnecessary hardship which is peculiar to the nonmetallic mining site or plan will result unless the alternative requirement is approved.
 - (c) Reclamation in accordance with the proposed alternative requirement will achieve the planned post-mining land use and long-term site stability in a manner that will not cause environmental pollution or threaten public health, safety, or welfare.
- (2) **Procedures.**
- (a) The operator of a nonmetallic mining site requesting an alternate requirement in Section 78.18(1) of this Code shall demonstrate all the criteria in Section 78.18(1) of this Code. This shall be submitted in writing to the Sheboygan County Board of Adjustments, 508 New York Avenue, Sheboygan, WI 53081 -4126.
 - (b) The procedures for the Board of Adjustments are set forth in Chapter 76 of this Code.
 - (c) A request for an alternative requirement may be incorporated as part of an application to issue or modify a nonmetallic mining reclamation permit.
 - (d) At the discretion of Sheboygan County, Sheboygan County may require a public informational hearing as provided in Section 78.15(1)(b)2 of this Code prior to the County's action on a request for an alternate requirement.
- (3) **Transmittal of Decision on Request for Alternative Requirement.** The decision on a request for alternate reclamation requirements shall be in writing to the applicant and shall include documentation of why the alternate requirement was or was not approved.
- (4) **Notice to DNR.** Sheboygan County shall provide notice to the DNR as set forth in this Subsection. Written notice shall be given to the DNR at least ten (10) days prior to any public hearing held under Section 78.18(2) of this Code on a request for an alternate requirement

under this Section. A copy of any written decision on alternative requirements shall be submitted to the DNR within ten (10) days of issuance.

78.19 PERMIT DURATION.

- (1) A nonmetallic mining reclamation permit issued under this Chapter shall last through operation and reclamation of the nonmetallic mining site, unless suspended or revoked pursuant to Section 78.31(2) of this Code.
- (2) If the mine operator is not the landowner, the reclamation permit duration shall not exceed the duration of the mine lease unless the lease is renewed or the permit is transferred to a subsequent lessee pursuant to Section 78.20 of this Code.

78.20 PERMIT TRANSFER. A nonmetallic mining reclamation permit issued under this Chapter shall be transferred to a new owner or operator upon satisfaction of the following conditions:

- (1) A nonmetallic mining reclamation permit may be transferred to a new operator upon submittal to Sheboygan County of proof of financial assurance and a certification in writing by the new permit holder that all conditions of the permit will be complied with.
- (2) The transfer is not valid until financial assurance has been submitted by the new operator and accepted by Sheboygan County and Sheboygan County makes a written finding that all conditions of the permit will be complied with. The previous operator shall maintain financial assurance until the new operator has received approval and provided the financial assurance under this Section.

78.21 PREVIOUSLY PERMITTED SITES. For any nonmetallic mining site which had a reclamation permit previously issued by another regulatory authority pursuant to Chapter NR 135, Wisconsin Administrative Code that becomes subject to reclamation permitting authority of Sheboygan County, the terms and conditions of the previously-issued municipal reclamation permit shall remain in force until modified by Sheboygan County pursuant to Section 78.23(1) of this Code.

78.22 REVIEW. Any permitting decision or action made by Sheboygan County under this Chapter may be reviewed as set forth in this Section. Notwithstanding Wis. Stat. §§ 68.001, 68.03 (8) and (9), 68.06 and 68.10 (1) (b), any person who meets the requirements of Wis. Stat. § 227.42 (1) may obtain a contested case hearing under Wis. Stat. § 68.11 on Sheboygan County's decision to issue, deny, or modify a nonmetallic mining reclamation permit.

Part IV - Administration

78.23 PERMIT MODIFICATION.

- (1) By Sheboygan County. A nonmetallic mining reclamation permit issued under this Chapter may be modified by Sheboygan County if it finds that, due to changing conditions, the nonmetallic mining site is no longer in compliance with Chapter NR 135, Wisconsin Administrative Code or this Chapter. Such modification shall be by an order modifying the permit in accordance with Section 78.32 of this Code. This modifying order may require the operator to amend or submit new application information, reclamation plan, proof of financial assurance, or other information needed to ensure compliance with Chapter NR 135, Wisconsin Administrative Code or this Chapter.
- (2) At the Operator's Option. If the operator of any nonmetallic mine that holds a reclamation permit issued under this Chapter desires to modify such permit or reclamation plan approved under this Chapter, it may request such modification by submitting a written application for such modification to Sheboygan County Land and Water Conservation Department. The application for permit or plan modification shall be acted on using the standards and procedures of this Chapter.
- (3) Required by the Operator. The operator of any nonmetallic mine that holds a reclamation permit issued under this Chapter shall request a modification of such permit if changes occur

to the area to be mined, the nature of the planned reclamation, or other aspects of mining required by the reclamation plan approved pursuant to this Chapter. Such application for permit modification shall be acted on using the standards and procedures of this Chapter.

- (4) Review. All actions by Sheboygan County on permit modifications requested or initiated under this Section are subject to review under Section 78.22 of this Code.

78.24 PERMIT SUSPENSION AND REVOCATION.

- (1) Grounds. Sheboygan County may suspend or revoke a nonmetallic mining reclamation permit issued pursuant to this Chapter if it finds the operator has done any of the following:
 - (a) Failed to submit a satisfactory reclamation plan within the time frames specified in this Chapter.
 - (b) Failed to submit or maintain financial assurance as required by this Chapter.
 - (c) Failed on a repetitive and significant basis to follow the approved reclamation plan.
- (2) Procedures. If Sheboygan County finds grounds for suspending or revoking a nonmetallic mining reclamation permit set forth in Section 78.24(1), above, it may issue a special order suspending or revoking such permit as set forth in Section 78.32(2) of this Code.
- (3) Consequences.
 - (a) If Sheboygan County makes any of the findings in Section 78.24(1), above, it may suspend a nonmetallic mining reclamation permit for up to thirty (30) days. During the time of suspension, the operator may not conduct nonmetallic mining at the site, except for reclamation or measures to protect human health and the environment as ordered by the regulatory authority pursuant to Section 78.32 of this Code.
 - (b) If Sheboygan County makes any of the findings in Section 78.24(1), above, it may revoke a nonmetallic mining reclamation permit. Upon permit revocation, the operator shall forfeit the financial assurance it has provided pursuant to this Chapter to Sheboygan County. Sheboygan County may use forfeited financial assurance to reclaim the site to the extent needed to comply with this Chapter and the applicable reclamation ordinance.

78.25 ANNUAL OPERATOR REPORTING.

- (1) Contents and Deadline. Annual reports that satisfy the requirements of this Section shall be submitted by the operators of nonmetallic mining sites.
 - (a) Contents. The annual report required by this Section shall include all of the following:
 1. The name and mailing address of the operator.
 2. The location of the nonmetallic mining site, including legal description, tax key number or parcel identification number if available.
 - (b) If Sheboygan County makes any of the findings in Section 78.24(1), above, it may revoke a nonmetallic mining reclamation permit. Upon permit revocation, the operator shall forfeit the financial assurance it has provided pursuant to this Chapter to Sheboygan County. Sheboygan County may use forfeited financial assurance to reclaim the site to the extent needed to comply with this Chapter and the applicable reclamation ordinance.

78.25 ANNUAL OPERATOR REPORTING.

- (1) Contents and Deadline. Annual reports that satisfy the requirements of this Section shall be submitted by the operators of nonmetallic mining sites.

