

CHAPTER 15

PRIVATE SEWAGE SYSTEM ORDINANCE

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INTRODUCTION

- 15.01 STATUTORY AUTHORITY.** This ordinance is adopted pursuant to the authorization in ss. 59.70(1), 59.70(5), 145.04, 145.19, .20, .245 Wisconsin Statutes.
- 15.02 PURPOSE.** This ordinance is adopted to promote and protect public health and safety by assuring the proper siting, design, installation, inspection and management of private sewage systems and non-plumbing sanitation systems.
- 15.03 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 The existing sanitary provisions for the County shall be repealed effective on the date of the enactment of this ordinance.
- 15.04 SEVERABILITY AND LIABILITY.** Should a court of competent jurisdiction adjudge any section, clause, provision or portion of this ordinance unconstitutional or invalid, the remainder of this ordinance shall not be affected thereby.

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 any site, which is approved or denied. The issuance of a sanitary permit and the final inspection of such a system does not warrant the system's function, nor is there a guarantee that the system is free of defects or that all aspects of the system comply to Wisconsin Statute or Administrative Code requirements.

- 15.05 INTERPRETATIONS.** The provisions of this ordinance shall be held to be minimum requirements and shall be liberally construed in favor of the County and shall not be deemed a limitation or repeal of any other power granted by the Wisconsin Statutes and related administrative codes.
- 15.06 DEFINITIONS.** The following terms shall have the meanings indicated in this section.

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 or dosed distribution of effluent.
County. The County Authority; the Juneau County Zoning Department.

County Sanitary Permit. A permit issued by the County for the reconnection, repair, etc, of a private sewage system or for the installation of a non-plumbing sanitation system, pursuant to s59.70 and s145.04, Wisconsin Statutes.

Failing Private Sewage System. Failing private sewage system has the meaning specified under s145.245(4), Wisconsin Statutes. A holding tank, vault privy, or portable restroom which discharges sewage to the ground surface including intentional discharges and discharges caused by neglect, shall be considered a failing private sewage system.

Habitable Structure. A structure occupied as a dwelling or sleeping place, whether intermittently or as a principal residence.

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

- a. In public buildings, facilities or places of employment, when there is a proposed change in use or in occupancy of the structure; or the proposed modification affects either the type or number of plumbing appliances, fixtures or devices discharging to the system; and
- b. In dwellings, when there is an increase or decrease in the number of bedrooms, or occupancy, number of users or an increase in total square footage of enclosed living space of more than 25%.

Non-plumbing Sanitation Systems. Sanitation systems and devices within the scope of SPS 91, Wisconsin Administrative Code, which are alternatives to water carried waste plumbing fixtures and drain systems; including, but not limited to incinerating toilets, composting toilets and privies.

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

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

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

Private Sewage System. Also referred to as a Private On-Site Wastewater Treatment System or POWTS, has the meaning given under ss. 145.01(12), Wisconsin Statutes.

Privy. An enclosed non-portable toilet into which nonwater-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.

Rebuilt. The construction, which takes place after a structure is demolished or damaged to the extent of fifty percent (50%) of its current equalized, assessed value.

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 SPSerce.

State Sanitary Permit. A permit issued by the County for the installation or modification of a private sewage system, pursuant to s145.135 and s145.19, Wisconsin Statutes.

Structure. Anything constructed or erected, the use of which requires a location in or on the premises, or any other attachment to something having a permanent location on the ground, which includes, but is not limited to, objects such as buildings, factories, sheds and cabins, mobile homes, gas or liquid storage tanks, bridges, culverts, decks, satellite dishes or swimming pools. Also included are items of personal property that may have been designed as transportable or as a vehicle, but stand in a seasonal or permanent location for storage or intermittent human habitation. Such incidental structures may include (but are not limited to) truck campers, travel trailers, park or model units, buses, and motor homes.

GENERAL REQUIREMENT

15.07 **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, inspected, and approved before the structure may be occupied.

15.08 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: ss59.70(5), Chs. 144, s146.20, 254.59 281.48 and 968.10, Wisconsin Statutes; Chs. SPS 52.63, SPS 81, SPS 82, SPS 383, SPS 84, SPS 85, SPS 91, NR 113 and NR 116 Wisconsin Administrative Code. These rules, regulations, and laws shall apply until amended or renumbered and then shall apply as amended or renumbered.

15.09 APPLICABILITY. The requirements of this ordinance shall apply to all geographic areas of the County not served by a public sewer approved by the Department of Natural Resources.

15.10 **LIMITATIONS.**

- (1) All domestic wastewater shall enter a private sewage system unless otherwise exempted by the State or this ordinance.
- (2) Any private sewage system, or portion(s) thereof, installed within a floodplain shall comply with all applicable requirements of NR 116, Wisconsin Administrative Code, and the Juneau County Zoning Ordinances.
- (3) 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.

