

SHEBOYGAN COUNTY ORDINANCE NO. 10 (2016/17)

Re: **Repealing and Re-creating Chapter 70, Sanitary Regulations**

WHEREAS, Wis. Stat. § 59.70(5)(a) provides that counties that enact private sewage system regulation ordinances must have such ordinances conform to the provisions of the state plumbing code, and

WHEREAS, effective January 1, 2012, Wis. Admin. Code Ch. Comm 83 was renumbered as Wis. Admin. Code Ch. SPS 383, and

WHEREAS, consistent with these requirements, Sheboygan County has made proposed modifications to its Sanitary Regulations as set forth hereafter, and

WHEREAS, Sheboygan County has held a public hearing on December 13, 2016, in which the proposed changes were presented to the public

NOW, THEREFORE, the County Board of Supervisors of the County of Sheboygan does ordain as follows:

Section 1. **Repealing and Re-creating Chapter 70.** Chapter 70 of the Sheboygan County Code of Ordinances is hereby repealed and re-created as follows:

70.01 **STATUTORY AUTHORITY.** This Ordinance is adopted pursuant to the authorization in Wis. Stat. §§ 59.70(1), 59.70(5), 145.04, 145.19, 145.20, and 145.245.

70.02 **PURPOSE.** This Ordinance is adopted to promote and protect public health and safety by assuring the proper siting, design, installation, inspection, management, and maintenance of private sewage systems.

70.03 **DEFINITIONS.** The following terms shall have the meanings indicated in this Section.

A.T.U. Aerobic Treatment Unit.

Buildings. See Structure.

Conventional Private Sewage System. A private sewage system consisting of a septic tank and an in-ground soil absorption component with gravity distribution of effluent.

Committee: The Sheboygan County Board of Supervisors Liaison Committee which has jurisdiction over the Department.

County Sanitary Permit. A permit issued by the Department for the reconnection of a private sewage system or for the installation of a non-plumbing sanitation system or for the replacement of piping associated with a private sewage system, pursuant to Wis. Stat. §§ 59.70 and 145.04.

Department. The Sheboygan County Planning & Conservation Department, employing a full-time director and his/her duly appointed professional planning and zoning staff, charged with the duties of administering this Ordinance and other planning and zoning legislation.

Failing Private Sewage System. "Failing private sewage system" has the meaning specified under Wis. Stat. § 145.245(4).

Farm. "Farm" means a parcel of thirty-five (35) or more contiguous acres of land devoted primarily to agricultural use, as defined in Wis. Stat. § 91.01(2).

Flows and Loads Affidavit. A document in a form approved by the Department appropriate for recording with the Office of the Sheboygan County Register of Deeds required when basing wastewater flow to a private sewage system upon per capita occupancy or usage of the structure served by the private sewage system.

Human Habitation. The act of occupying a structure as a dwelling or sleeping place, whether intermittently or as a principal residence.

Licensed Individual. A licensed plumber, certified septage servicing operator, or private sewage system inspector authorized to inspect, evaluate, maintain, or service a private sewage system.

Modification in Wastewater Flow or Contaminant Load. A modification in wastewater flow or contaminant load shall be considered to occur:

In public buildings, facilities or places of employment, when there is a proposed change in occupancy of the structure; or the proposed modification affects either the type or number of plumbing appliances, fixtures, or devices discharging to the system; and In dwellings, when there is an increase or decrease in the number of bedrooms. Modified wastewater load in dwellings does not result from construction of garages, open air/unenclosed decks, patios, or porches; re-roofing; painting; wiring; re-siding; or replacement of windows, floor coverings, equipment, appliances, or cabinets.

Non-plumbing Sanitation System. Sanitation systems and devices within the scope of Wis. Admin. 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.

Plumber. A person licensed by the State as a Master Plumber or Master Plumber-Restricted Service.

Pre-treatment, A system component designed to pre-treat sewage effluent prior to final discharge of the waste to the disposal component.

Private Sewage System. Also referred to as a "Private On-Site Wastewater Treatment System" or "POWTS," has the meaning given under Wis. Stat. § 145.01(12).

Septic System Abandonment Permit. A permit issued by the Department for the abandonment of a private sewage system upon connection of the property to public sewer or when the use of the private sewage system has been discontinued.

Privy. An enclosed non-portable toilet into which non-water-carried human wastes are deposited.

Privy-Pit. A privy with a subsurface storage chamber which is not watertight.

Privy-Vault. A privy with a subsurface storage chamber that is watertight.

Public Building. Any structure, including exterior parts of such building, such as a porch, exterior platform, or steps providing means of ingress or egress, used in whole or in part as a place of resort, assemblage, lodging, trade, traffic, occupancy, or use by the public or by three (3) or more tenants. When used in relation to building codes, "public building" does not include a previously constructed building used as a community-based residential facility as defined in Wis. Stat. § 50.01(1g) which serves twenty (20) or fewer residents who are not related to the operator or administrator or an adult family home as defined in Wis. Stat. § 50.01(1).

