

Langlade County

CHAPTER 15 PRIVATE SEWAGE SYSTEMS

INTRODUCTION

15.01	Statutory Authority.....	1
15.02	Purpose.....	1
15.03	Repeal and Effective Date.....	1
15.04	Severability and Liability.....	1
15.05	Interpretations.....	1
15.06	Definitions.....	2

GENERAL REQUIREMENTS

15.07	Compliance.....	4
15.08	Incorporation of Provisions by Reference.....	4
15.09	Applicability.....	4
15.10	Limitations.....	4
15.11	Abandonment of Private Onsite Wastewater Treatment Systems.....	5
15.12	Nonplumbing Sanitation Systems.....	6
15.13	Property Transfer Requirements.....	8

PERMITS AND APPLICATIONS

15.14	Soil & Site Evaluation.....	9
15.15	Sanitary Permits.....	9
15.16	Application requirements.....	10
15.17	Plans.....	12
15.18	Permit Cards.....	13
15.19	Permit Expiration.....	13
15.20	Change of Ownership.....	13

15.21	Change of Plumbers	14
15.22	Permit Denial.....	14
15.23	Reconnection	14
15.24	Construction Affecting Wastewater Flow or Contaminant Load.....	15
15.25	Existing POWTS Evaluation Reports	16
15.26	Permit Fees	17

INSPECTIONS

15.27	Inspections; General	17
15.28	Inspections; Site Constructed Holding Tanks	17
15.29	Inspections; Non-Plumbing Sanitary Systems	18
15.30	Inspections; Mounds.....	18
15.31	Inspections; At-Grade Systems	18
15.32	Inspections; Sand Filters	18
15.33	Experimental Systems and Systems Not Recognized by SPS 383.60.....	18
15.34	Reinspection	19
15.35	Testing.....	19

SYSTEM MANAGEMENT AND MAINTENANCE

15.36	Maintenance and Management.....	19
15.37	POWTS Maintenance Program.....	20
15.38	Holding Tank Maintenance Agreement	20

ADMINISTRATION AND ENFORCEMENT

15.39	Administration.....	21
15.40	Powers and Duties	21
15.41	Board of Adjustment	22
15.42	Violations and Penalties.....	22

Langlade County

CHAPTER 15 PRIVATE ONSITE WASTEWATER TREATMENT SYSTEMS

INTRODUCTION

15.01 STATUTORY AUTHORITY.

This ordinance is adopted pursuant to the authorization in §59.70(1), 59.70(5), 145.04, 145.19, 145.20, 145.245 Wisconsin Statutes.

15.02 PURPOSE.

The purpose of this chapter is to promote and protect public health, safety, prosperity, aesthetics, and general welfare of the people and communities within the County. The general intent of this chapter is to regulate the location, design, installation, alteration, inspection and management of private onsite wastewater treatment systems and non-plumbing sanitation systems, and to assure the timely repair or replacement of failing private onsite wastewater treatment systems so as to protect the health of residents and transients and to secure safety from disease, nuisance and pestilence and for the protection of the groundwater resource.

15.03 REPEAL AND EFFECTIVE DATE.

After public hearing, adoption by the County Board and publishing or posting as required by law, this ordinance shall be effective. 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 any section, clause, provision or portion of this ordinance be adjudged unconstitutional or invalid by a court of competent jurisdiction, 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 onsite wastewater treatment 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 onsite wastewater treatment system. A private onsite wastewater treatment system consisting of a septic tank and an in-ground soil absorption component with gravity distribution of effluent.

County Sanitary Permit. A permit issued by the Department for the reconnection of a private onsite wastewater treatment system, or for the installation of a non-plumbing sanitation system, pursuant to §59.70 and 145.04, Wisconsin Statutes. (Rev. Ord #3-2009)

Department. The Langlade County Land Records and Regulations Department.

Failing Private Onsite Wastewater Treatment System. “Failing onsite wastewater treatment system” has the following meanings:

- (1) Those specified under §145.245(4), Wisconsin Statutes.
- (2) A holding tank which discharges sewage to the ground surface, including intentional discharges and discharges caused by neglect.
- (3) Those specified under SPS 383.03(2)(b)2 Wis. Adm. Code.

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

Land Division. The division of land as defined in Chapter 18 where there is an existing POWTS which will be separated on a parcel of land less than 10 acres in size.

