

**RESOLUTION TO AMEND THE POLK COUNTY CODE OF ORDINANCES CHAPTER 42,
ARTICLE 2- PRIVATE ONSITE WASTEWATER TREATMENT SYSTEMS (POWTS)**

TO THE POLK COUNTY BOARD OF SUPERVISORS:

WHEREAS, private sewage systems are regulated by Wis. Stats. §§ 59.70(1), 59.70(5), 145.04, 145.19, 145.20, 145.245, 254.59, and Wis. Adm. Code chs. SPS 383—387 and 391; and

WHEREAS, on January 19, 2023, the Polk County Zoning Administrator filed pursuant to Wisconsin Statute Section 59.69(5)(e), a petition to amend the Polk County Code of Ordinances, Chapter 40, Articles 2, through the enactment of the proposed amendments in Appendix A attached; and

WHEREAS, Polk County has 17,155 known private sewage systems; and

WHEREAS, the Environmental Services Division-Department of Land Information is tasked with permitting, inspecting, and maintenance of the sanitary systems in the county; and

WHEREAS, the amendments include revisions to the maintenance program, soil test submittals, commercial/state plan reviews, and county plan reviews to aide in the lawful regulation of these systems; and

WHEREAS, a public hearing was held on Wednesday, February 15, 2023, at the Polk County Government Center by the Environmental Services Committee of the Polk County Board of Supervisors as required by the provisions of Wisconsin Statute Section 59.69(5)(e) regarding said proposed amendments; and

WHEREAS, at said public hearing no objections were received about the proposed amendments; and

WHEREAS, the Environmental Services Committee has reviewed said proposed amendments, and recommends the Polk County Board of Supervisors enact said amendments to Chapter 40, Article 2 of the Polk County Code of Ordinances; and

NOW, THEREFORE, pursuant to Wisconsin Statute Sections 59.69(5)(e), the Polk County Board of Supervisors ordains as follows:

1. The amended Polk County Code of Ordinances, Chapter 40, Article 2, attached hereto and incorporated herein, is enacted.
2. Pursuant to Wisconsin Statute, the provisions of the amended Code of Ordinances shall supersede any prior ordinance versions.
3. Pursuant to Wisconsin Statute Sections 59.14(1) and 985.01(5), the County Clerk is directed to cause to be published the amendment enacted herein.
4. The amended provisions shall be effective upon passage and publication.

**RESOLUTION TO AMEND THE POLK COUNTY CODE OF ORDINANCES CHAPTER 42,
ARTICLE 2- PRIVATE ONSITE WASTEWATER TREATMENT SYSTEMS (POWTS)**

RESOLUTION SPONSOR(S):

X _____ Brad Olson	X <u><i>K.A. O'Connell</i></u> Kim O'Connell
X _____ Doug Route	X _____ Amy Middleton
X _____ Steve Warndahl	X _____ Jay Luke
X _____ Ryan Wood	X _____ Denise L'Allier-Pray
X _____ Tracy LaBlanc	X _____ Russ Arcand
X _____ Dan Ruck	X _____ CJ Simones
X _____ Barbara McAfee	X _____ John Bonneprise
X _____ Sharon Kelly	X _____ Vince Netherland, Administrator

COMMITTEE(S) REVIEW & RECOMMENDATION

Committee 1: Environmental Services

- ☒ Recommended
☐ Not Recommended
☐ Neutral

Committee 2: Select a Committee.

- ☐ Recommended
☐ Not Recommended
☐ Neutral

Certification:

I, Shabana Lundeen, Clerk of Polk County, hereby certify that the above is a true and correct copy of a resolution that was adopted on the 21st day of March, 2023 by the Polk County Board of Supervisors.

