

NOTICE OF PUBLIC HEARING

A public hearing will be held by the Environmental Resources Committee of the Marathon County Board of Supervisors on Thursday, February 7, 2019 at 3:00 p.m., 212 River Drive, Room 5 Wausau WI 54403, at which time the Committee will consider the following:

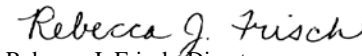
1. The petition of Rebecca Frisch, Conservation, Planning, and Zoning (CPZ) Director, for text amendment changes to the General Code of Ordinances for Marathon County Chapter 15 Private Sewage System Ordinance Code. The text amendments may be viewed online at <https://bit.ly/2Mez79a> or at the Marathon County Conservation Planning and Zoning Office, 210 River Drive, Wausau WI 54403. Copies may be obtained by contacting the CPZ Department at 210 River Drive, Wausau WI 54403, or by calling (715) 261-6000.

Written testimony may be forwarded prior to the hearing to: Jacob Langenhahn – Environmental Resource Committee Chair, Conservation, Planning and Zoning Department, 210 River Drive, Wausau, WI 54403-5449. All interested persons will be given an opportunity to be heard. Any person planning to attend this meeting who needs some type of special accommodation in order to participate should call the County Clerk's Office at 715-261-1500 or e-mail infomarathon@co.marathon.wi.us one business day before the meeting.

Jacob Langenhahn



Jacob Langenhahn, Chairman
Environmental Resources Committee



Rebecca J. Frisch, Director
Conservation, Planning, and Zoning Department

Publish: January 23 and January 30, 2019

E-mailed to: Wausau Daily Herald (WDH-Legals@wdhmedia.com) on January 17, 2019 at 1:55 p.m.



MEMORANDUM

DATE: January 31, 2019
TO: Environmental Resources Committee (ERC)
FROM: Dale Dimond - On-site Waste Specialist
SUBJECT: Private Sewage Systems Ordinance – Text Amendments

Marathon County has adopted the Private Sewage Systems Ordinance, Chapter 15 of the General Code of Ordinances, *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, and to assure the timely repair or replacement of failing private sewage systems.*

Marathon County Strategic Plan Objective 6.3 is *to protect and enhance the quantity and quality of potable groundwater and potable surface water supplies.* Outcome measure 2: *By December 31, 2022, the number of Private Onsite Wastewater Treatment Systems (POWTS) discharging to the ground surface will be reduced by 750 systems or more.*

Proposed revisions to the Private Sewage Systems Ordinance

This memo is intended to provide the Environmental Resources Committee (ERC) with a summary of the draft revisions being proposed for this ordinance.

- Remain consistent with Wisconsin Administrative Code. Language has been revised to keep the ordinance consistent with SPS 381–387 of the Wisconsin Administrative Code. This includes requirements for use of older soil test reports (“*perc tests*”) which changed in a recent revision to the state code (*effective 7-1-18*).
- Accommodate electronic submittal of documents. Code language has been modified to accommodate submittal of POWTS documents in an electronic or digital media, including submittal of documents such as plans or soil evaluation reports, as well as on-line reporting of POWTS maintenance.
- Clarifications. Minor language additions/changes have been made to clarify current requirements (*which should not affect current practices*).
- Efficient use of CPZ Staff time. In addition to staff time savings allowed by electronic submittal of documents (*above*), requirements have been revised to allow CPZ to waive certain mound system inspections on a case-by-case basis.

In summary, these proposed revisions are being recommended to keep the ordinance current, clarify requirements, and allow more efficient use of CPZ staff time.

Conservation, Planning & Zoning Department

GENERAL CODE OF ORDINANCES FOR MARATHON COUNTY CHAPTER 15 PRIVATE SEWAGE SYSTEMS

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May 2016 March 2019



CHAPTER 15

PRIVATE SEWAGE SYSTEMS

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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.

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, and to assure the timely repair or replacement of failing private sewage 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 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 sewage system or non-plumbing sanitation 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.

Administrator. A person employed by Marathon County in the Conservation, Planning, and Zoning Department to administer and enforce this ordinance.

Buildings. See Structure.

Committee. The Committee designated by Marathon County Board having jurisdiction over this ordinance.