Sanitary Permit. The term "sanitary permit," as used in this Ordinance shall mean a County Sanitary Permit, a State Sanitary Permit, or both.

Septic Tank. An anaerobic treatment tank.

State. The Wisconsin Department of Safety and Professional Services.

State Sanitary Permit. A permit issued by the Department for the installation or modification of a private sewage system, pursuant to Wis. Stat. §§ 145.135 and 145.19.

Structure. Anything constructed, erected, or relocated from another premises, that is either permanently or temporarily attached to or resting on or in either the ground, stream, lakebed, or another structure. "Structures" shall include, but not be limited to, buildings (regardless of size or use), mobile homes and manufactured homes and dwellings, gazebos, and swimming pools.

70.04 COMPLIANCE.

- (1) All structures or premises in the County that are permanently or intermittently intended for human habitation or occupancy, which are not serviced by a public sewer, shall have a system for holding or treatment and dispersal of sewage and wastewater which complies with the provisions of this Ordinance.
- (2) The private sewage system or non-plumbing sanitation system for newly constructed structures or structures requiring a Reconnection Permit shall be installed and inspected before the structure may be occupied.

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

70.06 INCORPORATION OF PROVISIONS BY REFERENCE. This Ordinance incorporates by reference the following rules, regulations, and laws, as set forth in the Wisconsin Statutes and the Wisconsin Administrative Code governing the location, construction, and use of private sewage systems: Wis. Stat. §§ 59.70(5) and 968.10, Wis. Stat. chs. 145, 281, 283; Wis. Admin. Code § 361.04; Wis. Admin. Code Chs. SPS 381, SPS 382, SPS 383, SPS 384, SPS 385, SPS 387, SPS 391, NR 113, and NR 116. These rules, regulations, and laws shall apply until amended or renumbered and then shall apply as amended or renumbered

70.07 JURISDICTION. The jurisdiction of this Ordinance shall include all lands and waters within the unincorporated and incorporated areas of Sheboygan County, as provided in Wis. Stat. § 59.70(5).

70.08 POWTS REQUIREMENTS.

- (1) All domestic wastewater shall enter a private sewage system unless otherwise exempted by the State or this Chapter.
- (2) A non-plumbing sanitation system may be permitted only when the structure or premises served by the non-plumbing sanitation system is not provided with an indoor plumbing system. If plumbing is installed in the structure or running water is supplied to the structure, an acceptable method of sewage disposal other than, or in addition to, a non-plumbing sanitation system must be provided.
- (3) Any private sewage system or portions(s) thereof installed within a floodplain shall comply with all applicable requirements of Wis. Admin. Code Ch. NR 116 and the Sheboygan County Floodplain Ordinance, Chapter 73 of the General Code of Ordinances for Sheboygan County.
- (4) The installation of a holding tank as a private sewage system for new residential structures is prohibited except as provided in Subsections (a) through (d), below. A water meter with remote reading device meeting the requirements of Wis. Admin. Code § SPS 383.54(2)(d) shall be installed at the same time as the holding tank approved under Subsections (b) and (d) below.
 - (a) A temporary holding tank may be installed when a public sewer, approved by the Department of Natural Resources, will be installed to serve the property within two (2) years of the date of sanitary permit issuance. In addition to items required in Section 70.12 of this Code, an application for a sanitary permit to install a temporary holding tank shall include written statements:
 1. The municipality or sanitary district, verifying the date that public sewer will be installed and available to serve the property;
 2. The Department of Natural Resources, verifying approval of the public sewer; and
 3. The property owner, agreeing to connect to public sewer when it becomes available and to abandon the temporary holding tank.

If public sewer does not become available within two (2) years of the date of sanitary permit issuance, the holding tank must be replaced with another type of system recognized by Wis. Admin. Code Ch. SPS 83.
 - (b) A holding tank may be installed to serve a use with an Estimated Wastewater Flow (EWF) of less than one hundred (100) gallons per day. In addition to items required in Section 70.12 of this Code, an application for a sanitary permit to install a holding tank to serve a use with an EWF of less than one hundred (100) gallons per day shall include a written statement from the property owner, agreeing to install another type of system if any change of occupancy or use occurs which results in an EWF which equals or exceeds one hundred (100) gallons per day.