Shabana Lundeen
Shabana Lundeen, Polk County Clerk

VOTE BY ROLL CALL

Board Members	Aye	Nay	Excu.
Olson			
Route			
Warndahl			
Wood			
LaBlanc			
Ruck			
McAfee			
Kelly			
O'Connell			
Middleton			
Luke (Chairperson)			
L'Allier-Pray			
Arcand (2nd Vice Chair)			
Simones			
Bonneprise (Vice Chair)			

BOARD ACTION

Vote Required: _____

Motion to Approve

Adopted ☒

1st Kelly Defeated ☐

2nd Middleton

Yes: _____ No: _____ Excu: _____

☒ Approved by unanimous voice vote

☐ Approved by majority voice vote

☐ Defeated by lack of majority voice vote

RESOLUTION REVIEW COMPLETED BY:

X *Malia T. Malone*
Malia Malone, Corporation Counsel

X *Vince Netherland*
Vince Netherland, Administrator

X *Don*
Don Wortham, Finance Director

Fiscal & Legal Impact(s):

ARTICLE II. PRIVATE ON-SITE WASTEWATER TREATMENT SYSTEMS

Sec. 40-19. Statutory authority.

This article is adopted pursuant to the authorization in Wis. Stats. §§ 59.70(1), 59.70(5), 145.04, 145.19, 145.20, 145.245, 254.59, and Wis. Adm. Code chs. SPS 383—387 and 391.

(Ord. No. 16-18, § 1, 5-15-2018)

Sec. 40-20. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Bedroom means a room for sleeping that includes an ingress/egress.

Certified soil tester (CST) means a person certified to conduct soil and site evaluations in accordance with Wis. Adm. Code ch. SPS 385.

Committee means the county Environmental Services Committee.

County sanitary permit means a permit issued by the county zoning department for a reconnection, accessory building connection, restoration, repair or for the installation of a non-plumbing sanitation system.

Domestic wastewater means the type of wastewater, not including stormwater, normally discharged from or similar to that discharged from plumbing fixtures, appliances and devices including, but not limited to, sanitary, bath, laundry, dishwashing, garbage disposal and cleaning wastewaters.

Dwelling unit means a structure or portion thereof with rooms arranged, designed or intended for occupancy by an individual or family for residential purposes.

Human habitation means the act of occupying a structure as a dwelling or sleeping place, whether intermittently or as a principal residence.

Occupancy pertains to and is the purpose for which a structure is used or intended to be used. A change of occupancy is not intended to include a change of tenants or proprietors.

Ordinary high-water mark (OHWM) means the point on the bank or shore up to which the presence and action of surface water is so continuous as to leave a distinctive mark such as by erosion, destruction or prevention of terrestrial vegetation, predominance of aquatic vegetation, or other easily recognized characteristics.

Permit renewal means renewing an existing state sanitary permit before the two-year expiration date. The state sanitary permit application must be submitted with the required fee prior to expiration of the permit.

Permit transfer means changing the property owner on an existing permit to a different owner. The state sanitary permit application must be submitted with the required fee prior to the system being installed.

Plan revision means a modification to an approved application where a valid sanitary permit is in effect. If a change/modification is substantial enough to require different plan pages to be submitted and reviewed by the County, the required fee shall be submitted with the new plan pages.

Plumber means a person licensed by the state as a master plumber or master plumber-restricted services for the purposes of this article.

Portable restroom (satellite) means a self-contained portable unit that includes fixtures and holding tank facilities, designed to contain domestic waste.

POWTS, conventional, means a POWTS consisting of a septic tank ~~and~~/or an aerobic treatment unit (ATU) and an in-ground soil absorption component with gravity distribution of effluent.

POWTS, failing, has the meaning provided under Wis. Stats. § 145.245(4).

POWTS holding tank means a tank without a soil absorption component to collect ~~domestic~~ waste. The minimum tank size shall be 2,000 gallons.

POWTS non-plumbing sanitation system means sanitation systems and devices within the scope of Wis. Adm. Code ch. SPS 391, which are alternatives to water carried waste plumbing fixtures and drain systems, including, but not limited to, incinerating toilets, composting toilets and privies.