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

Department. The Marathon County Conservation, Planning, and Zoning Department.

Failing Non-plumbing Sanitation System. A non-plumbing sanitation system is one which causes or results in the discharge of human wastes or excrement:

- a. into surface water or groundwater;
- b. into zones of bedrock; or
- c. to the surface of the ground.

Failing Private Sewage System. Also referred to as a “Failing private on-site wastewater treatment system” or “Failing POWTS”, has the meaning specified under §145.245(4), Wisconsin Statutes.

A private sewage system which discharges sewage to the ground surface, including intentional discharges and discharges caused by neglect, shall be considered a failing private sewage system.

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

Minor Repairs. A minor repair to a private sewage 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 or decrease 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.

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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 receive human excrement.

Private Sewage System. Also referred to as a “Private On-Site 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. 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.

Sanitary Permit - County. A permit issued by the Department for the reconnection or modification of a private sewage system or for the installation of a non-plumbing sanitation system, pursuant to §59.70 and 145.04, Wisconsin Statutes.

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

Septic Tank. An anaerobic treatment tank.

Soil and Site Evaluation Application. An application submitted for the purpose of requesting county verification of a Soil and Site Evaluation Report.

State. The Wisconsin Department of Safety and Professional Services.

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.

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 or a privately owned wastewater treatment facility regulated by the Department of Natural Resources, 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: §59.70(5), Chs. 145, 254.59, 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 sewage 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.
- (3) Portable restrooms may be utilized for temporary purposes only. For the purpose of this section, temporary shall mean the following: For temporary gatherings, festivals and similar activities, a period of 30 consecutive days or less. For use at any construction site, the duration of the construction plus two (2) weeks. A sanitary permit is not required for a portable restroom.
- (4) 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 Marathon County Zoning Code, Chapter 17 of the General Code of Ordinances for Marathon County.

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- (5) 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.

A sanitary permit for the installation, modification, or replacement 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 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 shall 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, other than a dwelling, with a Design Wastewater Flow of less than 150 gallons per day. In addition to items required in §15.15, 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 copy of a recorded affidavit from:

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

- (6) Failing systems.

- (a) When a failing private sewage system or non-plumbing sanitation system is identified, it shall be brought into compliance with current code requirements, replaced with a code compliant system or its use discontinued within that period of time required by Department order.

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

- (7) 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 unapproved building materials. (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.)

15.11 ABANDONMENT OF PRIVATE SEWAGE SYSTEMS

- (1) When public sewers approved by the Department of Natural Resources become available to the structure or premises served, the private sewage system shall be disconnected within one year and a connection made to the public sewer. Determination of whether sewer is available shall be made by the utility having jurisdiction.

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.

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PERMITS AND APPLICATIONS15.13 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. This is best accomplished by the excavation of backhoe pits.
- (3) Soil and Site Evaluation Reports shall include the following:
 - (a) A soil test pit or boring located not more than 25 feet from the distribution cell of each existing POWTS on the property under consideration [which extends to a depth adequate to determine whether the system is failing](#);
 - (b) The elevation of the infiltrative surface of each existing POWTS on the property under consideration.
- (4) Department 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 Administrator and will be made prior to the issuance of the sanitary permit. This verification shall result in one of the following:
 - (a) Issuance of the permit, provided all information on the application is correct and complete.
 - (b) Establishment of a file indicating site suitability.
 - (c) Holding the application pending clarification of information or new information by the owner, the plumber, or the certified soil tester.
 - (d) Denial of the permit if the site does not meet all the provisions of this ordinance and appropriate Wisconsin Statutes and Administrative Codes. If the permit application is denied, the fees will be returned to the submitting party, except as provided in §15.26(4)(a).
- (5) A certified soil tester may request Department 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 §15.15(1)(a - f) on forms provided by the Department, the original copy of the Soil and Site Evaluation Report and as many copies as are required by the Department.
 - (a) A re-inspection fee may be assessed if excavation of soil test pits is not complete before the appointed time for Department verification.
- (6) Interpretive Determinations
 - (a) Department soil verification is required for all interpretive determinations.
 - (b) A complete Soil and Site Evaluation report must be filed prior to Department soil verification.
 - (c) Department verification shall be conducted when the site is not snow covered or frozen.
 - (d) Soil pits shall be excavated to a depth of 3 feet below the limiting factor, to bedrock, or observed water table, whichever is shallower. The bottom of the soil pit shall be at least 2 feet by 3 feet.
 - (e) The proposed system area shall be staked on the contour, prior to Department verification, using steel, wood, plastic or other durable material, be of a color which contrasts the dominant vegetation and of sufficient height to remain visible.