- (a) Contents. The annual report required by this Section shall include all of the following:
1. The name and mailing address of the operator.
 2. The location of the nonmetallic mining site, including legal description, tax key number or parcel identification number if available.
 3. The identification number of the applicable nonmetallic mining permit, if assigned by Sheboygan County.
 4. The acreage currently affected by nonmetallic mining extraction and not yet reclaimed.
 5. The amount of acreage that has been reclaimed to date, on a permanent basis and the amount reclaimed on an interim basis.
 6. A plan, map or diagram accurately showing the acreage described in Subparagraphs 4 and 5, above.
 7. The following certification, signed by the operator:
"I certify that this information is true and accurate, and that the nonmetallic mining site described herein complies with all conditions of the applicable nonmetallic mining reclamation permit and Chapter NR 135, Wisconsin Administrative Code."
- (b) Deadline. The annual report shall cover activities on unreclaimed acreage for the previous calendar year and be submitted by January 31.
- (c) When Reporting May End. Annual reports shall be submitted by an operator for all active and intermittent mining sites to Sheboygan County for each calendar year until nonmetallic mining reclamation at the site is certified as complete pursuant to Section 78.29(3) of this Code or at the time of release of financial assurance pursuant to Section 78.14(1)(g).
- (2) Inspection in Lieu of Report. Sheboygan County may, at its discretion, obtain the information required in Section 78.25(1) for a calendar year by written documentation of an inspection it completes during a calendar year, as set forth in this Subsection. If Sheboygan County obtains and documents the required information, the annual report need not be submitted by the operator. If Sheboygan County determines that the operator need not submit an annual report pursuant to this Subsection, it shall advise the operator in writing at least thirty (30) days before the end of the applicable calendar year. In that case, Sheboygan County shall require the operator to submit the certification required in Section 78.25(1)(a)7.
- (3) Retention of Annual Reports. Annual reports submitted under Subsection (1), above, or inspection records that replace them under Subsection (2), above, shall be retained by Sheboygan County at 650 Forest Avenue, Sheboygan Falls, WI 53085, for at least ten (10) years after the calendar year to which they apply. These records, or complete and accurate copies of them, shall be made available to the DNR upon written request or during its inspection or audit activities carried out pursuant to Chapter NR 135, Wisconsin Administrative Code.

78.26 PLAN REVIEW FEES.

- (1) Amount and Applicability. A person who intends to operate a nonmetallic mining site for which a permit application has been submitted under Section 78.12 of this Code shall submit a non-refundable plan review fee as follows:

Proposed Mine Site Size, Rounded to the Whole Acre	One-Plan Review Fee
1-25 acres	\$1,045.00
26-50 acres	\$1,400.00
51 acres or more	\$1,750.00

No plan review fee may be assessed under this Section for any transportation -related mining receiving an automatic permit under Section 78.16(3) of this Code. A separate plan review fee shall be paid under this Section for any modification to an existing reclamation plan submitted pursuant to Section 78.23 of this Code.

- (2) Expedited Plan Review Fee. A person who intends to operate a nonmetallic mining site for which a permit application has been submitted under Section 78.12 of this Code may obtain expedited reclamation plan review by paying a fee of Five Hundred Dollars (\$500.00). Such fee shall be in addition to that required in Section 78.26(1) of this Code.
- (3) Relation to Annual Fee. Any reclamation plan review fee or expedited reclamation plan review fee collected under this section shall be added to and collected as part of the first annual fee collected under Section 78.27 of this Code.

78.27 ANNUAL FEES.

- (1) Areas Subject to Fees, Procedures, Deadline, and Amount.
 - (a) Operators of all nonmetallic mining sites subject to reclamation permits issued under this Chapter shall pay annual fees to Sheboygan County.
 - (b) Fees paid under this Section shall be calculated based on the unreclaimed acres of a nonmetallic mining site as defined below:
 1. "Unreclaimed acre" or "unreclaimed acres" means those unreclaimed areas in which nonmetallic mining has occurred after August 1, 2001, and areas where nonmetallic mining reclamation has been completed but is not yet certified as reclaimed under Section 78.14(1)(g) of this Code. However, the term does not include any areas described in Subsection 2, below.
 2. "Unreclaimed acre" or "unreclaimed acres" does not include:
 - A. Those areas where reclamation has been completed and certified as reclaimed under Section 78.14(1)(g) of this Code.
 - B. Those areas previously affected by nonmetallic mining but which are not used for nonmetallic mining after August 1, 2001.
 - C. Those portions of nonmetallic mining sites which are included in an approved nonmetallic mining reclamation plan but are not yet affected by nonmetallic mining.
 - D. Areas previously mined but used after August 1, 2001, for a non - mining activity including stockpiling of materials provided the stockpiles are associated with on-site industrial processes used for an industrial activity unrelated to nonmetallic mining such as an asphalt plant, concrete batch plant, block and tile operation or other industry that uses products produced from nonmetallic mining.
 - E. Those areas within a Sheboygan County nonmetallic mining site which have been determined to have been successfully reclaimed on an interim basis in accordance with Sections 78.29(2) and 78.29(3) of this Code.

3. Fees shall be assessed on active acres only and shall not be assessed on acreage where nonmetallic mining is proposed and approved but where no nonmetallic mining has yet taken place.
- (c) Fees assessed pursuant to this section shall be based on unreclaimed acres at the end of the year. Such fees apply to a calendar year or any part of a year in which nonmetallic mining takes place, until final reclamation is certified as complete under Section 78.29 of this Code. Fees shall be paid no later than January 31 for the previous year.
 - (d) If reclamation has already occurred on portions of a nonmetallic mining site, the fees for such portions may be submitted with a request that they be held by Sheboygan County pending certification of completed reclamation pursuant to Sections 78.14(1)(g) and 78.29(3) of this Code. Upon such certification, Sheboygan County shall refund that portion of the annual fee that applies to the reclaimed areas. If Sheboygan County fails to make a determination under Sections 78.14(1)(g) and 78.29(3) of this Code within sixty (60) days of the request, it shall refund that portion of the annual fee that applies to the reclaimed areas.
 - (e) The amount collected shall equal the DNR's share as described in Section 78.27(2) of this Code, the share of Sheboygan County described in Section 78.27(3) of this Code, and, if applicable, the reclamation plan review fee described in Section 78.26 of this Code.

(2) DNR's Share of Fee.

- (a) Fees paid under this Section shall, except where provided in Subparagraph (b), below, include a share for the DNR equal to the amount specified in Table 1.

TABLE 1: DNR's Share of Annual Fees Collected by Sheboygan County

Mine Size in Unreclaimed Acres, Rounded to the Nearest Whole Acre	Annual Fee
1 to 5 acres [does not include mines < 1 acre]	\$35.00
6 to 10 acres	\$70.00
11 to 15 acres	\$105.00
16 to 25 acres	\$140.00
26 to 50 acres	\$160.00
51 acres or larger	\$175.00

- (b) For nonmetallic mining sites at which no nonmetallic mining has taken place during a calendar year, the share for the DNR shall be Fifteen Dollars (\$15.00).
- (c) Sheboygan County shall forward the DNR's share of fees collected under this Subsection to the DNR by March 31.

(3) Sheboygan County's Share of Fee.

- (a) Fees paid under this Section shall also include an annual fee due to Sheboygan County based on and as equal as possible to the County costs for administering this program which shall be in the amount specified in Table 2.

TABLE 2: Sheboygan County's Share of Annual Fees Collected by Sheboygan County

Mine Size in Unreclaimed Acres, Rounded to the Nearest Whole Acre	Annual Fee
1 to 5 acres [does not include mines < 1 acre]	\$140.00
6 to 10 acres	\$280.00
11 to 15 acres	\$420.00
16 to 25 acres	\$560.00
26 to 50 acres	\$650.00
51 acres or larger	\$965.00

- (b) The annual fee collected by Sheboygan County under this Subsection for local transportation-related mines issued permits under Section 78.16(c) may not exceed the amounts set forth in Table 3, below. The amounts listed below shall be the total fee assessed on such nonmetallic mines and shall include both a share for the DNR and Sheboygan County.

TABLE 3: Limit on Total Annual Fees for Automatically Permitted Local Transportation Project-Related Mines

Mine Size in Unreclaimed Acres, Rounded to the Nearest Whole Acre	Annual Fee
1 to 5 acres [does not include mines < 1 acre]	\$175.00
6 to 10 acres	\$350.00
11 to 15 acres	\$525.00
16 to 25 acres	\$700.00
26 to 50 acres	\$810.00
51 acres or larger	\$870.00

- (4) **Reduced Fee for Inactive Mines.** Any site on which no nonmetallic mining activity has taken place in a calendar year shall be assessed a fee for the following calendar year of One Hundred Dollars (\$100.00).

78.28 REGULATORY REPORTING AND DOCUMENTATION.

- (1) **Reporting.** Sheboygan County shall send an annual report to the DNR by March 31 for the previous calendar year. The reports shall include the following information for the previous year's nonmetallic mining reclamation program:
- (a) The total number of nonmetallic mining reclamation permits in effect.
 - (b) The number of new permits issued within the jurisdiction of Sheboygan County.
 - (c) The number of acres approved for nonmetallic mining and the number of acres newly approved in the previous year.
 - (d) The number of acres being mined or unreclaimed acres.
 - (e) The number of acres that have been reclaimed and have had financial assurance released pursuant to Section 78.14(1)(g) of this Code.
 - (f) The number of acres that are reclaimed and awaiting release from the financial assurance requirements of this Subsection pursuant to Subsections 78.29 (1) and 78.29(2) of this Code.