- (4) Building sewers for new construction shall exit the building such that a minimum of 18 inches of soil cover above the sewer can be provided without placing soil within 8 inches of building materials not approved for ground contact. (Note: if untreated lumber is used for framing and sheeting, the top of the building sewer must exit at least 26 inches below the top of the foundation.)
- (5) 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 and is not used as a full time residence. 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.
 - (a) Non-Plumbing Sanitation Systems include only those specified in Ch. SPS 91, Wisconsin Administrative Code serving structures or buildings intended for human habitation.
 - (b) A County sanitary permit is required for the installation of a non-plumbing sanitation system.
 - (c) Sites using a non-plumbing sanitation system to serve a structure or building intended for human habitation with a plumbing and water supply system shall be required to install a POWTS permitted under Ch. SPS 383 Wisconsin Administrative Code to treat and disperse or hold other household wastewater produced in the building.

15.11 HOLDING TANKS.

- (1) Installation of a holding tank is prohibited if any other type of private sewage system permitted by SPS 383, Wisconsin Administrative Code, may be utilized. Any other type of private sewage system shall be construed to mean, Conventional, In-Ground Pressure, At-Grade, or Mound System.
- (2) A sanitary permit for the installation of a holding tank, or which designates a holding tank as a replacement system, shall not be issued unless a Soil and Site Evaluation determines that the property is unsuitable for any other type of system permitted by SPS 383, Wisconsin Administrative Code, except as provided in (a) or (b) below.
 - (a) A temporary holding tank may be installed if a public sewer, approved by the Department of Natural Resources, will be installed to serve the property within 2 years of the date of the sanitary permit issuance. In addition to items required in s15.15, an application for a sanitary permit to install a temporary holding tank shall include written statements from:
 - 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 2 years of the date of sanitary permit issuance, the holding tank must be replaced with another type of system recognized by SPS 383, Wisconsin Administrative Code.

(b) A holding tank may be installed to serve a use with a design wastewater flow of less than 150 gallons per day. In addition to items required in s15.15, 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 written statement from:

1) The property owner, agreeing to install another type of system approved under SPS 383, if any change of occupancy or use occurs which results in a Design Wastewater Flow which equals or exceeds 150 gallons per day.

(3) Travel trailers, park unit models, campers, RV's, etc. that are located on property outside of a municipal sanitary district must meet the requirements of this section for proper sanitary waste disposal.

(a) Utilize the units holding containment tanks that are manufactured for the individual unit.

(b) Separate holding/transfer tanks manufactured specifically for travel trailer/camping units that are 300 gallons or less in capacity are allowed by County Sanitary Permit. These tanks must remain above the ground surface.

1) Tank must be serviced by a licensed septic pumper and contents disposed compliantly.

15.12 PRIVY INSTALLATION. Privies shall be sited, designed, installed and abandoned according to Ch SPS 391 Wisconsin Administrative Code and this Chapter.

(1) Prior to installation of a privy a County Privy Permit shall be obtained.

(2) Privy installations will not be approved for structures with plumbing and water systems unless provision is made for installation of a POWTS to accommodate other wastewater produced from habitation of the building.

(3) The use of a privy shall be documented by an Affidavit for Use of a Non-Plumbing Sanitation System which states that the structure served does not have a plumbing or water supply system and if this condition changes that a POWTS permitted according to Chapter SPS 383 Wisconsin Administrative Code will be installed.

(4) Privy buildings shall be constructed to be vermin proof and maintained in a sanitary manner to prevent the spread of contaminated materials.

(5) Submittal of a Privy Installation Application shall be accompanied by the following.

(a) Permit Application

(b) Plot plan showing location of privy in relation to buildings, water supply, surface water and other applicable setbacks.

(c) Specifications for vault tank to be used, if applicable.

- (d) Specifications for building to be placed over vault tank or pit.
- (e) Maintenance plan for maintaining sanitary conditions of vault tank and building.
- (f) Affidavit for Use of Non-Plumbing Sanitation System.

(6) Setback requirements for privies shall meet the following:

- (a) 75 feet from the ordinary high water mark of a spring, stream, lake, pond or other water body.
- (b) 50 feet from a well, 25 feet if using a sealed vault.
- (c) 10 feet from a habitable building or property line.
- (d) Shall not be located in a floodplain (unless a portable unit that can be removed).
- (e) 5 feet from uninhabited slab constructed building
- (f) 10 feet from a public road right-of-way.
- (g) Any other applicable setbacks.

15.13 ABANDONMENT OF PRIVATE SEWAGE SYSTEMS.

- (1) When public sewers approved by the Department of Natural Resources becomes available to the structure or premises served, the private sewage system shall be disconnected within one year and a connection made to the public sewer. Determination of whether sewer is available shall be made by the local sewer service entity. Abandonment of the disconnected private sewage system shall be done in accordance with the provisions of SPS 383, Wisconsin Administrative Code.
- (2) 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 installing the system. The abandonment shall comply with SPS 383, Wisconsin Administrative Code.

