

ORDINANCE #1-2011
PRIVATE SEWAGE SYSTEM ORDINANCE
Supersedes Sawyer County Private Sewage System Ordinance adopted July 1, 1980
Adopted April 19, 2011

INTRODUCTION

SECTION 1.0 STATUTORY AUTHORITY

This ordinance is adopted pursuant to the authorization in §59.70(1), 59.70(5), 145.04, 145.19, 145.20, 145.245 of the Wisconsin Statutes.

SECTION 2.0 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 on-site wastewater treatment systems and non-plumbing sanitation systems.

SECTION 3.0 REPEAL AND EFFECTIVE DATE

The provisions of this ordinance shall take effect on the date of adoption by the Sawyer County Board of Supervisors and the existing provisions for the County shall be repealed effective on the date of the enactment of this ordinance as listed above.

SECTION 4.0 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 on-site wastewater treatment systems: §59.70(5), Chapters 145, 281.48 and 968.10, Wisconsin Statutes; Chapters Comm 81, Comm 82, Comm 83, Comm 84, Comm 85, Comm 87, Comm 91, NR 113, NR 116, NR 811 and NR 812, Wisconsin Administrative Code. These rules, regulations, and laws shall apply until amended or renumbered and then shall apply as amended or renumbered.

SECTION 5.0 SEVERABILITY AND LIABILITY

(1) Should a court of competent jurisdiction adjudge any section, clause, provision or portion of this ordinance unconstitutional or invalid, the remainder of this ordinance shall not be affected thereby.

(2) This ordinance shall not create a liability on the part of or a cause of action against the County or any employee thereof for any private on-site wastewater treatment system that 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.

SECTION 6.0 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.

SECTION 7.0 DEFINITIONS

The following terms shall have the meanings indicated in this section.

- (1) **Buildings:** See **Structure:**
- (2) **Conventional Private on-site wastewater treatment system:** A private on-site wastewater treatment system consisting of a septic tank and an in-ground soil absorption component with gravity distribution of effluent.
- (3) **County:** The Governmental Unit; Sawyer County Zoning Department.
- (4) **County Sanitary Permit:** A permit issued by the County for the connection, reconnection, revision and/or repair of a private on-site wastewater treatment system or for the installation of a non-plumbing sanitation system, pursuant to §59.70 and 145.04, Wisconsin Statutes.
- (5) **Department of Commerce. Also Comm.:** The State Agency charged with promulgating the Uniform Plumbing Code of the State of Wisconsin, Chapters Comm 81 through 87 and 91.
- (6) **Failing Private on-site wastewater treatment system:** "Failing private on-site wastewater treatment system" has the meaning specified under §145.245(4), Wisconsin Statutes. A failing private on-site wastewater treatment system is one which causes or results in any of the following conditions:
 - (a) The discharge of sewage into surface water or groundwater.
 - (b) The introduction of sewage into zones of saturation which adversely affects the operation of a private on-site wastewater treatment system.
 - (c) The discharge of sewage to a drain tile or into zones of bedrock.
 - (d) The discharge of sewage to the surface of the ground.
 - (e) The failure to accept sewage discharges and back up of sewage into the structure served by the private on-site wastewater treatment system.
- (7) **Holding Tank:** A watertight receptacle for the collection and holding of wastewater.
- (8) **Human Habitation:** The act of occupying a structure as a dwelling or sleeping place, whether intermittently or as a principal residence.
- (9) **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 one and two family dwellings, when there is an increase or decrease in the number of bedrooms.
- (10) **Non-plumbing Sanitation System:** Sanitation systems and devices within the scope of Comm 91, 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.
- (11) **Occupancy:** 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.

(12) **Plumber**: A person licensed by the State of Wisconsin as a Master Plumber or Master Plumber-Restricted Service.

(13) **Portable Restroom**: A self-contained portable unit that includes fixtures, incorporating holding tank facilities, designed to contain human excrement.

(14) **Private On-site Wastewater Treatment System**: POWTS, also referred to as Private Sewage System, has the meaning given under Section 145.01(12), Wisconsin Statutes. (Generally, POWTS is used in reference to systems installed after July 1, 2000; Private Sewage System refers to those installed prior to that date.)

(15) **Privy**: An enclosed nonportable toilet into which nonwater-carried human wastes are deposited.

