

**ORDINANCE AMENDING MANITOWOC COUNTY CODE CHAPTER 7
(Public Health)**

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, Manitowoc County Chapter 7 contains the Public Health Ordinance; and

2
3 WHEREAS, substantial changes have taken place to the state statutes and to the mission and
4 operation of the Manitowoc County Health Department since the original Public Health Ordinance
5 was adopted; and

6
7 WHEREAS, the Health Department Director, the Public Health Nurse Manager, and the
8 Corporation Counsel have met and prepared a proposed revision to the Public Health Ordinance; and

9
10 WHEREAS, the Board of Health has reviewed the proposed revision of the Public Health
11 Ordinance and recommends that it be adopted;

12
13 NOW, THEREFORE, the county board of supervisors of the county of Manitowoc does ordain
14 as follows:

15
16 Manitowoc County Code Chapter 7 is amended to read as follows:

17
18 **PUBLIC HEALTH**

19
20 **Part I. General Provisions.**

- 21
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26 7.05 Abrogation.
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32
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- 34
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40

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48

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57

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59

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62

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66 7.31 Dog License Fund

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69

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71

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73 7.35 Violations.

74 7.36 Penalties.

75

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77

78 Part I. General Provisions.

79

80 7.01 Title. This ordinance may be referred to as the Public Health Ordinance.

81

82 7.02 Purpose. The purpose of this ordinance is to protect and promote the public health and
83 provide for the safety and general welfare of the people and communities in the county by
84 implementing a public health system to protect residents and transients and to prevent the spread of
85 diseases. It is further intended to provide for the administration and enforcement of this chapter and
86 to provide penalties for violation of this chapter.

87

88 7.03 Authority. This ordinance is adopted under authority granted by Wis. Stat. chs. 251, 252,
89 and 254 and regulations and rules set forth in the Wisconsin Administrative Code.

90
91 7.04 Jurisdiction. This ordinance applies, and the jurisdiction of the health department
92 extends, to all areas of the county.

93
94 7.05 Abrogation. This ordinance is not intended to abrogate, annul, impair, interfere, or repeal
95 any existing ordinance, license, regulation, rule, or permit previously adopted or issued pursuant to
96 law.

97
98 7.06 Laws, Rules, and Regulations Adopted by Reference. The provisions of Wis. Stats. chs.
99 251, and 254; Wis. Stat. § 95.21; Wis. Admin. Code chs. DHS 172, 173, 175, 178, 192, 195, 196,
100 197, and 198; Wis. Admin. Code chs. Comm. 26 and 90 are adopted and incorporated into this code
101 by reference.

102
103 7.07. Uniformity with State Regulation. This ordinance is subject to the provisions of the
104 Wisconsin Statutes and all regulations and rules promulgated thereunder and set forth in the
105 Wisconsin Administrative Code, except that any provision of this ordinance that is more restrictive
106 is controlling whenever permitted by state law.

107
108 7.08 Interpretation. The provisions of this ordinance are to be interpreted to be minimum
109 requirements and shall be broadly and liberally construed in favor of the county and shall not be
110 deemed a limitation or repeal of any other power granted by the Wisconsin Statutes, and nothing in
111 this ordinance may be interpreted to be more lenient than any provision contained in the Wisconsin
112 Statutes or any regulation or rule promulgated thereunder and set forth in the Wisconsin
113 Administrative Code.

114
115 7.09 Severability. The provisions of this ordinance are severable and the invalidity of any part
116 of this ordinance will not affect the validity or effectiveness of the remainder of the ordinance.

117
118 7.10 Fees. (1) The county board shall establish the fee for any license, other than a dog license,
119 and for any permit issued pursuant to this ordinance by resolution at or prior to the county board's
120 annual budget meeting.

121
122 (2) The county board may establish the fee for conducting inspections or investigations and
123 for providing education, technical assistance, and training to establishments by resolution at any
124 time.

125
126 (3) The health department fee schedule will be attached to this ordinance as an appendix and
127 a copy will be on file at the health department.

128
129 Part II. Management of Health Department.

130
131 7.11 County Executive. The county executive shall appoint a local health officer in accordance
132 with the requirements of Wis. Stat. § 251.06. The appointment is subject to confirmation by the
133 county board. The county executive shall assume the powers and duties over the management and
134 operation of the health department as stated in Wis. Stat. § 251.04.

135 7.12. Board of Health. Pursuant to Wis. Stat. § 251.04(9), the board of health is the
136 policy-making body with authority to determine the broad outlines and principles governing the
137 administration of the health department. As authorized by Wis. Stat. §§ 251.02(2)(b), (3m), (3r), and
138 (3t), the board of health may adopt such regulations, for its own guidance and for the governance of
139 the health department, as it considers necessary to protect and improve public health. These
140 regulations may be no less stringent than, and may not conflict with, state statutes and rules of the
141 department.

142

143 7.13 Health Department. (1) The health department shall perform the duties of a Level III local
144 health department as specified in Wis. Stat. § 251.05.

145

146 (2) The health department is authorized to act as the agent of, enter into contracts with, issue
147 licenses and permits for, and perform investigations, inspections, sampling, testing, and other
148 services for the Wisconsin Department of Health Services, the Wisconsin Department of Natural
149 Resources, and other government agencies in order to serve the purpose of this ordinance.

150

151 7.14 Health Officer. (a) The health officer shall have charge of the health department.

152

153 (b) The health officer or his or her designee shall perform duties assigned by the county
154 executive, specified in this ordinance, or prescribed by Wis. Stat. §§ 251.06(3), 252.03, 252.05,
155 252.06, 252.07, 252.11, 254.59, and 254.593.

156

157 7.15 Donations and Gifts. The health officer may accept cash or non-cash donations to the
158 county for the purpose of carrying out the provisions of this ordinance or for the benefit of the health
159 department if the donation has a value of less than \$1,000. Any cash or non-cash donation with a
160 value of \$1,000 or more may only be accepted by resolution of the county board.

161

162 Part III. Public Health Code.

163

164 7.16 Communicable Disease Control. The provisions of Wis. Stat. ch. 252 and Wis. Admin.
165 Code § HFS 145, including any amendments thereto, are adopted by reference.

