

**CHAPTER 15 - PRIVATE ONSITE WASTEWATER TREATMENT SYSTEMS (POWTS)  
ORDINANCE (Rep. & recr. #2-2018)**

**15.01 - ADOPTION.**

- (1) Pursuant to §59.70(5), Wis. Stats., the County Board hereby adopts this private onsite wastewater treatment systems (POWTS) ordinance.
- (2) This chapter shall be subject to the provisions of Ch. 145, Wis. Stats., and all subsequent rules and regulations promulgated thereunder regarding sanitary systems including, without limitation and incorporating by reference, the State Plumbing Code, Chs. SPS 381-387 and SPS 391, Wis. Admin. Code.
- (3) This chapter shall not be more lenient nor stringent than the rules and regulations promulgated pursuant to Ch. 145, Wis. Stats.

**15.02 - DEFINITIONS.**

**COUNTY SANITARY PERMIT.** A permit authorizing the installation or modification of a non-plumbing sanitary system or reconnection to an existing POWTS.

**DEPARTMENT.** The Wisconsin Department of Safety and Professional Services.

**FAILING POWTS.** As specified under §145.245(4), Wis. Stats., a POWTS which causes or results in any of the following conditions:

- (a) Discharge of sewage into surface water or groundwater.
- (b) Introduction of sewage into zones of saturation which adversely affects operation of a POWTS.
- (c) Discharge of sewage to a drain tile or into zones of bedrock.
- (d) Discharge of sewage to the ground surface.
- (e) Failure to accept sewage discharges and backup of sewage into the structure served by the POWTS.

**ISSUING AGENT.** The County office, department, committee, board, commission, position or employee assigned the duties of administering this POWTS ordinance by the County Board.

**NON-PLUMBING SANITARY SYSTEM.** Alternatives to water-carried waste plumbing fixtures and drain systems regulated by Ch. SPS 391, Wis. Admin. Code, including composting or incinerating toilets and privies (pit or vault).

**OWNER.** The owner of the property served by a POWTS. In cases where a POWTS is located on a property with ownership different than the property which it serves, or in which multiple properties and/or structures are served by a single POWTS, the legal document which specifies the agreements of ownership and responsibility shall extend in application to this chapter.

**PRIVATE ONSITE WASTEWATER TREATMENT SYSTEM (POWTS).** A sewage treatment and disposal system serving a single structure with a septic tank and soil absorption field located on the same parcel as the structure; an alternative sewage system approved by the Department, including a substitute for the septic tank or soil absorption field, a holding tank, a system serving more than one structure or a system located on a different parcel than the structure. A POWTS may be owned by the property owner or by a special purpose district.

SERVICING. Removing the liquid, scum, sludge, or other wastes from a private sewage system such as septic or holding tanks, dosing chambers, grease interceptors, seepage beds, seepage pits, seepage trenches, privies, or portable restrooms and properly disposing or recycling of the contents as provided per §[NR 113.03\(57\)](#), Wis. Admin. Code.

STATE SANITARY PERMIT. A permit authorizing installation or modification of a POWTS that is issued by the Department or the issuing agent.

### **15.03 - ISSUING AGENT.**

The County Land Conservation, Planning, & Zoning Committee or its administrator shall act as the issuing agent and is hereby assigned the duties of administering this POWTS ordinance.

The issuing agent shall perform other duties regarding POWTS as considered appropriate by the County or as required by the rules of the Department.

### **15.04 - SANITARY PERMIT.**

#### **(1) PERMIT REQUIRED.**

- (a) No individual may install a new POWTS, modify an existing POWTS, or modify the volume or contaminant load of the wastewater for which a POWTS was designed (i.e. increase bedrooms, occupancy, etc.), unless the owner of the property served by the POWTS holds a valid State or County sanitary permit for the activity.
- (b) No individual may install new or modify an existing non-plumbing sanitary system or reconnect to an existing POWTS unless the owner of the property served by the system holds a valid County sanitary permit for the activity.
- (c) No individual may sell at retail a septic tank for installation, unless the purchaser holds a valid sanitary permit.

(2) APPLICATION. All applications for State sanitary permits shall be on forms provided by the Department and include all of the documentation specified in §[SPS 383.21\(2\)\(c\)](#), Wis. Admin. Code. All applications for County sanitary permits shall be on forms provided by the County.

#### **(3) APPLICATION PROCESS.**

- (a) The issuing agent may assist applicants in preparing an approvable sanitary permit application.
- (b) The applicant shall submit a complete application and all required fees to the issuing agent.
- (c) Applications requiring plan review by the Department under §[SPS 383.22\(1\)](#), Wis. Admin. Code, shall include the set of plans and the approval letter bearing the Department's original conditional approval.
- (d) The issuing agent shall review the Soil Evaluation Report and verify the report on-site, if necessary.
- (e) The issuing agent shall review and make a determination on an application for a sanitary permit within 30 days after receiving all the required documentation and fees
- (f) The issuing agent shall issue written notice to each applicant whose sanitary permit application is denied. Each notice shall:

1. State the reasons for denial and changes to the application, if any, which would render the application approvable.
2. Inform the applicant of the right to appeal and the procedures for conducting an appeal according to Ch. [68](#), Wis. Stats.