(16) **Privy-Pit**: A privy with a subsurface storage chamber that is not watertight. The storage chamber of a pit privy shall be sited and located in soil recognized to provide treatment and dispersal in accordance with Comm 83.44(4)(b), Wisconsin Administrative Code.

(17) **Privy-Vault**: A privy with a subsurface storage chamber that is watertight. A Privy vault shall conform with the requirements of Comm 84.25, Wisconsin Administrative Code and shall have a minimum storage capacity of 200 gallons or one cubic yard.

(18) **Sanitary Permit**: The term "sanitary permit", as used in this ordinance shall mean a County Sanitary Permit, a State Sanitary Permit or both.

(19) **Septic Tank**: An anaerobic treatment tank.

(20) **State**: The State of Wisconsin, its agencies and institutions, including the Wisconsin Department of Commerce.

(21) **State Sanitary Permit**: A permit issued by the County for the installation or modification of a private on-site wastewater treatment system, pursuant to §145.135 and 145.19, Wisconsin Statutes.

(22) **Structure**: Any construction, excluding fills, or any production or piece of work artificially built or composed of parts joined together in some definite manner having form, shape and utility. Examples of structures would include, but not be limited to, concrete, flagstone and block patios; concrete slabs, retaining walls, etc.

GENERAL REQUIREMENTS

SECTION 8.0 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 have a system for holding or treatment and dispersal of sewage and wastewater which complies with the provisions of this ordinance.

(2) The private on-site wastewater treatment system or non-plumbing sanitation system for newly constructed structures or structures requiring a Connection / Reconnection Permit shall be installed, inspected, and approved before the structure may be occupied.

(3) A private on-site wastewater treatment system, and any of its components, shall only be installed by a person properly licensed by the Department of Commerce.

(4) A non-plumbing sanitary system requiring non-owner installation shall be installed by a person properly licensed by the Department of Commerce.

SECTION 9.0 APPLICABILITY

The requirements of this ordinance shall apply to all geographic areas of the County, except lands owned by the federal government, lands held in trust by the federal government or lands owned by Lac Courte Oreilles tribal members within the boundaries of the Lac Courte Oreilles Reservation.

SECTION 10.0 LIMITATIONS

- (1) All domestic wastewater shall enter a private on-site wastewater treatment system unless otherwise exempted by the State or this ordinance.
- (2) A non-plumbing sanitary system may be permitted only when the structure or premises served by the non-plumbing sanitation system is not provided with indoor plumbing. If plumbing is installed in the structure or water under pressure is supplied to the structure, an acceptable method of sewage disposal other than, or in addition to, a non-plumbing sanitation system must be provided.
- (3) Any private on-site wastewater treatment system, or portion(s) thereof, installed within a floodplain shall comply with all applicable requirements of NR 116, Wisconsin Administrative Code.
- (4) When a failing private on-site wastewater treatment 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 County order.

SECTION 11.0 ABANDONMENT OF PRIVATE ONSITE WASTEWATER TREATMENT SYSTEMS

- (1) When public sewers approved by the Department of Natural Resources become available to the structure or premises served, the private on-site wastewater treatment system shall be disconnected and a connection made to the public sewer. Determination of whether sewer is available shall be made by the local sewer service entity.
- (2) Abandonment of the disconnected private on-site wastewater treatment system shall be done in accordance with the provisions of Comm 83, Wisconsin Administrative Code.
- (3) The components of an existing private on-site wastewater treatment system that are not part of the approved 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 Comm 83, Wisconsin Administrative Code.

PERMITS AND APPLICATIONS

SECTION 12.0 SOIL EVALUATION

- (1) Soil evaluations shall be done prior to the issuance of permits as specified in Comm 83, Comm 85 and Comm 91, 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.
- (3) County verification of a Soil Evaluation Report may be necessary to determine the suitability of a lot for a private on-site wastewater treatment system. This verification will be made at the discretion of the Zoning Administrator and will be made prior to the issuance of the sanitary permit. 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.

(4) A certified soil tester may request County 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 14.0 (1) (a-e), the original copy of the Soil and Site Evaluation Report and as many copies as are required by the County.