POWTS physical restoration means the process of restoring the hydraulic functions and capabilities of a soil absorption system. ~~by soil fracturing~~. This process can reduce or eliminate flow restrictions in the soil due to biomat build up. Each method of restoration must have obtained product approval from the state.

POWTS privy means an enclosed non-portable toilet which non-water-carried human wastes are deposited (a non-plumbing sanitation system).

POWTS privy-pit means a privy with a subsurface storage chamber that is not watertight.

POWTS privy-vault means a privy with a subsurface storage chamber that is watertight.

POWTS reconnection means the connection of an existing POWTS to a new or replacement structure.

POWTS repair means a restoration of a POWTS component to the original operating condition.

POWTS septic tank means an anaerobic treatment tank.

Private onsite wastewater treatment system (POWTS) means a sewage treatment and disposal system serving a structure with a septic tank, holding tank, aerobic treatment unit, or soil absorption field.

Public sewer means a sewer owned and controlled by a public authority.

Sanitary permit means a county sanitary permit, a state sanitary permit or both.

State means the state Department of Safety and Professional Services. (DSPS)

State sanitary permit means a permit issued by the zoning department for the installation or modification of a POWTS pursuant to Wis. Stats. § 145.19.

Tourist rooming house means a single-family dwelling in which sleeping accommodations are offered for pay to a maximum of two tourists or transients per bedroom based on the sanitary system serving the dwelling for less than 30 days per rental.

(Ord. No. 16-18, § 4, 5-15-2018)

Sec. 40-21. Purpose.

The underlying principles of this article are basic goals in environment, health and safety accomplished by proper siting, design, installation, inspection, maintenance, and management of POWTS and non-plumbing sanitary systems.

(Ord. No. 16-18, § 2, 5-15-2018)

Sec. 40-22. No warranty, guaranty, or liability.

This article shall not create a liability on the part of or a cause of action against the county or any employee thereof for any private sewage system which may not function as designed. There shall be no liability or warranty for any site which is approved or denied. The issuance of a sanitary permit and the final inspection of such a system do 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 with state law and rules.

(Ord. No. 16-18, § 3, 5-15-2018)

Sec. 40-23. Standards and specifications.

- (a) All domestic wastewater shall enter a POWTS, unless otherwise exempted by the state or this article. The discharge of domestic waste including greywater and effluent to the waters of the state or to the ground surface is prohibited.
- (b) 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, treatment, and/or dispersal of domestic wastewater, which complies with the provisions of this article and all applicable state laws governing the location, construction, and use of private sewage systems including, without limitation, Wis. Stats. ch. 145, Wis. Stats. §§ 59.70(5), and 281.48, Wis. Adm. Code § SPS 352.63, Wis. Adm. Code chs. SPS 381—385, 387, and 391, and NR 113 and 116.
- (c) A non-plumbing sanitation system may be permitted only when the structure or premises served by the non-plumbing system is not provided with an indoor plumbing system. 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.
- (d) Any POWTS, or portions thereof, installed within a floodplain, shall comply with all applicable requirements of Wis. Adm. Code ch. NR 116 and the county floodplain zoning regulations.
- (e) A sanitary permit shall be obtained by the property owner, his agent or contractor, in the name of the property owner, before a POWTS or non-plumbing sanitary system may be installed, replaced, reconnected or modified. Any property owner, his 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.
- (f) A written easement is required for POWTS that are proposed to be located on ~~property parcels that are~~ is not owned by the owner of the wastewater source. The easement shall be of adequate size to accommodate the installation and maintenance of the POWTS. The easement must be recorded in the register of deeds office prior to the issuance of the sanitary permit ~~or at discovery of the encroachment on existing systems.~~
- (g) If the design wastewater flow of a POWTS for a dwelling is not based upon the number of bedrooms within the dwelling, an affidavit limiting occupancy to the design flow shall be recorded in the county register of deeds office.
- (h) The zoning department shall issue written notice to each applicant whose sanitary permit application is disapproved per Wis. Stats. § 145.20(2)(c). Each notice shall list the specific reasons for disapproval and the amendments required to make the application approvable.
- (i) All POWTS components shall meet the minimum lot line setback requirements even if the lots are owned under common ownership.
- (j) The County shall only support a variance request submitted to the state if there is an unnecessary hardship and said variance aligns with the purpose and intent of this ordinance.