PERMITS AND APPLICATIONS

15.14 SOIL AND SITE EVALUATION.

- (1) Soil and site evaluations shall be done prior to the issuance of permits as specified in SPS 383, SPS 385 and SPS 391, Wisconsin Administrative Code.
- (2) Soil test pits may be verified by the County. Soil test pits shall be constructed which allow adequate visual observation of the soil profile in place.
- (3) This is best accomplished by the excavation of backhoe pits. The County will not enter pits if in their determination they are unsafe.

- (4) County verification of a Soil and Site 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 Zoning Administrator and will be made prior to the issuance of the sanitary permit. This verification will result in one of the following:
 - (a) Issuance of the permit, provided all information on the application is correct and complete
 - (b) Establishment of a file indicating site suitability.
 - (c) Holding the application pending clarification of information or new information by the owner, the plumber, or the certified soil tester.
 - (d) Denial of the permit if the site does not meet all the provisions of this ordinance and appropriate Wisconsin Statutes and Administrative Codes
- (5) A certified soil tester may request County verification of a Soil and Site Evaluation Report before a complete sanitary permit application is submitted. Application for this verification shall include all information required in s15.14 (1) (a-e), a complete preliminary soil profile description report or the original copy of the Soil and Site Evaluation Report and as many copies as are required by the County

15.15 SANITARY PERMITS.

- (1) Every private sewage system shall require a separate complete application signed by a licensed plumber and a 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 that requires a private sewage system or non-plumbing sanitation system. Any property owner, his agent or contractor, who starts construction prior to obtaining a sanitary permit is in violation and shall be assessed permit fees twice the amount stated in s15.23 and may also be subject to citation or other enforcement action.
- (3) A sanitary permit shall be obtained by the property owner, his agent or contractor, in the name of the property owner, before any private sewage system or part thereof 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 shall be assessed permit fees twice the amount stated in s15.23 and may also be subject to citation or other enforcement action. A sanitary permit is not required for the addition of manhole risers or for the replacement of manhole covers, manhole risers, baffles, filters or pumps.
- (4) A County Sanitary Permit shall be obtained prior to constructing or installing a non-plumbing sanitation system.

- (5) If any part of a private sewage system has failed or requires replacement 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.
- (6) If any part of the system is found to be defective or not in compliance with the applicable provisions of this ordinance, the sanitary permit application shall include specifications for the repair, renovation, replacement or removal of that part.

15.16 APPLICATION REQUIREMENTS.

- (1) A sanitary permit application shall include the following information, which shall be furnished by the applicant on forms required by the State and/or the County along with all applicable fees:
 - (a) Names and addresses of the applicant (owner of the site) and the properly licensed plumber employed (when applicable).
 - (b) Legal description of the subject site and the parcel identification or parcel number.
 - (c) All lot dimensions.
 - (d) Driving directions to the site, or provide the unique building identification number.
 - (e) Building use (single family, duplex, etc.).
 - (f) Soil and Site Evaluation report.
 - (g) System plans (see s15.15).
 - (h) Appropriate agreements and contracts for system management and maintenance.
 - (i) Visual verification that any existing private sewage systems on the same parcel of land are not failing private sewage systems.
 - (j) Copies of any documents required in s15.14(4) and verification that they have been recorded.
 - (k) Any other information required by the County, including verification of compliance with s15.37(1) of this ordinance.
- (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 SPS 383, 385 & 391 Wisconsin Administrative Code.
- (4) The following documents must be recorded with the Juneau County Register of Deeds prior to sanitary permit issuance:

- (a) Maintenance agreements or contracts, if recording is required by SPS 383, Wisconsin Administrative Code, or s15.35 of this ordinance.
 - (b) If a private sewage system, or parts thereof, are located on a different parcel than the structure served, an appropriate easement or combined parcel affidavit must be recorded.
 - (c) If a private 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 must be recorded.
 - (d) If a private sewage system is owned by a party other than the owner of the parcel on which it is installed, a document identifying the owner of the system, the structures to be served by the system, and the party responsible for operation and maintenance must be recorded.
 - (e) If 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 County reserves the right to require Floodplain and/or Wetland delineation for a building site or proposed private sewage system area prior to sanitary permit issuance. The County may require elevations on plans to be tied to floodplain elevation datum. Elevations may need to be established by a surveyor or engineer.
- (6) The County reserves the right to refuse incomplete or incorrect permit applications or to delay permit issuance until corrected or completed applications are received.

15.16 PLANS.

- (1) System plans shall be submitted for approval to the County or to the State in accordance with SPS383, Wisconsin Administrative Code. Plans shall comply with the requirements of SPS 383, Wisconsin Administrative Code, and this ordinance.
- (a) Plans submitted to the County shall include the original and as many copies as are required by the County.
 - (b) If plans are reviewed and approved by the State, at least one set of the plans submitted to the County shall bear an original State approval stamp or seal.
 - (c) Plans submitted shall be clear, legible and permanent copies.
 - (d) Plans submitted shall comply with SPS 383, Wisconsin Administrative Code, and include the following:
 - 1) The name of the property owner and the legal description of the site;
 - 2) Calculations of estimated daily wastewater flow and design wastewater flow.

