

**AGENDA**  
**JEFFERSON COUNTY PLANNING AND ZONING COMMITTEE**  
**DECISION MEETING**

*George Jaeckel, Chair; Steve Nass, Vice-Chair; Blane Poulson, Secretary; Matt Foelker, Cassie Richardson*

**SUBJECT:** Planning and Zoning Committee Decision Meeting  
**DATE:** August 29, 2022  
**TIME:** 8:30 a.m.  
**PLACE:** Room 202 of the Jefferson County Courthouse, 311 S. Center Ave., Jefferson, WI  
OR Via Zoom Videoconference

**YOU MAY ATTEND VIRTUALLY BY FOLLOWING THESE INSTRUCTIONS:**

[https://zoom.us/meeting/register/tJEkf--hpi4pHd2y7-u8i9MUTAbnqMB\\_1Qxy](https://zoom.us/join/zoom/register/tJEkf--hpi4pHd2y7-u8i9MUTAbnqMB_1Qxy)

Meeting ID: 959 8698 5379

Passcode: Zoning

1. Call to Order
2. Roll Call (Establish a Quorum)
3. Certification of Compliance with Open Meetings Law
4. Approval of the Agenda
5. Public Comment (Not to exceed 15 minutes and not to include petitions slated for decision. Members of the public who wish to address the Committee on specific agenda items must register their request at this time)
6. Approval of July 21, July 25, August 12 and August 18 Meeting Minutes
7. Approval of July 20, 2022 Meeting Minutes of Joint Committees (Board of Health, Executive Committee, Land and Water Conservation, Planning and Zoning and Solid Waste)
8. Communications
  - a. Complaint re: N8367 County Road E Owned by Juan Esquivel Garcia and Juana Esquivel
9. July Monthly Financial Report for Register of Deeds – Staci Hoffman
10. July Monthly Financial Report for Land Information Office-Matt Zangl
11. August Monthly Financial Report for Zoning – Matt Zangl
12. Discussion on Solar Energy Facilities
13. Discussion on WE Energies Liquefied Natural Gas (LNG) Facility in the Town of Ixonia
14. Discussion and Possible Action on Updating the Private Onsite Wastewater Treatment System Ordinance
15. Discussion and Possible Action on Allowing Shipping Containers on Residential Properties
16. Discussion and Possible Action on Petitions Presented in Public Hearing on August 18, 2022:

**R4420A-22 – Dane Hartwig:** Create a 2-ac building site on **Switzke Rd** from part of PIN 008-0715-2911-001 (39.836 ac) in the Town of Farmington. This is in accordance with Sec 11.04(f)8 of the Jefferson County Zoning Ordinance.

**R4421A-22 – Brian & Jennifer Statz:** Create two, 1-acre building sites on **Saucer Dr** in the Town of Farmington from part of PIN 008-0715-1123-000 (37.4 ac), This is in accordance with Sec 11.04(f)8 of the Jefferson County Zoning Ordinance.

**R4422A-22 – Brian & Jennifer Statz:** Rezone 2 ac farm consolidation lot with home & buildings at **N6744 Saucer Dr**, Town of Farmington from part of PIN 008-0715-1123-000 (37.4 ac). This is in accordance with Sec 11.04(f)8 of the Jefferson County Zoning Ordinance.

**R4423A-22 – Christy Strobel (CDS Investments LLC):** Create a 1.84-ac lot around the home & buildings at **W3857 Krenz Rd**, Town of Farmington from PIN 008-0715-2812-001 (22.5 ac). This is in accordance with Sec 11.04(f)8 of the Jefferson County Zoning Ordinance.

**R4424A-22 – Dennis Adsit:** Create a 3.5-ac lot with an existing home at **N269 Tamarack Rd**, Town of Palmyra from part of PIN 024-0516-3532-000 (40 ac). This is in accordance with Sec 11.04(f)8 of the Jefferson County Zoning Ordinance.

**R4425A-22 – Dennis Adist:** Create a 4.1-ac lot around the existing home at **N249 Tamarack Rd**, Town of Palmyra from PIN 024-0516-3532-002 (40 ac). This is in accordance with Sec 11.04(f)8 of the Jefferson County Zoning Ordinance.

**R4426A-22 – Scott & Jennifer Hussinger:** Rezone to create a 1-ac building site on Rome Oak Hill Rd, Town of Sullivan from part of PIN 026-0616-2822-002 (26.813 ac). This is in accordance with Sec 11.04(f)8 of the Jefferson County Zoning Ordinance.

**CU2130-22 – Fred Wayne:** Conditional use to allow for multiple dwelling unit structures (one four-plex OR two duplexes) on an R-1 zone at **W8042 County Road B**, Town of Lake Mills on PIN 018-0713-0233-029 (1.401 ac). This is in accordance with Sec 11.04(f)1 of the Jefferson County Zoning Ordinance.

**CU2131-22 – Jeremy Porter:** Conditional use to add an amusement/recreation facility (indoor golf) to the existing bowling alley at **W9534 US Highway 12** in the Town of Oakland. The site is on PIN 022-0613-0731-003 (1.275 ac) in a Business zone. This is in accordance with Sec 11.04(f)3 of the Jefferson County Zoning Ordinance.

**CU2058-20 – Paul Elliot & Dianne Owens:** Conditional use to allow for an agricultural tourism; banquet hall/conference center/event facility; wine tasting room; retail sales of agricultural related items not grown on the premises in an approved A-2 zone at **N7040 Saucer Dr**, Town of Farmington on PIN 008-0715-0232-001 (2.002 ac). This is in accordance with Sec 11.04(f)7 of the Jefferson County Zoning Ordinance.

**17. Possible Future Agenda Items**

**18. Upcoming Meeting Dates**

**September 9, 8:00 a.m. – Site Inspections Beginning in Courthouse Room 203**

**September 15, 7:00 p.m. – Public Hearing in Courthouse Room 205**

**September 26, 8:30 a.m. – Decision Meeting in Courthouse Room 202**

**October 14, 8:00 a.m. – Site Inspections Beginning in Courthouse Room 203**

**October 20, 7:00 p.m. – Public Hearing in Courthouse Room 205**

**October 31, 8:30 a.m. – Decision Meeting in Courthouse Room 202**

**19. Adjourn**

**If you have questions regarding the petitions, please contact the Zoning Department at 920-674-7131. Petition files referenced on this agenda may be viewed in Courthouse Room 201 between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday, excluding holidays. Materials covering other agenda items can be found at [www.jeffersoncountyiwi.gov](http://www.jeffersoncountyiwi.gov).**

A quorum of any Jefferson County Committee, Board, Commission or other body, including the Jefferson County Board of Supervisors, may be present at this meeting.

Individuals requiring special accommodations for attendance at the meeting should contact the County Administrator at 920-674-7101 at least 24 hours prior to the meeting so that appropriate arrangements can be made.

*A digital recording of the meeting will be available in the Zoning Department upon request.*

**NOTICE OF PUBLIC HEARING**  
**JEFFERSON COUNTY PLANNING AND ZONING COMMITTEE**

*George Jaeckel, Chair; Steve Nass, Vice-Chair; Blane Poulson, Secretary; Matt Foelker, Cassie Richardson*

**SUBJECT:** Map Amendments to the Jefferson County Zoning Ordinance and Requests for Conditional Use Permits  
**DATE:** Thursday, July 21, 2022  
**TIME:** 7:00 p.m. (*Courthouse doors will open at 6:30*)  
**PLACE:** Room 205, Jefferson County Courthouse, 311 S. Center Ave., Jefferson, WI  
**OR Via Zoom Videoconference**

**PETITIONERS OR MEMBERS OF THE PUBLIC MAY ATTEND THE MEETING VIRTUALLY BY FOLLOWING THESE INSTRUCTIONS IF THEY CHOOSE NOT TO ATTEND IN PERSON:**

You are invited to a Zoom meeting.  
When: July 21, 2022 at 07:00 PM Central Time (US and Canada)  
Meeting ID: 957 3344 0565  
Passcode: Zoning

Register in advance for this meeting:

<https://zoom.us/j/95733440565?pwd=eHZRbHZXWXhlUnlKdkhtOXhoTmtNZz09>

After registering, you will receive a confirmation email containing information about joining the meeting.

**1. Call to Order**

The meeting was called to order by Chairman Jaeckel at 7pm.

**2. Roll Call**

Committee members George Jaeckel, Blane Poulson and Matt Foelker were present at 7pm. Cassie Richardson present via zoom, petitioner Richard Schwarze also present via zoom. Also in attendance were Sarah Elsner and Haley Nielsen from the Zoning Department.

**3. Certification of Compliance with Open Meetings Law**

Supervisor Poulson verified that the meeting was being held in compliance with Open Meetings Law.

**4. Approval of Agenda**

Motion by supervisor Matt Foelker seconded by Supervisor Blane Poulson to approve the agenda as presented. Motion passed 2-0.

**5. Explanation of Public Hearing Process by Committee Chair**

Chairman Jaeckel explained the process.

**6. Public Hearing**

Elsner read aloud the following:

**NOTICE IS HEREBY GIVEN** that the Jefferson County Planning and Zoning Committee will conduct a public hearing on Thursday, July 21, 2022 in Room 205 of the Jefferson County Courthouse, Jefferson, Wisconsin. Members of the public will be allowed to be heard regarding any petition under consideration by the Planning and Zoning Committee. **PETITIONERS, OR THEIR REPRESENTATIVES SHALL BE PRESENT EITHER IN PERSON OR VIA ZOOM.** Matters to be heard are petitions to amend the official zoning map of Jefferson County and applications for conditional use permits. A map of the properties affected may be obtained from the Zoning Department. Individual files, which include staff finding of fact, are available for viewing between the hours of 8 a.m. and 4:30 p.m., Monday through Friday, excepting holidays. If you have questions regarding these matters, please contact Zoning at 920-674-7131.

Final action on only the rezoning amendments will be made by the County Board of Supervisors on August 9, 2022.

Final decisions on only the conditional uses will be made by the Planning and Zoning Committee on July 25, 2022.