SECTION 13.0 SANITARY PERMITS

- (1) Every private on-site wastewater treatment system shall require a separate application and sanitary permit.
- (2) A sanitary permit shall be obtained by the property owner and/or their agent or contractor, in the name of the property owner, prior to the installation, establishment or construction of any structure that requires a private on-site wastewater treatment system or non-plumbing sanitation system.
- (3) Any property owner and/or their agent or contractor, who starts construction prior to obtaining a sanitary permit is in violation and may be subject to citation or other enforcement action.
- (4) A sanitary permit shall be obtained by the property owner and their agent or contractor, in the name of the property owner, before any private on-site wastewater treatment system or part thereof may be installed, replaced, reconnected, modified or a new connection made.
- (5) A Sanitary Permit is not required for the use of portable restroom units in support of special entertainment, recreational, athletic or similar events not exceeding three (3) days.
- (6) If any part of a private on-site wastewater treatment system has failed or requires replacement or modification, the entire system shall be evaluated for compliance with codes existing and in effect at the time of installation. This shall include a copy of a soil and site evaluation report, as deemed valid by the County, for those components that utilize in situ soil for treatment or dispersal.
- (7) 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, replacement, removal or proper abandonment of that part.

SECTION 14.0 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 County along with all applicable fees:
 - (a) Names and addresses of the applicant (owner of the site) and the plumber responsible for installation. (When applicable).
 - (b) Legal description of the subject site and the 12 digit legacy parcel identification number.
 - (c) All lot dimensions.

- (d) Driving directions to the site, or provide the fire number.
- (e) Building use (single family, duplex, etc.).
- (f) Soil Evaluation Report.
- (g) System plans (see Section 15.0).
- (h) Appropriate agreements and/or contracts for system management and maintenance.
- (i) Verification that any existing private on-site wastewater treatment systems serving the same structure, which will remain in service, are not failing private on-site wastewater treatment systems.
- (j) Copies of any documents required in Section 14.0 (4) and verification that they have been recorded.
- (k) Any other information required by the County, including verification of compliance with Section 32.0 (11) of this ordinance.

(2) When any official State action is required prior to the issuance of a sanitary permit, an approved copy of the official action shall accompany the application.

(3) Pit privy permit applications shall be accompanied by soil data provided by a Certified Soil Tester to determine compliance with Comm 91, Wisconsin Administrative Code.

(4) The following documents must be recorded with the Sawyer County Register of Deeds prior to sanitary permit issuance:

(a) Maintenance agreements or other documents requiring maintenance specific information, if recording is required by Comm 83, Wisconsin Administrative Code, or Section 30.0 of this ordinance.

(b) If a private on-site wastewater treatment 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 on-site wastewater treatment 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 of the system, must be recorded.

(d) If a private on-site wastewater treatment 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 structures to be served by the system and the party responsible for operation and maintenance of the system must be recorded.

(e) If the design wastewater flow of a private on-site wastewater treatment system for a dwelling is not based upon the number of bedrooms within the dwelling, information documenting that design condition shall be recorded as a covenant running with the deed for the property.

(5) The County reserves the right to require Floodplain determination and/or Wetland delineation for a proposed private on-site wastewater treatment system area prior to sanitary permit issuance. The County may require elevations on plans to be tied to floodplain elevation datum.

(6) The County reserves the right to refuse incomplete or incorrect permit applications or to delay permit issuance until corrected or completed applications are received.

SECTION 15.0 PLANS

System plans shall be submitted for approval to the County or to the State in accordance with Comm 83, Wisconsin Administrative Code. Plans shall comply with the requirements of Comm 83, Wisconsin Administrative Code, and this ordinance.

(1) Plans submitted to the County shall include the original and as many copies as required by the County.

(2) If plans are reviewed and approved by the State, at least one set of the plans submitted to the County 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 Comm 83, 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 8½ inches by 11 inches in size. The plot plan shall delineate the lot size and the location of all existing and proposed; private on-site wastewater treatment system components; building sewers; private interceptor main sewers; wells; water mains or water services; buildings; lot lines; swimming pools; elevations of navigable waters; percent slope; contour lines and the benchmark established on the Soil Evaluation Report. Adjoining properties shall be checked to insure that the horizontal setback parameters in Comm 83.43, 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) Tank(s) manufacturer, model number, gallons/inch and maximum bury depth.

(f) A description of a contingency plan in the event the proposed private on-site wastewater treatment system fails and cannot be repaired or an alternate area may be provided.

(g) A management plan as required in Comm 83.54, Wisconsin Administrative Code.

(h) Sufficient supporting information to determine whether the proposed design, installation and management of the proposed private on-site wastewater treatment system or modification to an existing system comply with this ordinance.

(5) Plans shall be signed or sealed as specified in Comm 83, Wisconsin Administrative Code.