166

167 7.17 Human Health Hazards. (1) “Human health hazard” means any activity, condition, or
168 substance that is known to have the potential to cause acute or chronic illness, to endanger life, to
169 generate or spread infectious diseases, or to otherwise injuriously affect the health of the public.

170

171 (2) It is unlawful for any person to cause, permit, or maintain a human health hazard anywhere
172 within the county.

173

174 (3) The health officer shall follow the procedures set forth in Wis. Stat. § 254.59 if he or she
175 finds a human health hazard.

176

177 7.18 Unfit Dwellings. (1) “Dwelling” means any structure or part of a structure that is used
178 or intended to be used for human habitation, including any land surrounding the structure that is
179 reasonably necessary for its use and any appurtenances belonging to the structure or usually enjoyed
180 with it.

181

182 (2) The health officer may declare any dwelling that is dilapidated, unsafe, or unsanitary to be
183 a human health hazard and issue such orders and take such actions as may be necessary, including,
184 but not limited to, requiring that all persons vacate the dwelling within a specified time and requiring
185 that repairs be made within a specified time or that the dwelling be razed. The health officer shall
186 post a placard on the unfit dwelling that contains the words: “Unfit For Human Habitation,
187 Occupancy, Or Use.” No dwelling that has been placarded may be used for human habitation until
188 the health officer determines that the dwelling is fit for human habitation. No person may deface or
189 remove the placard without the health officer’s written authorization.

190

191 7.19 Lead Poisoning and Lead Exposure Control. (1) Purpose. The purpose of this ordinance
192 is to reduce exposure to lead hazards and to eliminate lead poisoning whenever possible, especially
193 among children under 6 years of age.

194

195 (2) Definitions. The terms used in this ordinance have the meaning specified in Wis. Stat. §
196 254.11 and any rules or regulations adopted pursuant to that statute, except where a different
197 meaning is stated below:

198

199 “Dwelling” means any building that contains one or more dwelling units.

200

201 “Dwelling unit” means a structure or that part of a structure used as a home, residence, or
202 sleeping place by one person or by 2 or more persons maintaining a common household, to the
203 exclusion of all others.

204

205 “Premises” means a dwelling; a dwelling unit; a structure adjacent to the dwelling unit of a
206 lead poisoned child; a place where a person cares for, teaches, trains, or supervises any child under
207 6 years of age; an educational or child care facility, including attached structures and the real
208 property upon which the facility stands, that provides services to children under 6 years of age; any
209 other classes of buildings and facilities, including attached structures and real property upon which
210 the buildings or facilities stand, that pose a significant risk of contributing to the lead poisoning or
211 lead exposure of children under 6 years of age; and any parcel of land that poses a significant risk
212 of contributing to the lead poisoning or lead exposure of children under 6 years of age.

213

214 (3) Rules Adopted by Reference. Any rule promulgated by the Wisconsin Department of
215 Health Services regarding lead poisoning and lead exposure is adopted and incorporated by
216 reference.

217

218 (4) Prohibited Acts. (a) No person may create or allow any lead hazard to exist in any
219 premises, dwelling, or dwelling unit.

220

221 (b) No person may remove lead-bearing paint or other lead-bearing surface coatings using any
222 of the following methods:

223

224 1. Abrasive blasting or sandblasting without a HEPA local vacuum exhaust tool, unless
225 granted special permission by the Wisconsin Department of Natural Resources.

226

227 2. Dry scraping, except for limited surface areas.

228

229 3. Hand sanding unless the sandpaper is designed to be and is used under wet
230 conditions.

231
232 4. Heat guns above 1,100° F.

233
234 5. Open flame burning or torching, including propane fueled heat grids.

235
236 6. Machine grinding or sanding without a HEPA exhaust filter, HEPA local vacuum
237 exhaust tool, or other engineering controls to capture lead dust.

238
239 7. Methylene chloride paint removal products.

240
241 8. Uncontained hydroblasting or high pressure wash, unless granted special permission
242 by the Wisconsin Department of Natural Resources.

243
244 (5) Lead Hazard Identification. (a) Lead hazard identification is required whenever any child
245 under the age of 6 who is or has been an occupant of a premises, dwelling, or dwelling unit is found
246 to have an elevated blood lead level and the premises, dwelling, or dwelling unit is a potential source
247 contributing to the elevated blood lead level.

248
249 (b) The health department will conduct a lead risk assessment of the premises, dwelling, or
250 dwelling unit to identify, evaluate, and determine the need for corrective action of any lead hazards.
251 The health department may remove samples or objects for laboratory analysis to determine the
252 presence of a lead hazard.

253
254 (c) The health department shall make a reasonable effort to provide prior notice of the lead risk
255 assessment to the owner of the premises, dwelling, or dwelling unit. If the owner refuses admission,
256 the health department may seek an inspection warrant.

257
258 (d) The health department shall provide the owner with notice of any lead hazard that is found.

259
260 (6) Lead Hazard Reduction Plan Required. (a) The owner of a dwelling or premises shall
261 submit a lead hazard reduction plan to the health department within 30 days of being notified of the
262 existence of a lead hazard or being ordered to abate a lead hazard.

263
264 (b) The plan must outline the scope of the work to be performed, indicate who will perform
265 the work, provide a time line for completion of the work, describe the lead hazard abatement and any
266 interim control measures to be implemented, and explain how waste will be removed from the
267 premises and where it will be deposited.

268
269 (c) The health department shall maintain a list of certified lead risk assessors and certified lead
270 abatement contractors, which will be made available upon request.

271
272 (7) Plan Approval Required. (a) The health department shall review the lead hazard reduction
273 plan and may approve it in whole or in part. The health department may modify the provisions of
274 the plan as appropriate.

275

276 (b) No person may perform work under a lead hazard reduction plan unless the plan has been
277 approved by the health department.

278
279 (c) All work must be performed in strict conformance with the lead hazard reduction plan, and
280 any changes in the plan must be approved by the health department.

281
282 (8) Warning Required. (a) If the owner does not submit a lead hazard reduction plan to the
283 health department with 30 days of notification of a lead hazard, the health officer shall post a placard
284 on the premises, dwelling, or dwelling unit that contains the words:

285
286 WARNING
287 LEAD POISONING HAZARD
288 DANGER TO CHILDREN

289
290 The placard must be at least eight inches by ten inches in size. The placard will be posted at each
291 entrance to a dwelling unit that contains a lead hazard and that is located in a multi-unit premises and
292 at each outside access point or entrance to any other premises.