- 3) Type of component to be installed or description of modification to be made and component manual used for design of the component.
 - 4) 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 and Site evaluation Report.
 - 5) Adjoining properties shall be checked to ensure that the horizontal setback parameters in SPS 383.43, Wisconsin Administrative Code, are complied with. All separating distances and dimensions shall be clearly shown on the plot plan.
 - 6) Details and configuration layouts depicting how the system is to be constructed.
 - 7) A description of a contingency plan in the event the proposed private sewage system fails and cannot be repaired. (see s15.10(3)); or an alternate area may be provided.
 - 8) 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 and SPS. 383 Wisconsin Administrative Code.
- (e) Plans shall be signed or sealed as specified in SPS 383, Wisconsin Administrative Code.
 - (f) A copy of the approved plans shall be maintained at the construction site until the private sewage system installation is completed, inspected and accepted. The plans shall be made available to the County or the State upon request.
 - (g) A modification to the design of a private sewage system which has been previously approved shall be submitted to the County or the State as specified in SPS 383, Wisconsin Administrative Code. Plan revisions must be approved prior to system installation. A fee may be charged when submitting revised plans, see s15.23.

15.18 PERMIT CARDS

- (1) The permit card issued by the County to the property owner or his agent shall serve as the sanitary permit.
- (2) The permit card shall contain all the information required by ss. 145.135, Wis. Statutes.
- (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 County.

- (5) Failure to display the permit card shall be considered a violation of this section and may subject the property owner, his agent or contractor, to citation or other enforcement action.

15.19 PERMIT EXPIRATION.

- (1) A sanitary permit for a private sewage system or non-plumbing sanitation system, which has not been installed, modified or reconnected and approved, shall expire two years after the date of issuance. Permits may be renewed following written application to the County by the property owner, his agent or contractor, prior to the expiration date of the original permit.
- (2) There shall be a fee for the renewal of a sanitary permit. (see s.15.25).
- (3) The renewal shall be based on ordinance requirements in force at the time of renewal.
- (4) Changed ordinance requirements may impede the renewal.
- (6) All sanitary permits issued prior to the effective date of this ordinance shall expire two years from the date of issuance unless renewed.
- (7) A new sanitary permit shall be obtained by the owner or his agent prior to beginning construction if a sanitary permit has expired.

15.20 TRANSFER OF OWNERSHIP.

- (1) Transfer of ownership of a property for which a valid sanitary permit exists shall be subject to the following:
 - (a) The applicable State transfer form submitted to the County.
 - (b) Transfer of ownership shall not affect the expiration date or renewal requirements.
 - (c) There shall be a transfer fee. (See s15.25).

15.21 CHANGE OF PLUMBERS.

- (1) When an owner wishes to change plumbers, it will be necessary to furnish the County with the applicable transfer form signed by the new plumber.
- (2) The transfer of sanitary permits shall take place prior to the installation of the private sewage system.
- (2) Sanitary permits for systems requiring State plan approval shall not be transferred to a different plumber unless the plan bears the stamp of an architect or engineer, plumbing designer, or a State level approval is obtained by the new plumber.
- (4) There may be a transfer fee. (see s15.25)

15.22 PERMIT DENIAL.

- (1) When applicable provisions of Wisconsin Statutes, Wisconsin Administrative Code or this Ordinance have not been complied with when applying for a sanitary permit, the permit shall be denied. Reasons for the denial shall be forwarded to the plumber, landowner and when appropriate State representative(s) and County Corporation Counsel.

15.23 RECONNECTION PERMITS.

- (1) Pursuant to s66.036 Wisconsin Statutes, a County reconnection permit shall be obtained prior to the county, town, village or city issuing a building permit for any of the following:
 - (a) Construction of a structure or building to be connected to an existing POWTS including mobile homes, manufactured homes and recreational vehicles intended for human occupancy.
 - (b) Disconnection of a structure or building from an existing POWTS and connection of another structure or building to the POWTS.
 - (c) Reconstruction or rebuilding of a structure or building that is connected to an existing POWTS.
 - 1) Reconstruction-means construction that takes place after a structure is demolished or damaged to the extent of fifty percent (50%) of the current equalized assessed value.
 - (d) Construction of an addition or alteration to an existing structure, which may modify the design wastewater flow or contaminant load, or both, to an existing POWTS.
 - 1) Modification of wastewater flow or contaminant load occurs when:
 - a) Dwellings-when there is an increase or decrease in the number of bedrooms or from construction of any addition or remodeling which exceeds 25% of the total gross area of the existing dwelling unit. Increased wastewater load in dwellings does not result from construction of decks, patios, garages, porches, reroofing, painting, wiring, residing, window replacements or replacement of equipment or appliances.
 - b) Commercial Facilities, Public Buildings and Places of Employment When there is a proposed change in occupancy or use; or proposed modification effects the type or number of plumbing appliances, fixture, or devices discharging to the POWTS.
- (2) Prior to issuance of a reconnection permit the existing POWTS shall be evaluated for the following:
 - (a) Determine if it is functioning properly and is not a failing system.
 - (b) Determine if it will have adequate capability and capacity to accommodate the proposed wastewater flow and contaminant load from the building to be served.