- (c) New or existing residential structures that are part of a sanitary district approved by or under the control of the local municipality.
 - (d) New residential structures on property where documentation acceptable to the Department indicates the property was previously used for residential purposes when a Soil Evaluation Report indicates the site is not suitable for a private sewage system.
- (5) Holding tanks are prohibited for use as a replacement private sewage system for an existing residential structure unless a Soil Evaluation Report determines the site is not suitable for the installation of a private sewage system that provides onsite treatment and disposal of domestic wastewater. If the Soil Evaluation Report determines a site is suitable for the installation of a private sewage system that provides onsite treatment and disposal of domestic wastewater only with the aid of a pre-treatment device or through soil interpretive review or individual site design, a holding tank may be installed.
- (6) The installation and use of holding tanks as a private sewage system for public, commercial, or agricultural buildings are permitted regardless of whether there is a suitable site that allows for the installation of a private sewage system that provides onsite treatment and disposal of domestic wastewater. In addition to complying with all applicable provisions of the Wisconsin Administrative Code, the influent flows to the holding tank(s) shall be metered in accordance with Wis. Admin. Code SPS § 383.54(2)(d). The water meter shall include a remote reading device for each meter. The remote reader(s) shall be mounted in a conspicuous location on the exterior of the building(s) served by the holding tank(s) and shall have a numerical display of gallons used to the nearest 100 gallons.
- (7) The use of a camping unit transfer container as a POWTS holding tank component shall be restricted to a campground permitted by the Department of Health Services under Wis. Admin. Code Ch. DHS 178.
- (8) When a failing private sewage system is identified, it shall be brought into compliance with current code requirements, replaced with a code-compliant system authorized by a sanitary permit, or its use discontinued within 12 months or such other period of time required by Department order.

70.09 ABANDONMENT OF PRIVATE SEWAGE SYSTEMS.

- (1) When public sewers approved by the Department of Natural Resources become available to the structure or premises served, the private sewage system shall be disconnected and abandoned in accordance with the provisions of Wis. Admin. Code Ch. SPS 383.33. Determination of whether sewer is available shall be made by the local sewer service entity.
- (2) Within thirty (30) days after completion of the abandonment, the appropriate permit application form and fee shall be submitted to the Department for issuance of a Septic System Abandonment Permit.
- (3) The components of an existing private sewage system that are not part of the approved design of a replacement system shall be abandoned by the plumber installing the system at the time of the installation of the replacement system. The abandonment shall comply with Wis. Admin. Code Ch. SPS 383.

70.10 SOIL AND SITE EVALUATION.

- (1) Soil and site evaluations shall be done prior to the issuance of permits as specified in Wis. Admin. Code Chs. SPS 383 and SPS 385.
- (2) Soil test pits shall be constructed which allow adequate visual observation of the soil profile in place. At least one soil pit shall be an excavated backhoe pit pursuant to Wis. Admin. Code § 385.20(3)(c), unless otherwise allowed by the Department.
- (3) Department verification of a Soil Evaluation Report may be necessary to determine the suitability of a lot for a private sewage system. This verification will be made at the discretion of the Department and will be made prior to the issuance of the sanitary permit. This verification will result in one of the following:
 - (a) Issuance of the permit, provided all information on the application is correct and complete.
 - (b) Establishment of a file indicating site suitability.
 - (c) Holding the application pending clarification of information or new information by the owner, the plumber, or the certified soil tester.
 - (d) Denial of the permit if the site does not meet all the provisions of this Ordinance and appropriate Wisconsin Statutes and Administrative Codes. If the permit application is denied, the fees will be returned to the submitting party.
- (4) A certified soil tester may request Department verification of a Soil Evaluation Report before a complete sanitary permit application is submitted.

70.11 SANITARY PERMITS.

- (1) Every private sewage system shall require a separate application and sanitary permit.
- (2) A sanitary permit shall be obtained by the property owner, his agent or contractor, in the name of the property owner, prior to the installation, establishment, or construction of any structure which requires a private sewage system or non-plumbing sanitation system.
- (3) A sanitary permit shall be obtained by the property owner, his agent, or contractor before any private sewage system or part thereof may be installed, replaced, reconnected, or modified. A sanitary permit is not required for the addition of manhole risers or for the replacement of manhole covers, manhole risers, baffles, or pumps.
- (4) If any part of the private sewage system has failed or requires replacement or modification, a sanitary permit shall be obtained, or a valid, existing permit revised, and the remainder of the system shall be evaluated for compliance with regulations in effect at the time the system was originally installed prior to the issuance of the new sanitary permit or the revised existing permit. The new sanitary permit application shall include specifications for the modification, replacement, alteration,

or addition of the private sewage system, and a Soil Evaluation Report for those components that utilize soil for treatment or dispersal, unless a report acceptable to the Department is already on file with the Department.