293
294 (b) No person may remove the placard unless the premises, dwelling, or dwelling unit has been
295 declared lead safe.

296
297 (c) No person may deface the placard.

298
299 (9) Lead hazard reduction standards. (a) Lead hazard abatement must effectively reduce lead
300 hazards by containment, encapsulation, removal, or replacement.

301
302 (b) Lead hazard reduction activity includes proper preparation, cleanup, disposal, and clearance
303 inspection activities associated with such measures.

304
305 (c) Lead hazard reduction activity must be completed in a manner that does not increase any
306 lead dust hazard and that does not introduce any new lead hazard in the environment.

307
308 (e) Any person who performs lead hazard abatement work shall meet the certification
309 requirements of Wis. Admin. Code § HFS 163.

310
311 (10) Inspection. The health officer may inspect the premises at any time during the
312 performance of lead hazard reduction activity to verify compliance with this ordinance and that the
313 work is being performed in accordance with the plan.

314
315 (11) Clearance Inspection. (a) The owner must notify the health department in writing within
316 72 hours after the completion of the lead hazard reduction activity that the activity has been
317 completed in compliance with the lead hazard reduction plan.

318
319 (b) The health department shall conduct a clearance inspection within 30 days of being notified
320 of the completion of lead hazard reduction activity. The health department shall make a reasonable
321 effort to provide prior notice of the clearance inspection to the owner. If the owner refuses
322 admission, the health department may seek an inspection warrant.

323 (c) The clearance inspection will be conducted in accordance with the U.S. Department of
324 Housing and Urban Development's GUIDELINES FOR THE EVALUATION AND CONTROL OF LEAD-
325 BASED PAINT HAZARDS IN HOUSING, Chapter 15: Clearance (June 1995), except that the clearance
326 standard, based on dust wipe sampling, is:

- 327
- 328 1. 40 ug/ft² for a floor.
- 329
- 330 2. 250 ug/ft² for an interior window sill.
- 331
- 332 3. 400 ug/ft² for a window well, window trough, and exterior concrete or other rough surface.
- 333

334 (d) The health officer shall provide the owner with a written clearance report. The report will
335 either state that the premises meets clearance standards and is lead-safe or identify any lead hazard
336 that is found.

337

338 7.20 Beaches. Pursuant to Wis. Stat. § 254.46, the health department shall close or restrict
339 swimming, diving, and recreational bathing if a human health hazard exists in any area used for those
340 purposes on a body of water and on associated land and shall require the posting of the area.

341

342 Part IV: Food, Lodging, and Other Establishments.

343

344 7.21 Permit and License Requirements. (1) No person may operate a bed and breakfast
345 establishment, campground, camping resort, educational camp, food vending machine, hotel, mobile
346 home park, motel, non-profit food stand, piercing establishment, public swimming pool, recreational
347 camp, restaurant, tattoo and piercing establishment, tattoo establishment, temporary restaurant,
348 tourist rooming house, vacation rental, vending machine commissary, without a permit or license
349 from the health department.

350

351 (2) A person must apply for a permit in writing on a form provided by the health department.
352 The application must include the name and address of the applicant, the name and address of the
353 proposed operator, the location of the proposed establishment, and such other information as the
354 health department may require. The health department shall approve or deny the application within
355 30 days of receipt of a complete application.

356

357 (3) A permit may be issued conditioned on the correction of existing violations of this
358 ordinance within a specified time. If the violations are not corrected within that time, the permit will
359 become void.

360

361 (4) The health department may deny a permit to any person that it has found to be
362 uncooperative or a habitual violator of this ordinance.

363

364 (5) No permit may be issued without a pre-inspection of the premises by the health department.

365

366 (6) No permit may be issued until all application fees have been paid.

367

368 (7) A permit is not transferable from one location to another, except that a temporary permit
369 may be transferred to another location with the prior approval of the health department.

370 (8) A permit is not transferrable from one person to another, except that the permit for a food
371 establishment or vending machine operator may be transferred to an immediate family member if
372 the operation of the food establishment or vending machine is transferred to the immediate family
373 member. For the purpose of this ordinance, a parent, child, step-child, grandchild, sibling, or step-
374 sibling is considered an immediate family member.

375
376 (9) The health department may order the closure of any establishment operating without a
377 current permit or license.

378
379 7.22. Expiration and Renewal. (a) A permit or license issued by the health department expires
380 on June 30 following the date of issuance, except that a permit or license issued on or after April 1
381 will expire on June 30 of the following year.

382
383 (b) A permit or license issued by the health department may be renewed by submitting a
384 renewal application, the permit or license fee, any state administrative fees that are due, and any
385 applicable late renewal fee to the health department.

386
387 (c) If the renewal application is mailed on or before the expiration date, the expiration date of
388 the permit or license being renewed will be extended for 30 days from the date of the postmark to
389 allow time for the application to be processed.

390
391 7.23 Permit Display Requirement. An establishment that is required to obtain a permit
392 pursuant to this ordinance must display the current permit in a conspicuous public place at all times.

393
394 7.24 Permit Suspension and Revocation. (1) The health department may temporarily suspend
395 any permit issued pursuant to this ordinance because of a violation of any provision of this ordinance
396 or any rule adopted by this ordinance if it determines that there is an immediate threat to public
397 health.

398
399 (2) The health department may revoke any permit issued pursuant to this ordinance because
400 of repeated violations of this ordinance or the rules adopted by this ordinance.

401
402 7.25 Restaurant Plan Requirement. (1) No person may construct or alter a restaurant without
403 a plan that has been approved by the health department unless the person has secured a waiver of the
404 plan requirement. The health department may grant a waiver of the plan requirement for minor
405 alterations to a restaurant, such as the replacement of equipment.

406
407 (2) A written plan or request for waiver must be submitted to the health department for
408 approval prior to any construction or alteration taking place. The plan or request must describe the
409 amount and character of the proposed work and must include a floor plan; equipment plan and
410 specifications; wall, floor, and ceiling finish specifications; and food service kitchen ventilation plan.
411 The plan review fee must be paid when the plan is submitted, but no fee is required for a waiver
412 request.