- (g) The number and nature of alternative requirements granted, permit modifications, violations, public hearings, enforcement actions, penalties that have been assessed and bond or financial assurance forfeitures.
- (2) Documentation. Sheboygan County shall, to the best of its ability, maintain the information set forth below, and make it available to the DNR for that agency's audit of Sheboygan County's reclamation program pursuant to Chapter NR 135, Wisconsin Administrative Code:
- (a) Documentation of compliance with Chapter NR 135, Wisconsin Administrative Code and this Chapter.
 - (b) The procedures employed by Sheboygan County regarding reclamation plan review, and the issuance and modification of permits.
 - (c) The methods for review of annual reports received from operators.
 - (d) The method and effectiveness of fee collection.
 - (e) Procedures to accurately forward the DNR's portion of collected fees in a timely fashion.
 - (f) Methods for conducting on-site compliance inspections and attendant reports, records and enforcement actions.
 - (g) Responses to citizen complaints.
 - (h) The method of and accuracy in determining the amount of the financial assurance obtained from the operator to guarantee reclamation performance.
 - (i) The maintenance and availability of records.
 - (j) The number and type of approvals for alternative requirements issued pursuant to Section 78.18 of this Code.
 - (k) The method of determining the success of reclamation in meeting the criteria contained in the reclamation plan and subsequently releasing the financial assurance pursuant to Section 78.14(1)(g) of this Code.
 - (l) Any changes in local regulations, ordinances, funding and staffing mechanisms or any other factor which might affect the ability of Sheboygan County to implement its nonmetallic mining reclamation program under this Chapter.
 - (m) The amount of fees collected in comparison to the amount of money actually expended for nonmetallic mining reclamation program administration.
 - (n) Any other performance criterion necessary to ascertain compliance with Chapter NR 135, Wisconsin Administrative Code.

78.29 COMPLETED RECLAMATION - REPORTING, CERTIFICATION, AND EFFECT.

- (1) Reporting. The operator of a nonmetallic mining site may certify completion of reclamation for a portion or all of the nonmetallic mining site pursuant to a reclamation plan prepared and approved pursuant to this Chapter and Chapter NR 135, Wisconsin Administrative Code. The certification shall be to the Sheboygan County Land and Water Conservation Department upon such forms as are developed or adopted by the Sheboygan County Land and Water Conservation Department.
- (2) Reporting of Interim Reclamation. The operator of a nonmetallic mining site may report completion of interim reclamation as specified in the reclamation plan for the site prepared and approved pursuant to this Chapter and Chapter NR 135, Wisconsin Administrative Code.

Reporting of interim reclamation shall be done according to the procedures in Section 78.29(1), above.

- (3) Certification of Completed Reclamation. Sheboygan County shall inspect a nonmetallic mining site for which reporting of reclamation or interim reclamation has been submitted pursuant to this Subsection within sixty (60) days of receipt and make a determination in writing in accordance with Section 78.14(1)(g)3 of this Code. If it is determined that interim or final reclamation is complete, including revegetation as specified in a reclamation plan that conforms with Section 78.13 of this Code, Sheboygan County shall issue the mine operator a written certificate of completion.
- (4) Effect of Completed Reclamation. If reclamation is certified by Sheboygan County as complete under Section 78.29(3) of this Code for part or all of a nonmetallic mining site, then:
 - (a) No fee shall be assessed under Section 78.27 of this Code for the area so certified.
 - (b) The financial assurance required by Section 78.14 of this Code shall be released or appropriately reduced in the case of completion of reclamation for a portion of the mining site.
- (5) Effect of Inaction Following Report of Completed Reclamation. If no written response as required by Section 78.29(3) of this Code for an area of the mine site reported as reclaimed or interim reclaimed is given within sixty (60) days of receiving such request, any annual fee paid to Sheboygan County for it under Section 78.27 of this Code shall be refunded.

78.30 PERMIT TERMINATION. When all final reclamation required by a reclamation plan conforming to Section 78.13 of this Code and required by this Chapter is certified as complete pursuant to Subsections 78.14(1)(g) and 78.29(3) of this Code, Sheboygan County shall issue a written statement to the operator of the nonmetallic mining site, thereby terminating the reclamation permit.

Part V – Enforcement

78.31 RIGHT OF ENTRY AND INSPECTION. For the purpose of ascertaining compliance with the provisions of Wis. Stat. ch. 295, Subchapter I, Chapter NR 135, Wisconsin Administrative Code, or this Chapter, any authorized officer, agent, employee, or representative of Sheboygan County may inspect any nonmetallic mining site subject to this chapter as provided below:

- (1) No person may refuse entry or access onto a nonmetallic mining site of a duly authorized officer, employee, or agent of Sheboygan County or the DNR who presents appropriate credentials to inspect the site for compliance with the nonmetallic mining reclamation permit, this Chapter, Chapter NR 135, Wisconsin Administrative Code or Wis. Stat. ch. 295, Subchapter I.
- (2) Any person who enters the site under this right of inspection shall obtain training and provide their own safety equipment needed to comply with any federal, state, or local laws or regulations controlling persons on the nonmetallic mining site.

78.32 ORDERS AND CITATIONS.

- (1) Enforcement Orders. Sheboygan County may issue orders as set forth in Wis. Stat. § 295.19(1)(a) to enforce Wis. Stat. ch. 295, Subchapter I, Chapter NR 135, Wisconsin Administrative Code, this Chapter, a permit issued pursuant to this Chapter or a reclamation plan required by Section 78.13 of this Code, and a permit issued under this Chapter. A violation of this Chapter, an order, or permit issued pursuant to this Chapter or a reclamation plan required by Section 78.13 and a permit issued under this Chapter shall be considered a violation of Wis. Stat. ch. 295, Subchapter I, and Chapter NR 135, Wisconsin Administrative Code.

- (2) Special Orders. Sheboygan County may issue a special order as set forth in Wis. Stat. § 295.19(1)(b) and (c) suspending or revoking a nonmetallic mining reclamation permit pursuant to Section 78.24 of this Code, or directing an operator to immediately cease an activity regulated under Wis. Stat. ch. 295, Subchapter I, Chapter NR 135, Wisconsin Administrative Code, or this Chapter until the necessary plan approval is obtained.
- (3) Review of Orders. A person holding a reclamation permit who is subject to an order pursuant to this Section shall have the right to review the order in a contested case hearing under Wis. Stat. § 68.11, notwithstanding the provisions of Wis. Stat. §§ 68.001, 68.03 (8) and (9), 68.06, and 68.10 (1) (b).
- (4) Citations. Sheboygan County may issue a citation under Wis. Stat. § 66.119 and Chapter 90 of this Code to collect forfeitures to enforce Wis. Stat. ch. 295, Subchapter I, Chapter NR 135, Wisconsin Administrative Code, this Chapter, a permit issued pursuant to this Chapter or a reclamation plan required by Section 78.13 of this Code and a permit issued under this Chapter. The issuance of a citation under this Subsection shall not preclude proceeding under any other ordinance or law relating to the same or any other matter. Proceeding under any other ordinance or law relating to the same or any other matter shall not preclude the issuance of a citation under this Subsection.
- (5) Enforcement. Sheboygan County may submit any order issued under Section 78.32 of this Code to abate violations of this Chapter to the Corporation Counsel, or the attorney general for enforcement. The Corporation Counsel or the attorney general may enforce those orders.

78.33 PENALTIES. Any violation of Wis. Stat. ch. 295, Subchapter I, Wisconsin Statutes, Chapter NR 135, Wisconsin Administrative Code, this Chapter, a permit issued pursuant to this Chapter or a reclamation plan required by Section 78.13 and a permit issued under this Chapter may result in forfeitures as provided in Wis. Stat. § 295.19(3), as follows:

- (1) Any person who violates Chapter NR 135, Wisconsin Administrative Code or an order issued under Section 78.32 of this Code may be required to forfeit not less than Twenty -five Dollars (\$25.00) nor more than One Thousand Dollars (\$1,000.00) for each violation. Each day of continued violation is a separate offense. While an order issued under Section 78.32 of this Code is suspended, stayed, or enjoined, this penalty does not accrue.
- (2) Except for the violations referred to in Subsection (1), above, any person who violates Wis. Stat. ch. 295, Subchapter I, Chapter NR 135, Wisconsin Administrative Code, any reclamation plan approved pursuant to this Chapter, or an order issued pursuant to Section 78.32 of this Code shall forfeit not less than Ten Dollars (\$10.00) nor more than Five Thousand Dollars (\$5,000.00) for each violation. Each day of violation is a separate offense. While an order issued under Section 78.32 is suspended, stayed, or enjoined, this penalty does not accrue.