**FROM A-1, EXCLUSIVE AGRICULTURAL TO A-2, AGRICULTURAL AND RURAL BUSINESS WITH  
CONDITIONAL USE**

**R4418A-22 & CU2126-22 – Ryan & Angela Kraft:** Rezone two acres of PIN 026-0616-2512-002 (10 ac) with conditional use to allow for an office and storage of construction contractor's equipment and materials near **W277 Northey Rd**, Town of Sullivan. This is in accordance with Sec. 11.04(f)7 of the Jefferson County Zoning Ordinance.

**Petitioner Comments:** Ryan Kraft of W277 Northey Rd, Town of Sullivan spoke. He wants to use the property for storage of construction equipment, and an office. He currently has one employee.

**Comments in Favor:** None

**Comments Opposed:** None

**Rebuttal:** None

**Questions from the Committee:** None

**Staff Report:** The complete staff report is in the file and was read by Elsner. Upon questioning, Mr. Kraft said the business hours of the construction business will be M-F 7am-5:30pm. He said he will have no more than 5 employees. There will not be any public visiting the site, and the site will have no signs. There will be basic lighting, near proposed home and by parking of the conditional use. He does plan to have a sink/shower/bathroom.

**Town Decision:** In favor.

**FROM A-1, EXCLUSIVE AGRICULTURAL TO A-3, AGRICULTURAL**

**R4419A-22 – Harold Stilling:** Rezone 0.8 ac of PIN 018-0713-3334-002 (31.513 ac) owned by Stilling Farms Inc. in the Town of Lake Mills to add it to the existing A-3 zoned lot at **W8768 Hope Lake Rd** owned by Michael Noyce. No new lots are being created. This is in accordance with Sec. 11.04(f)8 of the Jefferson County Zoning Ordinance.

**Petitioner Comments:** Harold Stilling of W8840 London Rd, Cambridge spoke. He does not have use for the existing shed on the .8 acres.

**Comments in Favor:** None

**Comments Opposed:** None

**Rebuttal:** None

**Questions from the Committee:** None

**Staff Report:** The complete staff report is in the file and was read by Elsner.

**Town Decision:** In favor.

**CONDITIONAL USE PERMIT APPLICATIONS**

**CU2127-22 – Marijane Cooke:** Conditional use to allow for two horses in a Community zone at **N1351 County Rd N**, Town of Cold Spring on PIN 004-0515-1834-002 (4.2 ac). This is in accordance with Sec. 11.04(f)9 of the Jefferson County Zoning Ordinance.

**Petitioner Comments:** Marijane Cook from N1351 County Rd N, Town of Cold Spring spoke. Explain that they have enough yard and space to accommodate for the horses. Wish to expand a current structure to provide cover for the horses.

**Comments in Favor:** None

**Comments Opposed:** None

**Rebuttal:** None

**Questions from the Committee:** None

**Staff Report:** The complete staff report is in the file and was read by Elsner. Upon questioning, Cooke explained the waste disposal process would be half composted, and half combined with her mother's waste system 2 miles down the road with her horse's waste. Expected structure size of addition would be a total of 20' x 20' x 5'.

**Town Decision:** In favor.

**CU2128-22 – Jeffrey & Cindy Wegner:** Conditional use to have three dogs as household pets in a Residential R-2 zone at **W1339 Woods Dr**, Town of Sullivan on PIN 026-0616-2841-009 (2 ac). This is in accordance with Sec. 11.04(f)2 of the Jefferson County Zoning Ordinance.

**Petitioner Comments:** Cindy Wegner from W1339 Woods Dr, Town of Sullivan spoke. She said they were unaware that they were over the ordinance in regards to number of dogs kept as household pets. Explained that they have a fenced in yard area for the dogs, and that they were small in size dogs about 40 lbs. at the most.

**Comments in Favor:** None

**Comments Opposed:** None

**Rebuttal:** None

**Questions from the Committee:** None

**Staff Report:** The complete staff report is in the file and was read by Elsner. Upon questioning Wegner gave the breed of dogs; soft coated Wheaton terriers. The waste from the dogs goes into the garbage. The dogs are used for personal use, no breeding.

**Town Decision:** In favor.

**CU2129-22 – Richard & Christine Schwarze:** Conditional use for an extensive on-site storage structure of 2,535 square feet, 20 feet 4 inches in height in a Residential R-1 zone at **W8424 Shorewood Meadows Circle**, Town of Lake Mills, on PIN 018-0713-1034-009 (5.48 ac). This is in accordance with Sec. 11.04(f)2 of the Jefferson County Zoning Ordinance.

**Petitioner Comments:** Richard Schwarze present via zoom. Wishes to use the property for storage for personal use, vehicle storage.

**Comments in Favor:** None

**Comments Opposed:** None

**Rebuttal:** None

**Questions from the Committee:** None

**Staff Report:** The complete staff report is in the file and was read by Elsner. Upon questioning, Schwarze said there will be no business taking place, and no bathroom. There will be some exterior lighting on proposed house. Sizing of the structure (height, width, length) is to plan.

**Town Decision:** In favor.

**7. Adjourn**

Motion by Supervisors Foelker/Poulson to adjourn the meeting. Motion passed, and the meeting adjourned at 7:22 p.m.

A Quorum of any Jefferson County Committee, Board, Commission or other body, including the Jefferson County Board of Supervisors, may be present at this meeting.

**Individuals requiring special accommodations for attendance at this meeting should contact the County Administrator 24 hours prior to the meeting at 920-674-7101 so appropriate arrangements can be made.**

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**MINUTES OF THE  
JEFFERSON COUNTY PLANNING AND ZONING COMMITTEE  
DECISION MEETING**

*George Jaeckel, Chair; Steve Nass, Vice-Chair; Blane Poulson, Secretary; Matt Foelker; Cassie Richardson*

**SUBJECT:** Planning and Zoning Committee Decision Meeting  
**DATE:** July 25, 2022  
**TIME:** 8:30 a.m.  
**PLACE:** Room 202 of the Jefferson County Courthouse, 311 S. Center Ave., Jefferson, WI  
OR Via Zoom Videoconference

**YOU MAY ATTEND VIRTUALLY BY FOLLOWING THESE INSTRUCTIONS:**

Register in advance for this meeting:  
[https://zoom.us/meeting/register/tJEkf--hpj4pHd2y7-u8i9MUTAbnqMB\\_1Qxy](https://zoom.us/join/zoom/register/tJEkf--hpj4pHd2y7-u8i9MUTAbnqMB_1Qxy)  
Meeting ID: 959 8698 5379  
Passcode: Zoning

After registering, you will receive a confirmation email containing information about joining the meeting

**1. Call to Order**

The meeting was called to order by Supervisor Jaeckel at 8:30 a.m.

**2. Roll Call (Establish a Quorum)**

Supervisor Nass was absent. All other Committee members were present. Also present were Supervisor Anita Martin; Staci Hoffman, Register of Deeds; and Blair Ward, Corporation Counsel. Guests attending in person were Patricia Brandt, Ronald Brandt, Kimberly Miller, Sally Williams, Dale Konle, Larry Oliverson, Attorney Kathy Gutenkuest, Dianne Owens and Paul Elliot. Guest attending via Zoom included Mary Beth Peranteau

**3. Certification of Compliance with Open Meetings Law**

Poulson verified that the meeting was being held in compliance with Open Meetings Law.

**4. Approval of the Agenda**

Supervisor Jaeckel noted that some items could be moved around to accommodate the guests in attendance.

**5. Public Comment (Not to exceed 15 minutes and not to include petitions slated for decision. Members of the public who wish to address the Committee on specific agenda items must register their request at this time)**

Attorney Kathy Gutenkuest spoke on behalf of Wisteria Castle. She spoke of the letter she supplied for the conditional use last week and asked the Committee to approve the conditional use.

**Attorney Mary Beth Peranteau asked to be heard during item 14.**

**6. Approval of June 16, June 27, July 8 and July 21 Meeting Minutes**

Motion by Supervisors Poulson/Foelker to approve the June 16 minutes as presented. Motion passed 4-0.

Motion by Supervisors Foelker/Poulson to approve the Jun 27 minutes as presented. Motion passed 4-0.

Motion by Supervisors Poulson/Richardson to approve the July 8 minutes as presented. Motion passed 4-0.

Zangl said that the July 21 minutes were not available for review.

**7. Communications**

There were no communications.

**8. June Monthly Financial Report for Register of Deeds – Staci Hoffman**

Hoffman said that recordings are slowing considerably. The office is keeping busy working on back scanning documents. Things are pretty much business as usual.

**9. June Monthly Financial Report for Land Information Office - Matt Zangl**

Zangl noted that retained fees have slowed in the Land Information Office also. As usual, their fees move in a manner similar to Register of Deeds.

**10. July Monthly Financial Report for Zoning – Matt Zangl**

Zangl said that Zoning is keeping status quo. Revenues are similar to last year at this time, down about five new homes as compared to last year. A new cell tower and antenna upgrades make up the difference with some of the larger revenues.

**11. Discussion on Solar Energy Facilities**

**a. Crawfish River Solar**

Zangl explained how the contractors are trying to manage erosion control on open soils as best as possible; the site manager is proactive in resolving issues. A new site visit will take place to inspect the drainage crossings.

**b. Badger State Solar**

Not much to report. The contractor is continuing to work through the planning and permitting process, working with DNR, DATCP and the Drainage Board for draining crossings.

**12. Discussion on WE Energies Liquefied Natural Gas (LNG) Facility in the Town of Ixonia**

Zangl reported that construction is continuing as planned. WE Energies has gotten their permits for the last administration building and holding tank.

**13. Discussion and Possible Action on CU2058-2020 For Paul Elliot and Diane Owens at N7040 Saucer Dr on PIN 008-0715-0232-001 in the Town of Farmington. The Conditional Use Permit is for Agricultural Tourism and was postponed on November 29, 2021.**

Zangl reminded the group of progress to date. The conditional use was tabled for a definition of ag tourism. Since that's been completed, staff recommends taking the conditional use back to public hearing. Ward agreed, saying he believes that enough new information has been provided to require a new hearing. Motion by Supervisors Poulson/Foelker to put CU2058-20 on the August 18, 2022 public hearing. Motion passed 4-0.

