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RESOLUTION # 19-2018
ORDINANCE AMENDMENT #1-2018
CHAPTER 15 OF THE ONEIDA COUNTY
SUBDIVISION CONTROL ORDINANCE

Ordinance Amendment offered by the Planning and Development Committee.

Resolved by the Board of Supervisors of Oneida County, Wisconsin:

WHEREAS, the Planning & Development Committee, having considered Ordinance Amendment #1-2018, which was filed February 8, 2018 (copy attached) to amend Chapter 15, Sections 15.16 and 15.18 of the Oneida County Subdivision Control Ordinance, and having given notice thereof as provided by law and having held a public hearing thereon February 7, 2018, and having been informed of the facts pertinent to the changes which are as follows:

WHEREAS, 2015 Wisconsin Act 55 does not prohibit Private Onsite Wastewater Treatment System (POWTS) inspections as part of a land division ordinance; and

WHEREAS, as part of a land division, the existing POWTS should be inspected and if determined to be failing, corrected and brought up to code; and

WHEREAS, the Planning and Development committee has carefully studied the proposed changes after listening to comments made at the public hearing and recommends approval.

NOW, THEREFORE, THE ONEIDA COUNTY BOARD OF SUPERVISORS DOES ORDAIN AS FOLLOWS:

Section 1. Any existing ordinances, codes, resolutions, or portions thereof in conflict with this ordinance shall be and hereby are repealed as far as any conflict exists.

Section 2. This ordinance shall take effect the day after passage and publication as required by law.

Section 3. If any claims, provisions or portions of this ordinance are adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected thereby.

Section 4. Chapter 15 of the General Code of Oneida County, Wisconsin, is amended as follows [additions noted by underline, deletions noted by strikethrough]:

15.16 APPLICATION AND REVIEW OF MINOR SUBDIVISIONS.

15.16 (1) through (2)(r) remain unchanged and 15.16 (3) through (10) remain unchanged.

S. POWTS Inspection (POWTS installed prior to July 1, 1980)

1. An existing POWTS inspection is required for all minor subdivisions for POWTS installed prior to July 1, 1980. A system regulated by the mandatory maintenance program specified in Chapter 13.53(1) of the Oneida County Private Onsite Wastewater Treatment Systems

48 Ordinance at the time of division or transfer may be precluded from
49 this section at the discretion of the Zoning Administrator. An existing
50 system inspection is not required if a letter from the host municipality
51 is submitted to the Zoning Office stating a date by which the structure
52 is required to be connected to a sanitary sewer.

53 2. To adequately determine whether an existing POWTS in failing under
54 conditions defined in s. 145.245(4), Stats., an existing system
55 inspection must include:

56 a. An observation boring described by a certified soil tester extending
57 3' below the bottom of the absorption area which is large enough to
58 clearly depict the presence of groundwater, bedrock, or seasonally
59 saturated soils which adversely affect the operation of the system.
60 The Zoning Office may allow use of a previously filed soil test
61 conducted in an area near the failing system to verify soil conditions
62 if deemed reliable by the Zoning Director.

63 b. A report provided by a plumber, certified septage servicing
64 operator, certified POWTS inspector or other person(s) authorized
65 to do so by SPS 383, Wisconsin Administrative Code, relative to
66 the condition, capacities, and code compliance of any existing
67 treatment or holding tanks.

68 c. A report provided by a plumber, certified POWTS inspector, or
69 other person(s) authorized to do so by SPS 383, Wisconsin
70 Administrative Code, relative to the condition, capacities, and code
71 compliance of all other system components.

72 d. A plot plan prepared by a plumber, certified soil tester, certified
73 POWTS inspection, or other person(s) authorized to do so by SPS
74 383, Wisconsin Administrative Code, including information specified
75 in §13.31(3)(D)3, unless an accurate plot plan is on file with the
76 department.

77 e. An evaluation of the use and wastewater flow of the structure(s)
78 served relative to the capacity of the existing POWTS.

79 f. Verification that all domestic wastewater from the structure
80 discharges into the POWTS.

81 g. A county inspection to verify the results of the existing system
82 inspection may be required. Any cost associated with the inspection
83 including, but not limited to backhoe pits or pumping fees are the
84 responsibility of the owner at the time of the inspection.

85 h. Existing system inspection reports must be submitted to the Zoning
86 Office on forms obtained from the Zoning Office within thirty days of
87 completion of inspection.

88 **15.18 APPLICATION AND REVIEW OF PROPOSED TOWN, COUNTY AND**
89 **STATE SUBDIVISIONS.**

90 15.18 (1) and 15.18 (3) through (7) remain unchanged.

91 2. Preliminary Plat Submittal Requirements. The items outlined for a minor
92 subdivision in Subsections 15.16(2)(A - P S) shall apply to town, County,
93 and State subdivisions in addition to the following:

94 A. The preliminary plat shall be by a land surveyor registered in
95 Wisconsin and comply with the requirements of §236.11, Wis. Stats.

96 The County Clerk shall, within seven (7) days after adoption of Ordinance Amendment
97 #1-2018 by the Oneida County Board of Supervisors, cause a certified copy thereof to
98 be transmitted by mail to the Town Clerks of Oneida County and the Wisconsin
99 Department of Natural Resources.

100
101 Approved by the Planning and Development Committee this 14th day of February 2018.

102
103 Consent Agenda Item: YES NO

104
105 Vote Required: Majority = _____ 2/3 Majority = _____ 3/4 Majority = _____

106
107 The County Board has the legal authority to adopt: Yes No _____ as
108 reviewed by the Corporation Counsel, _____, Date:
109 2/16/18

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111
112 Offered and passage moved by: [Signature]
113 Supervisor

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115 [Signature]
116 Supervisor

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118 [Signature]
119 Supervisor

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121 [Signature]
122 Supervisor

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124 [Signature]
125 Supervisor

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129 _____ Ayes

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_____ Nays

_____ Absent

_____ Abstain

_____ Enacted

by the County Board of Supervisors this ____ day of _____, 2018.

_____ Defeated

Tracy Hartman, Clerk

David Hintz, County Board Chair