

# **Chapter 15**

## **Private Sewage System Ordinance**



## CHAPTER 15

### PRIVATE SEWAGE SYSTEM ORDINANCE

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**INTRODUCTION**

**15.01 STATUTORY AUTHORITY.** This ordinance is adopted pursuant to the authority granted in 59.70(1), 59.70(5), 145.04, 145.19, 145.20 and 145.245 of Wisconsin Statutes.

**15.02 PURPOSE.** This ordinance is adopted to promote and protect public health and safety by assuring the proper siting, design, installation, inspection and management of private sewage systems and non-plumbing sanitation systems.

**15.03 REPEAL AND EFFECTIVE DATE.** This ordinance shall be effective after public hearing, adoption by the Jackson County Board of Supervisors and publishing or posting as required by law. The existing sanitary provisions for the county shall be repealed effective on the date of the enactment of this ordinance.

**15.04 SEVERABILITY AND LIABILITY.** Should any section, clause, provision or portion of this ordinance be adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected thereby.

This ordinance shall not create a liability on the part of or a cause of action against Jackson County or any employee thereof for any Private Sewage System or Non-Plumbing Sanitation System, which may not function as designed. There shall be no liability or warranty for any site that is approved or denied. The issuance of a Sanitary Permit and the Final Inspection of such a system does not warrant the system's function, nor is there a guarantee that the system is free of defects or that all aspects of the system comply to Wisconsin Statute or Administrative Code requirements.

**15.05 INTERPRETATIONS.** The provisions of this ordinance shall be held to be minimum requirements and shall be liberally construed in favor of the County and shall not be deemed a limitation or repeal of any other power granted by the Wisconsin Statutes and related Administrative Codes.

**15.06 DEFINITIONS.** For the purpose of this chapter, the following definitions shall be used.

**BUILDINGS.** See STRUCTURE.

**CONVENTIONAL PRIVATE SEWAGE SYSTEM.** A non-pressurized private sewage system consisting of a septic tank and in-ground soil absorption component with gravity distribution or dosing of effluent.

**DEPARTMENT.** The Jackson County Zoning Department.

**FAILING NON-PLUMBING SANITATION SYSTEM.** A non-plumbing sanitation system is one that causes or results in the discharge of human waste or excrement:

- a. Into surface water or groundwater;
- b. Into zones of bedrock; or

c. To the surface of the ground.

**FAILING PRIVATE SEWAGE SYSTEM.** “Failing private sewage system” has the meaning specified under s.145.245(4), Wisconsin Statutes. A holding tank that discharges sewage to the ground surface, including intentional discharge and discharges caused by neglect shall be considered a failing private sewage system.

**HABITABLE STRUCTURE.** A structure occupied as a dwelling or sleeping place, whether intermittently or as a principal residence.

**MODIFICATION IN WASTEWATER FLOW OR CONTAMINANT LOAD.** A modification in wastewater flow or contaminant load shall be considered to occur:

- a. In public buildings, facilities or places of employment, when there is a proposed change in occupancy of the structure or the proposed modification affects either the type or number of plumbing appliances, fixtures or devices discharging to the system; and
- b. In dwellings, when there is an increase or decrease in the number of bedrooms.

**NON-PLUMBING SANITATION SYSTEM.** Sanitation systems and devices within the scope of SPS 391, Wisconsin Administrative Code, which are alternatives to water carried waste plumbing fixtures and drain systems, including but not limited to, incinerating toilets, composting toilets, and privies.

**OCUPANCY.** Pertains to and is the purpose for which a building is used or intended to be used. A change of occupancy is not intended to include a change of tenants or proprietors.

**PLUMBER.** A person licensed by the State of Wisconsin as a Master Plumber or Master Plumber-Restricted Services.

**PORTABLE RESTROOM.** A self-contained portable unit that includes fixtures, incorporating holding tank facilities, designed to contain human excrement.

**PRIVATE SEWAGE SYSTEM.** Also referred to as a “Private On-Site Wastewater Treatment System” or POWTS, has the meaning given under s.145.01(12), Wis. Stats.

**PRIVY.** An enclosed non-portable toilet into which non-water carried human waste is deposited.

**PRIVY – PIT.** A privy with a subsurface storage chamber, which is not watertight.

**PRIVY – VAULT.** A privy with a subsurface storage chamber that is watertight.

**REBUILT.** The construction that takes place after a structure is demolished or damaged to the extent of fifty-percent (50%) of its current equalized assessed value.

**SANITARY PERMIT.** The term “Sanitary Permit” as used in this ordinance shall mean a County Sanitary Permit, a State Sanitary Permit or both.