**14. Discussion and Possible Action on Notice of Circumstances of Claim and Notice of Claim Pursuant to Wis. Stat. 893.80 for a Claim by Defend Town Plans in Regard to Petition R4379A-22 located near W1432 County Road B and owned by the Boat House of Concord Real Estate LLC (formerly Donald P. & Nancy L. Brunson)**

Zangl brought the Committee up to date on the 6/21/2022 notice of claim filed against the County. Ward recommended that the Committee deny the claim. Attorney Mary Beth Peranteau spoke, asking



the Committee to reconsider, make the required findings and find this inconsistent with the directives of the County Plan. Motion by Supervisors Jaeckel/Poulson to deny the claim. Motion passed 4-0.

**15. Discussion and Possible Action on Zoning Department and Land Information Department Fee Schedules**

Zangl pointed out the changes proposed to each fee schedule and explained them. Motion by Supervisors Poulson/Foelker to the fee schedule changes. Motion passed 4-0.

**16. Discussion and Possible Action on Land Information Office and Planning and Zoning Department Budgets**

Overall the Zoning budget doesn't change much from year to year, Zangl explained. The vast majority of expenses are for personnel. To date expenses are about \$2,000 to \$3,000 less than projected. The summer intern position is very beneficial, and Zangl said he hopes to include the position in the future as well. He went on to describe various revenues.

Zangl spoke about different accounts in the Land Information budget. He noted the addition of Gerry Kokkonen to the Land Information Office.

**17. Discussion and Possible Action on Map Amendments to the Jefferson County Farmland Preservation Plan and Comprehensive Plan**

Zangl explained some discrepancies discovered in the Farmland Preservation Plan and Comprehensive Plan maps. The maps need to be updated, which will take public hearings to accomplish that. Motion by Supervisors Poulson/Foelker to approve the updates to go to public hearing. Motion passed 4-0.

**18. Discussion and Possible Action on 2022-2023 Salvage Yard Licenses for Highway 18 Salvage and Jack's Auto Ranch**

After inspection by Zoning staff, Zangl recommended approving the salvage yard license for Jack's Auto Ranch. Motion by Supervisors Poulson/Foelker to approve the license for Jack's. Motion passed 4-0.

Zangl also recommended postponing action on the license for Highway 18 Salvage. Motion by Supervisors Jaeckel/Poulson to postpone action on that license. Motion to postpone passed 4-0.

***PLEASE SEE INDIVIDUAL FILES FOR A COMPLETE RECORD OF THE FOLLOWING DECISIONS:***

**19. Discussion and Possible Action on Petitions Presented in Public Hearing on July 21, 2022:**

The Committee started with CU2129-22 to accommodate a guest:

**APPROVE WITH CONDITIONS** CU2129-22 – Richard & Christine Schwarze on a motion by Supervisors Foelker/Richardson to allow conditional use for an extensive on-site storage structure of 2,535 square feet, 20 feet 4 inches in height in a Residential R-1 zone at **W8424 Shorewood Meadows Circle**, Town of Lake Mills, on PIN 018-0713-1034-009 (5.48 ac). This is in accordance with Sec. 11.04(f)2 of the Jefferson County Zoning Ordinance. Motion passed 4-0.

**APPROVE WITH CONDITIONS** R4418A-22 & CU2126-22 – Ryan & Angela Kraft on a motion by Supervisors Poulson/Foelker to rezone two acres of PIN 026-0616-2512-002 (10 ac) with conditional use to allow for an office and storage of construction contractor's equipment and materials near **W277 Northey Rd**, Town of Sullivan. This is in accordance with Sec. 11.04(f)7 of the Jefferson County Zoning Ordinance. Motion passed 4-0.

**APPROVE WITH CONDITIONS R4419A-22** – Harold Stilling on a motion by Supervisors Jaeckel/Poulson to rezone 0.8 ac of PIN 018-0713-3334-002 (31.513 ac) owned by Stilling Farms Inc. in the Town of Lake Mills to add it to the existing A-3 zoned lot at **W8768 Hope Lake Rd** owned by Michael Noyce. No new lots are being created. This is in accordance with Sec. 11.04(f)8 of the Jefferson County Zoning Ordinance. Motion passed 4-0.

**APPROVE WITH CONDITIONS CU2127-22** – Marijane Cooke on a motion by Supervisors Foelker/Poulson for conditional use to allow for two horses in a Community zone at **N1351 County Rd N**, Town of Cold Spring on PIN 004-0515-1834-002 (4.2 ac). This is in accordance with Sec. 11.04(f)9 of the Jefferson County Zoning Ordinance. Motion passed 4-0.

**APPROVE WITH CONDITIONS CU2128-22** – Jeffrey & Cindy Wegner on a motion by Supervisors Jaeckel/Foelker for conditional use to have three dogs as household pets in a Residential R-2 zone at **W1339 Woods Dr**, Town of Sullivan on PIN 026-0616-2841-009 (2 ac). This is in accordance with Sec. 11.04(f)2 of the Jefferson County Zoning Ordinance. Motion passed 4-0.

## **20. Possible Future Agenda Items**

### **21. Upcoming Meeting Dates**

**August 12, 8:00 a.m. – Site Inspections Beginning in Courthouse Room 203**

**August 18, 7:00 p.m. – Public Hearing in Courthouse Room 205**

**August 29, 8:30 a.m. – Decision Meeting in Courthouse Room 202**

**September 9, 8:00 a.m. - Site Inspections Beginning in Courthouse Room 203**

**September 15, 7:00 p.m. - Public Hearing Beginning in Courthouse Room 205**

**September 26, 8:30 a.m. - Decision Meeting in Courthouse Room 202**

### **22. Adjourn**

Motion by Supervisors Poulson/Foelker to adjourn the meeting. Motion passed 4-0, and the meeting adjourned at 8:28 a.m.

**If you have questions regarding the petitions, please contact the Zoning Department at 920-674-7131. Petition files referenced on this agenda may be viewed in Courthouse Room 201 between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday, excluding holidays. Materials covering other agenda items can be found at [www.jeffersoncountywi.gov](http://www.jeffersoncountywi.gov).**

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**MINUTES OF THE  
JEFFERSON COUNTY PLANNING AND ZONING COMMITTEE  
SITE INSPECTIONS**

*George Jaeckel, Chair; Steve Nass, Vice-Chair; Blane Poulson, Secretary; Matt Foelker, Cassie Richardson*

**ROOM 203, JEFFERSON COUNTY COURTHOUSE  
311 S. CENTER AVE., JEFFERSON, WI 53549  
8 A.M. ON FRIDAY, AUGUST 12, 2022**

**1. Call to Order**

The meeting was called to order by Supervisor Jaeckel at 8:00 a.m.

**2. Roll Call (Establish a Quorum)**

Supervisor Richardson was absent and excused. All other Committee members were present. Also present were Zoning Department staff members Sarah Elsner, Brett Scherer and Deb Magritz.

**3. Certification of Compliance with Open Meetings Law**

Supervisor Poulson certified compliance with Open Meetings.

**4. Approval of the Agenda**

No changes were proposed.

**5. Public Comment (Not to exceed 15 minutes and not to include petitions slated for decision. Members of the public who wish to address the Committee on specific agenda items must register their request at this time)**

There was no public comment.

**6. Communications**

There were no communications.

**The Committee left for the following site inspections:**

**7. Site Inspections for Petitions to be Presented in Public Hearing on August 18, 2022:**

**R4424A-22 – Dennis Adsit:** Create a 3.5-ac lot with an existing home at **N269 Tamarack Rd**, Town of Palmyra from part of PIN 024-0516-3532-000 (40 ac). This is in accordance with Sec 11.04(f)8 of the Jefferson County Zoning Ordinance.

**R4425A-22 – Dennis Adist:** Create a 4.1-ac lot around the existing home at **N249 Tamarack Rd**, Town of Palmyra from PIN 024-0516-3532-002 (40 ac). This is in accordance with Sec 11.04(f)8 of the Jefferson County Zoning Ordinance.

**R4426A-22 – Scott & Jennifer Hussinger:** Rezone to create a 1-ac building site on **Rome Oak Hill Rd**, Town of Sullivan from part of PIN 026-0616-2822-002 (26.813 ac). This is in accordance with Sec 11.04(f)8 of the Jefferson County Zoning Ordinance.

**R4423A-22 – Christy Strobel (CDS Investments LLC):** Create a 1.84-ac lot around the home & buildings at **W3857 Krenz Rd**, Town of Farmington from PIN 008-0715-2812-001 (22.5 ac). This is in accordance with Sec 11.04(f)8 of the Jefferson County Zoning Ordinance.

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**CU2058-20 – Paul Elliot & Dianne Owens:** Conditional use to allow for an agricultural tourism; banquet hall/conference center/event facility; wine tasting room; retail sales of agricultural related items not grown on the premises in an approved A-2 zone at **N7040 Saucer Dr**, Town of Farmington on PIN 008-0715-0232-001 (2.002 ac). This is in accordance with Sec 11.04(f)7 of the Jefferson County Zoning Ordinance.

**CU2130-22 – Fred Wayne:** Conditional use to allow for multiple dwelling unit structures (one four-plex OR two duplexes) on an R-1 zone at **W8042 County Road B**, Town of Lake Mills on PIN 018-0713-0233-029 (1.401 ac). This is in accordance with Sec 11.04(f)1 of the Jefferson County Zoning Ordinance.

**CU2131-22 – Jeremy Porter:** Conditional use to add an amusement/recreation facility (indoor golf) to the existing bowling alley at **W9534 US Highway 12** in the Town of Oakland. The site is on PIN 022-0613-0731-003 (1.275 ac) in a Business zone. This is in accordance with Sec 11.04(f)3 of the Jefferson County Zoning Ordinance.

## **8. Adjourn**

Motion by Supervisors Foelker/Poulson to adjourn the meeting. The motion carried, and the meeting adjourned at 10:30 a.m.

**If you have questions regarding the petitions, please contact the Zoning Department at 920-674-7131. Petition files referenced on this agenda may be viewed in Courthouse Room 201 between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday, excluding holidays. Materials covering other agenda items can be found at [www.jeffersoncountyiwi.gov](http://www.jeffersoncountyiwi.gov).**

A quorum of any Jefferson County Committee, Board, Commission or other body, including the Jefferson County Board of Supervisors, may be present at this meeting.

