

CHAPTER 12

OCONTO COUNTY SANITARY ORDINANCE

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## CHAPTER 12

### OCONTO COUNTY SANITARY ORDINANCE

#### 12.101 TITLE, AUTHORIZATION, PURPOSE & INTENT, SEVERABILITY, LIABILITY, INTERPRETATIONS

- (a) Title: This chapter shall be known as, referred to or cited as the "Oconto County Private Sewage System Ordinance."
- (b) Authorization and Incorporation of Provisions by Reference: This chapter is adopted under the authority and responsibility granted to Oconto County in Sections 59.065, 59.07 (51), and 145.20, Wisconsin Statutes. This chapter incorporates by reference the following rules, regulations, and laws as set forth in Wisconsin Statutes and the Wisconsin Administrative Code governing the location, construction and use of privately owned wastewater treatment systems: Chapters 144, 145, 146.13, 146.14 and 968.10 Wisconsin Statutes; Chapters SPS 381-391, IND 52.63 and NR 113 of the Wisconsin Administrative Code. These rules, regulations, and laws shall apply until amended or renumbered and then shall apply as amended and renumbered.
- (c) Purpose and Intent: The purpose of this ordinance is to protect and promote the health, safety, aesthetics, and general welfare of the people and communities within Oconto County through administration and enforcement of sound sanitary practices as promulgated by Chapter 145 of the Wisconsin Statutes, Department of Safety & Professional Services Chapters 381-391 and this chapter. The general intent of this chapter is to regulate the location, construction, installation, alteration, maintenance, and use of onsite waste disposal systems so as to protect the health of residents and transients and to secure safety from disease, nuisance, and pestilence.
- (d) Severability and Liability: If any section, provision or portion of this chapter is judged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this chapter 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 that 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.
- (e) 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.

#### 12.102 DEFINITIONS (Amended 05/18/2017 Ord. #: O2017-05-02)

Except as specifically defined below, words and phrases used in this chapter are to be interpreted as having the same meaning as they have in the State Statutes and SPS 381-391 of the Wisconsin Administrative Code and in Common Law.

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

**Buildings**: (See structure)

**County Sanitary Permit**: A permit issued by the Department for the reconnection of a POWTS, holding tank or for installation of a non-plumbing sanitation system pursuant to s.59.70 & 145.04 WI Statutes.

**Department**: The Oconto County Zoning Office

**Effluent:** Any untreated or partially treated domestic wastewater constituent, which includes the untreated discharge from any treatment tank or soil dispersal component.

**Failing POWTS:** as defined in s. 145.245(4), Statutes. A holding tank, which discharges to the ground surface, including intentional discharges and discharges caused by neglect, shall be considered a failing private sewage system.

**Non-Plumbing Sanitation System:** Sanitation systems and devices within the scope of SPS 391, WI 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.

**Oconto County Zoning Administrator:** A person appointed by the Oconto County Board of Supervisors to administer and enforce this ordinance, or any of his assistants or employees.

**Plumber:** A person licensed by the State of Wisconsin as a Master Plumber or Master Plumber Restricted Service.

**Private Sewage System:** Also referred to as a "Private Onsite Waste Treatment System" or "POWTS", has the meaning given under s. 145.01(12), WI Statutes.

**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 which is watertight

**Sanitary Permit:** A county and/or state sanitary permit issued by the Department for the installation of a private onsite waste treatment system or holding tank.

**Septic Tank:** An anaerobic treatment tank.

**State:** Department of Safety & Professional Services Division of Safety & Buildings.

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

**Structure:** Anything constructed or erected, the use of which requires a more or less permanent location in or on a premise, or any other attachment to something having a permanent location on the ground and which encloses a space with walls and roof. Also included are items of personal property that may be designed as transportable or as a vehicle, but stand in a seasonal or permanent location for storage or intermittent human habitation.