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- (k) A new soil absorption field must fall within the soil tested area or within fifteen feet of a boring.
 - (l) A short-term rental, tourist rooming house, is considered a change in use that can impact wastewater flow into a POWTS system. A POWTS system serving a dwelling or proposed to be used as a short-term rental, must obtain state approved plans upon replacement or any modification of the system.

(Ord. No. 16-18, § 5, 5-15-2018)

Sec. 40-24. Soil and site evaluations.

- (a) Soil and site evaluations shall be done prior to the issuance of sanitary permits as specified in Wis. Adm. Code ch. SPS 383 or 391.
- (b) Soil and site evaluation reports must comply with Wis. Adm. Code ch. SPS 385 for the issuance of a new or replacement sanitary permit. Soil test pits shall be constructed pursuant to Wis. Adm. Code ch. SPS 385 to allow adequate visual observation of the soil profile in place.
- (c) County verification of a soil and site evaluation report may be necessary to determine the suitability of a lot for a POWTS. This verification will be made at the discretion of the zoning administrator and will be made prior to the issuance of the sanitary permit **or within 6 months of receiving the soil test, whichever comes first**. The verification will be filed with the sanitary permit or in a separate file if no sanitary permit has been issued.
- (d) A soil and site evaluation report signed **as original** by the CST conducting the evaluation, must be submitted to the zoning department. The report format must comply with Wis. Adm. Code § SPS 385.40(2) and pages must be numbered to identify entire report contents. Reports shall be filed on state-approved forms **within 30 days of the field work being completed or upon payment for the soil test**.
- (e) In addition to minimum requirements in Wis. Adm. Code § SPS 385.40(3), the soil and site evaluation report must provide a site plan that contains the following information:
 - (1) A site plan drawn to scale, in addition to the legal description, indicating nearest roads for access. The drawing must be fully dimensioned, using the same scale for property features, soil dispersal, or treatment area. If the entire property is too large to fit on the page at the accepted scale, the nearest road or lot lines may be indicated with a broken line for measured distances from the tested area.
 - (2) A benchmark must be established within a line of sight to the soil tested area. The benchmark must be identified by a description of the benchmark used (e.g., lot stake or PVC pipe). The measured distance to the benchmark location must be included on the scale drawing.
 - (3) Soil pit or boring locations must have a ground surface elevation and horizontal reference to the benchmark or lot lines. Distances between pit or borings must be sufficient to allow adequate square footage for installation of a soil absorption dispersal area appropriate for the soil application rates encountered on the site.
 - (4) Ground surface contour lines at appropriate **equal** intervals should extend beyond the perimeter of the soil-tested area to indicate surface features affecting the size and orientation of a treatment or dispersal system.
 - (5) Location of easements, floodplain, and the ordinary high-water mark must be shown, if available at the time the soil evaluation report is prepared.
- (f) Soil and site evaluation reports that do not contain all required information will not be accepted for permitting purposes by the zoning department and therefore cannot be used to design a POWTS.

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- (g) Review and acceptance of the soil and site evaluation report by the zoning department cannot guarantee the data will be accurate for installation of a POWTS system. The CST or POWTS installer may request field verification of site conditions or soil profile descriptions if a determination is needed.
 - (h) Soil and site evaluation reports that have been accepted will remain on file in the zoning department.
- (Ord. No. 16-18, § 6, 5-15-2018)

Sec. 40-25. Permit requirements generally.