413
414 (3) No person may add to, delete from, or otherwise modify an approved plan unless the
415 proposed addition, deletion, or modification has been approved by the health department.

416

417 (4) No person may construct or alter a restaurant in a manner that deviates from the approved
418 plan.

419
420 7.26 Non-Profit Food Stands. A non-profit organization, such as a church, civic, fraternal,
421 patriotic, religious, service, or youth organization, that occasionally prepares, serves, or sells food
422 to transients or the general public is required to have a permit issued by the health department. If
423 the non-profit organization operates a food stand on 4 or more calendar days in a permit year, it is
424 required to have a state temporary restaurant license in addition to a permit issued by the health
425 department. If a non-profit organization obtains a state temporary restaurant license for a permitted
426 food stand, the permit fee will be credited toward the license fee.

427
428 Part V. Cigarettes and Tobacco Products.

429
430 7.27 Restrictions on Sale or Gift of Cigarettes or Tobacco Products. The provisions of Wis.
431 Stat. § 134.66 relating to restrictions on the sale or gift of cigarettes or tobacco products, including
432 any amendments thereto, are adopted by reference.

433
434 7.28 Purchase or Possession of Cigarettes or Tobacco Products by Person under 18 Prohibited.
435 (1) The provisions of Wis. Stat. § 254.92 relating to the purchase of possession of cigarettes or
436 tobacco products by persons under 18, including any amendments thereto, are adopted by reference.

437
438 (2) This ordinance does not apply within any city, town, or village that has enacted or enacts
439 an ordinance under Wis. Stat. § 254.92.

440
441 Part VI. Animals.

442
443 7.29 Dog Licenses. (1) Requirement. Pursuant to Wis. Stat. § 174.05, the owner of a dog that
444 is more than 5 months of age on January 1 or that becomes 5 months of age within the license year
445 must annually pay the dog license tax and obtain a dog license. The tax must be paid to the treasurer
446 of the city, town, or village in which the owner resides.

447
448 (2) Tax. The dog license tax is \$5 for a neutered male or spayed female and \$10 for an
449 unneutered male or unspayed female, or one-half these amounts if the dog becomes 5 months of age
450 after July 1.

451
452 (3) Multiple Dog License Option. Pursuant to Wis. Stat. § 174.053, any person who keeps
453 more than one dog may, instead of paying the dog license tax for each dog, apply for a multiple dog
454 license. The multiple dog license tax is \$35 for 12 or fewer dogs, plus an additional \$3 for each dog
455 in excess of 12.

456
457 (4) Late Payment Fee. A late payment fee of \$5 must be paid if the dog license tax is not paid
458 before April 1 for a dog that is more than 5 months of age on January 1, before a dog reaches 5
459 months of age during the year, or within 30 days of acquiring an unlicensed dog that is required to
460 be licensed.

461
462 (5) All dog license tax revenues shall be disbursed by the collecting official in accordance with
463 Wis. Stat. ch. 174.

464 7.30 Pound Designated. The health officer may designate Lakeshore Humane Society, Inc.,
465 a non-profit corporation located at 1551 North Eighth Street, Manitowoc, Wisconsin 54220, or any
466 other organization as the county pound for dogs and other distrained animals. The health officer may
467 designate other organizations to serve as a county pound in specific cases if the organization that has
468 been designated as the county pound is unable to provide services.
469

470 7.31 Dog License Fund. (1) The dog license taxes paid to the county treasurer will be kept in
471 a separate account that will be known as the “dog license fund.”
472

473 (2) The county treasurer shall pay into the state treasury 5% of the minimum tax as provided
474 for under Wis. Stat. § 174.05(2) of all dog license taxes that have been received by the county
475 treasurer.
476

477 (3) The county may pay the following expenses out of the dog license fund: expenses
478 necessarily incurred by the county in purchasing and providing books, forms, and other supplies
479 required in administering the dog license law; expenses incurred by the county under Wis. Stat. §
480 95.21(4)(b) and (8); and expenses incurred by the county pound or by a humane society or other
481 organization designated to provide a pound for collecting, caring for, and disposing of dogs.
482

483 (4) The amount remaining in the fund after deducting expenses paid pursuant to sub. (3) will
484 be available for and may be used as far as necessary for paying claims allowed by the county to the
485 owners of domestic animals because of damages done by dogs during the license year for which the
486 taxes were paid.
487

488 (5) The county treasurer shall, on March 1 of the succeeding year, pay any surplus in excess
489 of \$1,000 that remains from the dog license taxes of any license year to the pound or pounds
490 designated pursuant to sec. 7.30.
491

492 7.32 Rabies Vaccination and Control. (1) State Law Adopted. The provisions of Wis. Stat.
493 § 95.21, Rabies Control Program; Wis. Stat. § 173.13, Taking Custody of Animals; and Wis. Stat.
494 § 173.13, Disposition of Animals, are adopted by reference and made part of this Code.
495

496 (2) No person may transfer a rabies vaccination tag from one dog to another.
497

498 (3) No person may dispose of, euthanize, hide, sell, transfer, or in any other way prevent an
499 animal that has bitten a person from being observed and held until released from observation by a
500 licensed veterinarian.
501

502 (4) Impoundment of Non-Vaccinated Dogs. (a) An officer may impound any dog that does
503 not have the required rabies vaccination tag. The officer shall provide written notice to the dog’s
504 owner, if known, within 24 hours of impoundment. The notice may be provided in person or by mail
505 to the owner’s last known post office address.
506

507 (b) An officer may order the impoundment of any dog that does not have the required rabies
508 vaccination tag. The officer shall provide a written order to the dog’s owner in person or by mail
509 to the owner’s last known post office address.
510

511 (c) No person may refuse to surrender a dog to an officer for impoundment, and no person may
512 fail or refuse to comply with an order to impound a dog.

513
514 (d) No dog that has been impounded may be released without proof that it has been vaccinated
515 against rabies.

516
517 (e) The owner shall pay all costs associated with the impoundment.

518
519 (f) A dog that has been impounded for more than 7 days may be disposed of in accordance
520 with the provisions of Wis. Stat. § 173.23 or 174.13.