(6) A copy of the approved plans shall be maintained at the construction site until the private on-site wastewater treatment system installation is completed, inspected and accepted. The plans shall be made available to the County or the State upon request.

(7) A modification to the design of a private on-site wastewater treatment system that has been previously approved shall be submitted to the County or the State as specified in Comm 83, Wisconsin

Administrative Code. Plan revisions must be approved prior to system installation. A fee may be charged when submitting revised plans.

SECTION 16.0 PERMIT CARDS

- (1) The permit card issued by the County to the property owner or their agent shall serve as the sanitary permit.
- (2) The permit card shall contain all the information required by §145.135, Wisconsin Statutes.
- (3) The permit card shall be displayed at the site in such a manner that it will be visible from the road abutting the lot during all construction phases.
- (4) The permit card may not be removed until the private on-site wastewater treatment 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, their agent or contractor, to citation or other enforcement action.

SECTION 17.0 PERMIT EXPIRATION AND RENEWAL

- (1) A sanitary permit for a private on-site wastewater treatment system or non-plumbing sanitation system that has not been installed, modified, connected or reconnected and approved shall expire two (2) years after the date of issuance. Permits may be renewed following written application to the County by the property owner, his agent or contractor, prior to the expiration date of the original permit.
- (2) There shall be a fee for the renewal of a sanitary permit, however a fee shall not be charged if renewed within twelve (12) months from date of issuance.
- (3) The renewal shall be based on Wisconsin Administrative Code, Statute and County Ordinance requirements in force at the time of renewal.
- (4) A new permit card shall be issued when the permit is renewed.
- (5) Changed Wisconsin Administrative Code, Statute or ordinance requirements may impede the renewal.
- (6) All sanitary permits issued prior to the effective date of this ordinance shall expire two years from the date of issuance unless renewed or void.
- (7) A new sanitary permit shall be obtained by the owner or their agent prior to beginning or continuing construction if a sanitary permit has expired.

SECTION 18.0 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 Sanitary Permit Application form is submitted to the County.
- (2) Transfer of ownership shall not affect the expiration date unless a renewal is also requested.
- (3) There shall be a filing fee for the transfer of ownership of a sanitary permit.

SECTION 19.0 CHANGE OF PLUMBERS

- (1) When an owner wishes to change plumbers, it will be necessary to furnish the County with the applicable State Sanitary Permit Application form signed by the new plumber.
- (2) The transfer of sanitary permits shall take place prior to the installation of the private on-site wastewater treatment 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 plan approval is obtained by the new plumber.
- (4) There shall be a filing fee for the change of plumber of a sanitary permit.

SECTION 20.0 CONNECTION AND/OR RECONNECTION

- (1) A County sanitary connection / reconnection permit shall be obtained prior to:
 - (a) Construction of a structure, or an additional structure, to be connected to an existing private on-site wastewater treatment system;
 - (b) Disconnection of a structure from an existing private on-site wastewater treatment system and connection of another structure to the system, except as permitted in Section 20.0 (4); or
 - (c) Rebuilding a structure that is connected to a private on-site wastewater treatment system.
- (2) Prior to issuing a County sanitary connection / reconnection permit, the existing private on-site wastewater treatment system shall be examined to:
 - (a) Determine if it is functioning properly and whether it is a failing system.
 - (b) Determine if it will be capable of handling the proposed wastewater flow and contaminant load from the building to be served.
 - (c) Determine that all minimum setback requirements of Comm 83, Wisconsin Administrative Code, will be maintained.
- (3) Application for a County sanitary connection / reconnection permit shall include the following:
 - (a) All items in Section 14.0 (1) (a-e) (i-k);
 - (b) For all systems that utilize in situ soil for treatment or disposal, a Soil 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 bedrock complies with Comm 83, Wisconsin Administrative Code, unless a valid report meeting these criteria is on file with the County;
 - (c) A report provided by a licensed plumber, certified septage servicing operator, a private on-site wastewater treatment system inspector or other person(s) authorized to do so by Comm 83, Wisconsin Administrative Code 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 private on-site wastewater treatment system inspector or other person(s) authorized to do so by Comm 83, Wisconsin Administrative Code 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 or other person(s) authorized to do so by Comm 83, Wisconsin Administrative Code including information specified in Section 15.0 (4) (c); and

(f) Complete plans, as specified in Section 15.0.

(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.

(i) There shall be a filing fee for a sanitary permit for the connection / reconnection of a private on-site wastewater treatment system.

