

**ORDINANCE
ROCK COUNTY BOARD OF SUPERVISORS**

BOARD OF HEALTH
INITIATED BY



RICK WIETERSEN
DRAFTED BY

BOARD OF HEALTH
COMMITTEE
SUBMITTED BY

JULY 24, 2018
DATE DRAFTED

AMENDING SECTION 6.123(3)(f) AND SECTION 6.127 AND ADDING SECTION 6.123(3)(g) OF THE ROCK COUNTY ORDINANCES

1 The Rock County Board of Supervisors at its regular meeting this 13th day of September
2 2018, does ordain as follows:

3
4 I. Section 6.123(3)(f) of the Rock County Code of Ordinances shall be amended to read as
5 follow (new language underscored, deleted language crossed-out);

6
7 **6.123 Private Sewage Systems**

8
9 ...

10
11 (3) Sanitary Permits

12 ...
13
14 (f) A Sanitary permit shall not be issued for a POWTS to serve a structure within the
15 municipal boundaries of a municipality in an area served by a public sewerage system
16 unless a letter is received from the controlling municipality indicating that public sewer
17 is not available to the subject property. This includes areas outside the controlling
18 municipality's boundary where legally binding agreements are in place to allow sewer
19 connections outside the controlling municipality without annexation.

20
21 II. Section 6.123(3)(g) of the Rock County Ordinances is created to read as follows:

22
23 (g) A Sanitary permit shall not be issued for a POWTS to serve in a City of Beloit or City
24 of Janesville 208 Water Quality Plan Sewer Service Area when the municipality provides
25 detailed written documentation to the Public Health Department verifying that connecting to
26 public sewer meets the policy recommendations of the current 208 Water Quality Plan for
27 those municipalities. Any appeal through the Rock County Board of Health, per Section
28 6.127 of this Chapter, shall be given primary consideration to an existing 208 Water Quality
29 Plan as agreed upon between the municipalities of concern.

30
31 III. Section 6.127 of the Rock County Code of Ordinances shall be amended to read as follow
32 (new language underscored, deleted language crossed-out);

33
34 **6.127 Appeals.**

35
36 Any person aggrieved by an order issued pursuant to the authority conveyed by this Chapter may
37 appeal such an order in accordance with see. 66.124, Wis. Stats., Chapter 68, Wis. Stats.,
38 Municipal Administrative Procedures, to the Rock County Board of Health. The Board may
39 affirm, set aside, or modify the order by majority vote. The Board's decision shall be final and
40 may be appealed to the Circuit Court of Rock County.

41
42 IV. Sections 6.123(3)(f), 6.123(3)(g), and 6.127 shall be effective upon publication.

18-8A-047

Respectfully submitted,

BOARD OF HEALTH

Louis Peer

Louis Peer, Chair

Connie Winter

Dr. Connie Winter, DDS, Vice Chair

Kaitlyn Meyers

Dr. Kaitlyn Meyers, DVM, MPH

Vijaya Somaraju

Dr. Vijaya Somaraju, MD, MPH, FACP

Judy Wade

Judy Wade, WHNP

Eric Gresens, R.Ph

Vicki Brown

Vicki Brown

Craig Gronke

Craig Gronke

Danette Rynes

Danette Rynes

LEGAL NOTE:

The County Board is authorized to take this action by Wisconsin Statutes section 59.02(2).

Richard Greenlee

Richard Greenlee
Corporation Counsel

FISCAL NOTE:

Minimal fiscal impact.

Sherry Oja

Sherry Oja
Finance Director

ADMINISTRATIVE NOTE:

Recommended

Josh Smith

Josh Smith
County Administrator

**AMENDING SECTION 6.123(3)(f) AND SECTION 6.127 AND ADDING
SECTION 6.123(3)(g) OF THE ROCK COUNTY ORDINANCE**

Executive Summary

The Rock County Public Health Department's issues private onsite wastewater treatment system (POWTS) permits in Rock County. These ordinance amendments and addition are needed to address agreements in a 208 Water Quality Plan Amendment which was put in place to address the potential denial of POWTS permits in sewer service areas with an currently existing 208 Water Quality Plan but outside municipal boundaries: The City of Beloit and City of Janesville have worked with the adjacent Towns to create amendments to the County 208 Water Quality plan to reflect criteria in which a POWTS permit will be denied based on proximity to existing municipal sewer service, parcel size, and the ability of the municipality to provide sewer service in a timely manner. It is the intent of the Rock County Public Health Department to base permit denials on these agreed upon criteria unless municipalities providing sewer service indicate in writing that they will not or cannot serve a property with sewer service.

Changes to Section 6.127 reflect a correction in a citation of the appeal process based on State Statutes. The previous citation was either incorrect or had changed since the last ordinance update.