Minor Repairs. A minor repair to a private onsite wastewater treatment system includes the replacement or repair of any of the following:

- a. manhole covers;
- b. manhole risers;
- c. septic tank baffles;
- d. effluent pumps and related controls or wiring;
- e. other components as determined by the Department;

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 in the number of bedrooms.

Non-plumbing Sanitation System. Sanitation systems and devices within the scope of SPS 391, 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 Service.

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

Private onsite wastewater treatment system. Also referred to as a “Private Onsite Wastewater Treatment System” or “POWTS”, has the meaning given under s. 145.01(12), Wis. Stats.

Privy. An enclosed nonportable 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 or Rebuilding. The construction which takes place after a structure is demolished or damaged by fire, wind, or other natural disaster.

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 Commerce.

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

Transfer of Property. Any conveyance of ownership of a parcel of land for which a transfer fee is collected.

Zoning Administrator. A person recommended by the County Water and Land Use Planning committee and approved by the County Board to administer and enforce this ordinance, or designee.

GENERAL REQUIREMENTS

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 onsite wastewater treatment system or non-plumbing sanitation system for newly constructed structures or structures requiring a Reconnection Permit under Section 15.23 shall be approved and installed and may be inspected 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 onsite wastewater treatment systems: §59.70(5), Chs. 145, 281.48 and 968.10, Wisconsin Statutes; Chs SPS 381, SPS 382, SPS 383, SPS 384, SPS 385, SPS 387, SPS 391, 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.

15.10 LIMITATIONS

- (1) All domestic wastewater shall enter a private onsite wastewater treatment system unless otherwise exempted by the State or this ordinance.
- (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 (see 15.12 for other limitations).
- (3) Any private onsite wastewater treatment system, or portion(s) thereof, installed within a floodplain shall comply with all applicable requirements of NR 116, Wisconsin Administrative Code, and the Langlade County Zoning Code, Chapter 17 of the General Code of Ordinances for Langlade County.
- (4) Installation of a holding tank is prohibited if any other type of private onsite wastewater treatment system permitted by SPS 383, Wisconsin Administrative Code can be utilized.

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 conventional/inground soil absorption system, at-grade system, or mound system, 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 sanitary permit issuance. In addition to items required in §15.15, 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 temporary treatment/holding tank may be installed in cases of emergency due to inclement weather conditions, tank collapses, and other unforeseen circumstances. A sanitary permit application for the entire proposed system shall be submitted to the Department as required in Section 15.15, prior to installation of the temporary tank(s). All components of the system shall be completed as soon as conditions permit. Time limits may be established at the discretion of the Department.

(5) When a failing private onsite wastewater treatment 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 Department order. Unlawfully modified private onsite wastewater treatment systems, a private onsite wastewater treatment system that has sewage bypassing the system, or a holding tank which is discharging sewage into the ground, onto the ground's surface, or into surface waters may be ordered by the Department to be corrected or replaced with a code compliant system.

15.11 ABANDONMENT OF PRIVATE ONSITE WASTEWATER TREATMENT SYSTEMS

(1) When public sewers approved by the Department of Natural Resources become available to the structure or premises served, the private onsite wastewater treatment system shall be disconnected within one year and a connection made to the public sewer with the following exception:

Abandonment of the disconnected private onsite wastewater treatment system shall be done in accordance with the provisions of SPS 383, Wisconsin Administrative Code.

- (2) The components of an existing private onsite wastewater treatment system that are not part of the approved sanitary permit for 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 383.33, Wisconsin Administrative Code.

15.12 NONPLUMBING SANITATION SYSTEMS

(1) PRIVIES.

a) Location

1. Privies are prohibited on subdivided (platted) lots less than 3 acres in size that are fronting on navigable water bodies and are prohibited within 300' of any navigable water body except as provided in 2. and except on larger parcels (>3 acres) privies are allowed within 300' of any navigable water body provided the following conditions are met:

- a. It is located at least 150' from the ordinary high water mark of any navigable waterbody.
- b. It is located on the landward side of a residential structure.
- c. Exterior building colors shall blend with the natural groundcover in the vicinity of the construction and privy must be screened from view of the waterbody.
- d. Privy to be constructed on a vault only.

2. Privies may be located on public lands including campgrounds and parks, private campgrounds, and group camps operated by a not-for-profit service organization.