**SANITARY PERMIT – COUNTY.** A permit issued by the Department for the reconnection of a private sewage system or for the installation of a non-plumbing sanitation system, pursuant to s.59.70 and 145.04, Wis. Stats.

**SANITARY PERMIT – STATE.** A permit issued by the Department for the installation or modification of a private sewage system, pursuant to s.145.135 and 145.19, Wis. Stats.

**SEPTIC TANK.** An anaerobic treatment tank.

**STATE.** The State of Wisconsin Safety and Professional Services.

**STRUCTURE.** Anything constructed or erected, the use of which requires a location in or on the premises, or any other attachment to something having a permanent location on the ground, which includes but is not limited to objects such as buildings, factories, sheds, cabins, mobile homes, gas or liquid storage tanks, bridges, culverts, decks, satellite dishes or swimming pools. Also included are items of personal property that may have been designed as transportable or as a vehicle, but stand in a seasonal or permanent location for storage or intermittent human habitation. Such incidental structures may include but are not limited to truck campers, travel trailers, park or model units, buses and motor homes.

**ZONING/SANITATION ADMINISTRATOR.** A person appointed by the Jackson County Zoning Committee to administer and enforce this ordinance.

## **GENERAL REQUIREMENTS**

### **15.07**

#### **COMPLIANCE.**

- (1) All structures or premises in the County that are permanently or intermittently intended for human habitation or occupancy, which are not serviced by a public sewer, shall be served by a code complying private sewage disposal system.
  
- (1) The Private Sewage System or Non-Plumbing Sanitation System for newly constructed structures or structures requiring a Reconnection Permit shall be installed, inspected and approved before the structure may be occupied.

### **15.08**

**INCORPORATION OF PROVISIONS BY REFERENCE.** This ordinance incorporates by reference the following rules, regulations, and laws as set forth in the Wisconsin Statutes and the Wisconsin Administrative Code governing the location, construction, and use of private sewage systems: s. 59.70 (5), Chs. 145, 254.59, 281.48 and 968.10, Wisconsin Statutes; Chs. SPS 352.63, SPS 381, SPS 382, SPS 383, SPS 384, SPS 385, NR113 and NR116, Wisconsin Administrative Code. These rules, regulations, and laws shall apply until amended or renumbered and then shall apply as amended or renumbered.

### **15.09**

**APPLICABILITY.** The requirements of this ordinance shall apply to all geographic areas of the County.

### **15.10**

#### **LIMITATIONS.**

- (1) All domestic wastewater shall enter a Private Sewage System unless otherwise exempted by the State or this ordinance.
  
- (2) A Non-Plumbing Sanitation System may be permitted only when the structure or premises served by the Non-Plumbing Sanitation System is not provided with an indoor plumbing system. If plumbing is installed in the structure or running water is supplied to the structure, then a code complying system meeting the terms of this ordinance must be provided.
  
- (3) Any Private Sewage System, or portions thereof, installed within a floodplain shall comply with all applicable requirements of NR116, Wis. Adm. Code, and the Jackson County Zoning Code, Shoreland, Floodplain and Wetland Ordinances.
  
- (4) The installation of a Holding Tank is prohibited if any other type of Private Sewage System permitted by SPS 383, Wisconsin Administrative Code, may be utilized. Any other type of Private Sewage System shall be construed to mean, Conventional, In-Ground Pressure, At-Grade, or Mound system including the A+4 Mound.

A Sanitary Permit for the installation of a Holding Tank, or which designates a Holding Tank as a replacement system, shall not be issued unless a Soil and Site Evaluation determines that the property is unsuitable for any type of system as defined above, except as provided in (a) or (b) below.



(a) A temporary Holding Tank may be installed if a public sewer, approved by the Department of Natural Resources, will be installed to serve the property within two (2) years of the date of Sanitary Permit issuance. In addition to items required in Section 15.15, an application for a Sanitary Permit to install a temporary Holding Tank shall include written statements from:

1. The Municipality or Sanitary District, verifying the date that public sewer will be installed and available to serve the property;
2. The Department of Natural Resources verifying approval of the public sewer; and
3. The property owner agreeing to connect to public sewer when it becomes available and to abandon the temporary holding tank.

If public sewer does not become available within two (2) years of the date of Sanitary Permit issuance, the Holding Tank must be replaced with another type of system recognized by SPS 383, Wisconsin Administrative Code.

(b) A Holding Tank may be installed to serve a use with a Design Wastewater Flow of less than 150 gallons per day. In addition to items required in Section 15.15, an application for a sanitary permit to install a Holding Tank to serve a use with less than 150 gallons per day shall include a written statement from:

1. The property owner agreeing to install another type of system if any change of occupancy or use occurs that results in a Design Wastewater Flow that equals or exceeds 150 gallons per day.