Individuals requiring special accommodations for attendance at the meeting should contact the County Administrator at 920-674-7101 at least 24 hours prior to the meeting so that appropriate arrangements can be made.

*A digital recording of the meeting will be available in the Zoning Department upon request.*

**JEFFERSON COUNTY BOARD  
COMMITTEE MINUTES**

**July 20, 2022**

**1. Call to Order**

Meeting was called to order by Steve Nass at 10:30 a.m.

**2. Roll Call**

**Board of Health**

Present: Dr. Jessica Coburn, Meg Turville-Heitz, Samantha LaMuro, Steve Nass

Excused: Dr. Don Williams

**Executive Committee**

Present: Joan Fitzgerald, Steve Nass, Blane Poulson, Michael Wineke

ZOOM: Brandon White

**Land and Water Conservation Committee**

Present: Walt Christensen, Matt Foelker, Cassie Richardson, Meg Turville-Heitz

ZOOM: Margaret Burlingham

Absent: Dan Herbst; Kirsten Jurczyk

**Planning and Zoning Committee**

Present: Matt Foelker, George Jaeckel, Steve Nass, Blane Poulson, Cassie Richardson

**Solid Waste Committee**

Present: Joan Callan, Mark Groose, Anita Martin, Robert Preuss

Excused: Jeff Johns

**Others present**: Ben Wehmeier, County Administrator; Elizabeth Chilsen, Health Officer/Director; Supervisor Jeff Smith, Whitney DeVoe, Johanna Shinnors, Corporation Counsel; Brett Scherer, Sarah Elsner, James Zumstein, Haley Nielsen, Matt Zangl, Planning and Zoning; Patricia Cicero, Joe Strupp, Land and Water Conservation; Tim Jackson, DATCP, Weenonah Brattset, Marianne Schulz, Dave Hill, Kay Braaten, Lyle Braaten, Ed Cohen, Kimberly Wortmer, Dyan Pasono, Tom Steinback, Leslie Ott.

**Others present via ZOOM**: Susan Bence, Environmental Reporter, Milwaukee Public Radio; J. Blair Ward, Corporation Counsel; James Kerler, Tyler Kubicek, Watertown Environmental Health; Sue Marx, Samroz Jakvani, Health Department; Adam Voskuil; Katherine H; Linda Frank, Kelli Rowley; Sarana Stolar, Heidi Blawat, Ronalee Monroe, Beth Lane; Tyler Dix, Department of Natural Resources; Lisa Casto.

**3. Certification of compliance with Open Meeting Law Requirements**

Wehmeier certified compliance with the Open Meetings Law.

**4. Review of Agenda**

No changes.

**5. Public Comment**

The following people spoke against the number of CAFOs allowed in Jefferson County and the related issues:

Written public comment submitted prior to the meeting:

Mara Bekmanis, Victor Karaliunas, Sue Keeling, Janet McConouhey, Denise & Kevin O'Halloran, Kevin O'Halloran, Ed Cohen, Steve and Dyan Pasono, Robert & Sherry Schettler, Ryan and Meaghan Kingsley, Janet Foust, Amy Rinard.

Public comment during the meeting:

Weenonah Brattset, Marianne Schulz, Dave Hill, Kay Braaten, Lyle Braaten, Ed Cohen, Diane Pasano, Tom Steinbach, Leslie Ott, Lisa Casto.

**6. Communications**

Wehmeier explained that there was a question-and-answer document and other various documents available for review. This information is posted on the county website on the meeting page under supplemental information. No action taken.

**7. Presentation by County Staff on siting process and regulatory framework related to Concentrated Animal Feeding Operations (CAFOs) and other agricultural operations**

Wehmeier shared a Power Point presentation on the siting process and regulatory framework related to Concentrated Animal Feeding Operations (CAFOs) and other agricultural operations. Staff discussed issues related to their areas of work: Joe Strupp and Patricia Cicero, Land and Water Conservation; Matt Zangl, Planning and Zoning; Whitney DeVoe, Corporation Counsel. No action taken.

**8. State Agencies Overview – Department of Health Services (DHS), Department of Agriculture, Trade and Consumer Protection (DATCP), Department of Natural Resources (DNR)**

Curtis Hedman, from the Department of Health Services (DHS) gave a high-level overview of parameters they consider when assessing health concerns and human safety.

Tim Jackson, Program Manager from the Department of Agriculture, Trade and Consumer Protection (DATCP), talked about the Livestock Siting regulations.

A copy of the presentation will be posted on the county website. No action taken.

**9. Discussion and possible action on next steps and staff guidance**

Wehmeier said that staff is seeking guidance on next steps going forward. Committee members asked for clarification from staff on the Livestock Siting amendment process and discussed steps that other counties and municipalities are trying, including information from the Water Quality Conference hosted by the Wisconsin Counties Association (WCA). No action taken.

**10. Discussion and possible action on tentative future meeting schedule and agenda items**

No action taken.

**11. Adjourn**

Motion by Goose/Jaeckel to adjourn at 12:22 p.m. Motion passed.

July 31, 2022

Dear Jefferson County Board Supervisor and Jefferson County Zoning,

I am writing to you to file a complaint against the landowner at N8367 County Road E, Watertown, WI.

For the past few months the landowner at this location has allowed an RV to park on the property and several people are living in the RV. This is evidenced by the fact that not only is the RV parked directly next to the landowner's septic system but a permanent hose is connected from the RV to the septic system tank. People have been seen to be going in and out of the RV all day and night. This RV is acting as an additional residence on the property which is against Jefferson County Zoning regulations.

It is bad enough that over 20 people live in the little two bedroom farmhouse on the property, and that on any given day there are over 25 vehicles parked on this property, most not registered and have not moved in over a year (the property has basically become a junk yard for unused cars), or that this landowner is operating a secret automotive repair shop on the property which he has no permit to do so, but now this landowner is running an RV campground on the property, which I have heard he charges rent to park an RV on the property and the use of the septic system.

I am asking that the Jefferson County Board and Jefferson County Zoning put a stop do this RV park immediately and clean up this property by enforcing the regulations and laws that govern Jefferson County zoning.

Unfortunately what one landowner does on their property effects the value of another's property and the landowners at N8367 County Road E, Watertown, are negatively effecting the value of my property.

Thank you for your prompt attention to this situation.

Peggy Kelly

Watertown

AUG 1 2022

<b>Register of Deeds</b>	<b>July 2022</b>			<b>Output Measures</b>			<b>YR to Date</b>	<b>Current Yr. Target</b>
<b>Program/Service Description</b>	<b>2020</b>	<b>2021</b>	<b>2022</b>	<b>Totals</b>		<b>%</b>		
Documents Recorded	1,840	1,635	1,014	8,358		61%		
Vital Records Filed	185	197	203	1,302		62%		
Vital Record Copies	1,432	1,455	1,363	9,705		63%		
ROD Revenue (Gross Total)	\$ 238,305.71	\$ 240,983.12	\$ 230,223.68	\$1,562,862.00		94%		
Transfer Fees	\$ 32,604.90	\$ 33,956.64	\$ 35,723.40	\$ 234,330.12		130%		
LIO Fees	\$ 15,262.00	\$ 13,731.00	\$ 8,762.00	\$ 70,674.00		65%		
Document Copies	\$ 6,283.71	\$ 7,339.17	\$ 7,224.11	\$ 49,443.85		99%		
Laredo	\$ 2,511.50	\$ 3,645.75	\$ 4,600.57	\$ 25,454.55		85%		
ROD Revenue to General Fund	\$ 74,568.11	\$ 74,926.56	\$ 67,761.08	\$ 469,664.52		92%		
Percentage of Documents eRecorded	67%	64%	73%	66%		66%		
Budget Goals Met	Yes	Yes	Yes	Yes		Yes		
Back Indexed	2,902	7,597	2,044	25,103		126%		

**Wisconsin Register of Deeds Association:**

*We are currently working on legislation that pertains to the sheilding of real estate records for pending federal legislation. The Register of Deeds Association is also working with the Surveyors Association to help standardize recording processes to make it easier for submitting documents statewide.*

**Register of Deeds Office:**

*The staff continues to work on back indexing documents for easier access. We are also working on back scanning some old folded documents located in file cabinets in the basement. This will be extremely helpful during the remodeling project as we need to offer access to our records during normal business hours.*

**Wisconsin Counties Association Board of Directors:**

*WCA has held weekly webinars on a variety of subjects, I highly encourage participation from staff and county board members.*

**Wisconsin Public Records Board:**

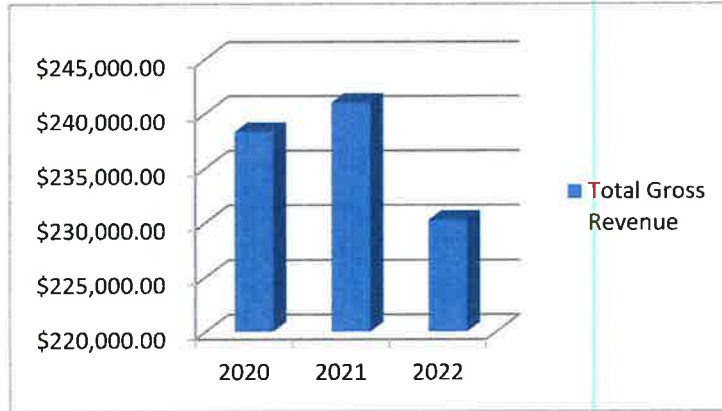
*I am working with the Wi Public Records Board, the WI Historical Society, our county staff as well as representative across the state to update the county retention schedule. WI Counties Association is helping to coordinate monthly meetings with a workgroup made of several counties.*