## **GENERAL REQUIREMENTS**

### **12.103 APPLICABILITY**

The requirements of this chapter shall apply to all lands and waters within Oconto County.

### **12.104 COMPLIANCE**

- (a) All structures in Oconto County that are permanently or intermittently intended for human habitation or occupancy which are not serviced by a public sanitary sewer, shall have a system for holding or treatment and dispersal of sewage and wastewater which complies with the provisions of this ordinance.

- (b) No private sewage system or non-plumbing sanitation system shall be located, installed, moved, reconstructed or substantially altered except as permitted by this chapter. The owner of the property on which the system is located and the company or individual doing the work is both responsible for compliance with this chapter.
- (c) The private sewage system for newly constructed buildings or structures requiring a Reconnection Permit shall be approved, installed, and inspected before the building may be occupied.

**12.105 PROHIBITIONS**

(a) NEW TECHNOLOGIES

The issuance of sanitary permits for the construction of POWTS designs that utilize one or more of the following technologies, designs or methods below shall be prohibited pursuant to SPS 383.32(2)(a), Wisconsin Administrative Code:

- (1) A constructed wetland as a POWTS treatment component.
- (2) An evapotranspiration bed as a POWTS treatment component.

(b) HOLDING TANKS

The issuance of sanitary permits for the construction of a holding tank for new development shall be prohibited for new one or two family residential homes on lots 10 acres or less created after October 1, 2000.

**12.106 LIMITATIONS**

- (a) All domestic wastewater shall enter a private sewage system unless otherwise exempted by the State or this ordinance.
- (b) Any private sewage system, or portions thereof, installed within the floodplain shall comply with all applicable requirements of NR 116, WI Administrative Code, and the Oconto County Zoning Ordinance.
- (c) Accessory structures on undeveloped lots: Prior to issuance of a land use permit for accessory structures on undeveloped lots that are 5 acres or less a soil and site evaluation report shall be filed in the Oconto County Zoning Department. This report at the minimum shall delineate a proposed POWTS system for future development of a typical 3-bedroom residence. The Department shall have discretion to waive this requirement based on soils, site conditions and proposed development potential.
- (d) Non-plumbing sanitation systems may be permitted only when the structure served by the non-plumbing sanitation system is not provided with water service or an indoor plumbing system. If plumbing is installed in the structure or running water supplied to the structure, an acceptable method of sewage disposal other than, or in addition to, a non-plumbing sanitation system must be provided.
- (e) HOLDING TANKS:
  - (1) Installation of a holding tank is prohibited if any of the following components may be utilized:
    - (A) In-ground Soil Absorption systems as recognized by SPS 383.61(4).
    - (B) At-grade systems as recognized by SPS 383.61(2).

- (C) Mound systems as recognized by SPS 383.61(3).
- (2) A sanitary permit for the installation of a holding tank, or which designates a holding tank as a replacement system, shall not be issued unless a Soil and Site Evaluation determines that the property is unsuitable for (A), (B) or (C) above, except as provided in (3) or (4). In addition the Soil and Site Evaluation report shall delineate suitable areas for a component that may utilize downsizing of a treatment component for future consideration.
- (3) Temporary use of a holding tank may be permitted if a public sewer approved by the Department of Natural Resources, will be installed to serve the property within 2 years of the date of the sanitary permit issuance. In addition to the requirements in s.12.109, an application for a sanitary permit to install a temporary holding tank shall include written statements from:
  - (A) The municipality or sanitary district, verifying the date that public sewer will be installed and available to serve the property;
  - (B) The Department of Natural Resources, verifying approval of the public sewer; and
  - (C) The property owner, agreeing to connect to public sewer when it becomes available and to abandon the temporary holding tank.
- (4) Temporary use of an existing tank may be used as a holding tank until public sewer becomes available if:
  - (A) The existing tank is inspected and modified to assure that effluent is not being discharged. The zoning office may require the addition of a high water warning device, additional servicing risers, locking covers, or a service road terminating less than 25' from any manhole.
  - (B) A service contract is obtained.
  - (C) Additional tank capacity may be required. A sanitary permit is required for installation of additional holding tank capacity.
  - (D) All requirements of sub. e (3) shall be submitted.