15.14 SANITARY PERMITS.

- (1) Every private sewage system shall require a separate application and sanitary permit.
 - (2) A sanitary permit shall be obtained by the property owner, his agent or contractor, in the name of the property owner, prior to the installation, establishment or construction of any structure which requires a private sewage system or non-plumbing sanitation system. 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.
 - (3) A sanitary permit shall be obtained by the property owner, his agent or contractor, before any private sewage system or part thereof may be installed, replaced, repaired, reconnected or modified. A sanitary permit is not required 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 sewage system has failed or requires replacement or modification, the entire system shall be evaluated for code compliance 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 Soil and Site Evaluation Report, [form SBD-8330 or equivalent, which complies with SPS 385, Wisconsin Administrative Code](#) verifying that the vertical separation distance between the infiltrative surface of the existing treatment or dispersal component and estimated high groundwater and/or bedrock complies with SPS 383, Wisconsin Administrative Code was [previously](#) submitted to and approved by the Department ~~after July 1, 1980. The Department may accept older Soil and Site Evaluation Reports on a case by case basis.~~
- If any part of the system is found to be defective or not in conformance with the applicable provisions of this ordinance, the sanitary permit application shall include specifications for the repair, renovation, replacement or removal of that part.
- (6) Any sanitary permit provisions, stipulations or conditions of approval shall have the same authority as any provision of this ordinance.
 - (7) When public sewer approved by the Department of Natural Resources is available to the structure or premises served as described in §15.11, a sanitary permit may not be issued.

15.15 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, [form SBD-8330 or equivalent, which complies with SPS 385, Wisconsin Administrative Code.](#)
 - (g) System plans (see §15.16).

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- (h) Appropriate agreements and contracts for system management and maintenance.
 - (i) ~~Verification~~ An Existing POWTS Evaluation Report verifying that any existing private sewage systems on the same parcel of land as the structure or structures served by the proposed POWTS are not failing private sewage systems.
 - (j) Copies of any documents required in §15.15(4) and verification that they have been recorded.
 - (k) Any other information required by the Department, including verification of compliance with §15.40(12) 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 Marathon County Register of Deeds prior to sanitary permit issuance:
- (a) Maintenance agreements or other maintenance documents, if recording is required by SPS 383, Wisconsin Administrative Code, or §15.38 of this ordinance.
 - (b) If the proposed private sewage system, or parts thereof, are located on or within the minimum setback from a different parcel than the structure served, the parcels shall be combined in accordance with the General Code of Ordinances for Marathon County Chapter 18 Land Division and Surveying Regulations and Chapter 17 Zoning Code. Where it is not possible to combine the parcels, an appropriate easement must be recorded.
 - (c) If the proposed 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 the proposed 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.
 - (f) If a holding tank will be installed in lieu of another type of private sewage system for a use with a design wastewater flow of less than 150 gallons per day, an affidavit as specified in §15.10(5) of this ordinance.

Before any land division which would separate any POWTS components from the parcel where the structure served by those components is located, documents listed in (b), (c), and (d) above may be required.

- (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 by a Registered Land Surveyor.
- (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.

15.16 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) ~~The number of plans copies submitted shall be determined by 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 each~~ set of the plans submitted to the Department shall bear ~~an original~~ any 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 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. 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 management plan for the proposed system.
 - (f) A description of a contingency plan in the event the proposed private sewage system fails and cannot be repaired. [see §15.10(5)].
 - (g) Sufficient supporting information to determine whether the proposed design, installation and management of the proposed private sewage system or modification to an existing system complies with this ordinance.
- (5) Plans shall be signed or sealed as specified in SPS 383, Wisconsin Administrative Code.
- (6) A copy of the approved plans shall be maintained at the construction site until the private sewage system installation is completed, inspected and accepted. The plans shall be made available to the Department or the State upon request.
- (7) A modification to the design of a private sewage system which has been previously approved shall be submitted to the Department or the State as specified in SPS 383, Wisconsin Administrative Code. Plan revisions must be approved prior to system installation. A fee may be charged when submitting revised plans, see §15.26(5).