- (a) Every POWTS and non-plumbing system shall require a separate application and sanitary permit. The sanitary permit shall be issued before the land use permit, and shall be valid for two years from the date of issuance but can be renewed for an additional two years **if the sanitary permit application and fee is submitted prior to permit expiration.**
- (b) Applications for state sanitary permits shall be submitted to the county on state approved forms. When any state **or county plan** approval is required for a sanitary system, ~~an original~~ copy of the approval shall be submitted with the sanitary permit application. A state sanitary permit shall be issued by the county prior to the installation, construction, or modification of a POWTS holding, treatment or dispersal component.
- (c) A sanitary permit is not required for the addition of manhole risers or for the replacement of manhole covers, baffles, floats, pipes, filters, and pumps **in kind.** ~~A sanitary permit is not required to connect an accessory building without bedrooms to an existing sanitary system.~~
- (d) If any part of a private sewage system has failed, requires replacement, reconnection, or modification, the entire system shall be evaluated for compliance with existing codes prior to sanitary permit issuance. This shall include a soil and site evaluation for those components that utilize in situ soil for treatment or dispersal, unless a valid report is already on file with the county.
- (e) If any part of the system is found to be defective or not in conformance with the applicable provisions of this article, the sanitary permit application shall include specifications for the repair, renovation, replacement, or removal of that part.

(Ord. No. 16-18, § 7(A)—(J), 5-15-2018)

Sec. 40-26. Change of plumbers.

If an owner wishes to change plumbers, it is necessary to furnish the zoning department with the proper forms and plans signed by the new plumber **along with the revision fee.** Sanitary permits requiring state **or county** plan approval shall not be issued to a different plumber unless the plan bears the stamp of a plumbing **designer, engineer, architect,** or a new state **or county** plan approval is received with the new plumber. The change of plumbers shall take place prior to the installation of the POWTS.

(Ord. No. 16-18, § 7(K), 5-15-2018)

Sec. 40-27. Revision of sanitary permit.

Revisions as outlined in Wis. Adm. Code § SPS 383.22(4)(a) shall also include the change of plumbers responsible for the POWTS installation. It is the responsibility of the plumber to provide plan revisions that detail any additions, alterations, or other modifications to the original permit. **If an alteration/modification is substantial enough to require different plan pages, the required review fee shall be submitted along with the new plan pages to the county.**

(Ord. No. 16-18, § 7(L), 5-15-2018)

Sec. 40-28. Transfer of sanitary permit.

Transfer of ownership of a property for which a valid sanitary permit exists shall require ~~that~~ an applicable state sanitary application ~~transfer form, new plan pages, and the review fee to~~ be submitted to the county reflecting the change in ownership. ~~In addition, the sanitary permit card shall be returned to the county so that a new permit card may be issued.~~ Transfer of ownership shall not affect the expiration date or renewal requirements of the existing permit.

(Ord. No. 16-18, § 7(M), 5-15-2018)

Sec. 40-29. Reconnection permits.

- (a) A county sanitary permit shall be issued by the zoning office prior to the land use permit when reconnecting an existing sewer system to a new dwelling to verify that the system is properly connected and functioning properly.
- (b) A county sanitary permit shall be issued by the zoning office before a non-plumbing sanitary system is installed, including, but not limited to, privy, composting toilet, chemical toilets, and incinerating toilets.
- (c) Reconnection permits do not apply to manufactured home parks and campgrounds that are licensed by the state. A county sanitary permit for a reconnection to an existing POWTS shall be obtained prior to the following; however, the reconnection shall not allow the wastewater load or contaminate load of the structure to exceed the limitations of the existing system:
 - (1) Construction of a structure to be connected to an existing POWTS.
 - (2) Disconnection of a structure from an existing POWTS and connection of another structure to the system.
 - (3) Rebuilding a structure that is connected to a POWTS.
- (d) Prior to issuing a county sanitary permit, the existing POWTS shall be examined to determine if it is ~~code compliant functioning properly or whether it is a failing system~~ and if it will be capable of handling the proposed wastewater flow and contaminant load from the building to be served. The examination shall also determine whether all minimum setback requirements of Wis. Adm. Code ch. SPS 383 will be maintained. Well setbacks are governed by Wis. Adm. Code chs. NR 811 and 812.
- (e) Application for a county sanitary permit for a reconnection shall include the following:
 - (1) For all systems that utilize in situ soil for a treatment or disposal, a soil and site evaluation report verifying that the vertical separation distance between the infiltrative surface of the existing treatment or dispersal component and estimated high groundwater elevation and bedrock complies with Wis. Adm. Code ch. SPS 383 unless a valid report meeting these criteria is on file with the county;
 - (2) A report provided by a licensed plumber, certified septage servicing operator or a POWTS inspector relative to the condition, capacities, baffles and manhole covers for any existing treatment or holding tanks;
 - (3) A report provided by a licensed plumber or POWTS inspector relative to the condition and capacities of all other system components and verifying that the system is not a failing system;
 - (4) Complete plans indicating location of piping and existing components;