- (5) When a sanitary permit is required, any other existing private sewage system located on the same parcel shall be identified and evaluated by a licensed individual for compliance with the regulations in effect at the time such system was originally installed by submitting information specified in Sections 70.19(3)(b)-(e) of this Code to the Department prior to issuance of the sanitary permit. If the system is found to be non-code compliant, a sanitary permit shall be obtained to replace the subject system or otherwise bring it into compliance

70.12 APPLICATION REQUIREMENTS.

- (1) A sanitary permit application shall include the following information which shall be furnished by the applicant on forms required by the State and/or the Department along with all applicable fees:
 - (a) Names and addresses of the applicant (owner of the site) and the plumber employed.
 - (b) Legal description of the subject site and the parcel identification or parcel number.
 - (c) All lot dimensions.
 - (d) Building use (single family, duplex, etc.).
 - (e) Soil Evaluation report.
 - (f) System plans (see Section 70.13 of this Code).
 - (g) Appropriate agreements and contracts for system management and maintenance.
 - (h) Copies of any documents required in Section 70.12(4) of this Code and verification that they have been recorded.
 - (i) Any other information required by the Department.
- (2) When any official State action is required prior to the issuance of a sanitary permit, an original copy of the official action shall accompany the application.
- (3) Pit privy permit applications shall be accompanied by soil data provided by a Certified Soil Tester to determine compliance with Wis. Admin. Code Ch. SPS 391.
- (4) The following documents must be recorded with the Sheboygan County Register of Deeds prior to sanitary permit issuance:
 - (a) Maintenance agreements or POWTS agreements, when recording is required by Wis. Admin. Code Ch. SPS 383 or this Code.

- (b) When a private sewage system or parts thereof are located on a separate parcel of ownership than the structure served, an appropriate easement must be recorded.
 - (c) When a private sewage system serves more than one structure under different ownership, a document identifying all parties that have ownership rights and are responsible for the operation and maintenance of the private sewage system must be recorded.
 - (d) When the design wastewater flow of a private sewage system for a dwelling is not based upon the number of bedrooms within the dwelling, a deed restriction limiting occupancy to that used in the design must be recorded.
- (5) The Department reserves the right to require a floodplain and/or wetland delineation for a proposed private sewage system area prior to sanitary permit issuance. The Department may require elevations on plans to be tied to floodplain elevation datum using NAVD 88 (North American Vertical Datum 88)
 - (6) The Department reserves the right to refuse incomplete or incorrect permit applications or to delay permit issuance until corrected or completed applications are received.

70.13 PLANS. System plans shall be submitted for approval to the Department or to the State in accordance with Wis. Admin. Code Ch. SPS 383. Plans shall comply with the requirements of Wis. Admin. Code Ch. SPS 383 and this Ordinance.

- (1) Plans submitted to the Department shall include the **original** and two (2) copies.
- (2) When plans are reviewed and approved by the State, at least two (2) sets of the plans submitted to the Department shall bear an original State approval stamp or seal.
- (3) Plans submitted shall be clear, legible, and permanent copies.
- (4) Plans submitted shall comply with Wis. Admin. Code Ch. SPS 383 and include the following:
 - (a) The name of the property owner and the legal description of the site;
 - (b) Estimated daily wastewater flow and design wastewater flow.
 - (c) A detailed plot plan (site plan), dimensioned or drawn to scale, on paper no smaller than 8-1/2 inches by 11 inches in size. The plot plan shall delineate the lot size and the location of all existing and proposed: private sewage system components; building sewers; private interceptor main sewers; wells; water mains or water services; buildings; lot lines; swimming pools; navigable waters; and the benchmark established on the Soil Evaluation Report. Adjoining properties shall be checked to ensure compliance with the horizontal setback parameters in Wis. Admin. Code Ch. SPS 383.43. All separating distances and dimensions shall be clearly shown on the plot plan.
 - (d) Details and configuration layouts depicting how the system is to be constructed.

- (e) A description of a contingency plan in the event the proposed private sewage system fails and cannot be repaired. [See Section 70.08(5) of this Code].
 - (f) Sufficient supporting information to determine whether the proposed design, installation, and management of the proposed private sewage system or modification to an existing system complies with this Ordinance.
- (5) Plans shall be signed or sealed as specified in Wis. Admin. Code Ch. SPS 383.
 - (6) A copy of the approved plans shall be maintained at the construction site until the private sewage system installation is completed, inspected, and accepted. During inspections, the plans shall be made available to the Department or the State upon request.
 - (7) A modification to the design of a private sewage system which has been previously approved shall be submitted to the Department or the State as specified in Wis. Admin. Code Ch. SPS 383. Plan revisions must be approved prior to system installation.

70.14 PERMIT CARDS.

- (1) The permit card issued by the Department to the property owner or their agent shall serve as the sanitary permit.
- (2) The permit card shall contain all the information required by Wis. Stat. § 145.135.
- (3) The permit card shall be displayed at the site in such a manner that it will be visible from a road abutting the lot during all construction phases.
- (4) The permit card may not be removed until the private sewage system has been installed, inspected, and approved by the Department.
- (5) Failure to display the permit card shall be considered a violation of this Section and may subject the property owner, their agent, or contractor to penalty provisions of this Ordinance.

70.15 PERMIT EXPIRATION.

- (1) All installations or modifications to a septic system shall be completed within two (2) years from the date the Department issues the sanitary permit. The Department will renew a sanitary permit upon a property owner or his or her agent's submittal of a new sanitary permit application, signed and completed by a plumber, together with the fee, to the Department prior to the expiration date of the original permit.
- (2) The renewal shall be based on regulations in force at the time of renewal.
- (3) Changed regulations may impede or prevent the renewal.
- (4) The property owner, their agent, or contractor shall return the original permit card at the time application is made for renewal and receive a new card when the permit is renewed.