(5) Failing systems.

(a) When a failing Private Sewage System or Non-Plumbing Sanitation System is identified, it shall be brought into compliance with current code requirements, replaced with a code compliant system or its use discontinued within that period of time required by Department order.

(b) Unlawfully modified Private Sewage Systems, a Private Sewage System, that has sewage bypassed or a Holding Tank that is discharging untreated or partially treated sewage to the ground, ground surface or surface waters may be ordered by the Department to be corrected or replaced with a code compliant system.

(6) Building sewers for new construction shall exit the building such that a minimum of 18 inches of soil cover above the sewer can be provided without

placing soil within 8 inches of unapproved building materials. (Note: If untreated lumber is used for framing and sheeting, the top of the building sewer must exit at least 26 inches below the top of the foundation).

- (7) Travel trailers, park unit models, campers, RV's, etc. that are located on property outside a municipal sanitary district must meet the requirements of this section for proper sanitary waste disposal.
  - (a) Utilize the units holding containment tanks that are manufactured for the individual unit.
  - (b) Separate containment tanks manufactured specifically for travel trailer/camping units that are 250 gallons or less in capacity are allowed. These tanks must remain above the ground surface.
  - (c) If the landowner/applicant proposes to bury a containment tank for storage of the wastewater, then the following requirements must be met:
    - 1. A County Sanitary Permit is required prior to the installation of the tank.
    - 2. Manufacturer's specifications for the size and type of tank must be submitted to the County, along with the County Sanitary application.
    - 3. County inspection of the tank install is required prior to any backfilling of the tank.
    - 4. A high water alarm must be installed with the tank, which would indicate when the tank is  $\frac{3}{4}$  full and in need of servicing.
    - 5. A contract for servicing the tank with a licensed septage hauler must be provided to the County.

**15.11 ABANDONMENT OF PRIVATE SEWAGE SYSTEMS.**

- (1) When public sewers approved by the Department of Natural Resources become available to the structure or premises served, the Private Sewage System shall be disconnected within one year and a connection made to the public sewer. Determination of whether sewer is available shall be made by the local sewer service entity. Abandonment of the disconnected Private Sewage System shall be done in accordance with the provisions of SPS 383, Wisconsin Administrative Code.
- (2) The components of an existing Private Sewage Disposal System that are not part of the approval design of a replacement system shall be abandoned at the time of the installation of the replacement system by the plumber installing the system. The abandonment shall comply with SPS 383, Wisconsin Administrative Code.

## PERMITS AND APPLICATIONS

### 15.13 SOIL AND SITE EVALUATION.

- (1) Soil and Site Evaluations shall be done prior to the issuance of permits as specified in SPS 383 and SPS 385 Wisconsin Administrative Code.
- (2) Soil test pits shall be constructed, which allow adequate visual observation of the soil profile in place. This is best accomplished by the excavation of backhoe pits. Hand dug pits will not be accepted unless for soils with 24" or less of suitability.
- (3) Department verification of all soil and site evaluations is required to determine the suitability of the lot for a private on-site wastewater treatment system. The fee for this on-site evaluation is listed in Appendix A, and is required to be submitted at the time the original soil evaluation is given to the County. This verification will result in one of the following:
  - (a) Issuance of the permit, provided all information on the application is correct and complete.
  - (b) Establishment of a file indicating site suitability.
  - (c) Holding the application pending clarification of information or new information by the owner, the plumber, or the certified soil tester.
  - (d) Denial of the permit, if the site does not meet all the provisions of this ordinance and appropriate Wisconsin Statutes and Administrative Codes. If the permit application is denied, the fees will be returned to the submitting party, except as provided in Section 15.25 (3)(a).
- (4) A Certified Soil Tester may request Department verification of a Soil and Site Evaluation Report before a complete Sanitary Permit Application is submitted. Application for this verification shall include all information required in Section 15.15 (1)(a-f) or forms provided by the Department, the original copy of the Soil and Site Evaluation Report and as many copies as are required by the Department.

**15.14****SANITARY PERMITS.**

- (1) Every Private Sewage System shall require a separate application and Sanitary Permit.
- (2) A Sanitary Permit shall be obtained by the property owner, his agent or contractor in the name of the property owner, prior to the installation, establishment or construction of any structure that requires a Private Sewage System or Non-Plumbing Sanitation System. Any property owner, his agent or contractor who starts construction prior to obtaining a Sanitary Permit is in violation and may be subject to penalties provided in this ordinance.
- (3) A Sanitary Permit shall be obtained by the property owner, his agent or contractor before any Private Sewage System or part thereof may be installed, replaced, reconnected or modified. A Sanitary Permit is not required for the addition of manhole risers or for the replacement of manhole covers, manhole risers, baffles or pumps.
- (4) A County Sanitary Permit shall be obtained prior to constructing or installing a non-plumbing sanitation system.
- (5) If any part of a Private Sewage System has failed or requires replacement or modification, the entire system shall be evaluated for compliance with the codes at the time of Sanitary Permit issuance or at the time of installation, if no codes existed. This shall include a Soil and Site Evaluation for those components that utilize in situ soil for treatment or disposal, unless a valid report is already on file with the Department. If any part of the system is found to be defective or not in conformance with the applicable provisions of this ordinance. The Sanitary Permit application shall include specifications for the repair, renovation, or removal of that part.