CHAPTER 79
COMPREHENSIVE PLAN

79.01 COMPREHENSIVE PLAN

79.01 COMPREHENSIVE PLAN. Beginning on January 1, 2010, if Sheboygan County engages in any of the following actions, those actions shall be consistent with Sheboygan County's Comprehensive Plan adopted by the Sheboygan County Board effective January 1, 2010, copies of which are on file in the Office of the County Clerk and the Planning and Resources Department:

- (a) Official mapping established or amended with Wis. Stat. § 62.23(6).
- (b) Local subdivision regulation under Wis. Stat. § 236.45 or 236.46.
- (c) County zoning ordinances enacted or amended under Wis. Stat. § 59.69.
- (d) Zoning of shorelands or wetlands in shorelands under Wis. Stat. §§ 59.692, 61.351, or 62.231.

CHAPTER 80
SHEBOYGAN COUNTY FEDERATED LIBRARY SYSTEM

- 80.01 PURPOSE
- 80.02 JOINT FEDERATED PUBLIC LIBRARY SYSTEM ESTABLISHED
- 80.03 GOVERNING BOARD
- 80.04 RESOURCES LIBRARY DESIGNATED
- 80.05 FINANCING THE LIBRARY SYSTEM

CHAPTER 80
SHEBOYGAN COUNTY FEDERATED LIBRARY SYSTEM

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

80.02 JOINT FEDERATED PUBLIC LIBRARY SYSTEM ESTABLISHED. There is hereby established a Joint Federated Public Library System for Sheboygan and Ozaukee Counties ("Library System") as described in sec. 43.19(1)(b), Stats., which system shall be in effect for all of Sheboygan County and all of Ozaukee County, which shall be known as the **EASTERN SHORES LIBRARY SYSTEM.**

80.03 GOVERNING BOARD. Pursuant to the provisions of sec. 43.19, Stats., the Library System shall be governed by a board to be known as the Eastern Shores Library System Board consisting of fifteen (15) members; nine (9) members shall be appointed by the Sheboygan County Board, and six (6) members shall be appointed by the Ozaukee County Board. (The Sheboygan County appointments shall follow the usual procedure of appointment by the Executive Committee subject to confirmation by the full County Board.)

(a) Membership. Sheboygan County membership of the Board shall be composed of nine (9) members, including one (1) member from the County Board, one (1) member from the governing board of the resource library, two (2) members of participating local library boards, and five (5) members-at-large.

(b) Term. The members initially appointed shall be divided as nearly as possible into three (3) equal groups to serve for terms expiring on January 1 of the second, third, and fourth years, respectively, following their appointment. Thereafter, regular terms shall be for three (3) years and shall commence on January 1. Vacancies shall be filled for the unexpired term in the same manner as regular appointments are made.

(c) Board Organization. As soon as practicable after the initial establishment of the System, and thereafter in January of each year, the Board shall organize by the election, from among its members, a president and such other officers as it deems necessary.

(d) Powers and Duties. The System Board shall possess the powers expressly declared in secs. 43.58 through 43.62, Stats., and shall have such duties as set forth in sec. 43.17, Stats., and as may be delegated to it from time to time by the County Board, subject, however, to the statutory limitations of ch. 43, Stats., and particularly those which provide that local library boards shall retain responsibility for their own public libraries.

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

80.05 FINANCING THE LIBRARY SYSTEM. Budget responsibility for the Library System shall rest with Sheboygan and Ozaukee Counties. The Library System is a joint agency of those counties but constitutes a separate legal entity for the following purposes: To have the exclusive custody and control

of all System funds; to hold title to and dispose of property; to construct, enlarge, and improve buildings; to make contracts; and to sue and be sued.

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

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

CHAPTER 81
TRUANCY

81.01 AUTHORITY

81.02 DEFINITIONS

81.03 PROHIBITION AGAINST TRUANCY

81.04 DISPOSITION

81.05 POWERS GRANTED TO COURTS TO SUSPEND OPERATING PRIVILEGES OF A DROP-OUT

81.06 PREVENTION EFFORTS

81.07 ENFORCEMENT PROCEDURE

81.08 JURISDICTION

81.09 SEVERABILITY

CHAPTER 81
TRUANCY

81.01 AUTHORITY. Wis. Stat. § 118.163 authorizes Sheboygan County to adopt municipal truancy and drop-out ordinances.

81.02 DEFINITIONS. For purposes of this Ordinance:

(a) "Drop-out" means a child who ceased to attend school, does not attend a public or private school, technical college, or home-based private educational program on a full-time basis, has not graduated from high school, and does not have an acceptable excuse.

(b) "Habitual truant" means a pupil who is absent from school without an acceptable excuse for part or all of five (5) or more days on which school is held during a school semester.

(c) "Operating Privilege" means, in the case of a person who is licensed under Wis. Stat. ch. 343, the license, including every endorsement and authorization to operate vehicles of specific vehicle classes or types, instruction permit, and temporary, restricted, or occupational license granted to such person; in the case of a resident of this state who is not so licensed, it means the privilege to secure a license under Wis. Stat. ch. 343.

(d) "Truant" means a pupil who is absent from school without an acceptable excuse for part or all of any day on which school is held during a school semester.

(e) "Acceptable Excuse" has the meaning as defined in Wis. Stat. §§ 118.15 and 118.16(4).

81.03 PROHIBITIONS AGAINST TRUANCY

(a) No person under eighteen (18) years of age may be a truant.

(b) No person under eighteen (18) years of age may be a habitual truant.

81.04 DISPOSITION:

(a) Upon a determination that a person is a truant, the following dispositions are available to the Court:

(1) An order for the person to attend school.

(2) A forfeiture of not more than Fifty Dollars (\$50.00) plus costs for a first violation, or a forfeiture of not more than One Hundred Dollars (\$100.00) for any second or subsequent violation committed within twelve (12) months of a previous violation, subject to Wis. Stat. § 938.37 and subject to a maximum cumulative forfeiture amount of not more than Five Hundred Dollars (\$500.00) for all violations committed during a school semester. All or part of the forfeiture plus costs may be assessed against the person, the parents or guardian of the person, or both.

(b) Upon a determination that a person is a habitual truant, the following dispositions are available to the Court:

(1) Suspension of the person's operating privilege for not less than thirty (30) days nor more than one (1) year. The court shall immediately take possession of any suspended license and forward it to the Department of Transportation together with a notice stating the reason for and the duration of the suspension.

(2) An order for the person to participate in counseling or a supervised work program or other community service work as described in Wis. Stat. § 938.34(5g). The costs of any such counseling, supervised work program, or other community service work may be assessed against the person, the parents or guardian of the person, or both. The County Health and Human Services Department, any community agency or public agency, or nonprofit charitable organization administering a supervised work program or other community service work to which a person is assigned pursuant to an order under this subsection acting in good faith has immunity from any civil liability in excess of Twenty-five Thousand Dollars (\$25,000.00) for any act or omission by or impacting on that person.

(3) An order for the person to remain at home except during hours in which the person is attending religious worship or a school program, including travel time required to get to and from the school program or place of worship. The order may permit a person to leave his or her home if the person is accompanied by a parent or guardian.

(4) An order for the person to attend an educational program as describe in Wis. Stat. § 938.34(7d).

(5) An order for the Department of Workforce Development to revoke, under Wis. Stat. § 103.72, a permit under Wis. Stat. § 103.70 authorizing the employment of the person.

(6) An order for the person to be placed in a teen court program as described in Wis. Stat. § 938.342(1g)(f) if the conditions of that statute apply.

(7) An order for the person to attend school.

(8) A forfeiture of not more than Five Hundred Dollars (\$500.00) plus costs, subject to Wis. Stat. § 938.37. All or part of the forfeiture plus costs may be assessed against the person, the parents or guardian of the person, or both.

(9) Any other reasonable conditions consistent with this subsection, including a curfew, restrictions as to going to or remaining on specified premises and restriction on associating with other children or adults.