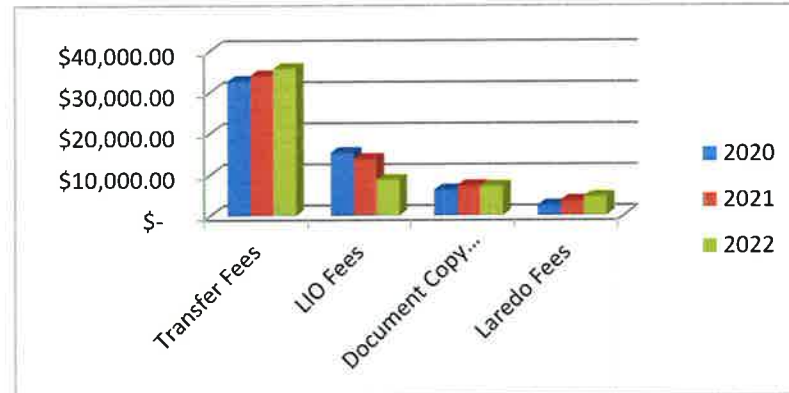
# Register of Deeds Monthly Budget Report

Jul-22

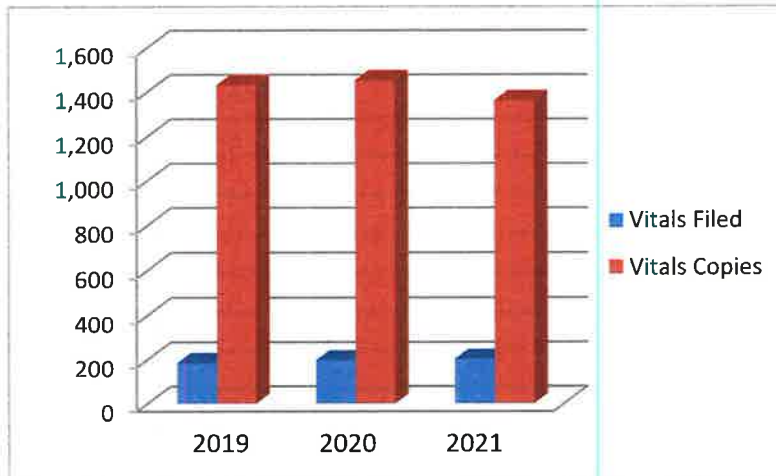
### ROD Total Gross Revenues



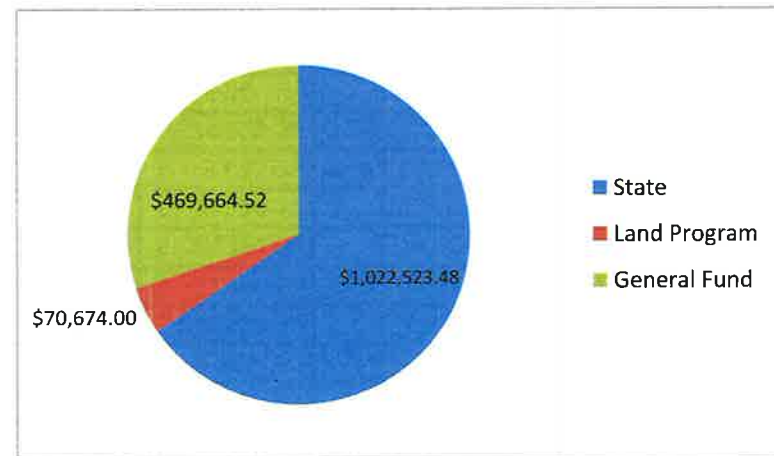
### Land Related Revenue



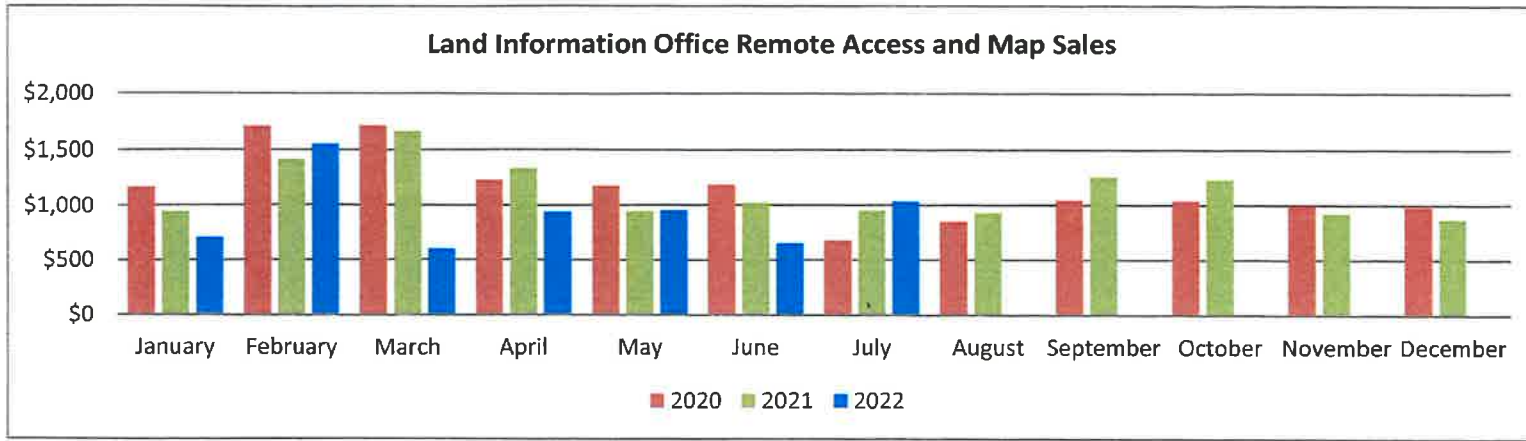
### Vital Records



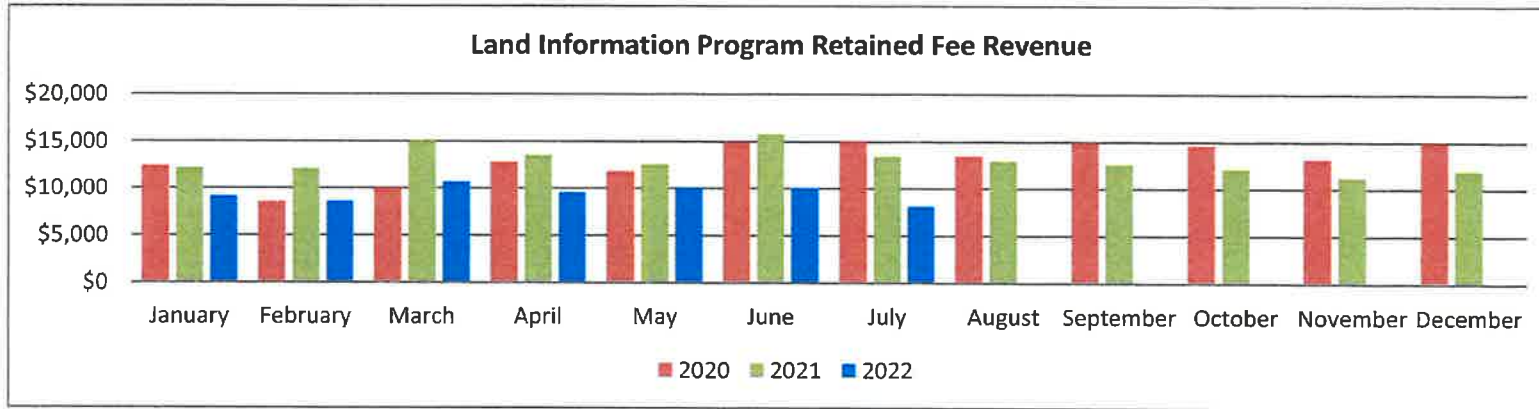
### Year to Date Revenue Payout



## Land Information Monthly Revenue Report July 2022



Jan	Feb	March	April	May	June	July	August	Sept	Oct	Nov	Dec	Total	Budget	
	706	1,551	597	940	952	652	1,033	0	0	0	0	0	6,431	15,100
													42.6%	



Jan	Feb	March	April	May	June	July	August	Sept	Oct	Nov	Dec	Total	Budget	
	9,136	8,536	10,624	9,544	9,960	10,064	8,112	0	0	0	0	0	65,976	112,000
													58.9%	

**Jefferson County Planning and Zoning Department**  
**Monthly Ledger Report**  
**08-26-2022**

	RF	WFG	OP	PPC	MC	PSS(	STF	FQAS	FAA	FPFC	SRFWF	ZOF	Refunds	2022 Totals	2021 Total
MTH	1.239022	7102.421001	2901.432099	2901.451002	2901.472003	2901.432002	2901.458010	2901.458015	2901.458014	2901.458001	2901.458002	2901.441002			
Jan	480.00		13,901.00	411.81		3,675.00	250.00							18,717.81	19,215.63
Feb	420.00		10,240.00	87.09		2,775.00	200.00						680.00	13,722.09	15,460.33
Mar	930.00		13,971.00	168.00		5,875.00	500.00						30.00	21,444.00	28,398.54
Apr	540.00		15,755.00	107.09		4,375.00	1,200.00						830.00	21,977.09	21,258.08
May	810.00		11,585.00	7.08		7,550.00	550.00						250.00	20,502.08	22,440.48
June	720.00		13,565.00	19.17		4,875.00	950.00							20,129.17	21,270.25
July	390.00		13,820.00	7.08		4,750.00	550.00						300.00	19,517.08	16,898.54
Aug	630.00		11,555.00	38.13		5,275.00	700.00							18,198.13	21,952.09
Sept															19,285.34
Oct															18,850.63
Nov															17,147.29
Dec															12,577.50
Total	4,920.00		104,392.00	845.45		39,150.00	4,900.00						2,090.00	154,207.45	234,754.70

2021 Actual Zoning Deposit: Please Enter Deposit

2022 Budget Revenues: \$220,500.00

2022 Deposits YTD: \$154,207.45

# JEFFERSON COUNTY



## PRIVATE ONSITE WASTEWATER TREATMENT SYSTEM ORDINANCE CHAPTER 12

**Adopted on January 12, 2021**

Jefferson County Planning and Zoning Department  
Courthouse, Room 201  
311 S. Center Ave., Jefferson, WI 53549  
Phone (920) 674-7130 Fax (920) 674-7525  
[www.jeffersoncountywi.gov](http://www.jeffersoncountywi.gov)

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## CHAPTER 12. PRIVATE SEWAGE SYSTEM ORDINANCE

### 12.01 STATUTORY AUTHORITY

This ordinance is adopted pursuant to the authority in §59.70(1), 59.70(5), 145.04, 145.045, 145.19, 145.195, 145.20 and 145.245 Wisconsin Statutes, and any amendments thereto.