If public sewer does not become available within 2 years of the date of sanitary permit issuance, the holding tank must be abandoned and replaced with a system permitted under the criteria of s. 12.105(a) or (b) above that was the situation 2 years prior.
- (5) Non-residential use: Holding tanks are a system of choice where the design wastewater flow is less than 150 gallons per day. The sanitary permit shall include a written statement from the property owner, agreeing to install a POWTS if any change in use or occupancy results in an increase equal to or greater than 150 gallons per day.
- (6) Verification of the above criteria shall be in the form of a Soil and Site Evaluation and may require a Department onsite prior to issuance.
- (f) **FAILING PRIVATE SEWAGE SYSTEMS:**
  - (1) When a failing private sewage system is identified, it shall be brought into compliance with current code requirements, replaced with a code compliant system or its use discontinued within that period of time required by the Department.

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

#### **12.107 ABANDONMENT OF PRIVATE SEWAGE SYSTEMS**

- (a) 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 local sewer service entity. Abandonment of the disconnected private sewage system shall be done in accordance with the provisions of SPS 383. Wisconsin Administrative Code.
- (b) 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 installation of the replacement system by the plumber installing the system. The abandonment shall comply with SPS 383, Wisconsin Administrative Code.

#### **12.108 RESERVED FOR FUTURE USE**

### **PERMITS AND APPLICATIONS**

#### **12.108 SANITARY PERMITS**

- (a) Every private sewage system shall require a separate application and sanitary permit.
- (b) 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.
- (c) The property owner, his agent or contractor shall obtain a sanitary permit, before any private sewage system or part thereof may be installed, replaced, reconnected or modified. A sanitary permit is not required for the addition of manhole risers or for the replacement of manhole covers, manhole risers, baffles or pumps.
- (d) A County sanitary permit shall be obtained prior to constructing or installing a non-plumbing sanitary system.
- (e) 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 valid report is currently on file with the Department. 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.

#### **12.109 APPLICATION REQUIREMENTS**

- (a) The 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:
  - (1) Names and addresses of the applicant (owner of the site) and the plumber employed (when applicable).

- (2) Legal description of the subject site and the parcel identification number.
  - (3) All lot dimensions.
  - (4) Building use (single family, duplex, etc.)
  - (5) Approved state plans for systems requiring SPS approval. (See 12.111)
  - (6) Appropriate agreements and contracts for system management and maintenance.
  - (7) Agreements and/or affidavits required to install and/or utilize an existing system or for servicing holding tanks.
  - (8) Verification that any existing private sewage system(s) on the same parcel of land are not failing private sewage system(s).
  - (9) Copies of any documents required in this ordinance and verification that they have been recorded.
  - (10) Any other information required by the Department, including verification of compliance with s.12.402 (b) (9) and s.12.134 of this ordinance.
- (b) 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.
  - (c) 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.
  - (d) The following documents must be recorded with the Oconto County Register of Deeds prior to sanitary permit issuance.
    - (1) Maintenance agreements or contracts, if recording is required by SPS 383, Wisconsin Administrative Code or s.12.124 of this ordinance.
    - (2) If a private sewage system, or parts thereof, are located on a different parcel than the structure served, an appropriate easement or combined parcel affidavit must be recorded.
    - (3) If a private sewage system serves more than one structure under different ownership, a document identifying all parties that have ownership rights and are responsible for the operation and maintenance must be recorded.
    - (4) If a private sewage system is owned by a party other than the owner of the parcel on which it is installed, a document identifying the owner of the system, the structures to be served by the system, and the party responsible for the operation and maintenance must be recorded.
    - (5) 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 design must be recorded.
  - (e) The Department reserves the right to require Floodplain and/or Wetland delineation for a building site or proposed private sewage system area prior to sanitary permit issuance. The Department may require elevations on plans to be tied to floodplain elevation datum by a Registered Land Surveyor.

