



DOOR COUNTY

AMENDMENT OF CHAPTER 21, DOOR COUNTY CODE

ROLL CALL Board Members	Aye	Nay	Exc.
AUSTAD	X		
BACON	X		
BRANN			X
BUR	X		
ENGLEBERT	X		
ENIGL	X		
FISHER	X		
GUNNLAUGSSON	X		
HAINES	X		
HALSTEAD	X		
KOCH	X		
KOHOUT	X		
KOK	X		
LIENAU	X		
MOELLER	X		
NEINAS	X		
SCHULTZ	X		
SITTE			X
SOHNS	X		
VIRLEE	X		
ZIPPERER			X
	18	0	3


BOARD ACTION

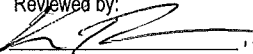
Vote Required: Majority Vote of a Quorum

Motion to Approve Adopted Defeated

1st Schultz
2nd Bacon

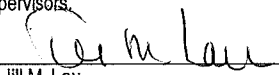
Yes: ___ No: ___ Exc: ___

Reviewed by:  , Corp. Counsel

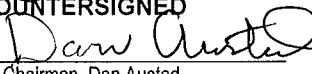
Reviewed by:  , Administrator

Certification:

I, Jill M. Lau, Clerk of Door County, hereby certify that the above is a true and correct copy of an ordinance that was enacted on the 26th day of January, 2016 by the Door County Board of Supervisors.


Jill M. Lau
County Clerk, Door County

COUNTERSIGNED


Chairman, Dan Austad
Door County Board of Supervisors

1 2015 Wisconsin Act 55, (effective July 14, 2015) created §706.22, Wisconsin Statutes, which
2 prohibits the imposition of certain time-of-sale requirements. §21.03 E. (1), Door County Code
3 is, in part, inconsistent with §706.22, Wisconsin Statutes.

4
5 The Door County Board of Supervisors does hereby ordain an amendment to §21.03 E. (1),
6 Door County Code as follows:

7
8 **E. Inspections and Testing**

9 **(1) General**

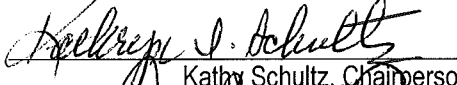
10 (a) In accordance with state law (e.g., Ch. 145 Wis. Stats. and Ch. SPS 383 Wis. Adm.
11 Code) the Sanitarian may inspect at any time, with or without notice, the
12 construction, installation, operation or maintenance of a POWTS to ascertain
13 whether the POWTS conforms to plans approved, the conditions of approval and
14 this chapter, or any applicable law, regulation or rule.

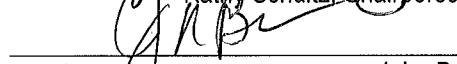
15 1. At least once every three years all POWTS shall be inspected and a written
16 inspection report (the required form is available from the Sanitarian's
17 Department) must be fully completed, executed and then timely filed with the
18 Sanitarian's Department. This inspection must be conducted, and written report
19 completed and executed, by a master plumber, journeyman plumber, a
20 restricted plumber licensed under Ch. 145 Wis. Stats., certified POWTS
21 inspector, certified septage servicing operator, registered POWTS maintainer,
22 or other person who is qualified to undertake the required inspection. The
23 person conducting the inspection must certify that the system is operating and
24 functioning properly, within the applicable standards (e.g., Ch. 145 Wis. Stats.
25 and Ch. 83 Wis. Adm. Code). Pumping of the POWTS is required when the
26 combined sludge and scum volume equals 1/3 of the tank volume.

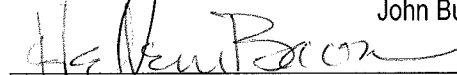
27 2. Any conveyance of real property and/or transfer of any interest therein may
28 prompt a review of any POWTS situated on the subject real property by the
29 Sanitarian or her/his designee. Should this review disclose the need for
30 maintenance, repair, rehabilitation or replacement of a POWTS, necessary
31 corrective action must be taken by the owner within a reasonable time period
32 after such review. What constitutes a reasonable time period is left to the
33 discretion of the Sanitarian. Nothing herein may be interpreted to restrict the
34 ability of an owner of real property to sell or otherwise transfer title to or
35 refinance the property. The intent is to require a real property owner to ensure
36 that a POWTS is safe and will protect public health and the waters of the state.