### 12.02 PURPOSE

This ordinance is adopted to promote and protect public health and safety by assuring the proper siting, design, installation, alteration, inspection, maintenance, and management of POWTS and non-plumbing sanitation systems.

### 12.03 SEVERABILITY AND LIABILITY

Should any section, clause, provision, or portion of this ordinance be adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected thereby.

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 any site which is approved or denied. 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 with Wisconsin Statutes or Administrative Code requirements.

### 12.04 INTERPRETATION

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 power granted by Wisconsin Statutes or any administrative codes.

### 12.05 DEFINITIONS.

The following terms shall have the meanings as indicated in this section.

County: Jefferson County or the Jefferson County Planning and Zoning Department.

County Inspector: An individual who is employed by Jefferson County to assist in the administration and enforcement of this ordinance and is licensed by the department to inspect POWTS and to evaluate soils for the purpose of this ordinance. A County Inspector is also referred to as an "authorized agent" throughout this ordinance.

Department: Department of Safety and Professional Services (DSPS)

Domestic Wastewater: Wastewater, not including stormwater, discharged from wastewater plumbing fixtures and appliances that drain wastewater outside of the structure served by the appliance including, but not limited to, discharges from a toilet, bath, laundry, dishwasher, garbage disposal, and wastewater used for cleaning and sanitary purposes.

Failing Private On-Site Wastewater Treatment System (POWTS): A failing private on-site wastewater treatment system is one which causes or results in any of the following conditions:

- (a) The discharge of sewage into surface water or groundwater
  - (b) The introduction of sewage into zones of saturation which adversely affects the operation of a private on-site wastewater treatment system
  - (c) The discharge of sewage to a drain tile or into zones of bedrock
  - (d) The discharge of sewage to the surface of the ground
  - (e) The failure to accept sewage discharges and back up of sewage into the structure served by the private on-site wastewater treatment system
- s. 145.245(4)

A holding tank which discharges sewage to the ground surface, including intentional discharges and discharges caused by neglect, shall be considered a failing private on-site wastewater treatment system.

Human Habitation: The act of occupying a structure as a dwelling, sleeping place, or other use resulting in human occupancy, whether intermittently or as a principal structure.

Occupancy: Pertains to and is the purpose for which a building or structure is used or intended to be used when considering a building's or structure's use or intended use for human habitation.

Modification in wastewater flow or contaminant load: A modification in wastewater flow or contaminant load shall be considered to occur:

- (a) 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 wastewater to the private on-site wastewater treatment system; and
- (b) In dwellings, when there is an increase or decrease in the number of bedrooms

Plumber: A person licensed by the State as a master plumber or master plumber restricted service.

Private On-Site Wastewater Treatment System (POWTS): As given the meaning and defined in s. 145.01 (12) of Wisconsin Statutes:

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 department 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. A private on-site wastewater treatment system may be owned by the property owner or by a special purpose district.

Private Sewage System: Also referred to as a "Private Onsite Wastewater Treatment System" or "POWTS" and has the meaning given under s. 145.01(12) Wisconsin Statutes.

### **12.06 COMPLIANCE**

- (1) All structures or premises in the County intended for permanent or intermittent occupancy which are not served by a public sewer, shall have a system for holding or treatment and dispersal of sewage and wastewater which complies with the provisions of this ordinance.
- (2) The POWTS for newly constructed structures or existing structures shall be installed, inspected and approved a by person licensed by the State as a master plumber or master plumber restricted service, and also inspected and approved by the Planning and Zoning Department before the structure may be occupied.
- (3) No person shall install, move, reconstruct, extend, enlarge, convert, substantially alter, or change the use of any private sewage system or any part thereof without a sanitary permit and without being in full compliance with all provisions of all applicable County and State regulations.

### **12.07 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 POWTS as well as the disposition of domestic wastes: § 59.70(5), Chapters 145, 281.48 and 968.10 Wisconsin Statutes; SPS 381-385, SPS 387, SPS 391, NR113 and NR116 Wisconsin Administrative Code. These rules, regulations, and laws shall apply until amended or renumbered and then shall apply as amended or renumbered.

### **12.08 APPLICABILITY**

The requirements of this ordinance shall apply to all geographic areas of the County.



## 12.09 LIMITATIONS

- (1) All domestic wastewater shall enter a private sewage system unless otherwise exempted by state law or this ordinance.
- (2) A vault privy is allowable only for campgrounds or parks ~~or agricultural purposes~~. Vault privies shall not be used in association with habitable structures. All such privies shall be constructed and maintained consistent with the requirements of SPS 391 and NR113 Wisconsin Administrative Code. For permitting purposes, a county sanitary permit is required for the installation of a vault privy.
- (3) Composting and/or incinerating toilets may be allowed on properties that are not connected to a water supply and are not connected to a plumbing system upon approval from the Planning and Zoning Committee.

Applications shall be made to the Planning and Zoning Department which shall refer the application to the Planning and Zoning Committee. Applications shall include written statements from the owner requesting a composting or incinerating toilet, and the specific facts as to why it is being requested. The Committee shall make necessary investigations, meet with the applicant or agent thereof, and shall determine whether or not to grant the application. The Committee will review facts such as the proposed use of the property, availability of a POWTS, location of the toilet, proposed structures, proposed use of a well or water and reasons why a traditional POWTS cannot be used. If approved by the Planning and Zoning Committee, a sanitary permit shall be required.

- (4) Any POWTS or portion thereof installed within a floodplain shall also comply with all state statutes and applicable requirements of NR116 Wisconsin Administrative Code, and the Jefferson County Floodplain Ordinance with the exception that a private sewage system can be permitted in the floodplain if properly floodproofed to the satisfaction of the Jefferson County Planning and Zoning Department after considering the specific characteristics of the property and the suitability of a POWTS on the property, and all other state and county requirements are satisfied
- (5) A primary or ~~replacement~~ POWTS area other than a holding tank shall be identified for new construction.
- (6) Holding tanks are prohibited for new construction and shall not be identified as the POWTS for new construction. Persons may request exceptions to this prohibition as described (7) and (8) below.
- (7) Installation of a holding tank is prohibited as a replacement POWTS for an existing dwelling or existing construction served by a POWTS, if at least an A+4 mound type system may be located on the property except as provided in (a) and (b) below.

- (a) A temporary holding tank may be installed if a public sewer, approved by the Department of Natural Resources, will be installed to serve the property within 2 years of the date of the sanitary permit issuance. An application for a sanitary permit for a holding tank shall include, in addition to what is required in SPS 383 and this ordinance, written statements from:
1. The municipality or sanitary district verifying the date the public sewer will be installed and available to serve the property.
  2. The Department of Natural Resources verifying approval of the public sewer, and
  3. The property owner agreeing to connect to public sewer when it becomes available, and to properly abandon the temporary holding tank.

If public sewer does not become available within 2 years of the date of sanitary permit issuance, the holding tank must be replaced with another type of system recognized by SPS 383 unless conditions identified in par. (7)(b), (8) and (9) apply.

- (b) Soils and site evaluation has determined that the only available area is located within the 100-year floodplain.
- (8) Installation of a temporary holding tank may be approved by the County in cases where an approved POWTS may not be fully installed due to weather or other circumstances. The system shall be fully installed within one year of the approval of the temporary holding tank. The County may grant an extension on a case-by-case basis. Upon approval, the plumber and/or property owner shall submit the following:
- (a) Holding Tank Maintenance Agreement
  - (b) Holding Tank Servicing Contract
  - (c) Applicable fees required by the County
  - (d) Permit application
- (9) Exceptions to allowing holding tanks for new construction may be granted when the public interest in safe, healthful sanitation arrangements will not be jeopardized, and where the applicant's situation is truly unique, such as, the likelihood of public sewerage service being available at a reasonable future time.

Applications for an exception shall be made to the Planning and Zoning Department which shall refer the application to the Planning and Zoning Committee. Applications shall include written statements from the owner requesting the exception and plumber and/or soil tester documenting the specific facts as to why an exception is requested. The Committee shall make necessary investigations, meet with the applicant or agent thereof, and shall determine whether or not to grant the exception.

- (10) When a failing POWTS 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 or county orders.
- (11) Any POWTS proposed to be installed in a sanitary district, city or village; or within a 15 year growth area; or within an Urban Service Area or Limited Urban Service Area requires approval from that jurisdiction prior to issuance of the sanitary permit.
- (12) The POWTS shall be located on the lot or parcel that it is intended to serve or on the same lot or parcel that the structure(s) it serves is located

Applications for an exception shall be made to the Planning and Zoning Department which shall refer the application to the Planning and Zoning Committee. Applications shall include written statements from the owner requesting the exception and plumber and/or soil tester documenting the specific facts as to why an exception is requested. The Committee shall make necessary investigations, meet with the applicant or agent thereof, and shall determine whether or not to grant the exception.

#### **12.10 ABANDONMENT OF POWTS**

- (1) When public sewer approved by the Department of Natural Resources becomes available to the structure or premises served, the private sewage system shall be disconnected within one year and a connection made to the public sewer. Determination of whether sewer is available shall be made by the local sewer service authority.
- (2) Abandonment of the disconnected POWTS shall be done in accordance with the provisions of SPS 383, Wisconsin Administrative Code, and a report of the abandonment shall be filed with the Jefferson County Planning and Zoning Department within 30 days of abandonment.
- (3) The components of an existing POWTS that are not part of the approved design of a replacement system shall be abandoned at the time of the installation of the replacement system by the plumber installing the system. The abandonment shall comply with SPS 383, Wisconsin Administrative Code.

#### **12.11 SOILS AND SITE EVALUATIONS**

- (1) Soils and site evaluations shall be conducted as prescribed in SPS 383, 385, and 391 with at least three (3) soil profile evaluation excavations ~~used to delineate a new and a replacement site for new construction~~ unless additional borings are necessary to properly delineate the areas.