3. A privy is allowed only when the building served by the privy is not provided with plumbing or water service and when there is no electrical service available within 500 feet of the property.

4. A privy may be allowed on lots where there is electrical service within 500 feet, for a period not to exceed 3 years, provided the following conditions are met:

- a. The lot in question would be used for recreational or seasonal occupancy purposes only (camping, hunting, etc.)
- b. A soil test shall be completed and filed with the County to identify a primary and replacement site for a private onsite wastewater treatment system on the lot.
- c. The property owner shall obtain a county sanitary permit for the privy.
- d. If a vault privy is to be used, it shall be sized and located so as to be used for a residence at a future date.
- e. If at any time the property owner desires to construct or place a residence on the lot, the owner shall obtain a sanitary permit for the installation of a private onsite wastewater treatment system in addition to the temporary privy sanitary permit.

5. Privies are prohibited on lots proposed for mobile homes or manufactured homes.

6. Pit privies shall be a minimum of 50 feet to a well, 25 feet to a building, 15 feet to a lot line, and meet shoreland setback requirements in Chapter 17.

7. Vault privies shall be a minimum of 25 feet to a well, 25 feet to a building,

15 feet to a lot line, and meet shoreland setback requirements in Chapter 17.

b) Permit, fee, and agreement.

1. Prior to the installation of a privy, a property owner shall obtain a county sanitary permit for the privy and pay the applicable fee.

2. Prior to the issuance of a sanitary permit, the property owner must sign a privy installation agreement and have it recorded in the Register of Deeds' office.

c) Soil boring requirements.

1. If a property owner wishes to construct a pit privy, a soil boring must be evaluated by a certified soil tester to assure that the bottom of the proposed excavation is 3' above a limiting soil factor (i.e., high groundwater, bedrock mottling, etc.). This information shall be submitted to the Department on a Soil and Site Evaluation form. Where the soil tester determines that there are no suitable soils for a pit privy, a vault privy shall be installed.

d) Vault requirements.

1. Vaults used for privies shall be an approved sewage/treatment tank as listed in the most current Department product approval register.

(2) CHEMICAL OR ORGANIC TOILETS.

a) Location.

1. Chemical, organic (composting), electrical, gas and other nonwater using toilets may be utilized in the same locations that privies are allowed.

2. A chemical, organic, or other nonwater using toilet may be allowed for water conservation purposes, in structures that are served by a code compliant private onsite wastewater treatment system.

b) Permit, fee, and agreement.

1. Prior to utilization of a chemical, organic, or other nonwater using toilet, a property owner shall obtain a county sanitary permit for the toilet and pay the applicable fee.

2. Prior to the issuance of the sanitary permit, the property owner must sign a nonwater using toilet agreement and have it recorded in the Register of Deeds' office.

c) Inspections.

1. All properties where nonwater using toilets are utilized may be inspected periodically by the Zoning Administrator with the permission of the property owner, to assure there is no plumbing in the structure and that no other type of sanitary system exists. Denying the right to inspect the premises shall result in a revocation of the permit and the requirement that another code complying private onsite wastewater treatment system be installed on the property.

(3) PORTABLE TOILETS.

a) Location.

1. Portable, self contained toilets may be allowed for emergency purposes, at construction sites, and in quarries for the duration of the project or need.

2. Portable, self contained toilets may be allowed on a temporary basis not to exceed one week for short term events such as auctions, flea markets, recreational events, etc.

3. Portable, self contained toilets are prohibited as a substitution for an approved wastewater treatment system, for other nonplumbing sanitation systems, or for connection to a municipal wastewater system.

