

WOOD COUNTY ORDINANCE #702
PRIVATE SEWAGE SYSTEM ORDINANCE

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**WOOD COUNTY ORDINANCE #702
PRIVATE SEWAGE SYSTEM ORDINANCE**

702.01 STATUTORY AUTHORIZATION, FINDING OF FACT AND PURPOSE

- (1) Statutory Authority.** This ordinance is adopted and ordained by the Wood County Board of Supervisors pursuant to the mandate and authorization contained in § 59.70(1), 59.70(5), 145.04, 145.19, 145.20 and 145.245 of the Wisconsin Statutes.
- (2) Findings of Fact.** Uncontrolled use of private onsite wastewater treatment systems (POWTS) in Wood County, Wisconsin (hereinafter referred to as “county”) adversely affects the public health, safety, general welfare, and natural resources. This danger is recognized by the Wood County Board of Supervisors.
- (3) Statement of Purpose.** The purpose of this ordinance is to promote and protect the public health, safety, general welfare and natural resources of the county by assuring:

 - (A)** The proper siting, design, installation, inspection, maintenance, and management of POWTS and non-plumbing sanitation systems.
 - (B)** Timely repair or replacement of failing POWTS and non-plumbing sanitation systems.
 - (C)** Prevention and control of surface water and groundwater pollution.

702.02 GENERAL PROVISIONS

- (1) Jurisdiction.** The jurisdiction of this ordinance shall include all lands and waters within Wood County, Wisconsin.
- (2) Compliance.** All structures or premises in Wood County that are permanently or occasionally intended for human habitation or occupancy, that are not serviced by a public sewer, shall have a system for holding or treatment and dispersal of sewage and wastewater that complies with the provisions of this Ordinance.

 - (A)** 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.
 - (B)** No person shall locate, install, move, reconstruct, extend, enlarge, convert, substantially alter or change the use of a POWTS or any of its component parts without the appropriate sanitary permit and without full compliance with the provisions of the permit and this ordinance and all applicable local, county and state regulations.
 - (C)** Emergency repairs or the removal of stoppages in a POWTS may be performed without a sanitary permit provided such work is reported to the Administrator as soon as possible for a determination as to whether a sanitary permit is required.

- (3) **Abrogation and Greater Restrictions.** It is not intended by this ordinance to repeal, abrogate, annul, impair, or interfere with any existing easements, covenants, deed restrictions, agreements, ordinances, rules, regulations, or permits previously adopted or issued pursuant to law. However, whenever this ordinance imposes greater restrictions which do not conflict with any uniform state regulations, the provisions of this ordinance shall govern.
- (4) **Interpretation.** In their interpretation and application, the provisions of this ordinance shall be held to be minimum requirements and shall be liberally construed in favor of Wood County and shall not be deemed a limitation or repeal of any other power granted by Wisconsin laws. An interpretation of a Wisconsin Administration Code Chapter Comm 83 or Comm 85 rule by the Wisconsin Department of Commerce supersedes any differing interpretation of that provision by a permit applicant, licensed plumber, certified soil tester, POWTS Administrator, or the Board of Adjustment.
- (5) **Severability.** If any section, clause, provision or part of this ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected thereby.
- (6) **Liability.**
- (A) This Ordinance shall not create a liability on the part of, or cause of action against, the county or any employee thereof for any POWTS or non-plumbing sanitation system that may not function as designed.
 - (B) There shall be no liability or warranty by Wood County for any POWTS site that is approved or denied.
 - (C) The issuance of a sanitary permit and the final inspection of the POWTS do not warrant the system's ability to 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.
- (7) **Period of Effectiveness.** This ordinance shall be effective after a public hearing, adoption by the county Board of Supervisors, and publication or posting as provided by law. It shall remain in full force and effect henceforth until repealed or amended.
- (8) **Incorporation of Provisions by Reference.** This ordinance incorporates by reference the applicable rules, laws and variances as set forth in s. 59.70 (5), 145.20, 254.59, 281.48 and 968.10 of the Wisconsin Statutes and Chapters NR 113, Comm 81-85, Comm 87 and Comm 91 of the Wisconsin Administrative Code. These rules, regulations and laws shall apply until amended and then shall apply as amended. The provisions of this ordinance shall control where more restrictive.
- (9) **Licenses.** All persons performing any work on any POWTS shall first obtain the required license from the appropriate state agency(ies). All necessary permits shall be obtained as prescribed in this ordinance before commencing with any work.

702.03 INCORPORATION OF DEFINITIONS BY REFERENCE

The terms and definitions set forth in the “Decentralized Wastewater Glossary” compiled by the Consortium of Institutes for Decentralized Wastewater Treatment, dated 2007, or as amended shall be used including the following definitions specific to this Ordinance.

- (1) **Camping Unit Transfer Container.** A type of holding tank that is state-approved that is used to collect and hold wastewater discharges generated by an individual camping trailer or recreational vehicle.
- (2) **Certificate of Compliance.** A certification by the POWTS Administrator that provisions of this ordinance and a sanitary permit have been complied with.
- (3) **Certified Soil Tester.** A person licensed as a certified soil tester, pursuant to Section 145.045, Wisconsin Statutes, by the State of Wisconsin, or other persons deemed qualified by the Wisconsin Department of Commerce.
- (4) **Department.** The Wisconsin Department of Commerce.
- (5) **Dwelling.** A structure, or that part of a structure, which is arranged, designed, used or intended to be used as home, residence or sleeping place by one or more persons.
- (6) **Dwelling, Seasonal.** A specific subcategory of single-family dwelling used on an intermittent basis for recreational purposes, such as, but not limited to, a vacation cottage, recreational cabin, or hunting cabin. A seasonal dwelling is not and shall not be utilized as the primary, principal, or permanent residence of any individual or individuals and cannot be occupied more than 120 days in any 365 day period. It does not require certain public services, such as school bus transportation, and cannot be the occupant’s legal residence for purposes of voter registration, payment of income taxes, driver’s license identification or motor vehicle registration, or for purposed of eligibility for a State of Wisconsin Lottery Tax Credit.
- (7) **Failing Private Sewage System** As defined under Section 145.245(4), Wisconsin Statutes.
- (8) **Flood Proofing.** A method of construction which will prevent flood waters from directly entering a POWTS, or damaging the POWTS by hydraulic pressure.
- (9) **Holding Tank.** A water tight reservoir, tank or vessel which receives crude, raw or untreated sewage for the purpose of storage before it can be removed for treatment or disposal in an approved method and location. The holding tank shall be constructed according to minimum guidelines as established by the State of Wisconsin.
- (10) **Human Health Hazard.** Per Section 254.01 (2), Wisconsin Statutes, a human health hazard is a substance, activity or condition that is known to have the potential to cause acute or chronic illness or death if exposure to the substance, activity or condition is not abated.
- (11) **In Situ Soil.** Soil that is naturally formed or deposited in its present location or position and includes soil material that has been plowed using normal tillage implements and depositional material resulting from erosion or flooding.