- (2) Soil and site evaluation data shall relate to the undisturbed and finished grade elevations, vertical elevation reference point and horizontal reference point. Surface elevations shall be given to all soil borings.
- (3) A soil and site evaluation report may not be required if the site is located in a floodplain only if minimum setback distances cannot be met or if the site has been altered to the extent that a replacement holding tank is the only alternative.
- (4) Inspections and County Verification of Soil and Site Evaluations:
  - a. County verification of a Soil and Site Evaluation Report may be required by the County inspector to determine suitability of a lot for any POWTS. This verification will be made at the discretion of the county inspector and will be made prior to the issuance of the sanitary permit.
  - b. County onsite verification of a Soil and Site Evaluation Report shall be required for all soils, except those that support an in-ground or conventional soil absorption system. The county may waive verification at the discretion of the Planning and Zoning Director or his or her designee. Verification will be conducted upon receipt of a completed soil and site evaluation or meeting the County inspector at the site for verification. If soil pits are utilized, they shall be constructed prior to county inspection.
  - c. A certified soil tester may request county verification for soils that might support an in-ground soil absorption component. Verification may be conducted by the county upon submittal of a completed soil and site evaluation report or if the soil tester is present with the County inspector at the site during verification. Such verifications are subject to the County inspector's work schedule and may be subject to a fee.
  - d. Inspections shall be completed by the end of the workday following the request for inspection, excluding Saturdays, Sundays and Holidays.
- (5) County verification reports shall be attached and filed with a completed soil and site evaluation report.

#### **12.12 SANITARY PERMITS (GENERAL)**

- (1) Every POWTS shall require a separate application and sanitary permit.
- (2) A sanitary permit shall be obtained by the property owner, agent or contractor in the name of the property owner, prior to installation, establishment or construction of any structure which requires a POWTS permit. Any property owner, agent or contractor, who starts construction prior to obtaining a sanitary permit is in violation of this ordinance, and shall be subject to the penalties provided in this ordinance.

- (3) A sanitary permit shall be obtained by the property owner, agent or contractor, before any POWTS or part thereof may be installed, replaced, or modified. A sanitary permit is not required for the addition of manhole risers or for the replacement of manhole covers, baffles or pumps.
- (4) A sanitary permit is required for a vault privy, and construction shall comply with SPS 391.
- (5) If any part of a POWTS, other than the tank, has failed or requires replacement, such new part shall meet the current code. For tank replacement, a soil evaluation shall be performed which shows drain field separation from groundwater meets the current code, unless such a report is already on file with the County. The sanitary permit application shall show specifications for replacement parts and drainage fields, if required.
- (6) A Zoning and Land Use Permit shall not be issued for construction of any structure requiring connection to a private on-site wastewater treatment system unless a private on-site wastewater treatment system satisfying all applicable regulations already exists to serve the proposed structure or all permits necessary to install a private on-site wastewater treatment system have been obtained § 145.195, Wisconsin Statutes.

### **12.13 SANITARY PERMIT APPLICATION REQUIREMENTS**

- (1) A sanitary permit application shall include the following information by the applicant on forms required by the state and/or County, as well as, all items expressed in SPS 383 and applicable fees. All information required on the sanitary permit application form shall be complete, legible, and accurate:
  - (a) A clear and legible detailed plot plan dimensioned or drawn to scale on a minimum of 8 ½" x 11" quality paper, but not to exceed 11" x 17."
  - (b) Plot plan(s) shall be submitted and include all of the following and any other information as required by the County:
    - 1. lot size and location of all existing and proposed POWTS components
    - 2. building sewers
    - 3. sanitary and storm sewers
    - 4. wells
    - 5. water mains or water service
    - 6. streams and lakes and reference to ordinary high water mark
    - 7. Floodplain and/or wetland
    - 8. Structures and driveways
    - 9. lot lines or property lines
    - 10. replacement system location and type

~~11.10.~~ adjoining property owner features that would impact the POWTS location with respect to SPS 383

~~12.11.~~ benchmark as established on the soil and site evaluation report

~~13.12.~~ demonstrate compliance with all horizontal setback parameters established in SPS 383.43

~~14.13.~~ additional information that may be required by the County based on the unique characteristics of the structure or property

- (c) Plans and specifications for the proposed POWTS component shall be provided. The County may require additional information to ensure that all specifications have been provided as part of the application process.
  - (d) Soil and site evaluation.
  - (e) If required, state approved plans bearing the department's conditional approval and the approval letter issued by the department.
  - (f) Contingency plan in the event that the proposed POWTS fails and cannot be repaired.
  - (g) Maintenance Agreement, Holding Tank Agreement, Holding Tank Servicing Contract and/or ATU Agreement in recordable form as furnished by the County describing maintenance for the system consistent with SPS 383.
  - (h) A Management Plan for the proposed design-reflecting conformance with SPS 383.
  - (i) Payment of applicable fees as prescribed in the County fee schedule
- (2) The County reserves the right to refuse incomplete, incorrect or non-legible sanitary permit applications or to delay sanitary permit issuance over the time limits prescribed in Sec. 12.14 of this ordinance until a corrected or complete application is received.

#### **12.14 PERMIT APPROVAL OR DENIAL**

- (1) Permits shall be approved within 30 days of receiving a completed sanitary permit application that has provided all required information as prescribed in this ordinance and SPS 383.
- (2) **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 denial shall be

forwarded to the plumber, landowner, and, when appropriate, DSPS representatives and Corporation Counsel.

### **12.15 SANITARY PERMIT TRANSFER, REVISION AND REVOCATION/SUSPENSION, EXPIRATION AND RENEWAL**

- (1) Transfer: When there is a change of ownership, the state transfer form shall be submitted to the County with a set of new plans, if deemed necessary, and a fee as prescribed in the County fee schedule.
  - (a) The sanitary permit card shall be returned to the County so that a new transfer card may be issued.
  - (b) The 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 state level approval is obtained by the new plumber.
- (2) Revisions: Approval from the County is required whenever there is a change in the POWTS design as originally approved by the County as follows:
  - (a) Submission of detailed plans and specifications and submission of an application and application fee as prescribed in the County Fee Schedule.
  - (b) The County shall provide notice to the plumber in charge when a revision is required. The plumber shall submit the revision within 30 calendar days of the date of notice.
- (3) Revocations: The County may revoke any sanitary permit issued under this section for any false statements or misrepresentations of fact that served as the basis for issuance of the permit. The reasons for revocation shall be conveyed in writing to the owner of the property and plumber listed on the permit application. After revocation, no work shall be done on the POWTS until a new permit is approved by the County.
- (4) Suspensions: The County may suspend any sanitary permit issued under this section for any false statements or misrepresentations of fact that served as the basis for issuance of the permit. The reasons for suspension shall be conveyed in writing to the owner of the property and plumber listed on the permit application. After suspension of the permit, no work may be done on the POWTS until the conditions of permit suspension have been complied with, and the County has reinstated the sanitary permit.
- (5) Expiration and Renewal: The sanitary permit is valid for a period of two years from the date of issuance. A sanitary permit may be renewed for periods of up to two

years if the POWTS has not been completely installed provided the renewal is obtained prior to the expiration of the sanitary permit and the appropriate fee submitted as prescribed in the County Fee Schedule. Renewals may be approved only if the plan meets the code in effect at the time the renewal is sought.

#### **12.16 SANITARY PERMIT FEES**

- (1) Sanitary permit fees must be paid before a sanitary permit will be issued. The fees charged by the County for issuing a sanitary permit, sanitary permit revision, transfer, or renewal are identified in the Jefferson County Planning and Zoning Fee Schedule approved by County Board action and posted at the County Planning and Zoning Department.
- (2) Fees may also be assigned for other activities associated with this ordinance, and shall be as identified in the Jefferson County Fee Schedule approved by County Board action and posted at the County Planning and Zoning Department.
- (3) The county may adjust fees annually with County Board approval to reflect changes in cost and/or level of service provided.

#### **12.17 PRIVATE ON-SITE WASTEWATER TREATMENT SYSTEM INSPECTIONS**

- (1) Final Installation Inspections: The county shall inspect all POWTS as required by SPS 383 after construction, but before backfilling and no later than the end of the next workday, excluding Saturdays, Sundays, and holidays, after receiving notice from the plumber in charge. Inspections shall be reported on forms furnished by the department. The plumber in charge must be present during the inspection and must provide all necessary equipment and assistance to the inspector as requested.
- (2) Mound and at-grade system inspections: Mound and at-grade systems shall be inspected before the ground surface is plowed and in accordance with SPS 383. The plumber shall evaluate the ground surface prior to County inspection. Upon County approval, the plumber has up to 48 hours to plow the ground surface. If rainfall occurs after County approval, the approval is null and void, and shall be reinspected. After the system is installed, the system shall be inspected in accordance with (1).
- (3) Other Inspections: Additional inspections of a POWTS may be necessary based on the POWTS type, complexity or unforeseen circumstances. POWTS may be inspected periodically, after the initial installation inspection(s) and/or after the system is operative, as deemed necessary by the County.
- (4) Covering of Work: No part of the POWTS may be backfilled until it has been inspected and approved. If any part is covered before being inspected and approved, it shall be uncovered at the discretion of the County inspector.



- (5) POWTS Use: No new or replacement POWTS shall be used until an inspection report is completed indicating compliance with all terms of this ordinance. Backfilling and/or use of the system shall not occur prior to express verification by the inspector or authorized agent that conditions are in compliance.
- (6) Effect of Report: The inspection report shall apply only to the date of issuance as it relates to the POWTS. It does not imply the continued compliance of this system with state and local regulations. The inspection report, and the approval it signifies, shall extend only to the property usage as indicated on the approved application. A change in usage, that requires modification of the POWTS, shall necessitate a new application, permit and inspection.