(10) An order for the person's parent, guardian, or legal custodian to participate in counseling at the parent's, guardian's, or legal custodian's own expense or to attend school with the person, or both.

81.05 POWERS GRANTED TO COURTS TO SUSPEND OPERATING PRIVILEGES OF A DROP-OUT.

(a) The Circuit Courts of Sheboygan County, and any municipal courts within Sheboygan County, are empowered and permitted to suspend the operating privilege of a person who is at least sixteen (16) years of age but less than eighteen (18) years of age whom the Court determines to be a drop-out.

(b) The Circuit Courts of Sheboygan County and any municipal courts within Sheboygan County are empowered to immediately take possession of any suspended license and forward it to the Department of Transportation together with a notice stating the reason for and the duration of the suspension.

(c) The Circuit Courts of Sheboygan County are empowered to order any school district to provide to the Court a list of all persons residing within Sheboygan County who are known to be drop-outs. Any municipal court within Sheboygan County is empowered to order any school district to provide the Court a list of all persons residing within the jurisdiction of the municipal court who are known to be drop-outs. The Courts may require, upon request, the Department of Transportation to assist the Courts to determine which drop-outs have operating privileges.

81.06 PREVENTION EFFORTS. Before a proceeding for habitual truancy may be brought, the school attendance office shall provide evidence that appropriate school personnel have within the school year during which the truancy occurred have taken the steps required by Wis. Stat. § 118.16(5).

81.07 ENFORCEMENT PROCEDURE. Except as hereafter provided, the Sheboygan County Sheriff's Department may enforce the provisions of Section 81.03 of this Code through the issuance of citations as authorized under Chapter 90 of this Code. The citation is to state on its face that this is a "must appear" citation and no forfeiture amount is to be written on the face of the citation. Pursuant to Wis. Stat. § 938.17(2)(b), only persons twelve (12) years of age or older may be issued citations. Persons under the age of twelve (12) should be referred to intake for determination whether a petition should be filed.

81.08 JURISDICTION. These provisions are applicable and may be enforced in any City, Village, or Town in Sheboygan County regardless of whether the City, Village, or Town has enacted similar local Ordinances.

81.09 SEVERABILITY. If any Section or part of this Ordinance is adjudged unconstitutional or invalid by any Court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby.

CHAPTER 82

RESERVED

CHAPTER 83

RESERVED

CHAPTER 84

RESERVED

CHAPTER 85

RESERVED

CHAPTER 86

RESERVED

CHAPTER 87

RESERVED

CHAPTER 88

RESERVED

CHAPTER 89

RESERVED

CHAPTER 90
LAW ENFORCEMENT

- 90.01 CITATIONS FOR COUNTY ORDINANCE VIOLATIONS
- 90.02 ADOPTION OF FORM MSC 1
- 90.03 STIPULATION OF GUILT OR NO CONTEST
- 90.04 DEPOSIT
- 90.05 BOND AND DEPOSIT SCHEDULE
- 90.06 ISSUANCE OF CITATIONS

90.01 CITATIONS FOR COUNTY ORDINANCE VIOLATIONS. Except as otherwise specifically provided in this Code, the statutory provisions of Wis. Stat. § 66.119 describing and defining procedure with respect to violations of these Ordinances, are hereby adopted and by reference made a part of this Code as if fully set forth herein. Any act required to be performed or prohibited by any statute incorporated herein by reference is required or prohibited by this Code. Any further amendments, revisions, or modifications of the statutes incorporated herein are intended to be made a part of this Code in order to secure uniform state-wide regulation of the procedure as to citations for certain ordinance violations.

90.02 ADOPTION OF FORM MSC 1. The form captioned "Wisconsin Uniform Municipal Citation" (in compliance with the provisions of Wis. Stat. § 66.119) is hereby adopted as hereinafter set forth. Any future amendments, revisions, or modifications of this form done by the County of Sheboygan is intended to be made a part of this Code in order to secure uniform county-wide administration of citations for certain ordinance violations. Filing of the form with the County Clerk should serve as the recognition of that form as the form approved by this Section.

UNIFORM MUNICIPAL CITATION & COMPLAINT STATE OF WISCONSIN COUNTY OF SHEBOYGAN <input type="checkbox"/> CITY of <input type="checkbox"/> VILLAGE of <input type="checkbox"/> TOWN of		DEPOSIT \$	ASSESS \$	COURT COSTS \$	RESTITUTION \$	TOTAL DEPOSIT \$	FOR COURT USE ONLY
		STATE OF WISCONSIN CIRCUIT COURT ROOM B-10 COUNTY OF SHEBOYGAN					
COUNTY OF SHEBOYGAN VS	THE UNDERSIGNED, AN OFFICER FOR AND IN BEHALF OF THE COUNTY OF SHEBOYGAN BEING DULY SWORN, STATES UPON INFORMATION AND BELIEF THAT THE SAID DEFENDANT DID ON _____ AT _____ AM/PM VIOLATE ORD. NO. _____ TO WIT:						DESCRIBE VIOLATION:
	NAME LAST, FIRST, MIDDLE INITIAL						
ADDRESS (RESIDENCE)		APT.NO.	POST OFFICE/STATE		ZIP		
PHONE	AGE	BIRTHDATE		PLACE OF BIRTH			
M <input type="checkbox"/>	F <input type="checkbox"/>	WHT <input type="checkbox"/>	BLK <input type="checkbox"/>	NAT. AM. <input type="checkbox"/>	A <input type="checkbox"/>	HSP <input type="checkbox"/>	NON HSP <input type="checkbox"/>
DRIVER'S LICENSE		STATE	EXP.	SOCIAL SECURITY NO.			ON HWY/STREET PRIVATE/PUBLIC PROPERTY
VEHICLE PLATE	EXP.	STATE	MAKE	YEAR	MODEL	COLOR	AT
COMPLAINT NO.						COUNTY OF SHEBOYGAN, City/Village/Town of:	
YOU ARE HEREBY NOTIFIED TO APPEAR IN THE ABOVE NAMED COURT						OFFICER'S SIGNATURE (PRINT)	
ON _____ 19 AT _____ A.M. P.M.							
LOCATED AT 615 N. 6TH ST., SHEBOYGAN, WI 53081						DATE	PAGE
IMPORTANT: READ NOTICE ON BACK						1	

SCF-1010

WHITE/COURT

PINK/DEFENDANT

MANILA/AGENCY

90.03 STIPULATION OF GUILT OR NO CONTEST. Stipulations of "Guilty" or "No Contest" may be made by persons to whom a citation has been issued for violation of an ordinance. Stipulations shall conform to the form contained in Wis. Stat. § 66.19(3). It may be accepted within ten (10) days of the date of the alleged violation. Stipulations may be accepted by the Clerk of Courts of Sheboygan County, Wisconsin.

- 90.04 DEPOSIT. Any person stipulating "Guilty" or "No Contest" under Subsection 90.03 of this Code must make the deposit required under Wis. Stat. § 66.119 as determined under Subsection 90.05 of this Code. Deposits may be brought or mailed to the Clerk of Courts' Office of Sheboygan County, Wisconsin, as directed by the arresting officer. If a citation is issued at a time when the Clerk of Courts' Office is not open, the cash deposits may be accepted at a stationary law enforcement office where a receipt can be issued. Receipts shall be given for all cash deposits.
- 90.05 BOND AND DEPOSIT SCHEDULE. The cash deposits herein referred to, together with the taxable costs and disbursements and the levy of the penalty assessment where applicable according to Wis. Stat. § 165.87 shall be set forth in a "Bond Schedule" and shall be filed with the Clerk of Circuit Courts and thereupon is made a part of this Ordinance by reference.
- (1) The cash deposit amounts on said "Bond Schedule" shall be determined by a majority of the Circuit Judges for Sheboygan County, and where no specific amount is so set by said Judges, then the State of Wisconsin Revised Uniform State Traffic Deposit Schedule, or Alcohol Beverages, Harassment and Safety Violations Deposit Schedule, or Uniform Misdemeanor Bail Schedule, or Trespass to Land Deposit Schedule in existence at the time of the violation shall be utilized, and in the absence of any schedule or applicable amount, the bond shall be Fifty Dollars (\$50.00) plus the penalty assessment, and court costs.
 - (2) The deposits or forfeited penalties under this Chapter shall be delivered to the Sheboygan County Clerk of Courts as soon as practical.
- 90.06 ISSUANCE OF CITATIONS. As authorized by Wis. Stat. § 66.119(2) any County law enforcement officer may issue the citations authorized by this Chapter. In addition, those persons who are correctional supervisors of the jail or who hold the position of Planning and Conservation Director or the Director's designee or Check Fraud Investigator may issue citations with respect to Ordinances which are directly related to their official responsibilities.