- (c) Determine that minimum setback requirements of Ch. SPS 383 Wisconsin Administrative Code will be maintained.
- (3) Application for a County Reconnection permit shall include the following information:
- (a) Application form prescribed by State or County depending on type of permit required) to include:
 - 1) Name, address and telephone number of applicant and plumber (when required)
 - 2) Legal description of the property and the parcel identification number.
 - 3) Address of property (emergency/address number and road name).
 - 4) Building use and occupancy, number of bedrooms or sizing information based on use or occupancy and design flow calculations.
 - (b) For POWTS utilizing in-situ soil for treatment or dispersal, a Soil and Site Evaluation Report verifying that the vertical separation distance between the infiltrative surface of existing treatment or dispersal component and estimated high groundwater and/or bedrock is at least 36 inches unless a valid report meeting these criteria was completed, accepted and is determined to be accurate and is on file with the County dated after July 1, 1980.
 - (c) A written report prepared by a Master Plumber, Master Plumber Restricted Service, POWTS Inspector, POWTS Maintainer or Septage Servicing Operator relative to the condition, capacities, baffles and manhole covers for existing treatment or holding tanks.
 - (d) A written report prepared by a Master Plumber, Master Plumber Restricted Service, or POWTS Inspector or POWTS Maintainer relative to the condition and capacities of all other system components and verification that the system is not failing.
 - (e) A plot plan prepared by a Master Plumber, Master Plumber Restricted Service, POWTS Inspector or Certified Soil Tester delineating the location of all existing or proposed POWTS components, buildings, property lines, wells, water mains and water service, building and interceptor sewer, swimming pools and surface water. Adjoining properties shall also be checked for critical features.
 - 1) Plot plan shall be drawn to scale or dimensioned on paper no smaller than 8 ½ inches by 11 inches.
 - (f) Copies of any existing records used to support claims made in reports.
 - (g) All reports and plot plans shall be signed and include credential number or seal by the person that prepared the report.
 - (h) Complete plans as specified in s15.15 for any POWTS components, which will be modified or replaced.
 - (i) Reconnection to an existing holding tank may require a new Holding Tank Agreement that meets the requirements of this Chapter & SPS 383 Wisconsin Administration Code.

- (j) Reconnection to an existing POWTS other than a holding tank may require an updated maintenance plan, agreement or contract.
- (4) The capability and capacity of an existing POWTS shall be determined by the following:
- (a) An existing POWTS installed prior to July 1, 2000 shall conform to the siting, design, construction, and maintenance requirements in effect on the date of installation or the date the sanitary permit was issued if the date of installation is not available.
- (5) Construction of additions to or modifications of an existing structure, and reconnection of a structure to an existing POWTS that are determined to be increases, (or decreases) in wastewater flow and/or contaminant loads beyond SPS 383 system sizing (number of bedrooms) may be allowed without constructing a new or modifying an existing POWTS only when permitted by chs.SPS 383 and SPS 384 Wisconsin Administrative Codes. An alternative method of calculating wastewater flow and/or contaminant loads may be used. The owner(s) of the property in addition to the requirement of this section shall:
- (a) Provide documentation of alternative methods of calculating wastewater flow and/contaminant loads.
 - 1) Based on occupancy, number of users per bedroom, or
 - 2) Based on water meter flow data, or
 - 3) Based on influent wastewater analytical data if contaminant loads are affected, or
 - 4) Based on comparable data on flows and loads from the similar uses.
 - (b) A deed restriction shall be recorded with the Register of Deeds Office and filed with the Zoning Department limiting the number of persons allowed to occupy a structure serviced by an existing POWTS when alternative methods of calculating wastewater flow and/or contaminant loads are used.
- (6) Existing POWTS components that cannot meet capability or capacity standards are not code compliant or are failing shall be replaced or modified so that they do meet the capability and capacity standards.
- (7) Existing POWTS treatment or dispersal components that do not meet minimum requirements for separation of infiltrative surface to high groundwater may submit documentation pursuant to s. SPS 385.60 Wisconsin Administrative Code, Soil Saturation Determinations.
- (8) Construction not affecting wastewater load shall submit documentation that all setback requirements of Ch. SPS 383 Wisconsin Administrative Code and this Chapter is maintained.

(9) Permits

- (a) A County Reconnection permit shall be issued when requirements of this Chapter have been accomplished to provide documentation required by ss.66.036 Stats, for connection to an existing POWTS.
- (b) A State sanitary permit shall be issued for the installation of a new or replacement POWTS or modification of an existing POWTS.