15.13 PROPERTY TRANSFER REQUIREMENTS (Effective on April 1, 2009)

- (1) A complete evaluation of an existing private onsite wastewater treatment system is required prior to the transfer of property or land division on which there is one or more structure(s) served by a private onsite wastewater treatment system(s).
- (2) The grantor or the grantor's agent must submit a complete Existing POWTS Evaluation Report, as specified in Section 15.25, to the Department prior to the transfer of property. When there is more than one private onsite wastewater treatment system on a parcel a separate Existing POWTS Evaluation Report shall be submitted for each system.
- (3) The Department will waive the requirement for evaluation of an existing private onsite wastewater treatment system pursuant to this section if Department records confirm any of the following:
 - (a) A code compliant private onsite wastewater treatment system was installed less than ten (10) years prior to the transfer of property or land division and system maintenance has been completed in compliance with this ordinance.
 - (b) A valid sanitary permit exists for a private onsite wastewater treatment system to replace the existing system.
 - (c) An Existing POWTS Evaluation Report was accepted by the Department less than five (5) years prior to the transfer of property or land division and that system maintenance has been completed in compliance with this ordinance.
 - (d) Documentation from a municipality or sanitary district verifies that public sewer will be available to serve the structure(s) within twelve (12) months of the transfer of property.
- (4) The Department shall review and make a determination on an Existing POWTS Evaluation Report within ten (10) business days after receiving all required information and fees, except when weather conditions prevent verification of the report.
 - (a) If the report confirms that the POWTS is compliant with applicable codes, the Department shall accept the report.
 - (b) If the existing POWTS is found to be failing or not in conformance with this ordinance it shall be repaired, replaced with a system that is compliant with applicable codes, or otherwise brought into compliance as required by Department order.
 - (c) If the existing POWTS is older than April 1, 1968, it shall be replaced as required by

department order unless the evaluation report confirms the system is compliant with applicable codes as determined by the department.

PERMITS AND APPLICATIONS

15.14 SOIL AND SITE EVALUATION.

- (1) Soil and site evaluations shall comply with SPS 383, SPS 385 and SPS 391, Wisconsin Administrative Code, and this ordinance.
- (2) Soil test pits shall be constructed which allow adequate visual observation of the soil profile in place. A minimum of three soil pits shall be observed except where soil and site conditions are not uniform, more borings may be required. Sufficient suitable area shall be identified for a primary and replacement system. Observation is best accomplished by the excavation of backhoe pits.
- (3) The Soil and Site Evaluation Report shall contain information on the recommended system elevation and recommended loading rate.
- (4) Department verification of a Soil and Site Evaluation Report may be necessary to determine the suitability of a lot for a private onsite wastewater treatment system. This verification will be made at the discretion of the Administrator and will be made prior to the issuance of the sanitary permit. This verification will result in one of the following:
 - (a) If an application for a sanitary permit has been submitted, issuance of the permit provided all information on the application is correct and complete.
 - (b) Filing of the approved report in the Department's soil test file.
 - (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 report and/or sanitary permit, if the site does not meet all the provisions of this ordinance and appropriate Wisconsin Statutes and Administrative Codes. Written notice of the right to appeal shall be given to the submitter pursuant to Section 15.41
- (5) A certified soil tester may request Department verification of soil and site conditions before a complete Soil and Site Evaluation Report or sanitary permit application is submitted. At the discretion of the Administrator, a complete Soil and Site Evaluation Report may be required, prior to the field verification.

15.15 SANITARY PERMITS.

- (1) Every private onsite wastewater treatment 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 onsite wastewater treatment 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 may be subject to the penalties provided in this ordinance. No person shall sell a septic tank or holding tank for installation as specified in this chapter, unless the purchaser holds a valid sanitary permit.

- (3) A sanitary permit shall be obtained by the property owner, his agent or contractor, before any private onsite wastewater treatment system or part thereof may be installed, replaced, repaired, reconnected or modified. A sanitary permit is not required for the addition of manhole risers or for minor repairs.
- (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 onsite wastewater treatment system has failed or requires replacement or modification, the entire system shall be evaluated to determine if it is compliant with applicable 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 Department.

If any part of the system is found to be defective, 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 Department along with all applicable fees:
 - (a) Names and addresses of the applicant (owner of the site) and the 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.
 - (e) Building use (single family, duplex, etc.).
 - (f) Soil and Site Evaluation report.
 - (g) System plans (see §15.17).
 - (h) Appropriate agreements, contracts, and a management plan for the proposed design describing monitoring, maintenance, and servicing agreements.