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- (5) Reconnection to existing holding tanks may require a new servicing contract and an updated holding tank agreement which meets the requirements of this article;
 - (6) Reconnection to an existing system other than a holding tank may require a new **management plan; maintenance agreement or contract;**
 - (7) Replacing a structure with a new or different structure within two years of the date of permit issuance will only require statements indicating that the system has not been altered, 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.

(Ord. No. 16-18, § 8, 5-15-2018)

Sec. 40-30. Maintenance and management.

- (a) All private sewage systems and non-plumbing sanitation systems shall be managed and maintained in accordance with Wis. Adm. Code chs. SPS 383, 384, and 391 and this article.
- (b) The ~~property owner~~ **maintenance provider** shall report to the county **electronically**, each inspection, maintenance or servicing event, in accordance with Wis. Adm. Code ch. SPS 383 and this article.
- (c) The property owner shall **be responsible for keeping a maintenance agreement on file with their POWTS service provider for any system requiring service on a 12-month interval or less. submit a copy of an appropriate maintenance agreement to the county prior to sanitary permit issuance.**
- (d) ~~The property owner shall submit a new or revised maintenance agreement to the county whenever there is a change to such document.~~
- (e) Circumstances such as inclement weather, road weight restrictions and site limitations may necessitate a delay in septic tank maintenance until conditions permit.
- (f) **The county shall have a completed septic system inventory and track the maintenance intervals of all POWTS systems. The county shall provide an initial maintenance notice followed up with a reminder and violation warning to property owners when their systems need maintenance.**

(Ord. No. 16-18, § 9, 5-15-2018)

Sec. 40-31. Septic tank maintenance program.

- (a) The applicant for a sanitary permit shall be provided with written notice of the maintenance program **and a management plan for their system** at the time the sanitary permit is issued. The records of this notification shall be maintained by the issuing agent. Upon sale of the property, the owner shall provide written notification of the maintenance program to the buyer.
- (b) All septic tanks permitted and installed shall be visually inspected by a plumber, POWTS inspector, or a person licensed under Wis. Stats. § 281.48 and pumped within three years of the date of installation and at least once every three years thereafter, unless upon inspection the tank is found to have less than one-third of the volume occupied by sludge and scum.
- (c) Pumping of a septic tank shall be done by a certified septage servicing operator in accordance with Wis. Adm. Code ch. NR 113.
- (d) Visual inspection of a private sewage system may be conducted by a plumber, a person licensed under Wis. Stats. § 281.48 or by an authorized county or state employee to determine the condition of the tank and whether wastewater or effluent from the POWTS is ponding on the ground surface.

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- (e) The ~~owner of such septic tank~~ POWTS servicing provider shall furnish the county with a copy of the inspection report, verifying the condition of the tank, whether wastewater or effluent from the POWTS is ponding on the ground surface, and the date of pumping within 30 days of the date of inspection or pumping. Reports shall include all information required in Wis. Adm. Code § SPS 383.55 and be ~~submitted signed~~ by the persons inspecting and pumping the private sewage system. Other maintenance or management reports required by Wis. Adm. Code ch. SPS 383 or 384 should be included with this report.