15.17 PERMIT CARDS.

- (1) The permit card issued by the 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 §145.19, 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 sewage system has been installed, inspected, and approved by the 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.

15.18 PERMIT EXPIRATION AND RENEWAL.

- (1) A sanitary permit for a private sewage 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 following submittal of an application to the Department prior to the expiration date of the original permit.
- (2) There shall be a fee for the renewal of a sanitary permit.
- (3) The renewal shall be based on Wisconsin Administrative Code, Statute, and ordinance requirements in force at the time of renewal.
- (4) Changed Wisconsin Administrative Code, Statute, or ordinance requirements may impede the renewal.
- (5) A new permit card shall be issued when the permit is renewed.
- (6) A sanitary permit which has been renewed shall expire two years from the date of renewal.
- (7) A new sanitary permit shall be obtained by the owner or his agent prior to beginning construction if a sanitary permit has expired.

15.19 TRANSFER OF OWNERSHIP.

Transfer of ownership of a property for which a valid sanitary permit exists shall be subject to the following:

- (1) The applicable State form shall be submitted to the Department.
- (2) The sanitary permit card shall be returned to the Department so that a new permit card may be issued.
- (3) Transfer of ownership shall not affect the expiration date or renewal requirements.

15.20 CHANGE OF PLUMBERS.

- (1) When an owner wishes to change plumbers, it will be necessary for him to furnish the Department with the applicable State form signed by the new plumber.
- (2) The change of plumbers shall be approved by the Department prior to the installation of the private sewage system.
- (3) A change of plumbers 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.
- (4) There may be a filing fee. (See § 15.26).

15.21 PERMIT DENIAL.

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

15.22 RECONNECTION.

- (1) A County reconnection permit shall be obtained prior to:
 - (a) Construction, installation, or placement of a structure to be connected to an existing private sewage system;
 - (b) Disconnection of a structure from an existing private sewage system and connection of another structure to the system, except as permitted in §15.22(4); or
 - (c) Rebuilding a structure that is connected to a private sewage 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 sewage system.
- (2) Prior to issuing a reconnection permit, the existing private sewage system shall be examined to:
 - (a) Determine if 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 §15.15(1)(a - e) and §15.15(1)(h-k);
 - (b) An Existing POWTS Evaluation Report, as specified in §15.25. If a code compliant private sewage system was installed less than three (3) years before the issuance of the reconnection permit or if an Existing POWTS Evaluation Report was accepted by the Department less than three (3) years before reconnection permit issuance, a new Existing POWTS Evaluation Report is not required.
 - (c) A detailed plot plan as described in §15.16(4)(c).
 - (d) Reconnection to existing holding tanks may require a new servicing contract and an updated holding tank agreement which meets the requirements of this ordinance.
 - (e) Reconnection to an existing system other than a holding tank may require a new maintenance agreement or contract.
- (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, a plot plan that documents all setbacks between the structure and system components, and a reinspection fee.
- (5) Reconnection to an undersized system is not permitted.
- (6) All systems shall be inspected at the time of reconnection, prior to backfilling, to insure that proper materials and methods are being used.

15.23 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 sewage system, the owner(s) of the property shall:

- (1) Possess a sanitary permit to construct a new private sewage system or modify an existing private sewage system to accommodate the modification in wastewater flow or contaminant load; or
- (2) Provide the following to the Department:
 - (a) Documentation that a Private Sewage System of adequate capability and capacity to accommodate the wastewater flow and contaminant load already exists to serve the structure, as specified in 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 sewage system components; and
 - (c) An Existing POWTS Evaluation Report, as specified in §15.25. If a code compliant private sewage system was installed less than three (3) years before the issuance of the reconnection permit or if an Existing POWTS Evaluation Report was accepted by the Department less than three (3) years before reconnection permit issuance, a new Existing POWTS Evaluation Report is not required.
- (3) If the existing private sewage 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.