**15.15****APPLICATION REQUIREMENTS.**

- (1) A Sanitary Permit application shall include the following information, which shall be furnished by the applicant on forms required by the State and/or the Department, along with all applicable fees.
  - (a) Name, address and phone numbers of the applicant (owner of the site) and the plumber employed (when applicable).
  - (b) Legal description of the subject site and the tax parcel number.
  - (c) All lot dimensions.
  - (d) Driving directions to the site.
  - (e) Building use (single family, duplex, etc.)
  - (f) Soil and Site Evaluation Report.

- (g) System plans.
  - (h) Appropriate agreements and contracts for system management and maintenance.
  - (i) Verification that any existing Private Sewage Systems on the same parcel of land are not failing private sewage systems.
  - (j) Copies of any documents required in Section 15.15 (4) and verification that they have been recorded.
  - (k) Any other information required by the Department.
- (2) When any official State action is required prior to the issuance of a Sanitary Permit, an original copy of the official action shall accompany the application.
- (3) Privy Permit applications must be accompanied by the following information:
- (a) Soil data provided by a Certified Soil Tester or the County Sanitarian to determine suitability for a pit privy.
  - (b) Privy Permit fee as established by committee. (Zoning and Land Information Committee)
  - (c) Privies must meet the following setbacks:
    1. 25 feet from a property line.
    2. 50 feet from any well.
    3. 75 feet from ordinary high water mark of a navigable body of water.
    4. Road setbacks as established in Jackson County Zoning Ordinance, Section 17.45.
- (4) The following documents must be recorded with the Jackson County Register of Deeds Office prior to Sanitary Permit issuance:
- (a) Maintenance Agreements or Contracts, if recording is required by SPS 383, Wisconsin Administrative Code or Section 15.38 of this ordinance.
  - (b) If a Private Sewage System or parts thereof are located on a different parcel than the structure served, an appropriate easement or combined parcel affidavit must be recorded.

- (c) If a Private Sewage System serves more than one structure under different ownership, a document identifying all parties that have ownership rights and are responsible for the operation and maintenance must be recorded.
  - (d) If a Private Sewage System is owned by a party other than the owner of the parcel on which it is installed, a document identifying the owner of the system, the structure to be served by the system, and the party responsible for operation and maintenance must be recorded.
  - (e) If the Design Wastewater Flow of a Private Sewage System for a dwelling is not based upon the number of bedrooms within the dwelling, a deed restriction limiting occupancy to that used in the design must be recorded.
- (5) The Department reserves the right to require Floodplain and/or Wetland delineation for a building site or proposed Private Sewage System area prior to Sanitary Permit issuance. The Department may require elevations on plans to be tied to floodplain elevation datum by a Registered Land Surveyor.
  - (6) The Department reserves the right to refuse incomplete or incorrect permit applications or to delay permit issuance until corrected or completed applications are received.

**15.16**

**PLANS.** System plans shall be submitted for approval to the Department or to the State in accordance with SPS 383 Wisconsin Administrative Code. Plans shall comply with the requirements of SPS 383 Wisconsin Administrative Code, and this ordinance.

- (1) Plans submitted to the Department shall include the original and as many copies as are required by the Department.
- (2) If plans are reviewed and approved by the State, at least one set of plans submitted to the Department shall bear an original State approval stamp or seal.
- (3) Plans submitted shall be clear, legible and permanent copies.
- (4) Plans submitted shall comply with SPS 383 Wisconsin Administrative Code, and include the following:
  - (a) The name of the property owner and the legal description of the site.
  - (b) Estimated daily wastewater flow and design wastewater flow.
  - (c) A detailed Plot Plan (Site Plan) dimensioned or drawn to scale, on paper no smaller than 8.5 inches by 11 inches in size. The Plot Plan shall delineate the lot size and the location of all existing and

proposed private sewage system components, building sewers, private interceptor main sewers, wells, water mains or water service and the benchmark established on the Soil and Site Evaluation Report. Adjoining properties shall be checked to insure that the horizontal setback parameters in SPS 383.43 Wisconsin Administrative Code, are complied with. All separating distances and dimensions shall be clearly shown on the plot plan.