(4) Replacing a structure with a new or different structure within two 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 and a plot plan that documents all setbacks between the structure and system components.

(5) When connection / reconnection is to a system that has a design flow that is not derived from either the number of bedrooms within the dwelling, or Public Facility Wastewater Flows Tables found in Comm 83, Wisconsin Administrative Code, information documenting the design condition shall be recorded as a covenant running with the deed for the property.

(6) Systems may be inspected at the time of connection / reconnection, prior to backfilling, at the discretion of the County to insure that proper materials and methods are being used.

SECTION 21.0 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 Corporation Counsel. Said applicant has the right to appeal (see Section 33.0).

SECTION 22.0 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 on-site wastewater treatment system, the owner(s) of the property shall:

(1) Possess a sanitary permit to construct a new private on-site wastewater treatment system or modify an existing private on-site wastewater treatment system to accommodate the modification in wastewater flow or contaminant load; or

(2) Provide the following to the County:

(a) Documentation that a private on-site wastewater treatment system of adequate capability and capacity to accommodate the wastewater flow and contaminant load already exists to serve the structure, as specified in Comm 83, 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 on-site wastewater treatment system components; and

(c) Documentation specified in Section 20.0 (3) (b-d).

(3) Where the performance capability of the existing private on-site wastewater treatment system serving a structure is not based on either the number of bedrooms serving a dwelling, or Public Facility Wastewater Flows Tables found in Comm 83, Wisconsin Administrative Code, information documenting that design condition shall be recorded as a covenant running with the deed for the property.

(4) 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.

SECTION 23.0 CONSTRUCTION NOT AFFECTING WASTEWATER FLOW OR CONTAMINANT LOAD

Prior to commencing construction of any structure or addition to a structure on a site where there exists a private on-site wastewater treatment system the owner or their agent shall determine that the proposed structure conforms to applicable setback limitations of Comm 83, Wisconsin Administrative Code. Documentation shall be submitted as required in Comm 83, Wisconsin Administrative Code.

SECTION 24.0 PERMIT FEES

Permit fees shall be set and amended from time to time by the Sawyer County Zoning and Conservation Committee.

INSPECTIONS

SECTION 25.0 INSPECTIONS

(1) Inspections shall be conducted only after the required sanitary permit(s) have been issued by the County.

(2) Twenty Four (24) hours notice for final inspection shall be given to the County for all private on-site wastewater treatment systems installed, modified, connected or reconnected.

(3) These private on-site wastewater treatment systems shall be inspected by the County for compliance with Comm 82, Comm 83 and Comm 84, Wisconsin Administrative Code, other appropriate Wisconsin Statutes and Administrative Codes and this ordinance.

(4) Notification for final inspection shall be given in accordance with the requirements of Comm 83, Wisconsin Administrative Code.

(5) When the private on-site wastewater treatment system or non-plumbing sanitation system requires a licensed installer, the master plumber responsible for system installation, or a journeyman plumber familiar with the system's installation, shall be present during the performance of the inspection.

(6) When a private on-site wastewater treatment 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.

(7) Private on-site wastewater treatment systems may be inspected periodically, after the initial installation inspection(s) and/or after the system is operative, as deemed necessary by the County.

SECTION 26.0 REINSPECTION

(1) A Reinspection fee may be assessed when a reinspection of a private on-site wastewater treatment 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 plans or this ordinance. Each additional reinspection required at the site may require a fee.

(2) The Reinspection fee shall be due within ten (10) working days of written notification by the County. Failure to pay this fee within that period shall constitute a violation of this ordinance.

SECTION 27.0 TESTING

(1) If testing of new systems or new system components is required by Comm 82, 83 or 84, Wisconsin Administrative Code, or as a condition of plan approval, notice shall be given to the County as specified in Section 25.0 (4), so that the County may make an inspection during the test.

(2) The County 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 MAINTENANCE AND MANAGEMENT

SECTION 28.0 MAINTENANCE AND MANAGEMENT

(1) All private on-site wastewater treatment systems shall be managed and maintained in accordance with Comm 83 and 84, Wisconsin Administrative Code, and this ordinance.

(2) The property owner, or owner's agent shall report to the County each inspection, maintenance or servicing event, in accordance with Comm 83, 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 County prior to sanitary permit issuance.

(4) The property owner shall submit a new or revised maintenance agreement and/or servicing contract to the County 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 County prior to expiration of any existing maintenance agreement and/or servicing contract.