521
522 7.33 Hybridized Canines. (1) As used in this ordinance:

523
524 “Canine” means all members of the family *canidae*, except foxes.

525
526 “Coyote” means *canis latrans*.

527
528 “Dingo” means *canis dingo*.

529
530 “Domesticated dog” means *canis familiaris*.

531
532 “Jackal” means *canis aureus*.

533
534 “Wolf” means both *canis lupus* and *canis niger*.

535
536 “Wolf/dog” or “wolf/dog hybrid” means a crossbreed resulting from the mating of a
537 domesticated dog and a wolf, coyote, dingo, or jackal; from the mating of a domesticated dog and
538 a wolf/dog hybrid; or from the mating of a wolf/dog hybrid and another wolf/dog hybrid.

539
540 (2) All of the provisions of this ordinance relating to dogs, with the exception of the provisions
541 relating to the quarantine of animals that have bitten a person, apply to wolf/dog hybrids. If a
542 wolf/dog hybrid or an animal that is believed to be a wolf/dog hybrid bites a person, the animal will
543 be sacrificed pursuant to Wis. Stat. § 95.21(4)(b) in accordance with the memorandum of Dr. Lisa
544 Lembke, Rabies Control Program Coordinator, State of Wisconsin, Department of Agriculture,
545 Trade and Consumer Protection dated July 14, 1992.

546
547 Part VII. Administration, Violations, and Penalties.

548
549 7.34. Administration. (1) This ordinance will be administered by the health officer and the
550 health department, which shall:

551
552 (a) Keep an accurate record of all permit and license applications, permits and licenses issued,
553 inspections conducted, and other official actions taken by the health department.

554
555 (b) Investigate complaints relating to compliance with this ordinance.

556
557 (c) Perform any other duties specified in this ordinance.

558 (2) Inspection Authority. (a) The health officer may inspect premises, secure samples or
559 specimens, examine and copy relevant records, and obtain photographic or other evidence necessary
560 to enforce this ordinance.
561

562 (b) The health officer may, upon notice to the owner or operator, request permission to inspect,
563 at a reasonable time and date, any premises to determine compliance with this ordinance. If
564 permission is not given, entry onto the premises may be gained pursuant to Wis. Stat. § 66.0119.
565 The health officer may suspend a permit or license if permission to enter the premises is denied.
566

567 (3) Compliance Orders. If the health officer determines that a premises subject to this
568 ordinance is in noncompliance with any provision of this ordinance, the health officer may issue a
569 written notice of noncompliance to the owner or operator stating the conditions of non-compliance,
570 directing the action required to come into compliance, the amount of time within which compliance
571 is required, and the consequences and penalties for noncompliance. The notice of noncompliance
572 may include the suspension of a permit or license or an order to cease operations pending
573 compliance.
574

575 (4) Revocation Authority. The health officer may revoke a permit or license for substantial
576 noncompliance with any provision of this ordinance, violation of a condition contained in a permit
577 or license, or failure to comply with the action requirement contained in a notice of noncompliance.
578

579 (5) Coordination with State Agencies. (a) If a violation of sec. 7.17 violates a state-enforced
580 administrative code, the health officer may first refer the matter to the appropriate state agency for
581 abatement, correction, or enforcement.
582

583 (b) The health officer may take action to abate or remove the human health hazard and the cost
584 of abatement or removal may be collected from the owner, occupant, or person causing, permitting,
585 or maintaining the human health hazard, or may be charged against the premises and, upon
586 certification of the local health officer, assessed as are other special taxes in accordance with Wis.
587 Stat. § 254.59(5).
588

589 (6) Citation Authority. The health officer or any law enforcement officer may issue a citation
590 for any violation of this ordinance.
591

592 (7) Legal Referral. The health officer may refer a violation of this ordinance to Corporation
593 Counsel for legal action, including an action seeking injunctive relief.
594

595 (8) The enforcement provisions of this ordinance are not exclusive or mutually exclusive, and
596 nothing in this ordinance may be construed to prevent the county from using any lawful means to
597 enforce this ordinance.
598

599 7.35. Violations. (1) It is unlawful for any person to violate any provision of this ordinance,
600 to operate without a permit or license required by this ordinance, or to violate any condition
601 contained in a permit or license issued pursuant to this ordinance.
602

603 (2) It is unlawful for any person to knowingly provide false information, make a false
604 statement, or fail to provide or misrepresent any material fact to a county agent, board, commission,

605 committee, department, employee, officer, or official acting in an official capacity under this
606 ordinance

607

608 (3) It is unlawful for a person to disobey; fail, neglect, or refuse to comply with; or otherwise
609 resist an order issued pursuant to this ordinance.

610

611 (4) A separate offense is deemed committed on each day that a violation occurs or continues.

612

613 (5) The failure of any employee, official, or officer of the County to perform any official duty
614 imposed by this code will not subject the employee, official, or officer to the penalty imposed for
615 violation of this code unless a penalty is specifically provided.

616

617 7.36 Penalties. (1) A person will, upon conviction for a violation of any provision of this
618 ordinance, forfeit not less than \$25 nor more than \$500 for each offense, together with any applicable
619 assessment, cost, surcharge, and the cost of prosecution for each violation, except where a different
620 penalty is expressly provided.

621

622 (2) A person will, upon conviction for a violation of sec. 7.19(8)(b) or (b) of this ordinance,
623 forfeit not less than \$25 nor more than \$50 for each offense, together with any applicable assessment,
624 cost, surcharge, and the cost of prosecution for each violation.

625

626 (3) A person will, upon conviction for a violation of a provision of Wis. Stat. § 134.66(2)(a),
627 (am), (cm), or (e) as adopted by reference by sec. 7.27 of this ordinance, forfeit not less than \$25 nor
628 more than \$500 for each offense, together with any applicable assessment, cost, surcharge, and the
629 cost of prosecution for each violation.

630

631 (4) A person will, upon the second conviction within a 12-month period for a violation of a
632 provision of Wis. Stat. § 134.66(2)(a), (am), (cm), or (e) as adopted by reference by sec. 7.27 of this
633 ordinance, forfeit not less than \$200 nor more than \$500 for each offense, together with any
634 applicable assessment, cost, surcharge, and the cost of prosecution for each violation.

