

MEMORANDUM

Business Item A

From: Administrator/Staff

To: Town Board

Re: Town Board review & consideration of Resolution 2026-006 regarding proposed text amendments affecting the Winnebago County Chapter 16 of the Winnebago County General Code.

Please see the comments below from Code Administrator Kamke:

Overall, it's positive news about long-overdue changes to legitimize judgement calls made by department staff over the years. Where the existing code would have prohibited things, but practicality demanded flexibility, allowances were made under the assumption the code would be updated. This appears to be that update. I have some opinions on changes that I'd like to see them make to the proposed language, but there are minimal ways in which the proposed ordinance text will impact the Town's operations.

They discussed the topic briefly at the July 13 P&Z Committee meeting. Man Caves was called out because the code as it exists today requires each unit of that condo to have a full system, including in-ground treatment component (drain field), since the soil profile there would accept wastewater effluent for treatment. Holding tanks are only allowed as a 'system of last resort', and technically the parcel had no soil limitations that would have prohibited a mound or at-grade system for each unit. However, the parcel's use aligns better for holding tanks to serve each unit; trying to have one massive system drain field that each unit's tank pumps to would be a nightmare for maintenance and figuring out responsibility. I believe the County made a code-conflicting decision to allow holding tanks for each of these units, choosing to side with reality; the changes proposed here would realign those (good!) decisions with code requirements/allowances.

I recall that Coralee and/or Tom already check with the County for the issuance of sanitary permits before the Town issues your own building permits for new construction, so I will verifying with you if that check also happens for additions and rebuilds, since that is called out as required as well.

There's some vague language about if a POWTS exists for a structure within an area that will become served by public sewer service, establishing timelines for connection to sewer service after an order is issued. The language doesn't indicate which jurisdiction is responsible for issuing or enforcing the order though. If you know details on how that works within Clayton's Sanitary District #1, I'd like to discuss and learn about that. I still think the County could add clarifying language, but there may be industry knowledge that I'm just not aware of yet that would explain this vagueness.

The last part of direct Town impact is a definition of "Waters of the State" that they are taking word for word from statute (Ch 281.01(18)). What this means is that if there is a human health hazard caused by a POWTS, likely being the discharge of wastewater

from a failed or compromised system, and that discharge is impacting **ANY** type of surface or ground water, it is under the jurisdiction of the County to issue abatement orders and enforce compliance. My previous understanding of 'state waters' was just those that were both natural and accessible to the public. The definition within the County POWTS ordinance is much larger and appears to include stormwater retention ponds and other artificial waterbodies as well:

““Waters of the state” includes those portions of Lake Michigan and Lake Superior within the boundaries of this state, and all lakes, bays, rivers, streams, springs, ponds, wells, impounding reservoirs, marshes, watercourses, drainage systems and other surface water or groundwater, natural or artificial, public or private, within this state or its jurisdiction.”

SUGGESTED MOTION(S):

*Motion **AND ROLL CALL** to approve Resolution 2026-006 regarding proposed text amendments affecting the Winnebago County Chapter 16 of the Winnebago County General Code.*

If you have any questions about this information, please feel free to call or e-mail me.

Respectfully Submitted
Kelsey