- (12) **Maintenance.** The reporting of and the periodic or scheduled servicing, monitoring and/or maintaining of POWTS components, which includes but is not limited to the pumping or removal of accumulated solids or byproducts, and the metering, adjusting, sampling and monitoring of the POWTS. Maintenance also includes the management plan as specified under Comm 83.54, Wisconsin Administrative Code.
- (13) **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, privies and portable restrooms.
- (14) **Ordinary High Water Mark.** As defined in NR 115.03(6), Wisconsin Administrative Code.
- (15) **Person.** For the purposes of this ordinance, a person includes any individual, owner, contractor, subcontractor, agent, company, firm or corporation.
- (16) **Plumber.** A person licensed by the State of Wisconsin as defined in Chapter 145, Wisconsin Statutes. A plumber includes Master Plumbers and Master Plumbers - Restricted Service.
- (17) **Plumbing Fixture.** A receptacle or device which is either permanently or temporarily connected to the water distribution system of the premises, and:
- (A) Demands a supply of water from the system;
 - (B) Discharges water-carried wastes or sewage either directly or indirectly to the drain system of the premises; or
 - (C) Requires both a water supply connection and a discharge to the drain system of the premises.
- (18) **Plumbing System.** Includes the water supply system, the drain system, the vent system, plumbing fixtures, plumbing appliances and plumbing appurtenances that serve a building, structure or premises.
- (19) **Portable Restroom.** A self-contained portable unit that includes fixtures, incorporating holding tank facilities, designed to receive human excrement, and that is readily transportable.
- (20) **POWTS.** A private onsite wastewater treatment system.
- (21) **POWTS Administrator.** The person who is authorized by the Wood County Board of Supervisors to administer this ordinance, or that person's duly authorized representative(s).
- (22) **Private Onsite Wastewater Treatment System (POWTS).** For the purpose of this Ordinance, the terms "private onsite wastewater treatment system," POWTS, and "private sewage system" shall mean the same and may be used interchangeably.

(23) Private Sewage System. Per Section 145.01(12), Wisconsin Statutes, 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. This term also means an alternative sewage system approved by the department (of Commerce) including a substitute for the septic tank or soil absorption field, a holding tank, a system serving more than one structure or a system on a different parcel than the structure. A private sewage system may be owned by the property owner or by a special purpose district.

(24) Sanitary Permit.

(A) State Sanitary Permit. Pursuant to § 145.135 and 145.19, Wisconsin Statutes, a permit issued by the state or county allowing the installation of or work on a POWTS. The provisions and conditions of a permit have the full force of law as other provisions of this ordinance.

(B) County Sanitary Permit. A permit issued by Wood County for the reconnection of a POWTS or for the installation of a non-plumbing sanitation system.

(25) Sewage Treatment (Primary). The septic action on the organic components of raw sewage, the settling out of solid parts of raw sewage into an approved container or tank and the filtration of the suspended particles in the sewage effluent.

(26) Shall, Should, May. The word "shall" when used in this ordinance is mandatory. "Should" is not mandatory, but expresses the preferred method or material. "May" implies neither compulsion nor recommendation, only permission. Word use in the present tense includes the future; the singular number includes the plural; the plural number includes the singular.

(27) Wisconsin Administrative Code (WAC). The rules of state administrative agencies having rule-making authority in Wisconsin published in a loose-leaf, continual revision system including subsequent amendments to those rules.

702.04 LIMITATIONS

(1) General. The standards, requirements and specifications required herein are declared to represent the minimum protection afforded by this ordinance.

(A) Sewage Disposal Required. All plumbing fixtures used or intended for use to collect, discharge or transmit wastes shall be connected to a private onsite wastewater treatment system (POWTS) in conformity with the provisions of this ordinance and Comm 83, Wisconsin Administrative Code. No person shall permit the discharge, by any means whatsoever, of liquid wastes onto the ground surface, into the groundwater or zones of seasonal saturation, into a road-side ditch, dry run, or any surface waters including lakes, streams, flowages, ponds and any other natural water courses. Except as allowed by NR 113, Wisconsin Administrative Code, no person shall pump, discharge or in any way allow the removal of any waste material from a septic tank, non-plumbing sanitation system, seepage pit or holding tank and placement into a storm sewers, onto the ground surface, into the groundwater or zones of seasonal

saturation, into a road-side ditch, dry run, or at a location where surface waters would be likely to wash such materials into any navigable waters.