635

636 (5) A person will, upon conviction for a violation of a provision of Wis. Stat. § 134.66(2)(b)
637 as adopted by reference by sec. 7.27 of this ordinance, forfeit \$25 for each offense, together with any
638 applicable assessment, cost, surcharge, and the cost of prosecution for each violation.

639

640 (6) A person will, upon conviction for a violation of sec. 7.33 of this ordinance, forfeit not less
641 than \$100 nor more than \$1,000 for each offense, together with any applicable assessment, cost,
642 surcharge, and the cost of prosecution for each violation.

643

644 (7) A person who has the ability to pay a forfeiture entered pursuant to this ordinance, but who
645 fails or refuses to do so may be confined in the county jail until the forfeiture and costs are paid, but
646 the period of confinement may not exceed 30 days for each offense. In determining whether a person
647 has the ability to pay, all items of income and all assets may be considered regardless of whether the
648 income and assets are subject to garnishment, lien, or attachment by creditors.

649

650 (8) A person, upon conviction for a violation of any provision of this ordinance, may be
651 ordered to take such action as is necessary to abate the offense within a specified time.

RESOLUTION AUTHORIZING PARTICIPATION IN UNITED WAY CAMPAIGN

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, Manitowoc County is committed to improving the quality of life for all of its
2 citizens and recognizes that private, not-for-profit organizations make a significant contribution to
3 the quality of life in Manitowoc County; and
4

5 WHEREAS, United Way Manitowoc County, Inc. conducts an annual campaign that gives
6 employees an opportunity to support charitable causes through a payroll giver's plan and to support
7 more than two dozen different organizations in Manitowoc County that insure basic needs are met,
8 increase self-sufficiency, nurture children and youth, promote health and healing, and strengthen
9 families; and
10

11 WHEREAS, Manitowoc County has determined that a single, combined campaign such as the
12 United Way is the most efficient and effective way to provide its employees with an opportunity to
13 contribute to charitable organizations;
14

15 NOW, THEREFORE, BE IT RESOLVED that the Manitowoc County Board of Supervisors
16 designates United Way Manitowoc County, Inc. as the organization authorized to offer an
17 opportunity to enroll in a payroll giver's plan to Manitowoc County employees, officers, and officials
18 from now through December 31, 2009, with payroll deductions to be made during the 2010 calendar
19 year; and
20

21 BE IT FURTHER RESOLVED that the Manitowoc County Board of Supervisors authorizes
22 and encourages the voluntary participation of its employees, officers, and officials in the United Way
23 campaign.

Dated this 16th day of June 2009.

Respectfully submitted by the
Finance Committee

Mary Muench, Chair

FISCAL IMPACT: Indeterminable.

FISCAL NOTE: Reviewed and approved by Comptroller. _____

LEGAL NOTE: Reviewed and approved as to form by Corporation Counsel. _____

APPROVED: _____
Bob Ziegelbauer, County Executive

Date

**ORDINANCE AMENDING ZONING MAP
(Len Harrington)**

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, the Planning and Park Commission, after providing the required notice, held a
2 public hearing on a petition for a zoning ordinance amendment on May 18, 2009; and
3

4 WHEREAS, the Planning and Park Commission, after a careful consideration of testimony and
5 an examination of the facts, recommends that the petition be approved for the reasons stated in the
6 attached report;
7

8 NOW, THEREFORE, the county board of supervisors of the county of Manitowoc does ordain
9 as follows with respect to two parcels of land located in Section 6, T19N-R21E, Town of Rockland:
10

11 Parcel No. 1, commencing at the center of said Section 6; thence southerly
12 approximately 1394 feet; thence easterly approximately 50 feet to the ordinary high
13 water mark of Long Lake which is the point of real beginning; thence continue easterly
14 approximately 200 feet; thence southwesterly approximately 240 feet; thence westerly
15 approximately 346 feet; thence northeasterly along the east shore of Long Lake
16 approximately 300 feet to the point of real beginning; said parcel contains approximately
17 2.72 acres of land, shall be and is hereby rezoned from C1 Conservancy to A1
18 Agriculture;
19

20 and
21

22 Parcel No. 2, commencing at the S¹/₄ corner of said Section 6; thence northerly
23 approximately 390 feet; thence westerly approximately 320 feet which is the point of
24 real beginning; thence southwesterly approximately 282 feet to the ordinary high water
25 mark of Long Lake; thence northwesterly along the east shore of Long Lake
26 approximately 585 feet; thence northeasterly along the east shore of Long Lake
27 approximately 242 feet; thence southeasterly approximately 689 feet to the point of real
28 beginning; said parcel containing approximately 4.25 acres of land, shall be and is
29 hereby rezoned from C1 Conservancy to A1 Agriculture.

Dated this 16th day of June 2009.

Respectfully submitted by the
Planning and Park Commission

Clyde Mueller, Chair

**ORDINANCE AMENDING ZONING MAP
(John and Vicki Kittel)**

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, the Planning and Park Commission, after providing the required notice, held a
2 public hearing on a petition for a zoning ordinance amendment on May 18, 2009; and

3
4 WHEREAS, the Planning and Park Commission, after a careful consideration of testimony and
5 an examination of the facts, recommends that the petition be approved for the reasons stated in the
6 attached report;

7
8 NOW, THEREFORE, the county board of supervisors of the county of Manitowoc does ordain
9 as follows:

10
11 A parcel of land located in the NW¼, SE¼, Section 25, T21N-R22E, Town of
12 Cooperstown, commencing at the Center of said Section 25; thence southerly along the
13 centerline of Hostak Road approximately 615 feet; thence easterly approximately 33 feet
14 to the east r/w of Hostak Road which is the point of real beginning; thence continue
15 easterly approximately 300 feet; thence southerly approximately 164 feet; thence
16 westerly approximately 300 feet; thence northerly along the east r/w of Hostak Road
17 approximately 164 feet to the point of real beginning; said parcel containing
18 approximately 1.13 acre of land, shall be and is hereby rezoned from A3 Agriculture to
19 A1 Agriculture.

Dated this 16th day of June 2009.

Respectfully submitted by the
Planning and Park Commission

Clyde Mueller, Chair

FISCAL IMPACT: None.