37
38 This ordinance shall be in full force and effect from and after enactment and publication

SUBMITTED BY: BOARD OF HEALTH


Kathy Schultz, Chairperson


John Bur


Helen Bacon


Steve Sohns


Paul Kok

James F. Heise, MD
Jody Boes, RN, MSN
Lawrence LePorte, P.E.

- b. For dwellings, when there is an increase or decrease in the number of bedrooms.
- (d) Documentation of Existing Capabilities
 - 1. Documentation to verify whether an existing POWTS can accommodate a modification in wastewater flow or contaminant load, or both, shall include at least one of the following:
 - a. A copy of the plan for the existing POWTS that delineates minimum and maximum performance capabilities and which has been previously approved by the Department of Commerce or Sanitarian.
 - b. Information on the performance capabilities for the existing POWTS that has been recognized through a product approval under ch. Comm 84 Wis. Adm. Code.
 - c. A written investigative report prepared by an architect, engineer, designer of plumbing systems, designer of private sewage systems, master plumber, master plumber-restricted service or certified POWTS inspector analyzing the proposed modification and the performance capabilities of the existing POWTS.
 - 2. For POWTS serving a one or two family residence and installed on or subsequent to July 1, 1980, one additional bedroom may be added upon the following conditions:
 - a. A detailed estimate of wastewater flow based upon per capita occupancy of usage of the dwelling or per function occurrence within the dwelling per Comm 83.43 (3)(b), Wisconsin Administrative Code, which demonstrates the proposed system sizing is appropriate for the dwelling.
 - b. Execution of an "Affidavit of Wastewater Flow", and execution and recording of a "Restrictive Agreement", by the owner in a manner, in a form, and with terms and conditions as designated by Sanitarian.
- (e) Setbacks.
 - 1. A municipality may not issue a building permit for construction of any structure or addition to a structure on a site where there exists a POWTS, unless the proposed construction conforms to the applicable setback limitations under s. Comm 83.43(8)(i) Wis. Adm. Code.
 - 2. The applicant for a building permit shall provide documentation to the municipality issuing the building permit showing the location and setback distances for the proposed construction relative to all of the following:
 - a. Existing POWTS treatment components.
 - b. Existing POWTS holding components.
 - c. Existing POWTS dispersal components.

E. Inspections and Testing

(1) General

- (a) In accordance with state law (e.g., Ch. 145 Wis. Stats. and Ch. 83 Wis. Adm. Code) the Sanitarian may inspect at any time, with or without notice, the construction, installation, operation or maintenance of a POWTS to ascertain whether the POWTS conforms to plans approved, the conditions of approval and this chapter, or any applicable law, regulation or rule.
 - 1. At least once every three years all POWTS shall be inspected and a written inspection report (the required form is available from the Sanitarian's Department) must be fully completed, executed and then timely filed with the Sanitarian's Department. This inspection must be conducted, and written report completed and executed, by a master plumber, journeyman plumber, a restricted plumber licensed under Ch. 145 Wis. Stats., certified POWTS inspector, certified septage servicing operator, registered POWTS maintainer, or other person who is qualified to undertake the required inspection. The person conducting the inspection must certify that the system is operating and functioning properly, within the applicable standards (e.g., Ch. 145 Wis. Stats. and Ch. 83 Wis. Adm. Code). Pumping of the POWTS is required when the combined sludge and scum volume equals 1/3 of the tank volume.
 - 2. Inspection of all POWTS is required, and a written inspection report (the required form is available from the Sanitarian's Department) must be completed, executed and filed with the Sanitarian's Department, prior to any conveyance of real property and/or transfer of any interest therein. This inspection must be conducted, and written report executed, by a master plumber, journeyman plumber, a restricted plumber licensed under Ch. 145 Wis. Stats., certified POWTS inspector, certified septage servicing operator, registered POWTS maintainer, or other person who is qualified to undertake the required inspection. If the POWTS is deemed failing or in defective condition, rehabilitation or replacement of the POWTS is required within one year of the date of inspection.

This amendatory ordinance [Ord. 2010-07] shall take effect on the first day of July, 2010

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Vetoed
In Part

(2) A requirement that individuals requesting an independent dispute resolution must first exhaust any internal grievance procedure established by the insurer for grievances related to conduct under s. 632.87 (3).

(3) The application procedure and qualifications, including conflict of interest provisions, for individuals to act as independent reviewers under the independent dispute resolution process and the inclusion of retired members of the state judiciary as individuals who are eligible to act as independent reviewers.

(4) The procedure for selecting an independent reviewer to review a particular complaint.