- (f) The Department reserves the right to refuse incomplete or incorrect permit applications or to delay permit issuance until corrected or completed applications are received.

### **12.111 PLANS**

System plans shall be submitted for approval to the Department or 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.

- (a) Plans submitted to the Department shall include the original and as many copies as are required by the Department.
- (b) 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.
- (c) Plans submitted shall be clear, legible and permanent copies.
- (d) Plans submitted shall comply with SPS 383, Wisconsin Administrative Code, and include the following:
  - (1) The name of the property owner and the legal description of the site;
  - (2) Estimated daily wastewater flow and design wastewater flow.
  - (3) A detailed plot plan (site plan), dimensioned or drawn to scale, on paper no smaller than 8 ½ 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; property lines; swimming pools; navigable waters; and the benchmark established on the Soil and Site Evaluation Report. Adjoining properties shall be verified 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.
  - (4) Details and configuration layouts depicting how the system is to be constructed.
  - (5) A description of a contingency plan in the event the proposed private sewage system fails and cannot be repaired. (See 12.106(e)).
  - (6) 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.
- (e) Plans shall be signed or sealed as specified in SPS 383, Wisconsin Administrative Code.
- (f) A copy of the approved plans shall be maintained at the construction site until the private sewage system installation is completed, inspected and accepted. The plans shall be made available to the Department or the State upon request.
- (g) A modification to the design of a private sewage system which has been previously approved shall be submitted to the 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 12.135(d)).

#### **12.112 PERMIT CARDS**

- (a) When the application for sanitary permit is approved, the Zoning Administrator shall issue a permit card to the property owner.
- (b) The permit card shall be posted in plain view, visible from the road fronting the lot during construction.
- (c) The permit card shall not be removed from the site until the private sewage system has been installed, inspected and approved by the Zoning Administrator.

#### **12.113 PERMIT EXPIRATION**

- (a) A sanitary permit is valid for two years from date of issuance.
- (b) Permits may be renewed following written application to the Department by the property owner, his agent, or contractor, prior to the expiration date of the original permit provided that the proposed site and system comply with applicable codes in effect at the time the renewal is requested.
- (c) A new permit card shall be issued when the permit is renewed. If a permit has expired and the owner wants to build on the site, a new sanitary permit must be obtained.

#### **12.114 TRANSFER OF OWNERSHIP**

- (a) Transfers of valid sanitary permits are permitted where a change of ownership of the parcel has occurred
- (b) The request for transfer shall be made in writing on forms provided by SPS.
- (c) The original permit card shall be returned to the Department so that a new permit card may be issued.
- (d) Transfers shall not affect the expiration date or renewal requirements for the permit.

#### **12.115 CHANGE OF PLUMBERS**

- (a) When an owner intends to change plumbers, it will be necessary for him to furnish the Department with the applicable transfer form signed by the new plumber.
- (b) The change of plumbers shall be approved by the department prior to the installation of the private sewage system.
- (c) Permits issued for systems with state plan approval shall not be approved by the department unless the plan bears the stamp of an architect or engineer, plumbing designer, or state level approval is obtained by the new plumber.

#### **12.116 PERMIT DENIAL**

When applicable provisions of the Wisconsin Statutes, Wisconsin Administrative Code or this ordinance have not been complied with when applying for a sanitary permit, the permit shall be denied. The Department shall provide in writing to the applicant the reasons for denial, a notice for the right to appeal and the procedures for appeal in accordance with ch. 86 WI Stats. The appeal of the denial by the Department for a sanitary permit shall be made in writing within 30 days from the date of the decision.