## **12.18 POWTS MAINTENANCE AND MANAGEMENT**

- (1) General Provisions
  - (a) All POWTS shall be managed and maintained in accordance with SPS 383 and SPS384 Wisconsin Administrative Code and this ordinance.
  - (b) The property owner shall report to the County each inspection, maintenance, or servicing event in accordance with SPS 383, Wisconsin Administrative Code and this ordinance.
  - (c) The property owner shall submit a maintenance agreement and/or servicing contract or Holding Tank Agreement as prescribed by the County, to the County as part of the sanitary permit. The agreement or contract shall be recorded with the register of deeds It is the responsibility of the owner to provide written notice of the maintenance program to a buyer. A revised agreement shall be submitted by the owner whenever there is a change to such document.
  - (d) The County may require verification of any information contained in an inspection, evaluation, maintenance, and servicing report. The County may investigate any report of a failed system, in which potential requirements may include, but are not limited to:
    - 1. Requiring an inspection by a licensed plumber
    - 2. Requiring a soil boring to determine groundwater separation
    - 3. Performing on-site inspections with the property owner
- (2) POWTS Maintenance Program (Except Holding Tanks)
  - (a) All septic tanks permitted and/or installed prior to July 1, 2000 shall be pumped and visually inspected by a licensed individual in accordance with SPS 383.54 for ponding of wastewater or effluent on ground surface. The POWTS system shall be pumped and inspected at least once every three years, unless upon inspection

the tank is found to have less than 1/3 of the volume occupied by sludge and scum.

- (b) Every three (3) years after the installation of a POWTS, the owner shall be provided a certification form by the County at least 30 days prior to its due date, which is required to be provided to the County as a completed report within 30 calendar days of the service event. The certification form shall be completed by the licensed individual servicing the POWTS. Pumping shall be conducted by a certified septage servicing operator in accordance with NR113, Wisconsin Administrative Code.
- (c) The certification form shall state that the POWTS does not have wastewater or effluent ponding on the surface of the ground, and that the septic tank was recently pumped by a certified septage servicing operator, or it was inspected and was less than 1/3 full of sludge and scum. The certificate shall also include the address of the property, owner name, service provider, date of service, and type of service.
- (d) All septic tanks shall be serviced when sludge or scum occupies 1/3 or more of the volume of the septic tank.
- (e) All reports of service events shall be submitted to the County within 30 calendar days from the service event as prescribed in SPS 383. The report shall include the type and result of the service event, owner's name, address of service event, name of licensed service provider, license number, and date of service.
- (f) A delay in required POWTS maintenance may be approved by the County inspector based on circumstances such as, but not limited to, inclement weather, road weight restrictions and site limitations.

#### **12.19 HOLDING TANK MAINTENANCE PROGRAM**

- (1) The owner of the holding tank shall enter into a Holding Tank Agreement with the county authorizing the County to enter upon the property and service the holding tank if the owner fails to have the holding tank properly serviced in response to orders issued by the County. The Maintenance Agreement shall be filed with the Register of Deeds and be recorded in a manner identifying the property on which the holding tank exists and to which the agreement applies.
- (2) A holding tank shall be serviced in accordance with SPS 383.54(3)(c) and the management plan and service agreement. The tank shall be serviced when the wastewater in the tank reaches a level of one foot below the inlet invert of the tank.

- (3) The owner is responsible to report all service events to the County within 30 calendar days from the service event. The report shall include owner's name, address of service event, name of licensed septage servicing operator, license number, gallons pumped, and date of service.

#### **12.20 CONSTRUCTION AFFECTING WASTEWATER FLOW OR CONTAMINATION LOAD**

- (1) Prior to commencing an addition or modification to a dwelling that increases or decreases the number of bedrooms or contaminant load to a structure that is served by a POWTS, a code-compliant POWTS shall exist for that structure.

Documentation shall be provided to the County demonstrating that a POWTS of adequate capability and capacity to accommodate the wastewater flow and contaminant load already exists to serve the structure as specified in SPS 383, Wisconsin Administrative Code or a code compliant system will be installed. Documentation shall include the following:

- (a) Sanitary permit demonstrating existing compliance or plans for the installation of a new code-compliant system, or
  - (b) Soil test demonstrating proper distance above groundwater indicators and other limiting factors as per SPS 383, as well as certification by a service provider that the system and septic tank have been inspected and found to be code compliant. If the existing system is not sized properly as designated in SPS 383, an affidavit in the format prescribed by the County, shall be recorded in the Register of Deeds demonstrating use of an undersized system. The County may waive the requirement for a soil test, if the inspector has reason to believe proper separation to groundwater and other limiting factors exists.
- (2) All setbacks for the proposed addition from the POWTS must be compliant.
  - (3) Any installation, addition or modification of the POWTS shall be completed and accepted by the County within one year of issuance of the land use permit.

#### **12.21 CONSTRUCTION NOT AFFECTING WASTEWATER FLOW OR CONTAMINANT LOAD**

- (1) Prior to commencing construction of any structure or addition to a structure on a site where there exists a POWTS, the owner, or his agent, shall determine that the proposed structure conforms with the applicable setbacks of SPS 383, Wisconsin Administrative Code. Documentation in the form of a site plan shall be submitted to the County as part of the Zoning and Land Use Permit process for review.

## 12.22 ADMINISTRATION AND ENFORCEMENT

(1) Duties and Authority:

(a) The Planning and Zoning Director, or assigned agent, shall administer and enforce all provisions of this chapter and all other state and county provisions relating to the construction, installation, alteration, repair, maintenance and management of all POWTS within the county and shall make such inspections, perform such tests and issue such orders as may be necessary for such enforcement.

(b) Authority to Enter Premises:

1. In the discharge of his/her duties, the Planning and Zoning Director or his authorized agent may enter any building, upon presentation of the proper credentials and with permission of the owner, during reasonable hours for the purpose of inspection and may require the production of any permit or license required hereunder. No person shall interfere with the authorized personnel in the performance of their duties; and any person so interfering shall be in violation of this chapter and subject to a penalty described in this ordinance.
2. If consent to entry to and property has been denied, the Planning and Zoning Director shall obtain a special inspection warrant under Sec. 66.12 and 66.123, Wisconsin Statutes.

(c) Stop Orders: If the Planning and Zoning Director or his/her authorized agent determines that construction or installation of a POWTS on a premise does not comply with this ordinance, the Planning and Zoning Director or his/her agent shall post in a conspicuous place upon the premises a stop order which order shall demand that all work cease until the construction or the installation is in compliance with this ordinance. The posted order shall describe the non-compliance and the nature of the work to be stopped. The order shall identify the location and the name of the issuing officer and appeal procedures. It shall be a violation of this ordinance to engage in work in contravention of the terms of such order or to make an unauthorized removal of such a posted order. Work may recommence on the site only under the express direction of the Planning and Zoning Director or authorized agent.

(d) Records and Reports: The Planning and Zoning Director shall keep in his or her office a daily record of all the transactions of his or her office, including permits issued and fees received, and shall make such reports thereon to the supervising committee, County Board or state agencies as they may require.

- (e) Issuing Agent: The Planning and Zoning Director or authorized agent shall act as the Jefferson County issuing agent and is hereby assigned the duties of administering the POWTS program and ordinance.
- (f) Appeals: Persons seeking to appeal decisions of the Planning and Zoning Director shall file written letters of appeal with the county Planning and Zoning Director. Appeals are required to be filed within 30 days of the decision. The Planning and Zoning Director shall place the appeal on the agenda of the County Board of Adjustment and the appeal shall be given a due process proceeding in accord with Wisconsin Statutes, Sec. 68.10-.12. The Board of Adjustment shall decide whether to uphold, uphold with modifications, or reverse the Planning and Zoning Director's decision based upon the terms and intent of this ordinance and of relevant state laws and administrative rules. No appellate decision of the Board of Adjustment shall have the effect of approving an existing or proposed condition that would violate this ordinance or state law or rule. Appeals that can only be approved by the granting of an exception or variance to the State Plumbing Code shall be referred to the Department of Safety and Professional Services pursuant to Wisconsin Administrative Code. Appeals made to the Board of Adjustment shall be made in writing and shall be filed in the Planning and Zoning Director's office. Appeals of decisions of authorized agents of the Planning and Zoning Director shall be made first to the Planning and Zoning Director and the initial appeal decision shall then be appealable as provided herein.
- (g) Variances: Variances are determined by the Wisconsin Department of Safety and Professional Services.
- (h) Fees: An applicant, upon filing an application or making request for inspections or changes to applications, shall pay a fee to the Planning and Zoning Department in accordance with the fee schedule adopted by the Jefferson County Board of Supervisors.

## **12.23 ENFORCEMENT**

- (1) Prohibitions. The following shall be deemed violations of the ordinance:
  - (a) To install, alter, modify, repair or enlarge a POWTS without prior County approval or in a manner not in compliance with an approved County permit.
  - (b) To materially change the use of a premises so as to render the approved POWTS no longer in compliance with applicable standards.
  - (c) To fail to report soil tests fully and accurately.

- (d) To fail to satisfy maintenance or operational standards.
  - (e) To contract to conduct tank pumping or waste hauling or disposal and to do such activities in violation of state law, rule or ordinance.
  - (f) To operate a failing POWTS as defined in s. 145.245(4), Wisconsin Statutes.
  - (g) To fail to obey orders lawfully issued by state or county officials.
  - (h) To operate a system that constitutes a nuisance or that emits a prohibited discharge.
  - (i) To install, alter, modify, repair, enlarge or service a POWTS by an individual without the proper licensing as defined in s. 145.06 Wisconsin Statutes.
  - (j) Failure to follow rules, regulations, and laws as set forth in the Wisconsin Statutes, Wisconsin Administrative Code, and this ordinance.
- (2) Penalties. Any person who shall violate any provision of this chapter or any regulation, rule or order made hereunder shall be subject to a penalty as provided below:
- (a) Payment of the assigned deposit on a citation issued pursuant to Jefferson County Citation Ordinance No. 84-10 and any amendments thereto.
  - (b) Payment of a forfeiture assessed by a court upon an enforcement lawsuit initiated by the county for violation of this ordinance. The amount of such forfeiture shall be not less than \$100.00 nor more than \$500.00 for each violation. Each day of violation shall be a separate offense.
  - (c) Injunctive remedies may also be ordered by the court.

Adopted by the Jefferson County Board of Supervisors