15.24 EMERGENCY TANK REPLACEMENT.

- (1) When a treatment tank becomes non-compliant to the extent that it creates a safety hazard or health concern an emergency situation may exist. Under these circumstances a new treatment tank may be installed without prior evaluation of the existing POWTS if the following conditions are met:
 - (a) The County determines that an emergency exists.
 - (b) An Emergency Tank Replacement Agreement is completed and signed by the property owner and submitted with a sanitary permit application. A fee may be required.
 - (c) A sanitary permit is issued for replacement of the treatment tank only. The replacement tank shall not be connected to the existing drainfield unless a complete evaluation determines that it is in compliance with this Chapter, SPS. 383 & 385 Wisconsin Administrative Code.
 - (d) A system evaluation, including soil evaluation, is completed as soon as conditions permit to determine compliance of the remaining system components according to SPS. 383 and this Chapter.
 - (e) If the remaining system is not compliant or is failing, a replacement system will be installed as soon as possible.

15.25 PERMIT FEES.

- (1) Permit inspection and administrative fees shall be set and amended from time to time by the Zoning Committee. Fee schedules are available at the County Zoning & Sanitation Department Office.

15.26 INSPECTION; GENERAL.

- (1) Notice for inspection shall be given to the Zoning Department for all POWTS installed, modified, or reconnected, the working day prior to the inspection, excluding Saturdays, Sundays and holidays.
- (2) These POWTS shall be inspected by the Zoning Department for compliance with chs. SPS 382, SPS 383, SPS 384, and SPS 391, Wisconsin Administrative Code, and other appropriate Wisconsin Statutes and Administrative Codes and this ordinance.
- (3) Notification for inspection shall be given in accordance with the requirements of SPS 383, Wisconsin Administrative Code.

- (4) The entire system shall be left completely open until it has been inspected and accepted unless the requirements of SPS 383.26(2), Wisconsin Administrative Code, and this ordinance are not met by the Zoning Department.
- (5) If requirements of SPS 383.26(2), Wisconsin Administrative Code and this Ordinance are not met by the Zoning Department the plumber in charge shall record on forms provided by the Zoning Department all requested elevation data, distance measurements and site information for the installation of the approved POWTS design.
 - (a) Elevation data and site information forms must be submitted to the Zoning Department within (10) days of the date of installation.
- (6) When a POWTS is ready for inspection, the plumber in charge shall make arrangements to enable the inspector to inspect all parts of the system. The plumber shall provide the proper apparatus, equipment and necessary assistance to make a proper inspection.
- (7) A POWTS may be inspected periodically, after the initial installation inspection(s) and after the system is operative, as deemed necessary by the Zoning Department.

15.27 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) This inspection shall not eliminate the need for an inspection after the installation has been completed.

15.28 INSPECTIONS; NON-PLUMBING SANITARY SYSTEMS.

- (1) All non-plumbing sanitary systems installed shall be inspected for compliance with SPS 391, Wisconsin Administrative Code, or as amended, and this ordinance. Non-plumbing sanitary systems serving uses other than one and two family dwellings shall also be inspected for compliance with SPS 52.63, Wisconsin Administrative Code.
- (2) The property owner shall notify the County for inspection immediately after the non-plumbing sanitary system has been constructed or installed.

15.29 INSPECTIONS; MOUNDS.

- (1) The plumber installing the mound shall notify the County the working day prior to the installation, excluding Saturdays, Sundays and holidays.
- (2) Mound systems may be inspected at the time the ground surface is plowed, before aggregate is placed in the distribution cell, at the time the distribution piping installation has been completed and after all work has been completed. At least one inspection prior to backfilling of the distribution cell is required. Other inspections may take place at the discretion of the County.

15.30 INSPECTIONS; AT-GRADE SYSTEMS.

- (1) The plumber installing the at-grade shall notify the County the working day prior to the installation, excluding Saturdays, Sundays and holidays.
- (2) At-Grade systems may be inspected at the time the ground surface is plowed, at the time the distribution piping installation has been completed and after all work has been completed. At least one inspection prior to back filling of the distribution cell is required. Other inspections may take place at the discretion of the County.

15.31 INSPECTIONS; SAND FILTERS.

- (1) The plumber installing the sand filter shall notify the County the working day prior to the installation, excluding Saturdays, Sundays and holidays.
- (2) Sand filters shall be inspected at the time the liner or tank and underdrain are in place, before placement of any treatment media, at the time the distribution piping installation has been completed and after all work has been completed.

15.32 EXPERIMENTAL SYSTEMS AND SYSTEMS NOT RECOGNIZED BY SPS 383.61.

- (1) The plumber installing the system shall coordinate any required pre-construction meeting(s).
- (2) The plumber installing the system shall notify the County 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 County to assure compliance with appropriate codes and the plan approval.

15.33 RE-INSPECTION.

- (1) A re-inspection fee may be assessed when a re-inspection of a private sewage system is required because the initial inspection disclosed that the installation was incomplete at the scheduled inspection time or did not comply with applicable Wisconsin Statutes, Administrative Codes, the approved plans or this ordinance. Each additional re-inspection required at the site will require a fee.
- (2) The re-inspection fee shall be due within ten working days of written notification by the County. Failure to pay this fee within that period shall constitute a violation of this ordinance.