- (2) **Sewage Disposal.** All premises that have or are required to have plumbing fixtures or that are used for or intended for human occupation or occupancy shall be provided with public sewer, POWTS, or other approved method of sewage disposal.
- (A) **Private Sewage System.** A POWTS may be installed only in those areas where no public sewage system is available or likely to become available within a reasonable time as determined by the county Conservation, Education & Economic Development Committee. The determination of whether sewer is available shall be made by the local municipality or utility that provides the sewer service.
 - (B) **Public Sewage System Required.** A POWTS may be installed only in those areas where no public sewage system is available or likely to become available within two (2) years. The determination of whether a public sewage system is available shall be made by the local municipality or utility that provides the sewer service.
 - (C) **Malfunction of a POWTS.** Malfunctioning and failing POWTS, are a menace to the health, general welfare, and natural resources of the residents of Wood County, and are declared to be a human health hazard pursuant to Comm 83, Wisconsin Administrative Code, and in violation of this ordinance, and they shall be subject to the enforcement provisions of this ordinance, and § 145.20 and 254.59 of the Wisconsin Statutes.
 - (D) **Prohibited Substances.** No person shall discharge or cause to be discharged into any POWTS any roof drain or footing drains or gas, fuel, oil, inflammables, tar, explosives, gasoline or any other substance likely to cause an obstruction, nuisance or explosion or which will interfere with the effective treatment or disposal of wastes.
 - (E) **Industrial Waste Disposal.** Industrial waste disposal systems shall be subject to approval by the appropriate state agency(ies) prior to construction.
 - (F) **Domestic Waste Disposal.** All domestic wastewater shall enter a public or private sewage system unless otherwise exempted by state regulations or this Ordinance.
 - (G) **Sludge Disposal.** Sludge, scum and effluent from POWTS tank components and holding tanks and any other material removed from sewage disposal units, all herein referred to as sludge, shall be disposed of in such a manner as not to create a nuisance or human health hazard. Unless otherwise authorized by the appropriate state agency(ies), such sludge shall be disposed of in accordance with NR 113. Sludge that consists of hazardous waste shall be disposed of in accordance with federal and state hazardous waste regulations. The location of the disposal site shall be recorded on the county electronic reporting system.
- (3) **Non-Plumbing Sanitation Systems.** A non-plumbing sanitation system may be allowed only when the structure or premises served by the system is not provided with

an indoor plumbing system. If a plumbing fixture(s) is installed in the structure or the structure has a water supply system, an acceptable method of sewage disposal other than, or in addition to, a non-plumbing sanitation system must be provided.

- (4) **POWTS Located in a Floodplain.** Any POWTS or portion thereof, installed in a floodplain shall also comply with all applicable requirements of NR 116, Wisconsin Administrative Code, and the Wood County Floodplain Zoning Ordinance.
- (A) The county reserves the right to require floodplain and/or wetland delineation reports or map(s) for a proposed POWTS site prior to the issuance of a county sanitary permit.
 - (B) The county may require POWTS and Building site elevations to be tied to floodplain elevation datum and a Letter of Map Amendment (LOMA) obtained from the Federal Emergency Management Agency prior to county sanitary permit issuance.
- (5) **Failing and Non-Compliant Systems.** When a failing POWTS 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 order of the Wood County POWTS Administrator.
- (6) **Modified POWTS.** It shall be unlawful to modify a POWTS, including a holding tank, so as to discharge untreated or partially treated sewage into the ground, onto the ground surface or into surface waters or wetlands.
- (7) **Holding Tanks.** Pursuant to Comm 83.32 (2) (a) 1., Wood County will consider holding tanks on an individual basis and permit them only when no other type of POWTS can be installed. Except as otherwise provided in this ordinance, holding tanks are considered a private sewage disposal system of last resort in Wood County.
- (A) **Management, Maintenance and Reporting.**
 - 1. The owner of a property served by a holding tank shall be responsible for maintaining the holding tank and notifying the service provider when the high water alarm is activated so that the tank can be pumped and its contents disposed of in accordance with state laws.
 - 2. The applicant for a sanitary permit for a holding tank system shall sign a holding tank agreement with the county.
 - 3. No person shall remove, alter, disconnect, damage, or otherwise render unworkable any part of a holding tank system without first obtaining a sanitary permit and possessing the appropriate plumbing license or certification.
 - 4. No person may place a pump in a holding tank or pump wastewater from a holding tank without being licensed to do so.
 - 5. Water Meter.

- a. Pursuant to Comm 83.54(2)(c), any owners of holding tanks found to be in violation of this ordinance may be required to install a water meter to measure the inflows of the water supplies to buildings and structures to allow comparisons to the holding tank pumping activity.
- b. The water meter shall be of a type and make that has been approved by Wood County.
- c. The water meter shall be installed by a licensed plumber in accordance with Comm 82.40(3)e, Wisconsin Administrative Code.
- d. Water meters issued in conjunction with holding tank permits issued prior to the effective date of this Ordinance shall remain connected to the water supply system.

(B) Temporary Holding Tanks. A temporary holding tank may be installed when a public sewer, approved by the Wisconsin Department of Natural Resources (WDNR), will be installed to serve the property within two years of the date of the sanitary permit issuance. If public sewer does not become available within two years of the date of the sanitary permit issuance, each temporary holding tank system will be evaluated to determine if it must be replaced with another type of system as determined by the results of a soil and site evaluation report of the property conducted by a certified soil tester. An application for a sanitary permit to install a temporary holding tank shall include written statements from:

- 1. The owner agrees to install another type of system if any change of occupancy or use occurs which results in a design wastewater flow which equals or exceeds 150 gallons per day.
- 2. The owner agrees to protect the designated soil absorption component location from any disturbance or development.

(C) Holding Tank Systems for Low Flow Non-Dwelling Uses. A holding tank system may be installed to serve a use, other than a dwelling, with a design wastewater flow of less than 150 gallons per day provided the system shall be designed so the tanks can be reused as components of a POWTS. In addition to items required in s. 702.05 (7), 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 copy of a recorded affidavit from the property owner, agreeing to the following:

- 1. The owner agrees to install another type of system if any change of occupancy or use occurs which results in a design wastewater flow which equals or exceeds 150 gallons per day.
- 2. The owner agrees to protect the designated soil absorption component location from any disturbance or development.

(D) Holding Tank Systems for Low Flow Seasonal Dwellings.