- (i) Verification that any existing private onsite wastewater treatment systems on the same parcel of land are not failing private onsite wastewater treatment systems.
 - (j) Copies of any documents required in §15.16(4) and verification that they have been recorded.
 - (k) Any other information required by the Department, including verification of compliance with §15.40(11) 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 391 Wisconsin Administrative Code.
 - (4) The following documents must be recorded with the Langlade County Register of Deeds prior to sanitary permit issuance:
 - (a) Maintenance agreements, notification of servicing requirements, or notification of system limitations, if recording is required by, SPS 383 Wisconsin Administrative Code, or §15.38 of this ordinance.
 - (b) If a private onsite wastewater treatment system or parts thereof, is located on a different parcel than the structure served, an appropriate easement or combined parcel affidavit must be recorded.
 - (c) If a private onsite wastewater treatment 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 onsite wastewater treatment 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 onsite wastewater treatment 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 Floodplain and/or Wetland delineation prior to sanitary permit issuance. The Department may require elevations on plans to be tied to floodplain elevation datum.
 - (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.

15.17 PLANS

System plans shall be submitted for approval to the Department or to the State in accordance with, SPS 383 Wisconsin Administrative Code. Plans shall comply with the requirements of, SPS 383 Wisconsin Administrative Code, and this ordinance.

- (1) Plans submitted to the Department shall include the original and as many copies as are required by the Department.
- (2) If plans are reviewed and approved by the State, at least one set 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, SPS 383, Wisconsin Administrative Code, 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 8½ inches by 11 inches in size. The plot plan shall delineate the lot size and the location of all existing and proposed: private onsite wastewater treatment 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. Adjoining properties shall be checked to insure 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.
 - (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 onsite wastewater treatment system fails and cannot be repaired. (see §15.10(4)).
 - (f) Sufficient supporting information to determine whether the proposed design, installation and management of the proposed private onsite wastewater treatment system or modification to an existing system complies with this ordinance.
 - (g) A management plan including appropriate agreements and contracts for system management and maintenance.
- (5) Plans shall be signed or sealed as specified in, SPS 383, Wisconsin Administrative Code.
- (6) A copy of the approved plans shall be maintained at the construction site until the private onsite wastewater treatment system installation is completed, inspected and accepted. The plans shall be made available to the Department or the State upon request.

- (7) A modification to the design of a private onsite wastewater treatment system which has been previously approved shall be submitted to the Department 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 according to 15.26.

15.18 PERMIT CARDS.

- (1) The permit card issued by the Zoning Administrator to the property owner or his agent shall serve as the sanitary permit.
- (2) The permit card shall contain all the information required by §145.135, Wisconsin 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 onsite wastewater treatment system has been installed, inspected, and approved by the Zoning Administrator.
- (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 penalty provisions of this ordinance.

15.19 PERMIT EXPIRATION.

- (1) A sanitary permit for a private onsite wastewater treatment system or non-plumbing sanitation system which has not been installed, replaced, repaired, modified or reconnected and approved shall expire two years after the date of issuance unless renewed. Permits may be renewed by the property owner, his agent or plumber, prior to the expiration date of the original permit.
- (2) Permit and fee. Prior to the expiration of the sanitary permit, the licensed plumber shall submit the applicable form for the renewal along with the appropriate fee. A new permit card shall be issued when the permit is renewed.
- (3) The renewal shall be based on Wisconsin Administrative Code, Statute, and ordinance requirements in force at the time of renewal. Changed Wisconsin Administrative Code, Statute, or ordinance may impede renewal and a new permit may be required.
- (4) A sanitary permit which has been renewed shall expire two years from the date of renewal.
- (5) 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 CHANGE OF OWNERSHIP.

- (1) Change of ownership of a property for which a valid sanitary permit exists shall be subject to the following:
 - (a) The property owner or plumber shall submit the applicable form to the Department with the change of owner section completed and signed along with the applicable fee.

(b) Change of ownership shall not affect the expiration date or renewal requirements.

15.21 CHANGE OF PLUMBERS.

- (1) When an owner wishes to change plumbers, it will be necessary for the owner to submit the applicable form to the Department with the change of plumber section completed and signed by the new plumber along with the applicable fee.
- (2) The change of plumbers shall be approved by the department prior to the installation of the private onsite wastewater treatment system.
- (3) Sanitary permits for systems requiring State plan approval shall not be approved by the Department unless the plan bears the stamp of an architect, engineer, or plumbing designer, or a State level approval is obtained by the new plumber.

15.22 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. Written notice of the right to appeal along with the procedures for the appeal shall be given to the plumber pursuant to SPS 383.21(3)(d)2.b Reasons for the denial shall be forwarded to the plumber, landowner and when appropriate, the Corporation Counsel.