- (d) Details and configuration layouts depicting how the system is to be constructed.
  - (e) A description of a Contingency Plans in the event the proposed Private Sewage System fails and cannot be repaired. (See Section 15.10 (4))
  - (f) Sufficient supporting information to determine whether the proposed design, installation and management of the proposed Private Sewage System or modification to an existing system comply with this ordinance.
- (5) Plans shall be signed or sealed as specified in SPS 383 Wisconsin Administrative Code.
  - (6) A copy of the approved plans shall be maintained at the construction site until the Private Sewage System installation is completed, inspected and accepted. The plans shall be made available to the Department or the State upon request.
  - (7) A modification to the design of a Private Sewage System, which has been previously approved, shall be submitted to the Department or the State as specified in SPS 383 Wisconsin Administrative Code. Plan revisions must be approved prior to the system installation. A fee may be charged when submitting revised plans, see Section 15.25 (5).

#### **15.17**

#### **PERMIT CARDS.**

- (1) The Permit Card issued by the Zoning/Sanitation Administrator to the property owner or his agent shall serve as the Sanitary Permit.
- (2) The Permit Card shall contain all the information required by Section 145.135, Wisconsin Statutes.
- (3) The Permit Card shall be displayed at the site in such a manner that it will be visible from a road abutting the lot during all construction phases.
- (4) The Permit Card may not be removed until the Private Sewage System has been installed, inspected, and approved by the County.
- (5) Failure to display the Permit Card shall be considered a violation of this section and may subject the property owner, his agent or contractor to penalty provisions of this ordinance.

**15.18**

**PERMIT EXPIRATION.**

- (1) A Sanitary Permit for a Private Sewage System or Non-Plumbing Sanitation System, which has not been installed, modified or reconnected and approved, shall expire two years after the date of issuance. Permits may be renewed following written application to the Department by the property owner, his agent or contractor, prior to the expiration date of the original permits.
- (2) There shall be a fee for the renewal of a Sanitary Permit.
- (3) The renewal shall be based on ordinance requirements in force at the time of renewal.
- (4) All Sanitary Permits issued prior to the effective date of this ordinance shall expire two years from the date of issuance unless renewed.
- (5) A new Sanitary Permit shall be obtained by the owner or his agent prior to beginning construction, if a Sanitary Permit has expired.

**15.19**

**TRANSFER OF OWNERSHIP.** Transfer of Ownership of a property for which a valid Sanitary Permit exists shall be subject to the following:

- (1) The applicable State Transfer Form shall be submitted to the Department.
- (2) Transfer of ownership shall not affect the expiration date or renewal requirements.

**15.20**

**CHANGE OF PLUMBERS.**

- (1) When an owner wishes to change Plumbers, it will be necessary for him to furnish the Department with the applicable Transfer Form signed by the new Plumber.
- (2) The transfer of Sanitary Permits shall take place prior to the installation of the Private Sewage System.
- (3) Sanitary Permits for systems requiring State plan approval shall not be transferred to a different Plumber unless the plan bears the stamp of an Architect or Engineer, Plumbing Designer or a State level approval is obtained by the new Plumber.
- (4) There may be a filing fee. (See Section 15.25)

**15.21**

**PERMIT DENIAL.** When applicable provisions of Wisconsin Statutes, Wisconsin Administrative Code or this ordinance have not been complied with when applying for a Sanitary Permit, the permit shall be denied. Reasons for the denial shall be forwarded to the Plumber, Landowner, and when appropriate, State Representative(s) and Corporate Counsel.



## 15.22

### RECONNECTION.

- (1) A County Reconnection Permit shall be obtained prior to:
  - (a) Construction of a structure to be connected to an existing Private Sewage System;
  - (b) Disconnection of a structure from an existing Private Sewage System and connection of another structure to the system, except as permitted in Section 15.22 (4); or
  - (c) Rebuilding a structure that is connected to a Private Sewage System.
- (2) Prior to issuing a Reconnection Permit, the existing Private Sewage System shall be examined to:
  - (a) Determine if it is a failing system.
  - (b) Determine if it will be capable of handling the proposed wastewater flow and contaminant load from the building served.
  - (c) Determine that all minimum setback requirements of SPS 383, Wisconsin Administrative Codes, will be maintained.
- (3) Application for a County Reconnection Permit shall include the following:
  - (a) All items in Section 15.15 (1)(a-e) and 15.15 (1)(i-k);
  - (b) For all systems that utilize in situ soil for treatment or disposal, a Soil and Site Evaluation Report verifying that the vertical separation distance between the infiltrative surface of the existing treatment or dispersal component and estimated high groundwater elevation and/or bedrock complies with SPS 383, Wisconsin Administrative Code, unless a valid report meeting these criteria is on file with the Department.
  - (c) A report provided by a licensed Plumber, certified Septage Servicing Operator or a POWTS Inspector relative to the condition, capacities, baffles and manhole covers for any existing treatment or holding tanks.
  - (d) A report provided by a licensed Plumber or POWTS Inspector relative to the condition and capacities of all other system components and verifying that the system is not a failing system.
  - (e) A Plot Plan prepared by a Plumber including information specified in Section 15.16 (4)(c).
  - (f) Complete plans, as specified in Section 15.16, for any system components that will be modified or replaced.