- 1. A waiver from s. 702.04 (8) may be granted by the Conservation, Education & Economic Development (CEED) Committee to install a holding

tank system to serve a seasonal dwelling, as defined by this ordinance, with a design wastewater flow of less than 150 gallons per day provided the system shall be designed so the tanks can be reused as components of a POWTS. In addition to items required in s. 702.05 (7), 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 copy of a recorded affidavit from the property owner, agreeing to the following:

- a. The owner agrees to install another type of system if any change of occupancy or use occurs which results in a design wastewater flow which equals or exceeds 150 gallons per day.
 - b. Where a waiver is granted under this provision, a water meter shall be installed to monitor water usage.
 - c. The owner agrees to protect the designated soil absorption component location from any disturbance or development.
 - d. The owner agrees to sign and record an affidavit stating that this is not to be used as the owner's or anyone else's primary residence.
 - e. The owner agrees to pay an annual fee to compensate Wood County for costs associated with taking water meter readings, inspecting the property to assure that the designated soil absorption component area is not disturbed, and inspecting the water meter to assure that it remains connected and works properly.
2. Together with the waiver application fee, the completed waiver application shall be filed with the POWTS Administrator, who shall forward said application to the CEED Committee and schedule the applicant's appearance before the CEED Committee for the applicant to present the waiver request.
 3. The CEED Committee may set forth conditions in addition to those listed in sub. 1. a.-d.
 4. After deliberating the waiver request, the CEED Committee may approve the request and direct the POWTS Administrator to issue a sanitary permit, may modify the request in deliberation with the owner, or may deny the request.

(8) Abandonment of POWTS and Holding Tanks.

- (A)** When a public sanitary sewer system approved by the WDNR becomes available to a structure or premises served by a POWTS or holding tank, the POWTS or holding tank shall be disconnected within one year and connection made to the public sanitary sewer system.
- (B)** Determination of whether a public sanitary sewer system is available shall be made by the municipality or utility having jurisdiction.

- (C) Abandonment of a disconnected POWTS or holding tank shall be done in accordance with the provisions of Comm 83, Wisconsin Administrative Code.
- (D) The components of an existing POWTS that are not part of the approved design of a replacement system shall be properly abandoned at the time of the installation of the replacement system by the licensed plumber installing the system.

702.05 PERMITS AND APPLICATIONS

- (1) **Permit Required Prior to Construction.** No person shall work on, change the use of, or commence construction on a structure or building designed for human habitation or requiring a POWTS until appropriate sanitary permits have been applied for and issued by Wood County.
- (2) **Reconnection Sanitary Permit.** A Reconnection Sanitary Permit is a county sanitary permit that is required when an existing POWTS is intended to serve a building which is to be rebuilt or is to be replaced with a new or different building, and no replacement, addition or modification of the POWTS components is proposed. The existing system shall be a previously permitted system or shall be brought into compliance with Comm 83 and 85, Wisconsin Administrative Code. The existing system shall not meet the definition of a failing system by Wisconsin Statutes, s. 145.245 (4).
- (3) **Building Additions and Changes of Use.** Prior to an addition to an existing building served by a POWTS, which may increase the wastewater load, the owner of the building must have the existing POWTS evaluated by the POWTS Administrator to determine its suitability to handle any increased wastewater load from the building addition. An increase in wastewater load shall result from an increase in the number of bedrooms for residential buildings, and when there is a change in occupancy or use of commercial or public buildings. When a change in use of a building that is served by a POWTS is contemplated, the POWTS Administrator shall be contacted by the owner or his agent to determine if a sanitary permit will be required and if it is necessary to conduct an evaluation of the existing POWTS. When a soil test is not on file with the POWTS Administrator or is determined to be inaccurate by the POWTS Administrator, the existing POWTS shall be evaluated based on s. 145.245 (4), Wisconsin Statutes, and Comm 83 and Comm 85, Wisconsin Administrative Code. When an evaluation of an existing POWTS is to be conducted, the evaluation shall be done in a manner that will result in a written evaluation report by the evaluator. The report shall show a comparison between the condition of the existing POWTS and the appropriate corresponding Comm 83, Wisconsin Administrative Code, Chapter 145, Wisconsin Statutes, and provisions of this ordinance. The written evaluation report shall include, but not be limited to, a soil and site evaluation conducted in accordance with Comm 85, Wisconsin Administrative Code. Any change in size of the existing structure served by the POWTS shall require the submittal of an updated plot plan prior to construction.
- (4) **Failed POWTS.** If an existing POWTS or component thereof has failed or collapsed, or if an existing absorption area component has failed, the owner must have the complete POWTS evaluated by the POWTS Administrator to determine compliance with this ordinance prior to issuance of a sanitary permit and/or any construction or reconstruction on the property served by the POWTS.

- (5) **Undersized POWTS.** If a previously permitted existing POWTS is known to be undersized by the existing or proposed wastewater load, the continued use of the existing POWTS may be allowed upon completion of an affidavit limiting use of the structure based upon a per capital occupancy and which is satisfactory to the POWTS Administrator.
- (6) **Private Onsite Wastewater Treatment Systems (POWTS).** No person shall install, extend, enlarge, convert, structurally alter or change the use of a POWTS or a POWTS component without appropriate sanitary permits and without full compliance with the provisions of this ordinance. No sanitary permit shall be required for servicing or repairing POWTS or holding tanks, or replacing broken or clogged sewer or effluent line pipes provided the work is performed by individuals licensed by the State of Wisconsin to perform such work, and such work is reported in advance to the POWTS Administrator.
- (7) **Permit Application.** A Sanitary permit application submitted to the county shall include the following information in addition to that required by Comm 83.21, Wisconsin Administrative Code:
- (A) Name and address of the owner of record listed by recorded deed.
 - (B) Legal description of the building site and the parcel identification number.
 - (C) All lot dimensions.
 - (D) Driving directions to the site.
 - (E) Soil and Site Evaluation Report.
 - (F) Original set of state-approved POWTS or holding tank plans or original set of county-approved POWTS or holding tank plans.
 - (G) Appropriate agreements and contracts for POWTS management and maintenance.
 - (H) Any federal, state or county mapped wetland or floodplain boundary on the property. The county reserves the right to require floodplain and/or wetland delineation for proposed POWTS site prior to the issuance of a sanitary permit. The county may require elevations to be tied to floodplain elevation datum.
 - (I) Any other information required by the POWTS Administrator that is deemed necessary to make an informed decision regarding the application.
- (8) **Permit Review.**
- (A) Any application that is submitted without the applicable fees or signatures shall be returned to the applicant. All other incomplete or inaccurate permit applications shall be held by the county no longer than 180 days after notification of the deficiencies has been sent to the applicant by the POWTS Administrator, at which time the permit application shall be disapproved. Written notice of

disapproval to the applicant shall be at the discretion of the POWTS Administrator.