FISCAL NOTE: Reviewed and approved by Comptroller. _____

LEGAL NOTE: Reviewed and approved as to form by Corporation Counsel. _____

COUNTERSIGNED: _____
James N. Brey, County Board Chair Date

APPROVED: _____
Bob Ziegelbauer, County Executive Date

**ORDINANCE AMENDING ZONING MAP
(Mark Murray)**

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, the Planning and Park Commission, after providing the required notice, held a
2 public hearing on a petition for a zoning ordinance amendment on May 18, 2009; and

3
4 WHEREAS, the Planning and Park Commission, after a careful consideration of testimony and an
5 examination of the facts, recommends that the petition be approved for the reasons stated in the
6 attached report;

7
8 NOW, THEREFORE, the county board of supervisors of the county of Manitowoc does ordain as
9 follows:

10
11 A parcel of land located in the SE¼, SW¼, Section 2, T21N-R24E, Town of Two
12 Creeks, commencing at the SW corner of said Section 2; thence easterly along the
13 centerline of E Zander Road approximately 1320 feet; thence northerly approximately
14 442 feet which is the point of real beginning; thence continue northerly approximately
15 87.05 feet; thence northeasterly along the south r/w of STH 42 approximately 560 feet;
16 thence easterly approximately 300.69 feet; thence southerly approximately 471.72 feet;
17 thence westerly approximately 713.64 feet to the point of real beginning; said parcel
18 containing approximately 5.90 acres of land, shall be and is hereby rezoned from A3
19 Agriculture to A2 Agriculture.

Dated this 16th day of June 2009.

Respectfully submitted by the
Planning and Park Commission

Clyde Mueller, Chair

FISCAL IMPACT: None.

FISCAL NOTE: Reviewed and approved by Comptroller. _____

LEGAL NOTE: Reviewed and approved as to form by Corporation Counsel. _____

COUNTERSIGNED: _____
James N. Brey, County Board Chair Date

APPROVED: _____
Bob Ziegelbauer, County Executive Date

**ORDINANCE AMENDING ZONING MAP
(Marsh Murray)**

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, the Planning and Park Commission, after providing the required notice, held a
2 public hearing on a petition for a zoning ordinance amendment on May 18, 2009; and

3
4 WHEREAS, the Planning and Park Commission, after a careful consideration of testimony and
5 an examination of the facts, recommends that the petition be approved for the reasons stated in the
6 attached report;

7
8 NOW, THEREFORE, the county board of supervisors of the county of Manitowoc does ordain
9 as follows:

10
11 A parcel of land located in the SE¼, SW¼, Section 2, T21N-R24E, Town of Two
12 Creeks, commencing at the SW corner of said Section 2; thence easterly along the
13 centerline of E Zander Road approximately 1320 feet; thence northerly approximately
14 528.71 feet to the south r/w of STH 42; thence northeasterly along the south r/w of STH
15 42 approximately 560 feet which is the point of real beginning; thence continue
16 northeasterly along the south r/w of STH 42 approximately 599.23 feet; thence easterly
17 approximately 402.66 feet; thence southerly approximately 411.20 feet; thence westerly
18 approximately 844.19 feet to the point of real beginning; said parcel containing
19 approximately 5.89 acres of land, shall be and is hereby rezoned from A3 Agriculture
20 to A2 Agriculture.

Dated this 16th day of June 2009.

Respectfully submitted by the
Planning and Park Commission

Clyde Mueller, Chair

FISCAL IMPACT: None.

FISCAL NOTE: Reviewed and approved by Comptroller. _____

LEGAL NOTE: Reviewed and approved as to form by Corporation Counsel. _____

COUNTERSIGNED: _____
James N. Brey, County Board Chair Date

APPROVED: _____
Bob Ziegelbauer, County Executive Date

**ORDINANCE AMENDING ZONING MAP
(Paul Natzke)**

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, the Planning and Park Commission, after providing the required notice, held a
2 public hearing on a petition for a zoning ordinance amendment on May 18, 2009; and

3
4 WHEREAS, the Planning and Park Commission, after a careful consideration of testimony and
5 an examination of the facts, recommends that the petition be approved for the reasons stated in the
6 attached report;

7
8 NOW, THEREFORE, the county board of supervisors of the county of Manitowoc does ordain
9 as follows:

10
11 A parcel of land located in the NE¼, NE¼, Section 6, T20N-R21E, Town of Maple
12 Grove, commencing at the NE corner of said Section 6; thence southerly along the
13 centerline of Oakwood Road approximately 33 feet; thence westerly approximately 33
14 feet to the west r/w of Oakwood Road which is the point of real beginning; thence
15 southerly along the west r/w of Oakwood Road approximately 677.97 feet; thence
16 northwesterly approximately 505.17 feet; thence northerly approximately 380.15 feet;
17 thence easterly along the south r/w of Man-Cal Road approximately 546.40 feet to the
18 point of real beginning; said parcel containing approximately 5.07 acres of land, shall
19 be and is hereby rezoned from A3 Agriculture to A2 Agriculture.

Dated this 16th day of June 2009.

Respectfully submitted by the
Planning and Park Commission

Clyde Mueller, Chair

FISCAL IMPACT: None.

FISCAL NOTE: Reviewed and approved by Comptroller. _____

LEGAL NOTE: Reviewed and approved as to form by Corporation Counsel. _____

COUNTERSIGNED: _____
James N. Brey, County Board Chair Date

APPROVED: _____
Bob Ziegelbauer, County Executive Date

**RESOLUTION TERMINATING JOINT DISPATCH AGREEMENTS AND
STATING INTENT TO ENTER INTO NEW DISPATCH AGREEMENTS**

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, Manitowoc County entered into Joint Dispatch Agreements with the Cities of
2 Kiel, Manitowoc, and Two Rivers that were effective May 5, 2004 and that have initial terms ending
3 on December 31, 2009; and
4

5 WHEREAS, the Joint Dispatch Agreements provide for automatic 5-year renewals unless a
6 party gives written notice of termination at least 6 calendar months prior to the last day of the current
7 term; and
8

9 WHEREAS, Manitowoc County believes that the Joint Dispatch Center provides a vital public
10 service and that the Joint Dispatch Center helps to avoid the duplication of services, personnel,
11 facilities, and equipment; and
12