- (g) Reconnection to existing Holding Tanks may require a new Servicing Contract and an updated Holding Tank Agreement, which meets the requirements of this ordinance.
  - (h) Reconnection to an existing system other than a Holding Tank may require a new Maintenance Agreement or contract.
- (4) Replacing a structure with a new or different structure within two (2) years of the date of permit issuance will only require a statement that the system has not been altered, a statement that a modification in wastewater flow or contaminant load will not occur, a Plot Plan that documents all setbacks between the structure and system components.
  - (5) All systems shall be inspected at the time of reconnection, prior to backfilling, to insure that proper materials and methods are being used.

**15.23**

**CONSTRUCTION AFFECTING WASTEWATER FLOW OR CONTAMINANT LOAD.**

Prior to commencing the construction of an addition to or modification of a structure, which will affect the wastewater flow and/or contaminant load to an existing Private Sewage System, the owner(s) of the property shall:

- (1) Possess a Sanitary Permit to construct a new Private Sewage System or modify an existing Private Sewage System to accommodate the modification in wastewater flow or contaminate load; or
- (2) Provide the following to the Department:
  - (a) Documentation that a Private Sewer System of adequate capability and capacity to accommodate the wastewater flow and contaminant load already exists to serve the structure, as specified in SPS 383 Wisconsin Administrative Code.
  - (b) Documentation showing that the location of the proposed structure conforms to the applicable setback distances to all of the existing Private Sewage System components; and
  - (c) Documentation specified in Section 15.22 (3)(b, c, & d).
- (3) Any installation, addition or modification of a system must be completed and accepted before the addition or modified area of the structure may be occupied.

**15.25**

**PERMIT FEES.** Permit fees shall be set and amended from time to time by the Zoning and Land Information Committee.

- (1) Sanitary Permit fees are to be established by the Zoning and Land Information Committee.
- (2) The fees established for State and County Sanitary Permits are in Appendix A of this ordinance.

- (3) Refunds: After the Sanitary Permit has been issued; the fees shall not be refunded.
- (4) After-the-Fact Permit fees: A double fee will be charged for all after-the-fact permit applications to partially recover the cost of obtaining compliance. The fee for the permit issued after-the-fact shall never be less than \$200.00.

## **INSPECTIONS**

### **15.27 INSPECTIONS: GENERAL**

- (1) Notice for Final Inspection shall be given to the Department for all private sewage systems installed, modified, or reconnected.
- (2) These Private Sewage Systems shall be inspected by the Department for compliance with SPS 382, SPS 383, and SPS 384 Wisconsin Administrative Code, other appropriate Wisconsin Statutes and Administrative Codes and this ordinance.
- (3) Notification for Final Inspection shall be given in accordance with the requirements of SPS 383 Wisconsin Administrative Code.
- (4) The entire system shall be left open until it has been inspected and accepted, unless the requirements of SPS 383 Wisconsin Administrative Code, are not met by the Department.
- (5) When a Private Sewage System is ready for inspection, the Plumber in charge shall make arrangements to enable the Inspector to inspect all parts of the system. The Plumber shall provide the proper apparatus, equipment and necessary assistance to make a proper inspection.
- (6) Private Sewage Systems may be inspected periodically, after the initial installation inspection(s) and/or after the system is operative, as deemed necessary by the Zoning/Sanitation Administrator.

### **15.28 INSPECTIONS: SITE CONSTRUCTED HOLDING TANKS**

- (1) All site constructed Holding Tanks shall be inspected after the floor is poured and the keyway and water stop are installed or after the forms for the tank walls have been set, but in all instances before any concrete for the walls has been poured.
- (2) Concrete walls may be poured only after it has been determined that the tank, as formed, complies with the approved plan.
- (3) This inspection shall not eliminate the need for an inspection after the installation has been completed.