15.24 CONSTRUCTION NOT AFFECTING WASTEWATER FLOW OR CONTAMINANT LOAD

Prior to commencing construction of any structure or addition to a structure on a site where there exists a private sewage system the owner or 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.

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15.25 EXISTING POWTS EVALUATION REPORTS

(1) When an evaluation of an existing private sewage system is required by this ordinance, ~~or~~ by the General Code of Ordinances for Marathon County Chapter 22 Shoreland, Shoreland-Wetland, and Floodplain Code, or is voluntarily submitted to the Department, an Existing POWTS Evaluation Report shall be completed which 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 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; or

2. A Soil and Site Evaluation Report, form SBD-8330 or equivalent, which complies with SPS 385, Wisconsin Administrative Code, verifying that the vertical separation distance between the infiltrative surface of the existing treatment or dispersal component and estimated high groundwater and/or bedrock complies with SPS 383, Wisconsin Administrative Code was previously submitted to and approved by the Department ~~after July 1, 1980~~.

(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 signed by a plumber, certified soil tester, certified POWTS inspector, or other person(s) authorized to do so by SPS 383, Wisconsin Administrative Code, which shows the POWTS at the time of evaluation, including information specified in §15.16(4)(c);

(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.

(2) Existing POWTS Evaluation Reports must be on forms provided by or in a format approved by the Department. 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 completion of the evaluation.

(4) When there is more than one private sewage system on a parcel a separate Existing POWTS Evaluation Report shall be submitted for each system.

(5) 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 code compliant 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 code compliant system, or otherwise brought into compliance as required by Department order.

(6) An Existing POWTS Evaluation Report which was submitted to and accepted by the Department in accordance with this section shall be valid for a period of three (3) years.

15.26 SCHEDULE OF FEES.

- (1) Fee schedule. See department approved fee schedule as approved by the Committee.
- (2) Nonrefundable. All fees received by the Department are nonrefundable and shall be placed in the County treasury.
- (3) Double Fee.
 - (a) Any installation, establishment, or construction of a building or structure which requires a private sewage system or non-plumbing sanitation system without obtaining all permits and approvals prior to commencing the above stated activities shall result in a double fee.
 - (b) Any installation, replacement, repair, reconnection or modification of a private sewage system or non-plumbing sanitation system without obtaining all permits and approvals prior to commencing the above stated activities shall result in a double fee.

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INSPECTIONS

15.27 INSPECTIONS: GENERAL.

- (1) Notice for inspection shall be given to the Department for all private sewage systems installed, replaced, repaired, modified or reconnected.
- (2) These private sewage 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 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 sewage system is ready for inspection, the plumber in charge shall make arrangements to enable the inspector to inspect all parts of the system. The plumber shall provide the proper apparatus, equipment and necessary assistance to make a proper inspection.
- (6) Private sewage systems may be inspected periodically, after the initial installation inspection(s) and/or after the system is operative, as deemed necessary by the 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 shall be inspected for compliance with SPS 391, Wisconsin Administrative Code, or as amended, and this ordinance.
Note: SPS 362.2900 and DHS 178.14, Wisconsin Administrative Code, may apply to non-plumbing sanitary systems serving uses other than one and two family dwellings.
- (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; MOUND AND AT-GRADE SYSTEMS.

- (1) The plumber installing the mound or at-grade system shall notify the Department the working day prior to the installation, excluding Saturdays, Sundays and holidays.
- (2) Mound and at-grade systems shall 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. [The Department may waive certain mound or at-grade inspections on a case-by-case basis.](#)

15.31 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.

15.32 EXPERIMENTAL SYSTEMS

- (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 performed pursuant to the approved plan requirements and as deemed necessary by the Department to assure compliance with appropriate codes and the plan approval.

15.33 REINSPECTION.

- (1) A reinspection fee may be assessed when a reinspection of a private sewage 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 shall 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.

15.34 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 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

15.36 MAINTENANCE AND MANAGEMENT

- (1) All private sewage systems and non-plumbing systems shall be managed and maintained in accordance with SPS 383, 384 and 391 Wisconsin Administrative Code, and this ordinance.
- (2) The ~~property~~ owner of a POWTS or the owner's agent 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 SEPTIC TANK MAINTENANCE PROGRAM.