15.23 RECONNECTION.

- (1) A county sanitary permit for a reconnection of an existing system shall be obtained prior to:
 - (a) Construction of a structure to be connected to an existing private onsite wastewater treatment system;
 - (b) Disconnection of a structure from an existing private onsite wastewater treatment system and connection of another structure to the system except as permitted in 15.23(4); or
 - (c) Rebuilding a structure that is reconnected to a private onsite wastewater treatment system.
 - (d) A modification of or addition to an existing building which includes a new building sewer and/or a new connection to an existing private onsite wastewater treatment system.
- (2) Prior to issuing a reconnection sanitary permit, the existing private onsite wastewater treatment system shall be examined to:
 - (a) Determine if it is functioning properly or 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, SPS 383, Wisconsin Administrative Code will be maintained.
- (3) Application for a County reconnection permit shall include the following:
- (a) All items in §15.16(1)(a - e) and §15.16(1)(i-k);
 - (b) An Existing POWTS Evaluation Report, as specified in §15.25.
 - (c) Complete plans, as specified in §15.17, for any system components which will be modified or replaced.
 - (d) If required, a new servicing contract and an updated holding tank agreement which meets the requirements of this ordinance for reconnections to existing holding tanks.
 - (e) If required, a new maintenance agreement or contract for reconnections to existing systems other than a holding tank.
 - (f) If required, a copy of an affidavit which has been recorded in the Register of Deeds office.
- (4) Replacing a structure with a new or different structure within two years of the date of permit issuance will only require a statement that the system has not been altered, a statement that a modification in wastewater flow or contaminant load will not occur, and a plot plan that documents all setbacks between the structure and system components.
- (5) All systems shall be inspected at the time of reconnection at the discretion of the Department, prior to backfilling, to insure that proper materials and methods are being used.
- (6) Reconnection to an undersized system is not permitted.

15.24 CONSTRUCTION AFFECTING WASTEWATER FLOW OR CONTAMINANT LOAD.

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 onsite wastewater treatment system, the owner(s) of the property shall:

- (1) Possess a sanitary permit to construct a new private onsite wastewater treatment system or modify an existing private onsite wastewater treatment system to accommodate the modification of wastewater flow or contaminant load; or
- (2) Provide the following to the Department:
 - (a) Documentation that a private onsite wastewater treatment system of adequate capability and capacity to accommodate the wastewater flow and contaminant load already exists to serve the structure, as specified in SPS 383, Wisconsin Administrative Code;

- (b) Documentation showing that the location of the proposed structure conforms to the applicable setback distances to all of the existing private onsite wastewater treatment system components; and
 - (c) An Existing POWTS Evaluation Report, as specified in §15.25.
- (3) If the existing private onsite wastewater treatment system is found to be undersized, construction of the building addition or modification shall be allowed only if permitted by SPS 383 and SPS 384, Wisconsin Administrative Code.
 - (4) Any installation, addition or modification of a system must be completed and accepted before the addition or modified area of the structure may be occupied.
 - (5) Prior to commencing construction of any structure or addition to a structure on a site where there exists a private onsite wastewater treatment system the owner or his agent shall determine that the proposed structure conforms with applicable setback limitations of SPS 383, Wisconsin Administrative Code. Documentation shall be submitted as required in, SPS 383, Wisconsin Administrative Code.

15.25 EXISTING POWTS EVALUATION REPORTS

- (1) When an evaluation of an existing POWTS is required by this ordinance, an Existing POWTS Evaluation Report shall be completed and submitted to the Department. Existing POWTS Evaluation Reports must be on forms provided by the Department. The evaluation report shall include all of the following:
 - (a) A Soil and Site Evaluation Report verifying that the vertical separation distance between the infiltrative surface of the existing treatment or dispersal component and estimated high groundwater and/or bedrock along with identifying a replacement area that complies with SPS 383, Wisconsin Administrative Code.