- (5) The Department, in its discretion, may place conditions on the renewal of a sanitary permit to replace a private sewage system.
- (6) A new sanitary permit shall be obtained by the owner or their agent prior to beginning construction if a sanitary permit has expired.

70.16 TRANSFER OF OWNERSHIP. Transfer of ownership of a property for which a valid sanitary permit exists and the system has not been installed or modified shall be subject to the following:

- (1) A new sanitary permit application bearing the name of the new owner and indicating the transfer of ownership shall be submitted to the Department.
- (2) The original sanitary permit card shall be returned to the Department so that a new permit card may be issued.
- (3) Transfer of ownership shall not affect the expiration date or renewal requirements.

70.17 CHANGE OF PLUMBERS.

- (1) When an owner wishes to change plumbers, a new sanitary permit application signed by the new plumber and indicating the change of plumber shall be submitted to the Department.
- (2) The transfer of sanitary permits shall take place prior to the installation of the private sewage system.
- (3) Sanitary permits for systems requiring State plan approval shall not be transferred to a different plumber unless the plan bears the stamp of an architect or engineer, plumbing designer, or State approval is obtained by the new plumber.
- (4) The original sanitary permit card shall be returned to the Department so that a new permit card may be issued.

70.18 PERMIT DENIAL. When applicable provisions of Wisconsin Statutes, Wisconsin Administrative Code, or this Ordinance have not been complied with when applying for a sanitary permit, the permit shall be denied. Reasons for the denial shall be forwarded to the plumber, landowner, and when appropriate, the State.

70.19 RECONNECTION AND REPAIR.

- (1) A Sheboygan County Sanitary Permit shall be obtained prior to:
 - (a) Construction of a new or replacement structure to be connected to an existing private sewage system;
 - (b) Disconnection of a structure from an existing private sewage system and connection of another structure to the system, except as permitted below;
 - (c) Renovation of an existing unplumbed building if the renovation includes installation of plumbing fixtures that require connection to an existing private sewage system;

- (d) Construction or installation of a non-plumbing sanitation system; or
 - (e) Replacement or repair of piping, including but not limited to building sewer, gravity effluent piping, suction line or force-main, along with tank component repairs approved by the Department or tank manufacturer.
- (2) Prior to issuing a Sheboygan County Sanitary Permit, a licensed individual shall examine the existing private sewage system to:
- (a) Determine if it is functioning properly and whether it is a failing system.
 - (b) Determine if it will be capable of handling the proposed wastewater flow and contaminant load from the building to be served.
 - (c) Determine that all minimum setback requirements of Wis. Admin. Code Ch. SPS 383 will be maintained.
- (3) Application for a Sheboygan County Sanitary Permit shall include the following:
- (a) All items in Sections 70.12(1)(a)-(i) of this Code;
 - (b) For all systems that utilize soil for treatment or disposal, a Soil Evaluation Report verifying that the infiltrative surface of the existing treatment or dispersal component is at least two feet (2') above groundwater or bedrock for systems installed prior to December 1, 1969, and at least three feet (3') above the groundwater or bedrock for systems installed on or after December 1, 1969, unless a valid report meeting these criteria is on file with the Department or a lesser separation is allowed by Wis. Admin. Code Ch. SPS 383;
 - (c) A report provided by a licensed individual authorized to do so by Wis. Admin. Code Ch. SPS 383 relative to the condition, capacities, baffles, and manhole covers for any existing treatment or holding tanks;
 - (d) A report provided by a licensed individual authorized to do so by Wis. Admin. Code Ch. SPS 383 relative to the condition and capacities of all other system components and verifying that the system is not a failing system;
 - (e) A plot plan prepared by a plumber authorized to do so by Wis. Admin. Code Ch. SPS 383 including information specified in Section 70.13(4)(c) of this Code; and
 - (f) Complete plans, as specified in Section 70.13 of this Code, for any system components which will be modified or replaced.
 - (g) Reconnection to existing holding tanks may require a new servicing contract and an updated holding tank agreement which meets the requirements of this Ordinance.
 - (h) Reconnection to an existing system other than a holding tank may require a new maintenance agreement or servicing contract;

- (i) If wastewater flow is to be based upon per capita occupancy or usage of the structure to which the private sewage system is connected, a completed and approved "Flow and Loads Affidavit" shall be signed and recorded in the Office of the Sheboygan County Register of Deeds.
- (4) All systems shall be inspected at the time of reconnection, prior to backfilling, to ensure that proper materials and methods are being used.