History: Ord. 3 (2010/11)

CHAPTER 91
COLLECTION OF DELINQUENT TAXES

- 91.01 PENALTY ON DELINQUENT TAXES AND SPECIAL ASSESSMENTS
- 91.02 COLLECTION EFFORTS BY TREASURER
- 91.03 REFERRALS FOR LEGAL ACTION
- 91.04 COUNTY TO PURCHASE LANDS AT TAX SALES
- 91.05 FORECLOSURE OF DELINQUENT TAXES BY ACTION *IN REM*.
- 91.06 APPRAISAL OF LAND ACQUIRED BY COUNTY FOR TAXES
- 91.07 REAPPRAISAL
- 91.08 RESALE OF LANDS ACQUIRED BY COUNTY TAX FORECLOSURE—
GENERALLY
- 91.09 SAME-RIGHT OF FORMER OWNER TO OBTAIN
- 91.10 ADVERTISEMENT OF SALE
- 91.11 DISBURSEMENTS OF SALE PROCEEDS

CHAPTER 91

COLLECTION OF DELINQUENT TAXES

91.01 PENALTY ON DELINQUENT TAXES AND SPECIAL ASSESSMENTS. There is imposed a penalty of one-half percent (½%) per month or fraction of a month, in addition to the interest provided for in sec. 74.47, Stats., on all personal property taxes, real estate taxes, and special assessments that are over-due or delinquent. The County Treasurer shall exclude the additional revenue generated by the penalty from the distributions required by sec. 74.47(3), Stats.

91.02 COLLECTION EFFORTS BY TREASURER.

(a) In General. The County Treasurer, at least once each year sometime prior to September 1st, by written mail to the last known address, shall notify all property owners that their taxes are delinquent setting forth in detail such delinquencies, specifically advising owners that the County, by formal court action, may seek a judgment holding the owner(s) personally liable and/or foreclose and take title to such property if said taxes are not paid and setting forth the time after which said delinquencies shall be referred for legal action.

(b) Personal Liability of Owner(s). Prior to the filing of any civil action to establish personal liability for delinquency on any current or prior owner, the following procedures shall be completed:

(1) The Finance Committee shall have been presented with a written report by the Treasurer listing the delinquencies by year and the names and addresses of the owner(s) during the applicable years with the dates of any transfers of ownership.

(2) The Finance Committee shall have determined which of the current and previous owners should be held personally liable.

(3) The Treasurer shall have provided written notice to such owner(s), as the Finance Committee may determine, that the County intends to file a civil action for recovery of delinquencies if the delinquencies are not cured by a specified deadline.

91.03 REFERRALS FOR LEGAL ACTION. At least once each year, the Treasurer shall submit to the Corporation Counsel's office for tax foreclosure all delinquencies which qualify for foreclosure action under state law and which, in the judgment of the Treasurer, are not collectible without such action.

91.04 COUNTY TO PURCHASE LANDS AT TAX SALES. The County Treasurer shall bid in, on the third Tuesday of October in each year, and become the purchaser of all tax certificates sold for delinquent taxes, except for the portion representing special assessment, in the County for the amount of taxes, interest, and charges remaining unpaid thereon. The County Treasurer shall not sell or assign to persons any tax certificates owned by the County that the County had purchased at any tax sales.

91.05 FORECLOSURE OF DELINQUENT TAXES BY ACTION *IN REM*. The County hereby continues in effect its previous election to adopt the provisions of sec. 75.521, Stats., ("*In Rem* foreclosure") for the purpose of enforcing tax liens in the County.

91.06 APPRAISAL OF LAND ACQUIRED BY COUNTY FOR TAXES. The Finance Committee of the County Board is authorized to appoint an appraiser to make appraisals on property that has been acquired by judgment in an *In Rem* Tax Foreclosure Action by the County Treasurer. The cost of the appraisals shall be paid out of the *In Rem* Tax Foreclosure Account and thereby be absorbed in the redemption or sale proceeds of the properties.

91.07 REAPPRAISAL. When a parcel of real estate that has been acquired by foreclosure judgment (tax deed) has been owned by the County for more than one (1) year, it cannot be sold until such parcel of real estate has been reappraised to ascertain its then current value.

91.08 RESALE OF LANDS ACQUIRED BY COUNTY BY TAX FORECLOSURE—
GENERALLY.

(a) The power of the County Board of Supervisors to sell lands that are acquired by judgment in an "*In Rem. Tax*" foreclosure action is hereby delegated to the Finance Committee of the County Board.

(b) The terms and conditions of any such transfer shall be determined by the Finance Committee and shall have the same force and effect as if so determined by the County Board of Supervisors.

91.09 SAME-RIGHT OF FORMER OWNER TO OBTAIN.

(a) At the option of the County, former owners or surviving spouses or minor children of former owners may be granted the right to repurchase lands to which the County has taken title through delinquent tax enforcement collection by payment of:

(1) All delinquent taxes together with interest thereon to the date of payment;

(2) A pro-rata share of the costs of the proceedings; and

(3) An additional sum equal to ten percent (10%) of the foregoing total cost. Any sale made under the provisions of this Section shall be exempt from all of the requirements of sec. 75.69, Stats.

(b) This Section is merely permissive. After proceedings for publication and sale of such lands, pursuant to sec. 75.69, Stats., have been begun, the County may refuse to grant the privilege of repurchase provided by Subsection (a).

(c) This Section shall not apply to lands that have been improved for or dedicated to a public use by the County subsequent to their acquisition.

91.10 ADVERTISEMENT OF SALE.

(a) No tax delinquent real estate acquired may be sold unless the sale and appraised value of such real estate has first been advertised by publication of a Class 3 notice, under ch. 985., Stats. The Committee may accept the bid most advantageous to it but every bid less than the appraised value of the property shall be rejected. Notwithstanding the same, the Committee may advertise the sale of any or all of its real estate that has been tax delinquent for at least four (4) years by publishing a Class 3 notice under ch. 985, Stats., indicating in which municipality or municipalities and in which municipal ward or wards the real estate is located and the place and date for filing written bids but without listing specific parcels or appraised values for the parcels, if the County makes readily available in the Courthouse a list of the parcels and the appraised value of each parcel. Notice of such sale shall be mailed to the Clerk of the municipality in which the real estate is located at least three (3) weeks prior to the time of the sale.

(b) Subsection (a) above shall not apply to exchange of property under sec. 59.97(8), Stats., nor to withdrawal and sale of county forest lands, nor to the sale or exchange of lands to or between municipalities or to the state.

91.11 DISBURSEMENTS OF SALE PROCEEDS. All proceeds from the sale of tax delinquent property shall be disbursed in the following manner:

- (a) The costs of sale shall be first paid.
- (b) A prorated share of the costs of the foreclosure action shall be paid. The Treasurer shall make a determination of the proper proration of the total costs and allocate the same at the time the judgment of foreclosure is obtained.
- (c) The interest on the delinquent taxes shall be paid.
- (d) The delinquent taxes themselves shall be paid.
- (e) The special charges, if any, shall be paid.
- (f) The special assessments, if any, shall be paid.
- (g) The remaining funds shall be remitted to the *In Rem*. Tax Foreclosure Account as an offset for tax collection efforts.

CHAPTER 92
COUNTY COMMUNICATIONS COUNCIL

- 92.01 CREATION OF COUNCIL
- 92.02 MEMBERSHIP
- 92.03 COUNCIL ORGANIZATION
- 92.04 DUTIES
- 92.05 STAFF SERVICES
- 92.06 COUNCIL MEETINGS
- 92.07 RULES OF ORDER AND OPERATING PROCEDURES

CHAPTER 92
COUNTY COMMUNICATIONS COUNCIL

92.01 CREATION OF COUNCIL. There is hereby established a County Communications Council which shall have such duties and responsibilities as hereinafter set forth.

92.02 MEMBERSHIP. Members to the Council shall be appointed by the Chairperson of the County Board, subject to confirmation of the County Board, which members shall be from the following agencies, disciplines, or areas of expertise, but not to exceed a total of twelve (12) members:

- (a) Volunteer fire departments (2);
- (b) Law enforcement--city;
- (c) Law enforcement--county;
- (d) Private ambulance services;
- (e) Rescue services;
- (f) County government;
- (g) City government;
- (h) Emergency government;
- (i) County information systems;
- (j) Members at large.