- (B) A preliminary field inspection shall be made before a sanitary permit is issued when it is deemed necessary by the POWTS Administrator.
 - (C) A sanitary permit shall be issued by the POWTS Administrator only if a completed application has been made and the appropriate fee paid, and if the POWTS Administrator finds that such application and the proposed installation will be in conformity with this ordinance and other rules of the state, county or applicable township. Or if extenuating circumstances exist, the POWTS Administrator may issue a temporary permit.
 - (D) Upon issuance of a sanitary permit, the applicant shall be presented with a 'Sanitary Permit' card that shall be posted by the applicant on the property for which the sanitary permit was issued, and in plain view from the nearest public roadway. Said card shall be posted by the owner or his agent upon commencement of any construction on the property, and shall remain posted until a Certificate of Compliance has been issued by the POWTS Administrator. Failure to post the permit card, or working on a site without the required permit card being posted shall be considered a violation of this section and subject the owner, the owner's agent and contractor, to the penalty provisions of this Ordinance.
 - (E) All provisions, stipulations and conditions of approval of an issued sanitary permit shall be deemed to be provisions of this ordinance and any noncompliance of any provision, stipulation or condition of approval shall be treated as a violation of this Ordinance.
- (9) **Permit Issuance.** The following documents shall be recorded with the Wood County Register of Deeds prior to the issuance of a sanitary permit:
- (A) Maintenance agreements for all POWTS using a soil absorption component.
 - (B) Holding tank agreement for all holding tank systems.
 - (C) An appropriate easement or combined-parcel affidavit if a POWTS, or parts thereof, are to be located on a different parcel than the structure served.
 - (D) A document identifying all parties that have ownership rights and are responsible for the operation and maintenance if a POWTS is to serve more than one structure under different ownership.
 - (E) A deed restriction limiting occupancy if the design wastewater flow of a POWTS serving a dwelling is not based upon the number of bedrooms within the dwelling.
 - (F) A document identifying a utility or sanitary district ownership of a POWTS if the property owner does not own the POWTS.

- (10) Expiration of Permit.** All action authorized by each sanitary permit shall be completed within two years from date of issuance, unless the permit has been renewed and a renewal fee paid prior to the expiration of the permit. Permits are considered expired if not renewed by the end of the day the permit expires. Renewals shall be based on requirements in force at the time of the renewal application and shall be for a period of two (2) years from the original date of issuance or previous renewal. A new sanitary permit shall be applied for if a previously issued permit expires without being renewed.
- (11) Permit Application Disapproval.** When the POWTS Administrator determines that a permit application does not comply with all applicable state, county and local regulations, the permit application shall be disapproved. The POWTS Administrator may also disapprove a permit application when a party to the application is subject to other outstanding enforcement orders issued under this ordinance. The POWTS Administrator shall issue written notice to the applicant, stating the specific reasons for disapproval and the changes that would render a reapplication approvable. The notice shall also advise the applicant of the right to appeal permit application denial decisions to the Board of Adjustment.
- (12) Fee Refunds.** When a state Sanitary Permit application is disapproved by the POWTS Administrator, the person who paid the application fee shall receive a partial refund or credit. The refund or credit shall not exceed that amount that the county would have forwarded to the Department had the permit been approved. No refund is due upon disapproval of a county sanitary permit application.
- (13) Sanitary Permit Transfers.** Provided that a transfer fee has been paid, an issued sanitary permit may be transferred from the holder to a subsequent owner of the land, except that the subsequent owner must obtain a new copy of the sanitary permit from the POWTS Administrator.
- (14) Provisions of Permit.** The permit applicant shall be responsible for ensuring that all provisions, stipulations and conditions of approval of a sanitary permit, including but not limited to the size and location of the POWTS, and the actions of the installing plumber, are complied with during the installation.
- (15) Permit Revocation.** Pursuant to Comm 83.21(7)(b), Wisconsin Administrative Code, the POWTS Administrator may revoke a sanitary permit that was issued on the basis of any incorrect or false statements or misrepresentation of fact.
- (16) Certification of Compliance.**
- (A) Notice of Certification.** If, after an inspection by the POWTS Administrator, it is determined that the POWTS installation complies with this ordinance, the POWTS Administrator shall issue a Certificate of Compliance prior to the system being put into use. Such certification shall, however, not be construed to insure proper functioning of a POWTS.
- (B) Unlawful Use of POWTS.** No person shall use any POWTS before the newly installed or modified system is inspected by the county and the Certificate of Compliance has been issued.

(17) Fee Schedule. Permit fees shall be set and amended as needed by the Wood County Board of Supervisors. A current fee schedule shall be kept as an addendum to this ordinance.

(A) State Sanitary Permit. A permit fee for the following POWTS shall include the minimum state fee as established by the Wisconsin Department of Commerce:

1. One and two-family conventional POWTS.
2. One and two-family holding tanks.
3. One and two-family pressurized systems (mounds, at-grades, sand filters, etc), or systems in fill.
4. Public buildings.
5. Replacement of treatment or holding tank component for previously permitted POWTS.

(B) County Sanitary Permit.

1. Transfers, revisions and renewals.
2. Return inspections and field inspections.
3. Water meters that measure inflow of water to buildings.
4. Soil saturation determinations (groundwater monitoring).
5. Triennial POWTS Program Fee.
6. Holding tank plan review fee.
7. In-Ground POWTS for public building plan review fee.
8. Waiver Application Fee for low flow holding tanks for seasonal dwellings.

(18) Double Permit Fee. A double sanitary permit fee shall be assessed to all permit applicants where site activity requiring a sanitary permit commences before a sanitary permit is applied for and issued, except for emergency repairs authorized by the POWTS Administrator. The double fee shall be in addition to any penalties that may be assessed through legal proceedings. Site activity before a sanitary permit is issued or during which a permit is pending approval, constitutes a violation of this ordinance.

702.06 INSPECTIONS

(1) General POWTS Inspections. The installing plumber whose name appears on the sanitary permit shall allow the POWTS Administrator to make a field inspection of the POWTS installation, modification or reconnection after construction, but before

backfilling, no later than the end of the next work day after which such work was completed on the system and the POWTS Administrator was notified, excluding Saturdays, Sundays and holidays,. The installing plumber will be held in violation of this section when any POWTS is backfilled and covered before it has been inspected and approved by the POWTS Administrator, unless the inspection requirements of Comm 83, Wisconsin Administrative Code, are not met by the county.