70.20 CONSTRUCTION AFFECTING WASTEWATER FLOW OR CONTAMINANT LOAD. Construction that is considered to be a modification of wastewater flow or contaminant load is defined in Section 70.03 of this Code. Prior to commencing the construction of an addition to or modification of a structure which will affect the wastewater flow and/or contaminant load to an existing private sewage system, the owner(s) of the property shall:

- (1) Possess a sanitary permit to construct a new private sewage system or modify an existing private sewage system to accommodate the modification in wastewater flow or contaminant load; or
- (2) Provide the following to the Department:
 - (a) 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. Admin. Code Ch. SPS 383;
 - (b) Documentation showing that the location of the proposed structure conforms to the applicable setback distances to all of the existing private sewage system components; and
 - (c) Documentation specified in Sections 70.19(3)(b), (c), and (d) of this Code.
 - (d) If wastewater flow is to be based upon per capita occupancy or usage of the structure to which the private sewage system is connected, a completed and approved "Flow and Loads Affidavit" shall be signed and recorded in the Office of the Sheboygan County Register of Deeds.
- (3) Any installation, addition, or modification of a system must be completed and approved before the addition or modified area of the structure may be occupied.

70.21 CONSTRUCTION NOT AFFECTING WASTEWATER FLOW OR CONTAMINANT LOAD. Prior to commencing construction of any structure or addition to a structure on a site where there exists a private sewage system the owner or their agent shall determine that the proposed structure conforms with applicable setback limitations of Wis. Admin. Code Ch. SPS 383. Documentation shall be submitted to the Department.

70.22 FEES AND CHARGES. Fees shall be as determined and adjusted from time to time by the Planning, Resources, Agriculture, and Extension Committee of the Sheboygan County Board and as maintained by the Department in its "Sheboygan County Planning Department Fee Schedule." Pursuant to Wis. Stat. § 66.0628(2), any fee imposed shall have a reasonable relationship to the service for which the fee is imposed.

- (1) Refunds. At the discretion of the Department, after a sanitary permit has been issued, the fee or a portion thereof may be refunded to the party who originally paid

the fee, upon submittal to the Department of a written request signed by the permit holder, to void the permit.

- (2) In addition to the foregoing fees as allowed by Wis. Stat. § 145.20(4), each owner of a private sewage system shall annually be charged a fee of Twelve and 50/100 Dollars (\$12.50) per private sewage system for the recordkeeping attributable to the inventory and tracking of the pumping and maintenance of each system, said fee to be recovered in the same manner as municipalities may make property assessments pursuant to Wis. Stat. § 66.0703.

70.23 INSPECTIONS; GENERAL.

- (1) The plumber responsible for the installation shall give the Department notice in accordance with Wis. Admin. Code Ch. SPS 383 for final inspection of all private sewage systems installed, modified, or reconnected.
- (2) Private sewage systems shall be inspected by the Department for compliance with Wis. Admin. Code Chs. SPS 382, SPS 383, and SPS 384, all other appropriate Wisconsin Statutes, Administrative Codes, and this Ordinance.
- (3) The entire system shall be left completely open until it has been inspected and approved unless the Department is unable to meet the inspection timeline set forth in Wis. Admin. Code Ch. SPS 383.
- (4) When a private sewage system is ready for inspection, the plumber in charge shall make arrangements to enable the inspector to inspect all parts of the system. The plumber shall provide the proper apparatus, equipment, and necessary assistance to make a proper inspection.
- (5) The Department shall inspect the interior plumbing to verify all domestic waste discharges to an approved private sewage system.
- (6) Private sewage systems may be inspected periodically, after the initial installation inspection(s) and/or after the system is operative, as deemed necessary by the Department.

70.24 INSPECTIONS; SITE-CONSTRUCTED HOLDING TANKS.

- (1) All site-constructed holding tanks shall be inspected after the floor is poured and the keyway and water stop are installed or after the forms for the tank walls have been set, but in all instances before any concrete for the walls has been poured.
- (2) Concrete walls may be poured only after it has been determined that the tank, as formed, complies with the approved plans.
- (3) A final inspection by the Department is required after all other work has been completed, but prior to backfilling.

70.25 INSPECTIONS; NON-PLUMBING SANITARY SYSTEMS.

- (1) All non-plumbing sanitary systems installed shall be inspected for compliance with Wis. Admin. Code Ch. SPS 391, as amended, and this Ordinance.

- (2) The property owner shall contact the Department for inspection immediately after the non-plumbing sanitary system has been constructed or installed.

70.26 INSPECTIONS; MOUNDS.

- (1) The plumber installing the mound shall contact the Department for inspection the working day prior to or the morning of the installation, excluding Saturdays, Sundays, and holidays.
- (2) Mound systems may be inspected prior to the time the ground surface is plowed, at the time the distribution piping installation has been completed, and after all other work has been completed but prior to backfilling. At least one (1) inspection prior to completion is required.

