

**RESOLUTION**  
of the  
**Town Board of the Town of Neenah** ,  
**Winnebago County, Wisconsin**

# 2019-13

RE: Petition of Winnebago County for the proposed text and map amendment changes affecting the Winnebago County, Chapter 16.05, Sanitary Ordinance.

**DESCRIPTION OF SUBJECT SITE:**

**Owner(s) of Property:** Winnebago County  
**Applicant(s):** Winnebago County Zoning Department  
**Location of Premises Affected:** Multiple

**EXPLANATION:**

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

RESOLVED, by the Town Board of the Town of Neenah , Winnebago County, Wisconsin, that the above indicated proposed amendments to the Winnebago County Sanitary Ordinance, Chapter 16.05, be and the same is hereby

APPROVED [ ] DISAPPROVED Signed: Ellen Skerke

**TOWN FINDINGS (REASONS):**

1. This action streamlines the application process for a holding tank installation or replacement
2. No objections from the floor
3. Necessary addition to Chapter 16.05.
- 4.
- 5.

I, Ellen Skerke , Town Clerk of the above named town, hereby certify that the foregoing is a true and correct copy of a resolution adopted by the Town Board of the Town of \_\_\_\_\_ .

DATED THIS 23<sup>rd</sup> DAY OF July , 2019.

**TOWN OF NEENAH**  
**Winnebago County**  
**1600 Breezewood Lane, Neenah, Wisconsin 54956**

Bob Schmeichel, Chairman 920-729-5995  
Brooke Cardoza, Supervisor 920-727-1750  
Tom Wilde, Supervisor 920-725-0014

Glenn Armstrong, Supervisor 920-722-3355  
Jim Weiss, Supervisor 920-727-1952  
Ellen Skerke, Clerk/Treasurer 920-725-0916

July 23, 2019

Winnebago County Planning and Zoning

Re: Town of Neenah Response to July 2019 Public Hearing Results

This letter is to advise Winnebago County Zoning Department that the Town of Neenah Board of Supervisors makes the following recommendations at their July 22, 2019 Town Board meeting:

<u>Public Hearing Item</u>	<u>Town Recommendation</u>
Text Amendment – Holding Tank	The Town Board recommends approval, Town Resolution is attached.
Map / Text Amendment - Floodplain	Town Board recommends approval, Town Resolution is attached

Respectfully,



Ellen Skerke  
Clerk / Treasurer

# WINNEBAGO COUNTY PLANNING & ZONING DEPARTMENT

Date: 05/31/19

To Whom It May Concern:

Below is a Notice of Public Hearing being published in the Oshkosh Northwestern. The Notice presents a general description of a proposed action which is regulated by the Winnebago County Sanitary Ordinance. This application or petition for action affects area in the immediate vicinity of property which you own.

## Notice of Public Hearing

The Planning & Zoning Committee of Winnebago County will hold a Public Hearing in the **ROOM 120** of the Winnebago County Administrative Building, 112 Otter Avenue, Oshkosh, Wisconsin, on **Tuesday, July 30, 2019 at 6:30 p.m.** to consider the following case:

### DESCRIPTION OF SUBJECT SITE:

**Owner(s) of Property:** N/A

**Applicant(s):** Planning & Zoning Committee

**Location of Premises Affected:** N/A

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

All interested persons wishing to be heard at the Public Hearing are invited to be present. For further detailed information concerning this notice, contact the Town Clerk or the Winnebago County Zoning Office.

**WINNEBAGO COUNTY PLANNING & ZONING COMMITTEE**

# STAFF REPORT TO: Planning & Zoning Committee

Date: 5/31/19

**FILE NUMBER:**

**SUBJECT:** Text Amendment

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

## **II. Geographic Background Information**

**A. Property Owner(s):** N/A

**B. Applicant(s) Name:** Planning & Zoning Committee

**C. Location:** N/A

## **III. SECTION 16.05 OF THE SANITARY ORDINANCE.**

**16.05 HOLDING TANKS**

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

- (7) Financial Security for Removal. For each tank installed, a minimum \$5,000 (five thousand dollar) bond, letter of credit, or other similarly approved financial guarantee shall be filed with the County at the time of permit application and shall be maintained until the lease of the property expires, property is sold, municipal sewer becomes available, or at a time that is mutually agreed to by the applicant or owner and the County.
- (f) *The property or structure served is located within a mapped active sanitary district or incorporated municipality where sewer has been installed but is not available to specific properties or structures located within the district.*
- (2) **Holding Tank Agreement:** Any property owner who applies for a sanitary permit for a holding tank(s) must first enter into a Holding Tank Agreement with the County. Holding Tank Agreements in effect within each town shall hereby be assigned to Winnebago County. A licensed staff member will sign the Holding Tank Agreement on behalf of the County.
  - (a) Holding Tank Agreement Conditions:
    - (1) The property owner shall enter into a Holding Tank Servicing Contract with a licensed pumper who shall be responsible for pumping out the holding tank(s) when required and disposing of the waste in accordance with Wis. Admin. Code Chapter NR 113.
    - (2) The property owner shall maintain the holding tank(s) so as to conform to all requirements of Wis. Adm. Code Chapter COMM 83 relating to holding tanks.
    - (3) The property owner shall properly maintain the holding tank(s) by notifying the contracted licensed pumper to have the holding tank(s) pumped out when the tank(s) are full. Holding Tank(s) that serve a structure that has seasonal or intermittent use shall be pumped out when full but no less than once during each calendar year.
    - (4) Where holding tank(s) are not properly maintained and are consequently causing a nuisance as described in Sec. 254.01(2) and 281.01(18) Wis. Stats., the County shall order the tank(s) to be maintained by a private contractor at the County's expense. The County shall then invoice the property owner for all such costs incurred. If the invoice is not paid within 30 days, the County shall place the amount on the tax roll as a special assessment against the property in question.
    - (5) The Holding Tank Agreement shall be recorded in the Winnebago County Register of Deeds Office prior to issuance of a sanitary permit.
  - (3) **Holding Tank Servicing Contract:** All owners of existing and future holding tank(s) shall enter into a Holding Tank Servicing Contract with a licensed pumper.
    - (a) Holding Tank Servicing Contract Conditions:
      - (1) The property owner shall permit the pumper to have access and enter upon the property for the purpose of servicing the holding tank(s).