(Ord. No. 16-18, § 10, 5-15-2018)

Sec. 40-32. Holding tank maintenance program.

- (a) The owner of the holding tank shall enter into a maintenance agreement with ~~the appropriate city, village, or town, guaranteeing that the local governmental unit which signed the agreement will service the holding tank, if the owner fails to have the holding tank properly serviced in response to orders issued by~~ the county. The maintenance agreement shall be binding upon the owner, their heirs, and assignees of the owner. The holding tank agreement shall be filed with the register of deeds.
- (b) The owner or agent shall submit a copy of the holding tank agreement and management plan when plans are submitted to the county for review.

(Ord. No. 16-18, § 11, 5-15-2018)

Sec. 40-33. Construction changing wastewater flow.

- (a) Prior to commencing ~~the~~ construction of an addition ~~to or~~ /modification of a structure ~~or change in use~~, which will affect the wastewater flow or contaminant load to an existing POWTS, the owners of the property shall possess a sanitary permit to construct a new POWTS system or modify an existing POWTS to accommodate the ~~modification change~~ in wastewater flow or contaminant load. The owners shall also provide the following to the county:
- (1) Documentation that a private sewage system of adequate capability and capacity to accommodate the wastewater flow and contaminant load already exists to serve the structure, as specified in Wis. Adm. Code ch. SPS 383;
 - (2) Documentation showing that the location of the proposed structure conforms to the applicable setback distances to all of the existing POWTS components; and
 - (3) ~~An undersized system~~ A loads and flows affidavit that is recorded in the register of deeds office prior to the issuance of the land use permit. ~~(if applicable)~~
- (b) If the existing private sewage system is found not to be compliant with this article, construction of the building addition or modification shall be allowed only if a sanitary permit has been issued to modify or replace the existing POWTS.
- (c) ~~If a structure is going through a change in use, the existing POWTS system shall be evaluated for code compliance and size. All necessary corrections must be completed before the structure can be used for the new use.~~
- (d) Any installation, addition, modification of a POWTS must be completed and accepted before the addition or modified area of the structure may be occupied.

(Ord. No. 16-18, § 12, 5-15-2018)

Sec. 40-34. Non-plumbing sanitary systems.

- (a) *Generally.* An affidavit shall be recorded in the register of deeds office for any non-plumbing sanitary system. A non-plumbing sanitary system must meet all the requirements of Wis. Adm. Code chs. SPS 381 through 387 and 391 and be state approved if applicable. A site plan shall be submitted along with the county sanitary permit application for all non-plumbing sanitary systems.
- (b) *Portable restrooms exempt.* A portable restroom (satellite) is exempt from the requirements of this article.
- (c) *Privies.* A county sanitary permit is required prior to the construction or location of a privy. Privy construction, installation, and maintenance is subject to the following:
 - (1) Privies and portable restrooms shall be constructed and maintained in a clean condition so that insects and rodents cannot enter the vault.
 - (2) No plumbing shall be installed in the privy.
 - (3) Privies and portable restrooms shall be located at a minimum horizontal distance of 25 feet from dwellings, 25 feet from the lot line, 50 feet from the open pit privy to the well or 25 feet from a vault privy to the well, 75 feet from a stream, lake or other water course, and 25 feet from the edge of a slope greater than 20 percent.
 - (4) Pit privy permit applications shall be accompanied by a soil test provided by a certified soil tester to determine compliance with Wis. Adm. Code ch. SPS 391.
 - (5) The structure that is placed over the vault or pit shall be constructed to these minimum standards:
 - a. The structure over the vault or pit shall have a minimum of 12 square feet in floor area.
 - b. The height of the interior walls shall be at least 6.5 feet or 78 inches in height.
 - c. The vault or pit shall be provided with a vent pipe with a minimum diameter of three inches and shall extend at least one foot above the roof.
 - d. The storage chamber of a vault privy shall have a minimum storage capacity of 200 gallons or one cubic yard and shall comply with Wis. Adm. Code § SPS 384.25.
 - e. All windows, vents and other openings shall be screened to prevent entrance of insects and rodents and the door shall be self-closing.