### **15.29 INSEPTIONS: NON-PLUMBING SANITARY SYSTEMS**

- (1) All Non-Plumbing Sanitary Systems installed shall be inspected for compliance with this ordinance. Non-Plumbing Sanitary Systems serving uses other than one and two family dwellings shall also be inspected for compliance with SPS 352.63 Wisconsin Administrative Code.
- (2) The property owner shall notify the Department for inspection immediately after the Non-Plumbing Sanitary System has been constructed or installed.

**15.30**

**INSPECTIONS: MOUNDS AND AT-GRADE SYSTEMS**

- (1) The Plumber installing the Mound or At-Grade system shall notify the Department the working day prior to the installation, excluding Saturday, Sunday, and holidays.
- (2) These systems shall be inspected at the time the distribution piping installation has been completed. Other inspections may take place at the discretion of the Zoning and Sanitation Administrator.

**15.31**

**INSPECTIONS: SAND FILTERS**

- (1) The Plumber installing the Sand Filter shall notify the Department the working day prior to the installation, excluding Saturday, Sunday and holidays.
- (2) Sand Filters shall be inspected at the time the liner or tank and underdrain are in place, before placement of any treatment media, at the time the distribution piping installation has been completed and after all work has been completed.

**15.32**

**EXPERIMENTAL SYSTEMS AND SYSTEMS NOT RECOGNIZED BY SPS 383.61**

- (1) The Plumber installing the system shall coordinate any required pre-construction meeting(s).
- (2) The Plumber installing the system shall notify the Department at least two (2) work days prior to beginning the installation of the system to schedule the inspection(s) and shall notify the State as may be required by the approved plans.
- (3) Inspections shall be done pursuant to the approved plan requirements and as deemed necessary by the Department to assure compliance with appropriate codes and the plan approval.

**15.33**

**RE-INSPECTION**

- (1) A Re-Inspection fee may be assessed when a re-inspection of a Private Sewage System is required because the initial inspection disclosed that the installation is incomplete at the scheduled inspection time or does not comply with applicable Wisconsin Statutes, Administrative Codes, the approved plan, or this ordinance. Each additional re-inspection required at the site will require a fee.
- (2) The Re-Inspection fee shall be due within ten (10) working days of written notification by the Department. Failure to pay this fee within that period shall constitute a violation of this ordinance.

**15.34**

**TESTING**

- (1) If testing of new systems or new system components is required by SPS 382, 383, or 384 Wisconsin Administrative Code, or as a condition of plan approval, notice shall be given to the Department as specified in Section 15.27 (3), so that the Department may make an inspection during the test.

- (2) The Department shall verify that required testing has been completed by:
- a) Performing an inspection during the test.
  - b) Requiring written verification from the responsible person, or
  - c) Both a and b.

## **SYSTEM MANAGEMENT AND MAINTENANCE**

### **15.35 MAINTENANCE AND MANAGEMENT**

- (1) All Private Sewage Systems shall be managed and maintained in accordance with SPS 383 and 384 Wisconsin Administrative Code and this ordinance.
- (2) The property owner shall report to the Department each inspection, maintenance or servicing event, in accordance with SPS 383 Wisconsin Administrative Code and this ordinance.
- (3) The property owner shall submit a copy of an appropriate Maintenance Agreement and/or Servicing Contract to the Department prior to Sanitary Permit issuance.
- (4) The property owner shall submit a new or revised Maintenance Agreement and/or Servicing Contract to the Department whenever there is a change to such document(s).
- (5) The property owner shall submit a new Maintenance Agreement and/or Servicing Contract to the Department prior to expiration of any existing Maintenance Agreement and/or Servicing Contract.

### **15.36 SEPTIC TANK MAINTENANCE PROGRAM**

- (1) Every Septic Tank installed shall be visually inspected and pumped within three years of the date of installation, or upon notification from the County and at least once every three years thereafter, unless upon inspection that tank is found to have less than 1/3 of the volume occupied by sludge and scum.
- (2) Pumping of a Septic Tank shall be done by a Certified Septage Servicing Operator in accordance with NR113, Wisconsin Administrative Code.
- (3) Visual inspection of a Private Sewage System may be conducted by a Plumber, any person authorized by the State, a person licensed under 281.48, Wisconsin Statutes, or by an authorized County or State employee to determine the condition of the tank and whether wastewater or effluent from the POWTS is ponding on the ground surface.
- (4) The owner of such septic tank shall furnish the Department with a copy of the Inspection Report verifying the condition of the tank, whether wastewater or effluent from the POWTS is ponding on the ground surface and the date of pumping within ten (10) days of the date of inspection and pumping. Reports shall include all information required in SPS 383.55 Wisconsin Administrative Code, and be signed by the person(s) inspecting and pumping the Private Sewage System. Other Maintenance or Management Reports required by SPS 383 or 384 Wisconsin Administrative Code, should be included with this report.