- (2) **Return Inspections.** A return inspection of an installed POWTS shall be required when an initial inspection requested by the installing plumber listed on the permit discloses that the installation is incomplete or does not comply with Comm 83, Wisconsin Administrative Code, or the provisions of this ordinance. Pursuant to Section 702.05 (17) of this ordinance, a fee payable by the installing plumber listed on the permit shall be assessed for each return inspection.
- (3) **Periodic Inspections.** If deemed necessary by the Conservation, Education & Economic Development Committee, the POWTS Administrator may conduct special periodic inspections of any POWTS after the initial installation inspection and/or after the POWTS is operative. The affected POWTS owners shall be notified in advance of any special inspection program.
- (4) **Mounds and At-Grades.** The installing plumber listed on the permit shall notify the county of the POWTS installation or modifications no later than the working day prior to the installation, excluding Saturdays, Sundays and holidays. These systems shall be inspected at the time the ground surface is plowed, at the time any distribution piping is installed in the aggregate, and after all work has been completed.
- (5) **Site Constructed Holding Tanks.** The installer of a site constructed holding tanks shall request an inspection by the POWTS Administrator after the floor of the holding tank is poured and the keyway and water stop are installed, or after the forms for the tank walls have been set, but before any concrete for the walls have been poured. Concrete walls may be poured only after the tank as formed has been inspected and approved. This inspection does not eliminate the need for an inspection after the installation has been completed.
- (6) **Aerobic and Pre-Treatment Systems.** The installing plumber listed on the permit shall contact the county to arrange a date for installation. Aerobic and pre-treatment systems shall be inspected according to the terms of the state plan approval requirements, and as deemed necessary by the county to assure compliance with appropriate codes and the plan approval.
- (7) **Non-Plumbing Sanitary Systems.** Upon completion of an installation, the property owner shall notify the county that the installation is ready for inspection. The inspection shall be conducted to determine compliance with state product approval stipulations, the manufacture's installation requirements, and Comm 91 and Comm 52.63, Wisconsin Administrative Code.
- (8) **Experimental Systems.** The installing plumber as shown on the permit shall coordinate any required preconstruction meeting(s), and shall notify the county at least two days prior to the start of installation of the system and shall notify the Department as may be required by approved plans. County inspections shall be done pursuant to the approved plan to determine compliance with appropriate codes and the plan.

- (9) **Fill Systems.** The installing plumber listed on the permit shall notify the county when the site has been prepared for inspection. Fill systems shall be inspected after the site has been prepared, but before the placement of the fill. This inspection does not eliminate the need for an inspection after the installation has been completed.
- (10) **Testing.** When testing of a system or system components is required by code or as a condition of approved plans, the installing plumber as shown on the permit shall notify the county so that an inspection can be made during the test.

702.07 POWTS MAINTENANCE

(1) Service Requirements.

- (A) All POWTS grease traps, non-plumbing sanitation systems, and camping unit transfer containers shall be serviced in accordance with NR 113 of the Wisconsin Administrative Code, relevant provisions of the Federal Clean Water Act, Part 501, the Wisconsin Statutes and the requirements of this ordinance.
- (B) Holding tank systems may be pumped by a person certified as a farmer non-commercial septage operation in accordance with federal and state regulations.

(2) Maintenance Program.

- (A) The owner of a POWTS shall be responsible for operating and maintaining the POWTS in accordance with an approved management plan under Comm 83, Wisconsin Administrative Code, and requirements of this ordinance.
- (B) All POWTS shall be placed on a three (3)-year maintenance program. The applicant for a sanitary permit shall be provided written notice of the maintenance program by the POWTS Administrator at the time the sanitary permit is issued. Notices of the maintenance due shall be provided by Wood County to all POWTS owners at least once every three years and at least 30 days prior to the due date. All owners of installed POWTS or their service provider, shall demonstrate compliance with the maintenance program by reporting the completed inspection, maintenance, or servicing event for each installed POWTS to the POWTS Administrator by the due date in a manner specified by the county, and submittal of the POWTS program fee for each installed POWTS to the POWTS Administrator as required by 702.05 (17) of this Ordinance.
- (C) All POWTS that utilize a treatment, holding or dispersal component shall be visibly inspected at least once every three (3) years to determine if the POWTS is performing as designed, if the component needs to be serviced, and whether wastewater or effluent from the POWTS is ponded on or discharged to the surface of the ground. Any surface wastewater discharge observed while performing the maintenance inspection shall be reported to the county. As required by Comm 83.54 (4) d, Wisconsin Administrative Code, the inspection shall be performed by one of the following:

1. A licensed master plumber.
 2. A licensed master plumber-restricted service.
 3. A certified POWTS inspector.
 4. A certified septage servicing operator under NR 114, Wisconsin Administrative Code.
 5. A registered POWTS maintainer.
- (D) The three year visual inspection shall include:
1. Inspection of the inlet and outlet tank baffles of all septic tanks.
 2. Measurement of tank depth, thickness of scum and height of sludge if solids are not removed from the tank at the time of inspection.
 3. Inspection of the soil absorption area, vents and observation pipes.
 4. Inspection of the dose tank and pump controls.
 5. Documentation that a vent pipe or wastewater discharge could or could not be found.
 6. A determination whether wastewater or effluent from the POWTS is ponding on the surface of the ground.
- (E) The POWTS owner or his agent as identified in sub. A, shall provide to the POWTS Administrator, in a manner specified by the county, a detailed report of all inspections, maintenance or servicing conducted within 30 days. The report shall state the name and license number of the individual completing the report. It is a violation of this Ordinance for service providers to withhold service event reporting from the county more than 30 calendar days.
- (F) The owner of the property where the POWTS is installed shall be responsible for the submittal of the report to the POWTS Administrator when due.