(Ord. No. 16-18, § 13, 5-15-2018)

Sec. 40-35. Inspections.

The plumber must give **24-hour** notice for final inspection of all POWTS installed to the zoning department in accordance with Wis. Adm. Code ch. SPS 383. The entire system shall be left completely open until it has been inspected, unless the zoning department fails to inspect within the time period specified in Wis. Adm. Code ch. SPS 383. The plumber shall provide the proper equipment and assistance to complete the inspection. POWTS may be inspected periodically, after the initial installation inspections or after the system is operative, as deemed necessary by the inspector.

(Ord. No. 16-18, § 14, 5-15-2018)

Sec. 40-36. Failing systems.

- (a) When a failing private sewage 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.
- (b) Unlawfully modified private sewage systems, a private sewage system that has sewage bypassed, or a holding tank which is discharging untreated or partially treated sewage to the ground surface or surface waters, may be ordered by the county or the department to be corrected or replaced with a code compliant system.

(Ord. No. 16-18, § 15, 5-15-2018)

Sec. 40-37. Abandonment of private sewage systems.

The components of an existing private sewage 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 responsible for the installation of the system. The abandonment shall comply with Wis. Adm. Code ch. SPS 383.

(Ord. No. 16-18, § 16, 5-15-2018)

Sec. 40-38. Administration and enforcement.

- (a) *Administrator.* The zoning administrator, or his designee, shall act as the county issuing agent of the statutes and is assigned the duties of administering the POWTS program.
- (b) *Fees.* Fees shall be as determined and adjusted from time to time by the environmental services committee and as maintained by the land information department in its fee schedule. Pursuant to Wis. Stats. § 66.0628(2), any fee imposed shall have a reasonable relationship to the service for which the fee is imposed.
- (c) *Inspections.* In accordance with state laws and rules, the zoning administrator may inspect at any time, with or without notice, the construction, installation, operation or maintenance of a POWTS to ascertain whether the POWTS conforms to plans approved, the conditions of approval and this chapter, or any applicable law, regulation or rule.
- (d) *Appeals.* Any person aggrieved by a written administrative decision made by the zoning administrator, or his designee, may appeal the decision to the board of adjustment within 30 days of the date of a written decision. An appeal shall be in writing and shall be made on a form provided by the zoning department. The zoning department will prepare proper notices and schedule the appeal with the board of adjustment.
- (e) *Violations.* Any person who fails to comply with the provisions of this article, or any order of the county issued in accordance with this article, or resists enforcement, shall be subject to a citation, after the fact fees, or other enforcement action.
- (f) *Citations.* As authorized by state law and this Code, the zoning administrator or the county zoning agency shall issue citations for any violations of this article. Any person or entity who violates or refuses to comply with any of the provisions of this article shall be subject to a forfeiture of not less than \$200.00 nor more than \$1,000.00 per offense, together with the taxable costs of action. Each day of continued violation shall constitute a separate offense.
- (g) *Nuisance remedies.* Every violation of this article is a public nuisance and the creation thereof may be enjoined and the maintenance there may be abated by action at suit of the county, the state, or any citizen thereof pursuant to Wis. Stats. § 87.30(2).

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- (h) *Other remedies.* The county also retains the summons and complaint avenue for forfeitures and remedial action as provided by Wis. Stats. § 59.69(11).
 - (i) *Penalties.* There shall be a penalty fee of two times the regular permit fee in those cases where a sanitary system is installed without first obtaining a sanitary permit, providing the system is in conformance with the provisions of this article.
 - (j) *Stop work orders.* The zoning department may issue an on-site stop work order, as appropriate, whenever it determines that a violation of this article or the sanitary permit is taking place.

(Ord. No. 16-18, §§ 17—19, 5-15-2018)

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