(4) **VALIDITY.**

- (a) A sanitary permit is valid for 2 years from issue and renewable for similar periods thereafter. Renewals are subject to regulations in force at time of renewal.
- (b) A sanitary permit may be transferred; the subsequent owner shall obtain an updated sanitary permit.

**15.05 - FEES.**

The schedule of fees for all types of sanitary permits and related services shall be set by a motion of the Land Conservation, Planning & Zoning Committee & adjusted from time to time in the same manner. The schedule of fees shall be kept in the office of the issuing agent and provided upon request.

- (1) **FEES MULTIPLIED.** Fees shall be multiplied according to the schedule of fees for work commenced prior to permit issuance.
- (2) **STATE SHARE.** The issuing agent shall forward the State share of State sanitary permit fees to the Department within ninety days of permit issuance.

**15.06 - CONSTRUCTION INSPECTION.**

- (1) The issuing agent shall inspect or cause the inspection of all POWTS after construction, but before backfilling, no later than the end of the next workday, excluding Saturdays, Sundays and holidays, after receiving notice from the plumber in charge.
- (2) The issuing agent shall file reports and conduct surveys and inspections as required by the County or the Department.

**15.07 - MAINTENANCE PROGRAM.**

The owner of any property served by a POWTS or non-plumbing sanitary system shall comply with all requirements of this section and shall be ultimately and solely responsible for doing so.

- (1) **MAINTENANCE.** Each POWTS shall be maintained at least once every 3 years to determine if it is properly operating, serving the use for which it was designed, and if it exhibits any characteristics of a failing POWTS.
- (2) **SERVICING.**
  - (a) Servicing shall only be performed by a WI DNR certified septage servicing operator (septic pumper).
  - (b) Servicing of a septic tank shall occur at least when the combined sludge and scum occupies 1/3 of the effective tank volume.
  - (c) Servicing of a holding tank shall occur at least when the wastewater reaches one foot below the inlet.
  - (d) Servicing of a vault privy shall occur at least when the wastewater reaches one foot below the top of the liquid-tight container, or every year, whichever occurs first.
- (3) **DOCUMENTATION.**
  - (a) The County shall provide a maintenance and servicing notice sixty days prior to its due date.
  - (b) All maintenance and servicing events shall be reported to the County within thirty days in a format defined and provided by the County.

- (c) The maintenance and servicing report shall state whether the system is in compliance with both the maintenance requirements of §15.07(1) and the servicing requirements of §15.07(2).
- (d) Past due reports shall be subject to a late fee established per §15.05.
- (e) Maintenance events and forms shall only be completed by the following State licensed individuals:
  - 1. A licensed master plumber.
  - 2. A licensed master plumber-restricted service.
  - 3. A licensed journeyman plumber.
  - 4. A licensed journeyman plumber-restricted service.
  - 5. A certified POWTS inspector.
  - 6. A certified septage servicing operator (septic pumper).
  - 7. A registered POWTS maintainer.

(4) **SPECIAL ASSESSMENT.**

- (a) The owner of a POWTS shall annually be charged a fee per POWTS to offset the management costs of the required maintenance and servicing documentation, pursuant to §66.0628, Wis. Stats.
- (b) The fee shall be set in accordance with §15.05 and shall be recovered in the same manner as municipalities make property assessments pursuant to §§66.0703 and 145.20(4), Wis. Stats.
- (c) The fee will be included on the property tax bill beginning with the 2018 tax year.

**15.08 - FAILED POWTS.**

- (1) **DETERMINATION OF FAILURE.** Determination of failure means any of the following:
  - (a) A determination that a private sewage system is failing, according to the criteria under §145.245(4), Wis. Stats., based on an inspection of the private sewage system by an employee of the state or a governmental unit who is certified to inspect private sewage systems by the department.
  - (b) A written enforcement order issued under §§145.02(3)(f), 145.20(2)(f) or 281.19(2), Wis. Stats.
  - (c) A written enforcement order issued under §254.59(1), Wis. Stats., by a governmental unit.
- (2) **CORRECTIVE ACTION.** The owner of any property served by a POWTS which is issued a determination of failure shall be found in violation of this ordinance and shall abate the violation in accordance with §15.09.

**15.09 - VIOLATIONS.**

The issuing agent shall investigate violations of this chapter and Ch. 145 and §254.59, Wis. Stats., issue orders to abate violations, and submit orders to the Corporation Counsel, District Attorney, or Attorney General for enforcement.

**15.10 - CITATIONS.**

Violation of this chapter is subject to the provisions of §66.0119, Wis. Stats.

**15.11 - PENALTY.**

Except as otherwise provided herein, any individual found in violation of any provision of this chapter or any order, rule or regulation made hereunder shall be subject to a penalty as provided in §25.04 of this Code of Ordinances.