Such members shall be volunteers who agree to serve without pay.

92.03 COUNCIL ORGANIZATION. The officers of the Council shall be a Chairperson, Vice-Chairperson, and Secretary who shall be elected by members of the Council.

92.04 DUTIES. The Council shall operate in an advisory capacity to the Law Committee and shall have the following duties:

- (a) The Council shall produce, maintain, and update a current emergency communications system plan for Sheboygan County.
- (b) The Council shall identify problems and needs of existing emergency communications systems.
- (c) The Council shall develop plans and goals for changing and upgrading emergency communications systems within Sheboygan County, as applicable.
- (d) The Council shall have responsibility for county-wide coordination of all emergency communications systems within Sheboygan County.
- (e) The Council shall carry out such other duties as may from time to time be assigned to it by the Law Committee of the County Board.

92.05 STAFF SERVICES. The Operations Division of the Sheriff's Department shall provide staff services for the Council and shall act as liaison to the Law Committee.

92.06 COUNCIL MEETINGS. The Council shall meet quarterly. Special meetings may be called pursuant to any additional rules of order as may be adopted by the Council. Meetings will be open and notices of said meetings shall be posted in advance as required by the Wisconsin Open Meetings Law (secs. 19.81 through 19.98, Stats.).

92.07 RULES OF ORDER AND OPERATING PROCEDURES. The Council may, by majority vote, establish such additional rules of order and operating procedures as it determines necessary, except such rules shall not be inconsistent with the authority herein granted.

CHAPTER 93
MOTOR VEHICLE TOWING AND ROADSIDE SERVICES

- 93.01 GENERAL PUBLIC
- 93.02 SHERIFF'S DEPARTMENT, IMPOUNDED, AND ABANDONED VEHICLES
- 93.03 VEHICLES REQUIRING HEAVY-DUTY TOW TRUCKS AND OTHER SPECIAL CIRCUMSTANCES
- 93.04 CONSTRUCTION

CHAPTER 93

MOTOR VEHICLE TOWING AND ROADSIDE SERVICES

93.01 GENERAL PUBLIC. When it becomes necessary for the Sheriff's Department to utilize existing towing and roadside services it will do so in a fair and impartial manner, based on the capability to perform, the geographical proximity to the roadside incident, availability to timely provide the service, and any other factor relevant to achieving the greatest degree of safety for the motoring public and care for injured parties and damaged or disabled vehicles and property.

(a) Owner's Request. In all situations where it is appropriate, the owner or driver shall be allowed to choose a towing service. The selected service will be utilized if there is no adverse impact on safety to the motoring public and the service is located within reasonable geographic proximity to the roadside scene.

(b) Rotation Listing. When an owner or driver does not specify a particular service or is unable or unavailable to do so, a towing services rotation listing will be utilized by the Sheriff's Department except for roadside occurrences that require special heavy-duty equipment, vehicles, or expertise.

(c) Qualifications and Requirements. In order to ensure that the motoring public in Sheboygan County will receive competent and responsible towing services, the following minimum standards shall be required for placement on the Sheriff's Department rotation listing:

(1) The towing service must make application to the Sheriff's Department for inclusion on the listing in the manner required by the Department.

(2) The towing service must show that its operations and equipment are in compliance with all applicable State of Wisconsin laws and Administrative Codes and that the compliance will be maintained at all times.

(3) The service must provide twenty-four-hour-per-day, seven-day-per-week service with a maximum response time of forty (40) minutes. Response time is defined as the time period between the call from the Sheriff's Department and the service arriving at the roadside scene.

(4) Vehicles, equipment, and trained personnel shall be capable of adequate performance at the roadside scene.

(5) Towing services personnel shall not be under the influence of alcohol or drugs when responding to a call for service.

(6) Towing services personnel shall comply with all reasonable directives of a police officer when at the roadside scene.

(d) Removals from Rotation Listing. Any towing service which fails to comply with the minimum qualifications and requirements for rotation listing may be removed from the listing. Notification of removal shall be by letter. The Sheriff shall be responsible for determining removal and the time period of suspension from the listing.

(e) Hearing. A towing service that receives a notification of removal from the rotation listing may request a hearing with the Law Committee. Such request must be made within ten (10) days of receipt of notification of removal. The Law Committee shall conduct the hearing within thirty (30) days of receipt of the request. Law Committee decisions shall be final.

93.02 SHERIFF'S DEPARTMENT, IMPOUNDED, AND ABANDONED VEHICLES. Towing and roadside services for vehicles owned by the County, abandoned vehicles, and vehicles impounded by the

Sheriff's Department may be contracted for. The contracting process shall be in the manner prescribed by the Law Committee.

93.03 VEHICLES REQUIRING HEAVY-DUTY TOW TRUCKS AND OTHER SPECIAL CIRCUMSTANCES. Towing and roadside services in circumstances requiring heavy-duty tow trucks and/or roadside situations where special expertise, equipment, or vehicles are required may be contracted for without regard to the rotational system set forth in Section 93.01(b) of this Code. The contracting process shall be in the manner prescribed by the Law Committee.

93.04 CONSTRUCTION. The herein Ordinance shall, however, not be construed as granting any rights to towing or other service vendors and when, in the judgment of the officer(s) at a site, compelling reasons exist for other action, such as release of trapped victims, danger to other users of the road, components of critical care for special property or hazardous property appear to require more than routine attention, a need to reopen the highway immediately because of weather conditions, etc., then in such circumstances the herein provisions shall be construed to be directory only and shall not be subject to court enforcement.

CHAPTER 94

DISTRICT ATTORNEY FEES

94.01 COMPLIANCE WITH STATE LAW

94.02 CHECK FRAUD AND DIVERSION FEE

CHAPTER 94

DISTRICT ATTORNEY FEES

94.01 COMPLIANCE WITH STATE LAW. The District Attorney shall comply with all statutes and administrative regulations concerning fees to be charged for services and programs provided.

94.02 CHECK FRAUD AND DIVERSION FEE. To the extent that the District Attorney administers a check fraud investigation process and allows persons accused of issuing worthless checks to enter into a diversion program administered by the District Attorney's office in lieu of prosecution, the District Attorney shall charge a fee to the person entering into the diversion program. This fee shall be made payable to the Sheboygan County Treasurer and shall be used to finance the check fraud investigation and diversion program. The fee shall be Thirty-five Dollars (\$35.00) or twenty percent (20%) of the total amount of the checks collected through the diversion program for the individual, whichever is greater. Nothing contained herein precludes limiting the District Attorney's discretion to waive any fees otherwise required hereunder.

CHAPTER 95
IMPOUND STORAGE FEES

- 95.01 STORAGE FEE
- 95.02 PAYMENT OF STORAGE FEES
- 95.03 ITEMS NOT RECLAIMED
- 95.04 OBLIGATIONS AFTER SALE
- 95.05 IMMOBILIZATION OF VEHICLES
- 95.06 DAMAGES FOR LOST, DAMAGED, OR DESTROYED IMMOBILIZATION DEVICES

Chapter 95
IMPOUND STORAGE FEES

95.01 STORAGE FEE. For all vehicles or items stored in the County's leased or owned facilities, a fee of Four Dollars (\$4.00) per day shall be charged for such storage. The fee shall be assessed from the first day stored, except in the case of vehicles sold under Section 95.04, below, or vehicles seized as evidence and in cases where the Court orders storage fees abated. In these instances, fees shall be assessed commencing thirty (30) days after the registered letter authorizing release of the stored vehicle is sent to the last known address of the owner of the vehicle.

95.02 PAYMENT OF STORAGE FEES. Said storage fees shall be paid upon release of said stored items to the owner except that if the items are being sold, then said fees shall be paid out of the proceeds from the sale of said items.

95.03 ITEMS NOT RECLAIMED. Each retained vehicle or item not reclaimed by its owner or lienholder within thirty (30) days after sending written notice to the last known address of the owner may be sold. The Sheriff or his designee may dispose of the vehicle or item by sealed bid or auction sale. At such sale, the highest bid of any such motor vehicle or item shall be accepted unless the same is deemed inadequate by the County representative, in which event all bids may be rejected. If all bids are rejected or no bid is received, the County may either re-advertise the sale, adjourn the sale to a definite date, sell the motor vehicle or item at a private sale, or junk the same. Any interested person may offer bids on each abandoned vehicle or item to be sold.