70.27 INSPECTIONS; AT-GRADE SYSTEMS.

- (1) The plumber installing the at-grade shall contact the Department for inspection the working day prior to or the morning of the installation, excluding Saturdays, Sundays, and holidays.
- (2) At-grade systems may be inspected prior to the time the ground surface is plowed, at the time the distribution piping installation has been completed, and after all work has been completed but prior to backfilling. At least one (1) inspection prior to completion is required.

70.28 INSPECTIONS; SAND FILTERS.

- (1) The plumber installing the sand filter shall contact the Department for inspection the working day prior to or the morning of the installation, excluding Saturdays, Sundays and holidays.
- (2) Sand filters may be inspected at the time the liner or tank and underdrain piping are in place, before placement of aggregate or sand, at the time the distribution piping installation has been completed, and after all other work has been completed but prior to backfilling. At least one (1) inspection prior to completion is required.

70.29 EXPERIMENTAL SYSTEMS AND SYSTEMS NOT RECOGNIZED BY WIS. ADMIN. CODE § SPS 383.60.

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

70.30 TESTING.

- (1) When testing of new systems or new system components is required by Wis. Admin. Code Chs. SPS 382, 383, or 384 or as a condition of plan approval, notice shall be given to the Department at least twenty-four (24) hours in advance of a testing so that the Department may make an inspection during the test.
- (2) The Department shall verify that required testing has been completed, by:
 - (a) Performing an inspection during the test,
 - (b) Requiring written verification from the responsible person, or
 - (c) Both (a) and (b) above.

70.31 MAINTENANCE AND MANAGEMENT.

- (1) All private sewage systems shall be managed and maintained in accordance with Wis. Admin. Code Chs. SPS 383 and 384 and this Ordinance.
- (2) The property owner or the owner's agent shall submit a copy of an appropriate maintenance agreement and/or maintenance servicing contract to the Department prior to sanitary permit issuance for treatment components requiring maintenance at intervals of twelve (12) months or less based upon product approval conditions.
- (3) The property owner or the owner's agent shall submit a new or revised maintenance agreement and/or maintenance servicing contract to the Department whenever there is a change of ownership.
- (4) The property owner or the owner's agent shall submit a new maintenance agreement and/or maintenance servicing contract to the Department prior to expiration of any existing maintenance agreement and/or maintenance servicing contract.
- (5) The owner of a private sewage system is responsible for fulfillment of the requirements of this Section.

70.32 PRIVATE SEWAGE SYSTEM MAINTENANCE PROGRAM.

- (1) Private sewage systems shall be visually inspected within three (3) years of the date of installation and at least once every three (3) years thereafter. If the inspection reveals a combined sludge and scum volume greater than or equal to one-third (1/3) of the volume of each tank, the tanks associated with the private sewage system shall be pumped.
- (2) The inspection, evaluation, or maintenance of private sewage systems that utilize pre-treatment components which require maintenance at intervals of 12 months or less shall be conducted in accordance with the requirements specified by the manufacturer or designer of the component.
- (3) The owner of a private sewage system shall contract with a licensed individual to complete the maintenance of the septic system. Within thirty (30) days of completion of the maintenance, the licensed individual shall file the maintenance report with the Department through the Sheboygan County online reporting system. It shall be the

property owner's responsibility to verify the online report has been filed prior to the deadline established for maintenance of the septic system.

- (4) Visual inspection of private sewage system components may be conducted by any licensed individual to verify the condition of the septic system components, determine if pumping of the tank components is necessary, and whether wastewater or effluent from the private sewage system is discharging on the ground surface.
- (5) Pumping of tanks associated with a private sewage system shall be done by a certified septage servicing operator in accordance with Wis. Admin. Code Ch. NR 113.
- (6) Holding tanks that are not serviced on a regular basis due to minimal water usage in the structure served by the holding tank shall be visually inspected within three (3) years of the date of installation and at least once every three (3) years thereafter. The visual inspection shall be completed by a licensed pumper, or plumber authorized to do so by the Wisconsin Statutes and the Wisconsin Administrative Code. Within thirty (30) calendar days of completing said inspection, the service provider on behalf of the owner of the holding tank shall submit the completed inspection report online.
- (7) Servicing of holding tanks shall occur at least when the wastewater in the tank reaches a level of one foot (1') below the inlet invert of the tank(s).
- (8) Any tank which discharges sewage to the ground surface, including intentional discharges and discharges caused by neglect, shall be considered a failing private sewage system which will need to be remediated to remain in compliance with the requirements of the State Code and this Ordinance. This may include, by Department order, the installation of a water meter with remote reading device to monitor pumping compliance.

70.33 ADMINISTRATION, POWERS, AND DUTIES. The Department shall have the duty and power to enforce the provisions of this Ordinance and all other ordinances, laws, and orders of Sheboygan County and the State of Wisconsin which relate to the construction, installation, operation, and maintenance of private sewage systems. Nothing in this Ordinance, including such powers and duties listed below, shall limit the Department's authority and power to inspect or require an evaluation of a POWTS, including an existing POWTS, at times or for activities not covered under this Ordinance.