**15.37****HOLDING TANK MAINTENANCE AGREEMENT**

- (1) The owner of the Holding Tank shall enter into a Maintenance Agreement with the appropriate City, Village or Town guaranteeing that the local governmental unit, which signed the agreement, will service the Holding Tank, if the owner fails to have the Holding Tank properly serviced in response to orders issued by the Department. The Maintenance Agreement shall be binding upon the owner, the heirs of the owners and assignees of the owner. The Maintenance Agreement shall be filed with the Register of Deeds Office and shall be recorded in a manner that will permit the existence of the agreement to be determined by reference to the property where the Holding Tank is installed.
  
- (2) The owner or agent shall submit a copy of the Holding Tank Maintenance Agreement when plans are submitted to the Department for review.



## **ADMINISTRATION AND ENFORCEMENT**

**15.38 ADMINISTRATION.** The Zoning/Sanitation Administrator shall be responsible for the administration of this ordinance. The Zoning/ Sanitation Administrator may delegate his responsibilities to personnel employed by the Zoning Department and in the case of issuing abatement orders, to the County Health Department.

**15.39 POWERS AND DUTIES.** In the administration of this ordinance, the Zoning/Sanitation Administrator shall have the following powers and duties:

- (1) Delegate duties to and supervise assistant(s), clerical staff and other employees to assure full compliance with this ordinance and related Wisconsin Statutes and Administrative Codes.
- (2) Advise applicants concerning the provisions of this ordinance and assist them in preparing permit applications.
- (3) Review and approve plans for Private Sewage Systems for one and two family dwellings or as approved through agent status by the State.
- (4) Issue Sanitary Permits and inspect properties for compliance with this ordinance and related Wisconsin Statutes and Administrative Codes.
- (5) Keep records of all Sanitary Permits issued, inspections made, work approved, and other official actions.
- (6) Report violations of this ordinance to the Corporation Counsel.
- (7) Have access to any premises for the purpose of performing official duties between 7:00 a.m. and 6:00 p.m. or at other times set by mutual agreement between the property owner or his agent and the Zoning/Sanitation Administrator, upon issuance of a special inspection warrant in accordance with Section 66.122, for the purposes of this ordinance as the owner's consent to enter the premises.
- (8) Upon reasonable cause or question as to proper compliance, revoke or suspend any Sanitary Permit and issue Cease and Desist Orders requiring the cessation of any construction, alteration or use of a building, which is in violation of the provisions of this ordinance until compliance with this ordinance or applicable Wisconsin Statutes and Administrative Codes is obtained.
- (9) Issue and enforce orders to Plumbers, Pumpers, Property Owners, their Agents or Contractors or the responsible party, to assure proper compliance with all provisions of this ordinance or delegate this authority to the County Health Department.
- (10) Apply for and distribute grants obtained through the Wisconsin Fund Grant Program.

- (11) Withhold permit(s) or approval(s) pursuant to this ordinance when the Applicant, Owner or licensed Contractor is in violation of this or any ordinance administered by the Department and for any parcel(s) of land that have an outstanding violation until the violation(s) have been corrected. A request for waiver of these provisions may be made, to grant or deny a permit or approval on the merits of the application, to the Corporation Counsel and the Zoning and Land Information Committee.
- (12) Consider and approve or deny requests for a waiver to Section 15.10 (4) of this ordinance (Holding Tanks). Approval of such requests shall be based upon conditions or circumstances unique to the parcel of land or structure served. In granting such a waiver, the Zoning/Sanitation Administrator may require recording of affidavits, the identification and preservation of replacement system area or other conditions as deemed necessary.
- (13) Perform other duties regarding Private Sewage Systems as considered appropriate by the County or the State.

**15.40 BOARD OF ADJUSTMENT.** Any person who alleges that there is an error in any order, requirement or decision made in the enforcement of this ordinance may appeal to the Board of Adjustment as provided in Chapter 17 (Zoning Ordinance) of the General Code. Any appeal shall be made on forms furnished by the Zoning Department within thirty (30) days of the date of that administrative action. Other substantiating evidence will be accepted.

**15.41 VIOLATIONS AND PENALTIES.**

- 1) Any person who fails to comply with the provisions of this ordinance, or any order of the Department issued in accordance with this ordinance, or resists enforcement, shall be subject to a penalty as provided in Section 25.04 of the General Code.
- 2) Any construction that is in violation of this ordinance shall cease upon written orders from the Zoning/Sanitation Administrator or the placement of a Notification of Violation at the site.
- 3) All construction shall remain stopped until the order is released by the Zoning/Sanitation Administrator.
- 4) Violations of this ordinance shall be prosecuted by the Corporation Counsel.