13 WHEREAS, Manitowoc County has concluded that the existing Joint Dispatch Agreements
14 need to be revised to address funding, governance, operational, legal, policy, and structural issues,
15 including the county's construction of a new Joint Dispatch Center; and
16

17 WHEREAS, Manitowoc County will continue to operate the Joint Dispatch Center and
18 intends to enter into new Joint Dispatch Agreements;
19

20 NOW, THEREFORE, BE IT RESOLVED that the Manitowoc County Board of Supervisors
21 withdraws from the current Joint Dispatch Agreements with the Cities of Kiel, Manitowoc, and Two
22 Rivers when they expire, but intends to enter into new Joint Dispatch Agreements; and
23

24 BE IT FURTHER RESOLVED that the County Clerk is directed to provide a copy of this
25 resolution on or before June 20, 2009 by certified mail, return receipt requested, to the City
26 Administrator, City of Kiel, 621 6th Street, Kiel, WI 53042; Chief of Police, City of Manitowoc, 910
27 Jay Street, Manitowoc, WI 54220; Greg Buckley, City Manager, City of Two Rivers, 1717 East Park
28 Street, Two Rivers, WI 54241; and the City Clerk for each municipality.

Dated this 16th day of June 2009.

Respectfully submitted by the
Public Safety Committee

Rick Henrickson, Chair

FISCAL IMPACT: Indeterminable.

**RESOLUTION COMMENDING CLEAN SWEEP
PROGRAM VOLUNTEERS AND STAFF**

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, Manitowoc County held a “Clean Sweep” household hazardous waste collection
2 at the Manitowoc County Highway Department Building on Highway 310 on May 16, 2009; and
3

4 WHEREAS, this year’s Clean Sweep program serviced a total of 428 households from
5 Manitowoc County; and
6

7 WHEREAS, the success of Manitowoc County’s Clean Sweep program is due in large part to
8 the efforts of the volunteers and county staff who work on the collection days; and
9

10 WHEREAS, the efforts of the volunteers and county staff saved Manitowoc County more than
11 \$3,000 compared to what the same work would cost if it had been performed by a contractor, as is
12 done in most other Wisconsin Clean Sweep programs;
13

14 NOW, THEREFORE, BE IT RESOLVED that the Manitowoc County Board of Supervisors
15 commends the volunteers and county staff on their effort and fine work in making this year’s
16 Manitowoc County Clean Sweep programs a success.

Dated this 16th day of June 2009.

Respectfully submitted by the
Public Works Committee

Kevin L. Behnke, Chair

FISCAL IMPACT: None.

FISCAL NOTE: Reviewed and approved by Comptroller. _____

LEGAL NOTE: Reviewed and approved as to form by Corporation Counsel. _____

APPROVED: _____ Date
Bob Ziegelbauer, County Executive

**RESOLUTION OPPOSING 2009 ASSEMBLY BILL 256
(Regulation of Wind Energy Systems)**

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, Wisconsin policy on renewable energy resources states that, to the extent that it
2 is cost-effective and technically feasible, all new installed capacity for electric generation in the state
3 be based on renewable energy resources, including hydroelectric, wood, wind, solar, refuse,
4 agricultural, and biomass energy resources;

5
6 WHEREAS, wind energy systems are an important component of Wisconsin's renewable
7 energy resources and have a significant impact on those communities in which they are located; and
8

9 WHEREAS, Wisconsin law currently permits local governments to place restrictions on the
10 installation of wind energy systems *only* if the restriction serves to preserve or protect the public
11 health or safety; does not significantly increase the cost of the system or significantly decrease its
12 efficiency; or allows for an alternative system of comparable cost and efficiency; and
13

14 WHEREAS, only a few areas in the state are suitable for the installation of large, commercial
15 wind energy systems; the local governments in those areas are in the best position to evaluate and
16 respond to local conditions affecting public health and safety; and those local governments, including
17 Manitowoc County, have engaged in a careful and thorough examination of the impact of large wind
18 energy systems on public health and safety and have spent considerable time and resources in
19 crafting local ordinances that adequately and legitimately protect public health and safety; and
20

21 WHEREAS, Assembly Bill 256 proposes to strip local governments of the ability to regulate
22 wind energy systems to preserve or protect public health and safety; and
23

24 NOW, THEREFORE, BE IT RESOLVED that the Manitowoc County Board of Supervisors
25 strongly opposes Assembly Bill 256 and strongly urges that Assembly Bill 256 not be enacted; and
26

27 BE IT FURTHER RESOLVED that the County Clerk is directed to send a copy of this
28 resolution to the Governor of the State of Wisconsin, the President of the Wisconsin Senate, the
29 Speaker of the Wisconsin Assembly, each legislator in the Wisconsin Senate and Assembly who
30 represents constituents from Manitowoc County; and the Wisconsin Counties Association.

Dated this 16th day of June 2009.

Respectfully submitted by

James N. Brey, County Board Chair

LEGAL NOTE: Reviewed and approved as to form by Corporation Counsel. _____

**RESOLUTION APPROVING TOWN OF NEWTON ZONING ORDINANCE
(Richard and Cynthia Breunig)**

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, Manitowoc County has adopted a zoning ordinance under Wis. Stat. § 59.69; and

2
3 WHEREAS, the Town of Newton has adopted a new zoning ordinance in accordance with
4 Wis. Stat. § 60.62; and
5

6 WHEREAS, Wis. Stat. § 60.62(3) provides that town zoning ordinances are subject to county
7 board approval in counties that have adopted a zoning ordinance under Wis. Stat. § 59.69; and
8

9 WHEREAS, the Town of Newton has submitted its new zoning ordinance to the county board
10 for approval;
11

12 NOW, THEREFORE, BE IT RESOLVED that the Manitowoc County Board of Supervisors
13 approves the zoning ordinance that was adopted by the Town Board of the Town of Newton for
14 Richard and Cynthia Breunig on June 10, 2009.

Dated this 16th day of June 2009.

Respectfully submitted by

Joe Janowski, Supervisor

FISCAL IMPACT: None.

FISCAL NOTE: Reviewed and approved by Comptroller. _____

LEGAL NOTE: Reviewed and approved as to form by Corporation Counsel. _____

COUNTERSIGNED: _____
James N. Brey, County Board Chair Date

APPROVED: _____
Bob Ziegelbauer, County Executive Date