15.34 TESTING.

- (1) When testing of new systems or new system components is required by SPS 382, 383 or 384, Wisconsin Administrative Code, or as a condition of plan approval, notice shall be given to the County as specified in s15.24(3),
- (2) The County shall verify that required testing has been completed, by:

- (a) Performing an inspection during the test,
- (b) Requiring written verification from the responsible person, or
- (c) Both a and b.

SYSTEM MANAGEMENT AND MAINTENANCE

15.35 MANAGEMENT AND MAINTENANCE.

- (1) All private sewage systems shall be managed and maintained in accordance with SPS 383 and 384, Wisconsin Administrative Code, this ordinance and any management and maintenance plan which is included as part of the approval or permit.
- (2) The property owner shall report to the County each inspection, maintenance or servicing event, in accordance with SPS 383, Wisconsin Administrative Code, and this ordinance.
- (3) The property owner shall submit a copy of an appropriate maintenance agreement and/or servicing contract to the County prior to sanitary permit issuance.
- (4) The property owner shall submit a new or revised maintenance agreement and/or servicing contract to the County whenever there is a change to such document(s).
- (5) The property owner shall submit a new maintenance agreement and/or servicing contract to the County prior to expiration of any existing maintenance agreement and/or servicing contract.

15.36 SEPTIC TANK MAINTENANCE PROGRAM.

- (1) All septic tanks permitted and installed on or after September 16, 1980 shall be visually inspected and/or 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 1/3 of the volume occupied by sludge and scum.
- (2) Pumping of a septic tank shall be done by a certified septage-servicing operator in accordance with NR 113, Wisconsin Administrative Code.
- (3) Visual inspection of a private sewage system may be conducted by a plumber, a person licensed under s 281.48, Wisconsin Statutes, a POWTS Inspector, POWTS Maintainer, 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.
- (4) The owner of such septic tank 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 10 days of the date of inspection and pumping. Report shall include all information required in SPS 383.55, Wisconsin Administrative Code, and be signed by the person(s) inspecting and pumping the private sewage system. Other maintenance or management reports required by SPS 383 or 84, Wisconsin Administrative Code, should be included with this report.

15.37 HOLDING TANK MAINTENANCE AGREEMENT AND SERVICING CONTRACT.

- (1) 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, the heirs of the owner and assignees of the owner. The Maintenance Agreement shall be filed with the register of deeds and shall be recorded in a manner that will permit the existence of the agreement to be determined by reference to the property where the holding tank is installed.
- (2) The owner or agent shall submit a copy of the holding tank Maintenance Agreement and a Servicing Contract signed by a pumper when plans are submitted to the County for review.

ADMINISTRATION AND ENFORCEMENT

15.38 ADMINISTRATION.

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

15.39 POWERS AND DUTIES.

- (1) In the administration of this ordinance, the Zoning Administrator shall have the following powers and duties.
 - (a) 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.
 - (b) Advise applicants concerning the provisions of this ordinance and assist them in preparing permit applications.
 - (c) Review and approve plans for private sewage systems for one and two family residences or as approved through agent status by the State.
 - (d) Issue sanitary permits and inspect properties for compliance with this ordinance and related Wisconsin Statutes and the Administrative Codes.
 - (e) Keep records of all sanitary permits issued, inspections made, work approved, and other official actions.
 - (f) Issue citations for violations in accordance with chapter 5 Juneau County Code.

- (g) Report violations of this ordinance to the Corporation Counsel.
- (h) Have access to any premises for the purpose of performing official duties between 8 a.m. and 8 p.m. or at other times set by mutual agreement between the property owner or his agent and the Zoning Administrator or upon issuance of a special inspection warrant in accordance with ss. 66.122, Wisconsin Statutes. Application for a sanitary permit is considered for the purposes of this ordinance as the owner's consent to enter the premises.
- (i) Upon reasonable cause or questions as to proper compliance, revoke or suspend a sanitary permit and issue cease and desist orders requiring the cessation of any construction, alteration or use of a building which is in violation of the provisions of this ordinance, until compliance with this ordinance or applicable Wisconsin Statutes and the Administrative Code is obtained.
- (j) Issue and enforce orders to plumbers, pumpers, property owners, their agents or contractors or the responsible party, to assure proper compliance with all provisions of this ordinance or delegate this authority to the County Health Department.
- (k) Apply for and distribute grants obtained through the Wisconsin Fund Grant Program.
- (l) Withhold permit(s) or approval(s) pursuant to this ordinance where the applicant, owner or licensed contractor is in violation of this or any ordinance administered by the County and for any parcel(s) of land which have an outstanding violation until the violation(s) have been corrected. A request for waiver of these provisions may be made, to grant or deny a permit or approval on the merits of the application, to the Corporation Counsel and the Zoning SPSittee.
- (m) Perform other duties regarding POWTS as considered appropriate by the County or the State.