SECTION 29.0 MAINTENANCE PROGRAM

(1) All new and existing private on-site wastewater treatment systems shall be visually inspected and/or pumped within three years of the date of installation and at least once every three years thereafter. Pumping is not required if upon inspection the tank is found to have less than 1/3 of the volume occupied by sludge and scum.

(2) Visual inspection of a private on-site wastewater treatment system shall be conducted by persons specified in Comm 83.54, Wisconsin Administrative Code, to determine the condition of the tank and whether wastewater or effluent from the private on-site wastewater treatment system is ponding on the ground surface.

(3) Pumping of a tank shall be done by a certified septage servicing operator in accordance with NR 114, Wisconsin Administrative Code.

(4) The applicant for a sanitary permit shall be provided written notice of the maintenance program at the time the sanitary permit is issued.

(5) The maintenance and servicing of all private on-site wastewater treatment systems shall occur as required by Comm 83.54, Wisconsin Administrative Code.

(6) The service provider shall record the inspection, evaluation, maintenance and/or servicing report within 30 calendar days from the date of service to a maintenance recording system in a manner prescribed by the County and as required by Comm 83.55, Wisconsin Administrative Code.

SECTION 30.0 PRIVATE ON-SITE WASTEWATER TREATMENT SYSTEM MAINTENANCE DOCUMENTATION

(1) Pursuant to Comm 83.21(2)(c)5, Wisconsin Administrative Code, owners of private on-site wastewater treatment systems requiring service, maintenance, monitoring or evaluation at an interval of 12 months or less shall record documentation of such with a deed to the property.

(2) Pursuant to Chapter 145.20(4) Wisconsin Statutes, the county may assess the owner of a private on-site wastewater treatment system for costs related to the pumping of a septic tank or holding tank.

ADMINISTRATION AND ENFORCEMENT

SECTION 31.0 ADMINISTRATION

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

SECTION 32.0 POWERS AND DUTIES

In the administration of this ordinance, the Zoning Administrator shall have the following powers and duties:

(1) Delegate duties to and supervise clerical staff and other employees to assure full and complete compliance with this ordinance and related Wisconsin Statutes and the Administrative Code.

(2) Advise applicants concerning the provisions of this ordinance and assist them in preparing permit applications.

(3) Review and approve plans for private on-site wastewater treatment systems that will not serve more than two one or two family dwellings and their accessory buildings utilizing technologies or methods either recognized under Comm 84.10 (2) or (3) or recognized under Comm 83.60 (1), Wisconsin Administrative Code and using gravity distribution of the effluent to an in-ground distribution cell; and private on-site wastewater treatment systems that collect and hold all domestic wastewater of facilities served and utilized holding components designed based on 3000 gpd estimated flow either recognized under Comm 84.10 (2) or (3) or recognized under Comm 83.60 (1), Wisconsin Administrative Code 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 the Administrative Code.

(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 8 a.m. and 8 p.m. or at other times set by mutual agreement between the property owner or their agent and the Zoning Administrator or upon issuance of a special inspection warrant in accordance with §66.0119, Wisconsin Statutes. Application for a sanitary permit is considered 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 the Administrative Code 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 "Private on-site wastewater treatment system Replacement or Rehabilitation Financial Assistance Program", otherwise known as the Wisconsin Fund.
- (11) Perform other duties regarding private on-site wastewater treatment systems as considered appropriate by the County or the State.

SECTION 33.0 APPEALS

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 Zoning Committee. Any appeal shall be made on forms furnished by the County within 30 days of the date of that administrative action. Other substantiating evidence will be accepted.

SECTION 34.0 ENFORCEMENT AND PENALTIES

- (1) Any person who fails to comply with the provisions of this ordinance, or any order of the County issued in accordance with this ordinance, or resists enforcement, shall be subject to a citation or other enforcement action.
- (2) Any construction that is in violation of this ordinance shall cease upon written orders from the County or the placement of a notification of violation at the site.
- (3) All construction shall remain stopped until the order is released by the County.
- (4) Violations of this ordinance shall be prosecuted by the Corporation Counsel.
- (5) Any person, firm or corporation who violates or refuses to comply with any of the provisions of this ordinance shall be subject to a forfeiture of not less than ten (\$10.00) nor more than two hundred (\$200.00) dollars per offense, together with the taxable cost of action.
- (6) Each day which the violation exists shall constitute a separate offense.