702.08 NON-PLUMBING SANITATION SYSTEMS

- (1) **General Requirements.** Non-plumbing sanitation systems may be permitted provided that no public sanitary sewer system is available and a sanitary permit is obtained. Non-plumbing sanitation systems shall not be permitted for new residential homes in lieu of any other POWTS as provided by this Ordinance. Non-plumbing sanitation systems may be permitted for seasonal dwellings that have no internal water supply, interior plumbing or plumbing fixtures. Non-plumbing sanitation systems may be allowed where religious disciplines do not allow other mechanical systems. Applicants for non-plumbing sanitation systems shall sign and record with the Register of Deeds a Non-Plumbing Sanitation System Installation Affidavit approved by Wood County prior to obtaining a permit.

- (2) **Specifications.** Non-plumbing sanitation systems shall be constructed in accordance with Comm 91, Wisconsin Administrative Code, except that all privies shall have vaults of watertight, concrete construction that conforms with the requirements of Comm 84.25, Wisconsin Administrative Code, relating to holding tanks.
- (3) **Privy Location.** No pit privies shall be allowed. Vault privies shall be located at least seventy-five (75) feet from a stream, lake or other body of surface water, fifty (50) feet from any habitable building located on adjoining properties, fifty (50) feet from any well, twenty-five (25) feet from structures, ten (10) feet from any property line, twenty-five (25) feet from the top of a land slope having a slope in excess of ten percent, and setback from the following roadways:
- (A) State and Federal Highways. 110 feet from centerline or 50 feet from the right-of-way, whichever is greater.
 - (B) County Highways. 75 feet from the centerline or 42 feet from the right-of-way, whichever is greater.
 - (C) Town and Local Roads. 63 feet from the centerline or 30 feet from the right-of-way, whichever is greater.
- (4) **Portable Restrooms.** Portable restrooms that are allowed on a permanent basis by this Ordinance shall meet the following requirements.
- (A) **Setbacks.**
 - 1. New developments. Portable restrooms shall be located at least seventy-five (75) feet from a stream, lake or other body of surface water, fifty (50) feet from any well, ten (10) feet from any property line, twenty-five (25) feet from the top of a land slope having a slope in excess of ten percent, and setback from roadways as established in s. 702.08 (3) (A), (B) and (C).
 - 2. Existing developments. Portable restrooms shall be no closer to the road than the primary existing structure to be served by the unit.
 - (B) **Prohibited Uses.** Portable restroom vent terminals shall not be used as flag poles, support for antennas or other similar purposes.
 - (C) **Vent Terminals.**
 - 1. Venting of the portable restroom shall meet the provisions of Comm 82.31 (16) (c) and (d).
 - 2. A vent shall not terminate under the overhang of a building.
 - 3. All vent terminals shall be located:
 - a. at least ten (10) feet from an air intake;
 - b. at least five (5) feet from a power exhaust vent;

- c. at least ten (10) feet horizontally from or two (2) feet above roof scuttles, doors and windows that can be opened; and
- d. at least five (5) feet from or two (2) inches above parapet walls.

(D) Frost Closure. For protection against frost closure, each vent terminal shall be at least two (2) inches in diameter.

702.09 ADMINISTRATION

(1) POWTS Administrator. Pursuant to Section 145.20(1), Wisconsin Statutes, the Wood County Board of Supervisors created the position of Private Onsite Waste Treatment System (POWTS) Administrator for Wood County who has the following duties and powers:

(A) Duties.

1. Administer and enforce the provisions of this ordinance.
2. Pursuant to Section 145.20 (2) (a), Wisconsin Statutes, review soil and site evaluation reports for proposed POWTS and verify the report at the proposed site, if necessary.
3. Pursuant to Section 145.20 (2) (b), Wisconsin Statutes, approve or disapprove applications for sanitary permits and assist applicants in preparing an approvable application.
4. Pursuant to Section 145.20 (2) (c), Wisconsin Statutes, issue written notice to each applicant whose sanitary permit application is disapproved. Each notice shall state the specific reasons for disapproval and amendments to the application, if any, which render the application approvable. Each notice shall also give notice of the applicant's right to appeal and the procedures for conducting an appeal under this ordinance.
5. Pursuant to Section 145.20 (2) (d), Wisconsin Statutes, inspect all POWTS after construction but before backfilling. Said inspection shall occur no later than the end of the next workday, excluding Saturdays, Sundays and holidays, after receiving notice from the plumber in charge that the POWTS is ready for inspection.
6. Maintain and record all permits issued, inspections made, work approved, orders issued, maintenance records received, and other official actions.
7. Pursuant to Section 145.20 (2) (e), Wisconsin Statutes, file reports and conduct surveys and inspections as required by Wood County or the Department.
8. Pursuant to Section 145.20 (2) (f), Wisconsin Statutes, investigate complaints and violations of this ordinance and Section 254.59, Wisconsin

Statutes, issue orders to abate the violations and submit evidence of violations of the Ordinance to the Corporation Counsel or District Attorney for enforcement.

9. Maintain a current list of all active state licensed certified soil testers, master plumbers, master plumbers- restricted, designers and POWTS Maintainers in Wood County.
 10. Pursuant to Section 145.20 (2) (g), Wisconsin Statutes, perform other duties regarding POWTS as considered appropriate by Wood County or as required by the rules of the Department or laws of the state.
 11. Pursuant to Section 145.20 (2) (h), inspect existing private sewage systems to determine compliance with s. 145.195, Wisconsin Statutes, if a building or structure is being constructed which requires connection to an existing private sewage system. The county is not required to conduct an on-site inspection if a building or structure is being constructed which does not require connection to an existing private sewage system.
- (B) Powers.** The POWTS Administrator shall have all the powers necessary to enforce the provisions of this Ordinance without limitation by reason of enumeration, including the following:
1. Access to any property at a reasonable time to perform his duties, provided that the owner is notified of the intent to access the property, or if access is properly denied by an owner, upon issuance of a special inspection warrant in accordance with Section 66.0119, Wisconsin Statutes.
 2. Order any person owning, using, operating or installing a POWTS to modify, repair or place it in a safe or sanitary condition if he finds such system to be in a failing, malfunctioning, defective, unsafe or unsanitary conditions.
 3. Recommend to the county Board of Health any additional sanitary measures as needed.
 4. Request assistance and cooperation from the appropriate state agency(ies) and other local and county health and law enforcement officials.
 5. Condemn and prohibit the use of any POWTS which he finds so constructed, operated or maintained as to be a human health hazard, or in violation of this ordinance or a relevant Wisconsin Statutes.
 6. Cooperate with local, county and state personnel in county health programs and in the enforcement of local, county and state health programs and regulations.
 7. Enforce any or all of the rules, orders and amendments thereto of the appropriate state agency(ies) applicable to POWTS.