(5) The procedures, including timelines, that an independent reviewer must follow when reviewing a complaint and a requirement that an independent reviewer must render a decision regarding a particular complaint within 9 months after the commissioner receives the request for independent dispute resolution.

(6) Procedures for setting and paying the fees of the independent reviewers.

(7) A requirement that the insurer about which the independent dispute resolution is requested pay the fees of the independent reviewer.

(8) The relief to which an individual who requests independent dispute resolution and who prevails is entitled, including injunctive and declaratory relief and monetary relief due to underpayments by the insurer.

SECTION 4591. 632.895 (10) (a) of the statutes is amended to read:

632.895 (10) (a) Except as provided in par. (b), every disability insurance policy and every health care benefits plan provided on a self-insured basis by a county board under s. 59.52 (11), by a city or village under s. 66.0137 (4), by a ~~political subdivision~~ local governmental unit or technical college district under s. 66.0137 (4m), by a town under s. 60.23 (25), or by a school district under s. 120.13 (2) shall provide coverage for blood lead tests for children under 6 years of age, which shall be conducted in accordance with any recommended lead screening methods and intervals contained in any rules promulgated by the department of health services under s. 254.158.

SECTION 4594g. 655.001 (8c) of the statutes is created to read:

655.001 (8c) "Insurer" includes a foreign insurer that is a risk retention group that issues health care liability insurance under this chapter.

SECTION 4594m. 655.23 (3) (am) of the statutes is created to read:

655.23 (3) (am) For purposes of par. (a) only, a foreign insurer that is a risk retention group and that has not been issued a certificate of authority under s. 618.12 is authorized to do business in this state if the risk retention group is registered with the commissioner, is approved by the commissioner to provide health care liability insurance coverage under this chapter, and has and main-

tains a risk-based capital ratio of at least 300 percent as determined under the risk-based capital instructions adopted by the National Association of Insurance Commissioners.

SECTION 4594r. 703.195 (1) (c) of the statutes is amended to read:

703.195 (1) (c) "Condemnor" means a person ~~specified in s. 32.01 (4)~~ who has the authority to condemn property under ch. 32.

SECTION 4595. 705.04 (2g) of the statutes is amended to read:

705.04 (2g) Notwithstanding subs. (1) and (2), the department of health services may collect, from funds of a decedent that are held by the decedent immediately before death in a joint account or a P.O.D. account, an amount equal to the medical assistance that is recoverable under s. 49.496 (3) (a), an amount equal to aid under s. 49.68, 49.682, or 49.685, or 49.785 that is recoverable under s. 49.682 (2) (a) or (am), or an amount equal to long-term community support services under s. 46.27 that is recoverable under s. 46.27 (7g) (c) 1. and that was paid on behalf of the decedent or the decedent's spouse.

SECTION 4595c. 706.22 of the statutes is created to read:

706.22 Prohibition on imposing time-of-sale requirements. (1) DEFINITIONS. In this section:

(a) "Actions with respect to the property" include such actions as having an inspection made by an employee or agent of, or contractor with, the local governmental unit; making improvements or repairs; removing junk or debris; mowing or pruning; performing maintenance or upkeep activities; weatherproofing; upgrading electrical systems; paving; painting; repairing or replacing appliances; replacing or installing fixtures or other items; and actions relating to compliance with building codes or other property condition standards.

(b) "Local governmental unit" means any of the following:

1. A political subdivision of this state.
2. A special purpose district in this state.
3. An agency or corporation of a political subdivision or special purpose district in this state.
4. A combination or subunit of any entity under subs. 1. to 3.
5. An employee or committee of any entity under subs. 1. to 4.

(2) REQUIREMENTS TIED TO SALE OF PROPERTY PROHIBITED. (a) Except as provided in par. (b), no local governmental unit may by ordinance, resolution, or any other means restrict the ability of an owner of real property to sell or otherwise transfer title to or refinance the property by requiring the owner or an agent of the owner to take certain actions with respect to the property or pay a related fee, to show compliance with taking certain actions with respect to the property, or to pay a fee for

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failing to take certain actions with respect to the property, at any of the following times:

1. Before the owner may sell, refinance, or transfer title to the property.
2. At the time of the sale or refinancing of, or the transfer of title to, the property.
3. Within a certain period of time after selling, refinancing, or transferring title to the property.

(b) Paragraph (a) does not prohibit a local governmental unit from requiring a real property owner or the owner's agent to take certain actions with respect to the property not in connection with the sale or refinancing of, or the transfer of title to, the property.