15.40 APPEALS TO THE BOARD.

- (1) All hearings held hereunder shall be before the Juneau County Zoning Committee hereafter referred to as the Board.
- (2) The Zoning Administrator may not be the Secretary of the Board
- (3) Any member of said Board who has any direct or indirect interest; personal or financial interest in any matter hereunder before the Board shall not vote herein or participate in the deliberation of such matter.
- (4) Nothing herein shall be construed to give or grant to the Board, the power or authority to alter the provisions of the subject Private Sewage Disposal System Ordinance.
- (5) The chairperson of the Board shall preside over and direct the conduct of all hearings held hereunder. The Chairperson may administer oaths to the witnesses. In the absence of the

Chairperson, the Board members shall appoint a Chair. The Chairperson or other presiding officer, shall decide all points of procedure or order, unless otherwise directed by a majority of Board members in attendance on motion duly made and approved.

- (6) All hearings shall be open to the public and held in accordance with the Open Meetings Law, except the Board may call a closed session at the conclusion of any public hearing for the purpose of discussing the evidence placed before it in the open portion of such hearings.
- (7) Robert's Rules of Order shall govern actions of the Board and conduct of the public hearings held hereunder if not covered by rules and regulations of this ordinance.
- (8) The Chairperson may require those wishing to speak on the matters being considered at the public hearing to state their names and interests in the matter before the Board. Testimony may be taken under oath.
- (9) Unless the subject ordinance provides otherwise, the Board shall not consider any information provided to the Board outside of the hearing held hereunder.
- (10) The applicant or agent shall attend the public hearing held under this ordinance. If the applicant or agent fails to so attend no action will be taken.

(a) Powers and Duties: The Board shall:

- 1) Appeals – Hear and decide appeals where it is alleged there is an error in any order, requirement, decision or determination made by an administrative official in the enforcement or administration of this ordinance.
- 2) Consider and approve or deny requests for a waiver to ss. 15.11 of this ordinance. Approval of such requests shall be based upon conditions or circumstances unique to the parcel of land, use or structure served, and shall not be contrary to this ordinance, or the public interest. In granting such a waiver, the Zoning Committee may require recording of affidavits, the identification and preservation of a replacement system area or other condition as deemed necessary.

(b) Appeals to the Board

- 1) Appeals to the board may be taken by any person aggrieved or by any officer, department, board or bureau of the municipality affected by any decision of the Zoning Administrator or other administrative officer. Any appeal shall be made on forms furnished by the Zoning Department within 30 days of the date of the administrative action, and as provided by the rules of the board, by filing with the official whose decision is in question, and with the board, a notice of appeal specifying the reasons for the appeal. The official whose decision is in question shall transmit to the board all the papers constituting the record concerning the matter appealed.

(c) Notice and Hearing for Appeals Including Waivers

- 1) Notice – The board shall:
 - a) Fix a reasonable time for the hearing;
 - b) Publish adequate Class 2 notice pursuant to Wisconsin Statutes, specifying the date, time, place and subject of the hearing.
 - c) Assure that notice shall be mailed to the parties in interest including mailing notice to the Department of Safety and Professional Services at least 10 days in advance of the hearing.
- 2) Hearing—Any party may appear in person or by agent or attorney. The board shall:
 - a) Decide appeals of permit denials according to the regulations of this ordinance and SPS. 381 – 385, SPS. 387 or 391, Wisconsin Administrative Code.
- 3) Decision: The final decision regarding the appeal o waiver application shall:
 - a) Be made within a reasonable time;
 - b) Be a written determination signed by the chairman or secretary of the board;
 - c) State the specific facts which are the basis for the board’s decision;
 - d) Either affirm, reverse, vary or modify the order requirement, decision or determination appealed, in whole or in part, dismiss the appeal for lack of jurisdiction or grant or deny the application for a waiver.
 - e) Include the reasons or justifications for granting an appeal, with a description of the hardship or practical difficulty demonstrated by the applicant in the case of a waiver, clearly stated in the recorded minutes of the board proceedings.
- 3) Violations and Penalties.
 - a) Any person who fails to comply with the provisions of this ordinance, or any order of the Department issued in accordance with this ordinance, or resists enforcement, shall be subject to a penalty, of not less than \$25 nor more that \$500 or imprisoned for 30 days or both. Each day such violation continues shall be a separate offense.
 - b) Any construction, which is in violation of this ordinance, shall cease upon written orders from the Zoning Administrator or the placement of a notification of violation at the site.
 - c) All construction shall remain stopped until the Zoning Administrator releases the order.

- d) The Corporation Counsel shall prosecute violations of this ordinance.
- e) Second Offense:
 - 1) Any person previously found guilty and or convicted of violating any ordinance or part of an ordinance, within one year, shall upon conviction forfeit not less than \$50 nor more than \$500 for each such offense, together with the costs of prosecution. If in default of payment of such forfeiture and costs, shall be imprisoned in the County Jail until such forfeiture and costs are paid, but not exceeding 6 months.
- f) Execution against Defendant's Property.
 - 1) Whenever any person fails to pay any forfeiture and costs of prosecution upon the order of any court for violation of any ordinance of the County, the court may, in lieu of ordering imprisonment of the defendant, or after the defendant has been released from custody, issue an execution against the property of the defendant for such forfeiture and costs.