8. Order any person to stop construction or work on any building or structure that is in violation of this ordinance.

(2) **Non Compliance.** Whenever a lawful enforcement order or violation notice from the POWTS Administrator has not been complied with after written notification has been mailed to the owner, resident, contractor, agent, service provider, or occupant of the premises, the county Board of Supervisors, or the POWTS Administrator may request the District Attorney or county Corporation Counsel to institute appropriate legal action or proceeding to prohibit any person from installing or using a POWTS until such order is complied with or to be penalized as provided for herein.

(3) **Board of Adjustment.** The Wood County Board of Adjustment shall have the authority, after a public hearing, to decide variances and appeals of administrative decisions pertaining to rules and regulations prescribed in this ordinance. All appeal and variance requests shall be made in accordance with the Rules and Bylaws of the Board of Adjustment. No appeal or variance shall be granted which does not meet minimum requirements of the appropriate state statutes or administrative codes, or and which will threaten health or safety or cause a human health hazard.

(A) **Appeals.** Any person, firm, corporation, or any board, office or department aggrieved by an order, requirement, interpretation or determination made by the POWTS Administrator may within fifteen (15) days of the date of the decision, and upon payment of the proper fee, appeal such decision to the Board of Adjustment. The Board of Adjustment shall fix a reasonable time for the hearing of the appeal and publish a class 2 notice thereof under ch. 985, Wis. Stats., as well as give due notice to the parties in interest and decide the same within a reasonable time.

(B) **Variances.** The Board of Adjustment upon petition and payment of proper fee may consider and grant variances from the standards imposed by this ordinance where, owing to special conditions, a literal enforcement of the provisions of this ordinance will result in unnecessary hardship and so the spirit of this ordinance shall be observed and substantial justice done. The Board of Adjustment shall fix a reasonable time for the public hearing for the variance request and publish a class 2 notice thereof under ch. 985, Wis. Stats., as well as give due notice to the parties in interest and decide the same within a reasonable time.

(C) **Board of Adjustment Appeal/Variance/Public Hearing Fee.** The fee for each public hearing shall be as established in the Rules and Bylaws of the Wood County Board of Adjustment.

702.10 VIOLATIONS AND PENALTIES

(1) **Violations.** No person shall place, construct, cause to be constructed, take part in the construction of, or use any POWTS or structure requiring connection to a POWTS in violation of the provisions of a sanitary permit or this ordinance. In addition, no person shall resist, obstruct, or interfere with the POWTS Administrator or his agent in the lawful discharge of his duties or neglect, refuse, or fail to obey the POWTS Administrator's orders pertaining to his duties.

- (2) **Legal Action.** In case of any violation, the county Board of Supervisor the POWTS Administrator may request the District Attorney or county Corporation Counsel to institute appropriate legal action or proceeding to enjoin a violation of this ordinance, pursuant to Section 145.20 (2) (f), Wisconsin Statutes. Any person who would be specifically damaged by any violation of this ordinance may also institute appropriate legal action.
- (3) **Prosecution of Violation Authority.** All violations of this ordinance that have not been timely abated to the satisfaction of the POWTS Administrator may be referred to the Office of the District Attorney or the county Corporation Counsel who shall have authority to then prosecute such violation on behalf of the County of Wood, pursuant to Section 145.20 (2) (f), Wisconsin Statutes.
- (4) **Penalties.** Any person, agent or contractor who violates this ordinance, fails to comply with the orders of the Administrator, the provisions of a sanitary permit, or who uses or permits the use of any POWTS in violation of the provisions of a sanitary permit or of this ordinance shall, upon conviction thereof, forfeit not less than \$25.00 nor more than \$200.00 and costs of prosecution for each violation. Each day a violation exists or continues shall constitute a separate offense.
- (5) **Violation Settlement.** The POWTS Administrator or legal counsel may offer a settlement prior to any court proceedings.

702.11 AMENDMENTS

- (1) The County Board of Supervisors may alter, supplement, amend or change any part or this entire ordinance in accordance with Wisconsin Statutes. All amendments shall be made by the county board upon recommendation of and after a public hearing is held by the Wood County Conservation, Education & Economic Development Committee. Notice of the hearing shall be given by publication of a Class 2 Notice, under Chapter 985, Wisconsin Statutes.

702.12 WISCONSIN FUND FINANCIAL ASSISTANCE PROGRAM

- (1) **Application.** Applications for Wisconsin Fund grants shall be made on forms that meet the minimum requirements of Comm 87, Wisconsin Administrative Code. All completed applications that qualify for a grant shall be filed by January 15 of each year to qualify for a grant payment in that same year.
- (2) **Eligibility.** The eligibility of each applicant shall be determined pursuant to the eligibility requirements of Section 145.245, Wisconsin Statutes, and Comm 87, Wisconsin Administrative Code.
- (3) **Appeal.** Any Wisconsin Fund applicant aggrieved by a determination of eligibility may appeal such determination to the Planning & Zoning Office for referral to the Wood County Corporation Counsel for independent review.
- (4) **Determination of Failure.** A determination of failure, as defined in Section 145.245(4), Wisconsin Statutes, of an existing POWTS shall be made prior to accepting any application for a grant. The determination of failure shall specify the type of failure

pursuant to Section 245.245(4), Wisconsin Statutes, and establish a deadline for correcting the failure.

- (5) Application Fee.** For each Wisconsin Fund application, the applicant shall pay a fee of \$150.00 or 10% of the approved grant, whichever is less. The fee shall be assessed only to approved grants, and shall be paid prior to receipt of the grant award by the applicant.
- (6) Variances.** All variance requests for Wisconsin Fund applications shall be filed with the Department in a manner described in Chapter Comm 87.90, Wisconsin Administrative Code.