(3) EXISTING ORDINANCE, RESOLUTION, OR POLICY UNENFORCEABLE. If a local governmental unit has in effect on the effective date of this subsection [LRB inserts date], an ordinance, resolution, or policy that is inconsistent with sub. (2) (a), the ordinance, resolution, or policy does not apply and may not be enforced.

SECTION 4598. 753.061 (5) of the statutes is repealed.

SECTION 4601b. 758.19 (5) (a) of the statutes is repealed.

SECTION 4601e. 758.19 (5) (b) of the statutes is repealed and recreated to read:

758.19(5) (b) From the appropriation under s. 20.625 (1) (d), the director of state courts shall make payments to counties for circuit court costs. The director of state courts, at the direction of the supreme court, shall define circuit court costs for the purposes of this subsection.

SECTION 4601h. 758.19 (5) (b) of the statutes, as affected by 2015 Wisconsin Act (this act), is amended to read:

758.19(5) (b) From the appropriation under s. 20.625 (1) (d) (cg), the director of state courts shall make payments to counties for circuit court costs. The director of state courts, at the direction of the supreme court, shall define circuit court costs for the purposes of this subsection.

SECTION 4601L. 758.19 (5) (c) of the statutes is repealed.

SECTION 4601p. 758.19 (5) (d) of the statutes is repealed.

SECTION 4601r. 758.19 (5) (f) of the statutes is amended to read:

758.19 (5) (f) A county that fails to meet the requirements under par. (e) is not eligible for a payment under par. (b) for one fiscal year, as defined in s. 237.01 (3), after the May 15 that the information was not provided, or until the information is provided, whichever is earlier. Except as provided in this paragraph and par. (g), the information regarding the amount of actual costs reported under par. (e) does not affect the amount paid to a county under par. (b).

SECTION 4601u. 758.19 (5) (g) of the statutes is repealed.

SECTION 4601y. 758.19 (5) (h) of the statutes is repealed.

SECTION 4602. 758.19 (6) of the statutes is repealed.

SECTION 4603. 758.19 (8) of the statutes is repealed.

SECTION 4605. 767.75 (1f) of the statutes is amended to read:

767.75 (1f) PAYMENT ORDER AS ASSIGNMENT OF INCOME. A payment order constitutes an assignment of all commissions, earnings, salaries, wages, pension benefits, income continuation insurance benefits under s. 40.62, duty disability benefits under s. 40.65, benefits under ch. 102 or 108, lottery prizes that are payable in installments, and other money due or to be due in the future to the department or its designee. The assignment shall be for an amount sufficient to ensure payment under the order, obligation, or stipulation and to pay any arrearages due at a periodic rate not to exceed 50% of the amount of support due under the order, obligation, or stipulation so long as the addition of the amount toward arrearages does not leave the party at an income below the poverty line established under 42 USC 9902 (2).

SECTION 4606. 767.75 (2m) (a) 1. of the statutes is amended to read:

767.75 (2m) (a) 1. An obligation to pay unpaid fees under s. 767.57 (1e) (b) 1m. constitutes an assignment of all commissions, earnings, salaries, wages, pension benefits, income continuation insurance benefits under s. 40.62, duty disability benefits under s. 40.65, benefits under ch. 102 or 108, lottery prizes that are payable in installments, and other money due or to be due in the future to the department or its designee.

SECTION 4607. 767.75 (2m) (a) 2. of the statutes is amended to read:

767.75 (2m) (a) 2. An obligation to pay unpaid fees under s. 767.57 (1e) (b) 2m. constitutes an assignment of all commissions, earnings, salaries, wages, pension benefits, income continuation insurance benefits under s. 40.62, duty disability benefits under s. 40.65, benefits under ch. 102 or 108, lottery prizes that are payable in installments, and other money due or to be due in the future to the clerk of court to whom the fees are owed, or to his or her successor.

SECTION 4610b. 800.09 (1j) of the statutes is amended to read:

800.09 (1j) If the court orders the defendant to perform community service work in lieu of making restitution or of paying the forfeiture, surcharges, fees and costs, or both, the court may order that the defendant perform community service work for a public agency or a nonprofit charitable organization that is approved by the court and agreed to by the public agency or nonprofit charitable organization. Community service work may be in lieu of restitution only if also agreed to by the person to whom restitution is owed. The number of hours of community service work required may not exceed the