- (1) All new and existing private sewage systems shall be visually inspected within three years of the date of installation and at least once every three years thereafter.
- (2) Visual inspection of a private sewage 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.
- (4) Pumping of a septic tank shall be done by a certified septage servicing operator in accordance with NR 113, Wisconsin Administrative Code.
- (5) The owner of a POWTS or the owner's agent ~~of a private sewage system~~ shall furnish report to the Department in accordance with SPS 383.55, Wisconsin Administrative Code. ~~with a copy of the inspection R~~reports shall verify~~ing~~ 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 be signed by the person(s) inspecting and pumping the private sewage system~~. Other maintenance or management reports required by SPS 383 or 384, Wisconsin Administrative Code, shall be included with this report.

15.38 HOLDING TANK MAINTENANCE AGREEMENT

- (1) The owner of each holding tank shall sign a Maintenance Agreement which documents maintenance requirements for the holding tank system, including owner's responsibility to maintain a servicing contract, to have the system serviced, and to provide servicing reports in accordance with this ordinance. 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) The Department may require the owner of a holding tank found to be violating the Maintenance Agreement to replace the holding tanks with a soil absorption system or, if the parcel is unsuitable for any type of soil absorption system, to hire a plumber to install a water meter and 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.

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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 Conservation, Planning, and Zoning Department and in the case of issuing abatement orders, to the County Health 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 Code.
- (2) Advise applicants concerning the provisions of this ordinance and assist them in preparing permit applications.
- (3) Review and approve plans for private sewage systems for one and two family residences or as approved through agent status by the State.
- (4) Issue sanitary permits and inspect properties for compliance with this ordinance and related Wisconsin Statutes and the Administrative Code.
- (5) Review and approve Existing POWTS Evaluation Reports for compliance with this ordinance.
- (6) Keep records of all sanitary permits issued, inspections made, work approved, and other official actions.
- (7) Report violations of this ordinance to the Corporation Counsel.
- (8) 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.
- (9) 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 or POWTS 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.

PRIVATE SEWAGE SYSTEM 15.40(10)

- (10) 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 or delegate this authority to the County Health Department.
- (11) Apply for and distribute grants obtained through the Wisconsin Fund Grant Program.
- (12) 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 Department 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 Land Conservation and Zoning Committee.
- (13) Consider and approve or deny requests for a waiver to §15.10(5) of this ordinance (holding tanks). 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, the identification and preservation of a replacement system area or other conditions as deemed necessary.
- (14) Consider and approve or deny requests to install sewage holding components (tanks) prior to sanitary permit issuance when a health or safety emergency exists. Such a request may be approved only if the owner of the property has submitted an affidavit acknowledging the emergency and agreeing to obtain the required sanitary permit by a specified date.
- (15) Perform other duties regarding private sewage systems as considered appropriate by the County or the State.

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.
- (4) Violations of this ordinance shall be prosecuted by the Corporation Counsel.

CHAPTER 25

CONSTRUCTION AND EFFECT OF ORDINANCES

25.04 PENALTY PROVISIONS

(1) General Penalty

Except as otherwise provided, any person who shall violate any of the provisions of this Code shall, upon conviction of such violation, be subject to a penalty, which shall be as follows:

- (a) First Offense. Any person who shall violate any provision of this Code shall, upon conviction thereof, forfeit not less than \$5 nor more than \$500, together with the costs of prosecution, and in default of payment of such forfeiture and costs of prosecution, shall be imprisoned in the County Jail until such forfeiture and costs are paid, but not exceeding 90 days.
- (b) Second Offense. Any person found guilty of violating any ordinance or part of an ordinance of this Code, who has previously been convicted of a violation of the same ordinance within one year, shall, upon conviction thereof, forfeit not less than \$10 nor more than \$500 for each such offense, together with the costs of prosecution, and 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.

(2) Continued Violations

Each violation, and each day a violation continues or occurs, shall constitute a separate offense. Nothing in this Code shall preclude the County from maintaining any appropriate action to prevent or remove a violation of any provision of this Code.

(3) Execution Against Defendant's Property

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.