95.04 OBLIGATIONS AFTER SALE. Upon sale of any abandoned vehicle, Sheboygan County shall supply the purchaser with a completed form designed by the Sheriff's Department enabling the purchaser to obtain a regular certificate of title for the vehicle. The purchaser of any item shall then have ten (10) days to remove the vehicle from the storage area but shall pay a reasonable storage fee established by Sheboygan County for each day the item remains in storage after the second business day subsequent to the sale date. Ten (10) days after the sale, the purchaser shall forfeit all interest in the item and said item shall be deemed to be abandoned and may be sold again. Any listing of items to be sold by Sheboygan County shall be made available to any interested person or organization which makes a written request for such list at a fee for the lists similar to costs for other copies of public records.

95.05 IMMOBILIZATION OF VEHICLES. In the event the Sheriff's Department is directed by any court of record, pursuant to ch. 346, Stats., to immobilize any vehicle, the owner thereof shall pay a fee of Fifty Dollars (\$50.00) to the Sheriff's Department at the time the vehicle is immobilized as reimbursement for the Department's costs in such immobilization and subsequent removal of immobilization equipment.

95.06 DAMAGES FOR LOST, DAMAGED, OR DESTROYED IMMOBILIZATION DEVICES. If any immobilization device is lost, damaged, or destroyed while connected to a vehicle, the owner shall be liable for the cost of replacing the immobilization device including, but not limited to, any costs incurred by the Department in attempting to recoup the cost of the device.

CHAPTER 96
SHERIFF'S AND CORONER'S FEES

- 96.01 COMPLIANCE WITH STATE LAW
- 96.02 SERVICE OF PROCESS
- 96.03 EXECUTION ON JUDGMENT, WRITS, AND WARRANTS
- 96.04 TRAVEL; CIVIL PROCESS
- 96.05 INJUNCTIONS AND RESTRAINING ORDERS
- 96.06 TRAVEL; CRIMINAL PROCESS
- 96.07 PREPAYMENT OF FEES
- 96.08 SALES OF REAL ESTATE
- 96.09 COLLECTION FROM DEFENDANTS
- 96.10 MEDICAL CERTIFICATIONS
- 96.11 CREMATION PERMITS
- 96.12 DISINTERMENT FEE
- 96.13 TRANSPORT CHARGES.
- 96.14 TISSUE HARVESTING

- 96.01 COMPLIANCE WITH STATE LAW. The Sheriff and Coroner shall comply with all statutes and administrative regulations concerning fees to be charged for services provided, except as set forth in the following provisions where the County Board is empowered to establish a higher fee.
- 96.02 SERVICE OF PROCESS. Pursuant to Wis. Stat. §§ 814.70(1) and 814.705(1), the fee for each service or attempted service of a summons or any other process for commencement of an action, a writ, an order of injunction, a subpoena or any other order whether in a criminal, forfeiture, or civil matter shall be Sixty Dollars (\$60.00) for each defendant or person and shall include up to three (3) attempts.
- 96.03 EXECUTION ON JUDGMENT, WRITS, AND WARRANTS. Pursuant to Wis. Stat. §§ 814.70(2) and 814.705(1), the service fee for an execution on a judgment demanding payment thereof or an attempt to execute shall be Seventy five Dollars (\$75.00) per defendant or person. The fee for execution of a writ of replevin, writ of assistance, writ of restitution, or any other writ, warrant, or an attempt to execute shall be Seventy five Dollars (\$75.00) per defendant or person and shall include up to three (3) attempts. Upon successful service, the fee shall include up to one hour of the executing officer's presence. Any additional time shall be billed at the officer's hourly rate. The fee for execution of a warrant shall be Twenty five Dollars (\$25.00) per defendant or person.
- 96.04 TRAVEL; CIVIL PROCESS. Pursuant to Wis. Stat. §§ 814.70(3) and 814.705(1), the fee for travel in serving any summons, writ, or other process except criminal warrants, shall be CHARGED AT THE STANDARD County-approved mileage rate for business reimbursement in effect at the time the mileage fee is incurred.
- 96.05 INJUNCTIONS AND RESTRAINING ORDERS. Pursuant to Wis. Stat. § 814.70(1), no fee shall be charged to a petitioner for service of a petition for a domestic abuse injunction, child abuse restraining order, restraining order or injunction for individuals at risk, or harassment restraining order for stalking. If convicted of violating a temporary restraining order or injunction, the respondent shall be responsible for service fees.
- 96.06 TRAVEL; CRIMINAL PROCESS. Pursuant to Wis. Stat. §§ 814.70(4) and 814.705(4), the fee for travel in serving any criminal process shall be charged at the standard County-approved mileage rate for business reimbursement in effect at the time the mileage fee is incurred.
- 96.07 PREPAYMENT OF FEES. The party requesting service shall pay the fee at the time of the request unless exempt under Section 96.05 above or the Wisconsin Statutes.
- 96.08 SALES OF REAL ESTATE. Pursuant to Wis. Stat. §§ 814.70(9) and 814.705(2), the fee for all necessary activities of the Sheriff in connection with the sale of real estate under any judgment

or order of the court shall be One Hundred Fifty Dollars (\$150.00) of which Seventy -five Dollars (\$75.00) shall be prepaid and non-refundable.

- 96.09 COLLECTION FROM DEFENDANTS. Pursuant to Wis. Stat. §§ 814.60(3), 814.70, and 973.06(1) where fees are incurred for service of process and travel in service of process, the Sheriff shall request the prosecuting agency to ask the sentencing court to impose such fees upon the defendant upon conviction.
- 96.10 MEDICAL CERTIFICATIONS. Pursuant to Wis. Stat. §§ 59.36 and 69.18(2)(d)3, the Coroner may charge a fee for the issuance of a medical certification if in the opinion of the Coroner the time and expense related to the issuance of the certification is beyond the usual and ordinary expense for such activity. The fee charged by the Coroner for each medical certification of the cause of death shall be no more than One Hundred Dollars (\$100.00).
- 96.11 CREMATION PERMITS. Pursuant to Wis. Stat. §§ 59.36, and 979.10, the fee charged by the Coroner for each cremation permit issued shall be One Hundred Dollars (\$100.00).
- 96.12 DISINTERMENT FEE. Pursuant to Wis. Stat. §§ 59.36, the fee charged by the Coroner for each disinterment shall be One Hundred Dollars (\$100.00).
- 96.13 TRANSPORT CHARGES. Pursuant to Wis. Stat. § 59.36, the charge assessed by the Coroner for transporting a deceased person from a death scene to a County morgue or a holding facility shall be One Hundred Sixty-five Dollars (\$165.00).
- 96.14 TISSUE HARVESTING. In the event a tissue harvesting organization uses the County morgue facilities for its activities, the Coroner shall charge the organization a fee that the Coroner believes is commercially reasonable for the actual and necessary expenses for the use of the facilities.

CHAPTER 97
CHILD SUPPORT FEES

- 97.01 COMPLIANCE WITH STATE LAW
- 97.02 PRIVATE CASE FEES
- 97.03 CHILD SUPPORT AGENCY DISCRETION

97.01 COMPLIANCE WITH STATE LAW. The Child Support Agency shall comply with all statutes and administrative regulations concerning fees to be charged for services provided except as set forth in the following provisions where the County Board is empowered to establish a fee.

97.02 PRIVATE CASE FEES. Pursuant to Wis. Stat. §§ 49.22(6) and 59.53(5), there is established a uniform fee to non-IV-D participants who do not submit an Application for Services to the Child Support Agency and who are otherwise subject to fee provisions as follows:

- (1) Process income withholding notices..... \$35.00 per request
- (2) Account reconciliation (audit) \$35.00 per year requested
- (3) Reconciliation of a percentage-
expressed obligation \$35.00 per year
(By Court Order with income provided)
- (4) Printed payment history \$35.00 per request or as
allowed per Wis. Stat. § 19.35(3)(a),
whichever is less
- (5) Credit account for direct payments..... \$35.00 per request

97.03 CHILD SUPPORT AGENCY DISCRETION. Nothing contained herein precludes the Child Support Agency from waiving or reducing any fees established herein when, in the exercise of discretion, the Child Support Agency determines that the imposition of the uniform fee would be inappropriate.

History: Ord. 8 (2012/13);

CHAPTER 98

RESERVED

CHAPTER 99

RESERVED