In the administration of this Ordinance, the Department shall have the following powers and duties:

- (1) Delegate duties to and supervise clerical staff and other employees to assure full and complete compliance with this Ordinance and related Wisconsin Statutes and the Administrative Code.
- (2) Advise applicants concerning the provisions of this Ordinance and assist them in preparing permit applications.
- (3) Review and approve plans for private sewage systems for one- and two-family residences or as approved through agent status by the State.

- (4) Issue sanitary permits and inspect properties for compliance with this Ordinance and related Wisconsin Statutes and the Administrative Code.
- (5) Keep records of all sanitary permits issued, inspections made, work approved, and other official actions.
- (6) Report violations of this Ordinance to the District Attorney or Corporation Counsel for prosecution.
- (7) Have access to any premises for the purpose of performing official duties between 8 AM and 8 PM or at other times set by mutual agreement between the property owner or his agent and the Department or upon issuance of a special inspection warrant in accordance with Wis. Stat. § 66.0119. Application for a sanitary permit is considered for the purposes of this Ordinance as the owner's consent to enter the premises.
- (8) Upon reasonable cause or question as to proper compliance, revoke or suspend any sanitary permit and issue cease and desist orders per Wis. Stat. § 254.59(2) requiring the cessation of any construction, alteration or use of a building which is in violation of the provisions of this Ordinance, until compliance with this Ordinance or applicable Wisconsin Statutes and the Administrative Code is obtained.
- (9) Issue and enforce orders to plumbers, pumpers, property owners, their agents or contractors or the responsible party, to assure proper compliance with all provisions of this Ordinance.
- (10) Issue citations pursuant to Chapter 90.06 of the Sheboygan County Code of Ordinances.
- (11) Perform other duties regarding private sewage systems as considered appropriate by the County or the State.

70.34 BOARD OF ADJUSTMENT. Any person who alleges that there is an error in any order, requirement, or decision made in the enforcement of this Ordinance may appeal to the Board of Adjustment as provided in Chapter 76 (Board of Adjustment) of this Code. Any appeal shall be made on forms furnished by the Department within thirty (30) days of the date of that administrative action. Any person who wants a variance from the terms of this Ordinance for any provision which is more restrictive than the minimum standards required by the Wisconsin Department of Safety and Professional Services may seek a variance from the Board of Adjustment pursuant to Chapter 76 of this Code. Any requests for variance should be made on forms furnished by the Department within thirty (30) days of the date of the administrative determination from which the person seeks the variance. Other substantiating evidence will be accepted.

70.35 WAIVER OF LIABILITY. This Ordinance shall not create a liability on the part of or a cause of action against the County or any employee thereof for any private sewage system which may not function as designed. There shall be no liability or warranty for the location of septic system components, including but not limited to the setback requirements, soil suitability determination, and site topography, regardless of whether the Department has approved the sanitary permit. The issuance of a sanitary permit and the final inspection of such a system does not warrant the system's function, nor is there a guarantee that the system is free of defects or that all aspects of the system comply to Wisconsin Statute or Administrative Code requirements.

70.36 VIOLATIONS AND PENALTIES. Any violations of the provisions of this Ordinance or any obstruction of an employee of the County in the reasonable and proper discharge of his or her duties, by any person shall be unlawful and may be forwarded to the Corporation Counsel who shall expeditiously prosecute all such violators. A violator shall, upon conviction, forfeit to Sheboygan County a penalty of not less than Twenty Dollars (\$20.00) nor more than Two Thousand Dollars (\$2,000.00) for each offense, together with the cost of prosecution, and in default of the payments of such forfeiture and costs, shall be imprisoned in the County Jail of Sheboygan County until such forfeiture and costs are paid but not to exceed thirty (30) days.

In addition thereto, every violation of the Ordinance is a public nuisance, and the creation thereof or the continuation thereof is subject to injunctive relief for abatement as part of the prosecution of the violation by the Corporation Counsel or by suit of the State or any aggrieved citizen thereof.

In lieu of forwarding the subject violation to the Corporation Counsel for prosecution, the Department may, pursuant to Chapter 90.06 of the Sheboygan County Code of Ordinances, issue a citation to the offender. Issuance of the citation and payment of the required forfeiture does not preclude compliance with the terms and conditions of this Ordinance.

Each day a violation continues to exist shall constitute a separate offense.

Section 2. **Effective Date.** The herein Ordinance shall take effect upon enactment.

Respectfully submitted this 20th day of December, 2016.

**PLANNING, RESOURCES, AGRICULTURE,
AND EXTENSION COMMITTEE***

Keith Abler

Keith Abler, Chairperson

Fran Damp

Fran Damp, Vice-Chairperson

Libby Ogea, Secretary

Steven Bauer

Steven Bauer

James Baumgart

James Baumgart

Opposed to Introduction:

ENACTED 01.17.2017

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