Submittal of a Soil and Site Evaluation Report will not be required if:

 1. The existing POWTS is a code compliant holding tank;
 2. An adequate Soil and Site Evaluation Report is on file which was submitted and approved by the Department after July 1, 1980. The Department may accept Soil and Site Evaluation Reports on a case by case basis.
 - (b) A report provided by a plumber, certified septage servicing operator, certified POWTS inspector or other person(s) authorized to do so by SPS 383, Wisconsin Administrative Code, relative to the condition, capacities, and code compliance of any existing treatment or holding tanks;
 - (c) A report provided by a plumber, certified POWTS inspector, or other person(s) authorized to do so by SPS 383, Wisconsin Administrative Code, relative to the condition, capacities, and code compliance of all other system components;
 - (d) A plot plan prepared by a plumber, certified soil tester, certified POWTS inspector, or other person(s) authorized to do so by SPS 383, Wisconsin Administrative Code, including information specified in §15.16(4)(c), unless an accurate plot plan is on file with the Department;

- (e) An evaluation of the use and wastewater flow of the structure(s) served relative to the capacity of the existing POWTS.
 - (f) Verification that all domestic wastewater from the structure discharges into the POWTS and that no outfall pipe(s) or connection(s) to drain tile exist.
- (2) Existing POWTS Evaluation Reports must be signed by the licensed or certified person(s) performing the evaluation(s).
 - (3) Existing POWTS Evaluation Reports must be submitted to the Department within thirty (30) days of the evaluation.

15.26 FEES. (REV. ORD. #2-2007) SEE WATER & LAND USE PLANNING APPROVED FEE SCHEDULE.

INSPECTIONS

15.27 INSPECTIONS; GENERAL.

- (1) Notice for final inspection shall be given to the Department for all private onsite wastewater treatment systems installed, replaced, repaired, modified or reconnected.
- (2) These private onsite wastewater treatment systems shall be inspected by the Department for compliance with, SPS 382, SPS 383 and SPS 384 Wisconsin Administrative Code, other appropriate Wisconsin Statutes and Administrative Codes and this ordinance.
- (3) Notification for final 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, Wisconsin Administrative Code, are not met by the Department.
- (5) When a private onsite wastewater treatment 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.
- (6) Private onsite wastewater treatment systems may be inspected periodically, after the initial installation inspection(s) and/or after the system is operative, as deemed necessary by the Administrator.

15.28 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.

15.29 INSPECTIONS; NON-PLUMBING SANITARY SYSTEMS

- (1) All non-plumbing sanitary systems installed may 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 391.12 and 361-366, Wisconsin Administrative Code.
- (2) The property owner shall notify the Department for inspection immediately after the non-plumbing sanitary system has been constructed or installed.

15.30 INSPECTIONS; MOUNDS.

- (1) The plumber installing the mound shall notify the Department 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 distribution pipes have been placed in the cell, at the time the distribution piping installation has been completed before backfilling and after all work has been completed, at the discretion of the Zoning Administrator.

15.31 INSPECTIONS; AT-GRADE SYSTEMS.

- (1) The plumber installing the at-grade shall notify the Department 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, before distribution pipes have been placed in the cell, at the time the distribution piping installation has been completed before backfilling, and after all work has been completed at the discretion of the Zoning Administrator.

15.32 INSPECTIONS; SAND FILTERS.

- (1) The plumber installing the sand filter shall notify the Department 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.

15.33 EXPERIMENTAL SYSTEMS AND SYSTEMS NOT RECOGNIZED BY SPS 383.60

- (1) The plumber installing the system shall coordinate any required preconstruction meeting(s).
- (2) The plumber installing the system shall notify 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 plans requirements and as deemed necessary by the Department to assure compliance with appropriate codes and the plan approval.

15.34 REINSPECTION.

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

15.35 TESTING

- (1) If 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 Department as specified in §15.27(3), so that the Department may make an inspection during the test.
- (2) The Department may 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

15.36 MAINTENANCE AND MANAGEMENT

- (1) All private onsite wastewater treatment systems shall be managed and maintained in accordance with SPS 383 and 384, Wisconsin Administrative Code, and this ordinance.
- (2) The property owner shall report to the Department 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 Department prior to sanitary permit issuance.
- (4) The property owner shall submit a new or revised maintenance agreement and/or servicing contract to the Department 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

Department prior to expiration of any existing maintenance agreement and/or servicing contract.

15.37 POWTS MAINTENANCE PROGRAM.

- (1) All new and existing private onsite wastewater treatment systems shall be visually inspected within three years of the date of installation and at least once every three years thereafter pursuant to SPS 383.255.
- (2) Visual inspection of a private onsite wastewater treatment system shall be conducted by persons specified in SPS 383.54 to determine the condition of the tank and whether wastewater or effluent from the POWTS is ponding on the ground surface.
- (3) All new and existing septic tanks shall be 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 pursuant SPS 383.54(3) & (4).
- (4) PUMPING AND DISPOSAL. The pumping and the disposal of the septage shall be done by a certified septage servicing operator in accordance with NR 113, Wisconsin Administrative Code.
- (5) REPORTS. The property owner or owner's agent of a private onsite wastewater treatment system shall furnish the Department with a copy of the inspection report verifying the condition of the tank, whether wastewater or effluent from the POWTS is discharging to or ponding on the ground surface and the date of pumping within 30 calendar days of the date of inspection and/or pumping. Reports shall include all information required in SPS 383.55, Wisconsin Administrative Code, and signed by the person(s) inspecting and pumping the private onsite wastewater treatment system. Other maintenance or management reports required by SPS 383 or 384, Wisconsin Administrative Code, shall be included with this report.
- (6) INSPECTIONS. The County Zoning Administrator shall make or cause to be made by a properly licensed individual necessary inspections to ensure an effective program of maintenance of private onsite wastewater treatment systems.

15.38 HOLDING TANK MAINTENANCE AGREEMENT

- (1) The owner of the holding tank shall enter into a Maintenance Agreement with the appropriate city, village or town guaranteeing that the municipality 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 Department. 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 which 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 when

plans are submitted to the Department for review.

- (3) An owner of a holding tank found to be violating the Maintenance Agreement and who is unable to replace the holding tanks with a soil absorption system shall hire a plumber to install a water meter and to evaluate the holding tanks for code compliance and sign a new Service Contract which requires the certified septage servicing operator to report water meter readings at each pumping.

ADMINISTRATION AND ENFORCEMENT

15.39 ADMINISTRATION.

The Administrator shall be responsible for the administration of this ordinance. The Administrator may delegate his responsibilities to personnel employed by the Department.

15.40 POWERS AND DUTIES.

In the administration of this ordinance, the Administrator 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 Codes.
- (2) Advise applicants concerning the provisions of this ordinance and assist them in preparing permit applications.
- (3) Review and approve plans for private onsite wastewater treatment 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 Corporation Counsel.
- (7) 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 Administrator or upon issuance of a special inspection warrant in accordance with §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.
- (8) Upon reasonable cause or question as to proper compliance, revoke or suspend any 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.
- (9) Issue and enforce orders to plumbers, certified septage servicing operators, property owners,

their agents or contractors or the responsible party, to assure proper compliance with all provisions of this ordinance.

- (10) Apply for and distribute grants obtained through the Wisconsin Fund Grant Program.
- (11) Consider and approve or deny requests for a waiver to §15.10(4), 15.12, or any other section of this ordinance. Approval of such requests shall be based upon conditions or circumstances unique to the parcel of land or structure served. In granting such a waiver, the Administrator may require recording of affidavits, Water and Land Use Planning Committee approval, the identification and preservation of a replacement system area or other conditions as deemed necessary. (Rev. 8/19/03)
- (12) Perform other duties regarding private onsite wastewater treatment systems as considered appropriate by the County or the State.
- (13) Consider and approve or deny requests for additional time to comply with §15.13(2) where weather conditions or unusual circumstances would prevent compliance prior to the transfer of property or land division. In granting such a request the Department may require affidavits or other documents as deemed necessary to assure compliance with this ordinance.
- (14) Review and approve Existing POWTS Evaluation Reports for compliance with this ordinance and administrative codes.

15.41 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 Ch. 17 (Zoning Ordinance) of the General Code. Any appeal shall be made on forms furnished by the Department within 30 days of the date of that administrative action. Other substantiating evidence will be accepted.

15.42 VIOLATIONS AND PENALTIES.

- (1) 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 as provided in §25.04 of the General Code.
- (2) Any construction which is in violation of this ordinance shall cease upon written orders from the Administrator or the placement of a notification of violation at the site.
- (3) All construction shall remain stopped until the order is released by the Administrator.
- (1) Violations of this ordinance shall be prosecuted by the Corporation Counsel.

APPROVED BY THE LANGLADE COUNTY BOARD OF SUPERVISORS April 16, 2013