(amended 5-23-02)

## 12.117 RECONNECTION OF EXISTING PRIVATE SEWAGE SYSTEM

- (a) A county sanitary reconnect permit shall be obtained prior to:
  - (1) Construction of a structure to be connected to an existing private sewage system;
  - (2) Disconnection of a structure from an existing private sewage system and connection of another structure to the system, except as permitted in 12.117(e); or
  - (3) Rebuilding a structure that is connected to a private sewage system.
- (b) Prior to issuing the sanitary reconnection permit, the existing private sewage system shall be examined to:
  - (1) Determine if it is functioning properly and whether it is a failing system as specified in Wisconsin State Statute 145.245(d).
  - (2) Determine if it will be capable of handling the proposed wastewater flow and contaminant load from the building to be served.
  - (3) Determine that all minimum setback requirements of SPS 383, Wisconsin Administrative Code, will be maintained.
- (c) Application for a County reconnection permit shall include the following:
  - (1) All items in 12.110(a);
  - (2) For all systems that utilize in situ soil for treatment or dispersal, a Soil and Site Evaluation report verifying that the vertical separation distance between the infiltrative surface of the existing treatment or dispersal component and estimated high groundwater elevation and /or bedrock complies with SPS 383, Wisconsin Administrative Code. The Department may allow use of a previously filed soil report conducted in an area near the system to verify soil conditions if deemed reliable.
  - (3) A report provided by a licensed plumber, certified septage servicing operator or a POWTS inspector relative to the condition, capacities, baffles and manhole covers for any existing treatment or holding tanks;
  - (4) A report provided by a licensed plumber or POWTS inspector relative to the condition and capacities of all other system components and verifying that the system is not a failing system;
  - (5) A plot plan prepared by a plumber including information specified in 12.111(d)(3); and
  - (6) Complete plans, as specified in 12.111, for any system components, which will be modified or replaced.
  - (7) Reconnection to existing holding tanks may require a new servicing contract and an updated holding tank agreement, which meets the requirements of this ordinance.
  - (8) Reconnection to an existing system other than a holding tank may require a new maintenance agreement or contract.
- (d) Reconnection to an undersized system is not permitted.

- (e) 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 proposed structure and system components and a reinspection fee.
- (e) All systems shall be inspected at the time of reconnection, prior to backfilling, to ensure that proper materials and methods are being used.

#### **12.118 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:

- (a) Possess a sanitary permit to either modify the existing private sewage system or construct a new private sewage system to accommodate the modification in wastewater flow or contaminant load; or
- (b) Provide the following to the Department:
  - (1) Documentation that a private sewage system of adequate capability and capacity to accommodate the wastewater flow and contaminant load already exists to serve the structure, as specified in SPS 383, Wisconsin Administrative Code.
  - (2) Documentation showing that the location of the proposed structure conforms to the applicable setback distances to all the existing private sewage system components; and
  - (3) Documentation specified in 12.117(c)(2, 3 & 4). If a code compliant private septic system was installed within three (3) years of application or if an existing POWTS Evaluation Report, accepted by the Department, is less than three (3) years old, a new POWTS Evaluation Report is not required.
- (c) If the existing private sewage system is found to be undersized, construction of the proposed building addition or modification shall be allowed only if permitted by SPS 383 and SPS 384, Wisconsin Administrative Code, and an affidavit for the use of the undersized system is recorded in the Register of Deeds office.
- (d) Where the documentation or onsite inspection discloses that the private sewage system cannot accommodate the modification of wastewater flow and contaminant load, or is a failing system, or that the septic tank or components of the system need repair or replacement, the Department shall issue an order to require replacement or repair of the private sewage system or components before the issuance of the land use permit.
- (e) 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.

#### **12.119 CONSTRUCTION NOT AFFECTING WASTEWATER FLOW OR CONTAMINANT LOAD**

- (a) Prior to commencing for construction of any structure or addition to a structure on a property where there exists a private sewage system the owner or his agent shall determine that the proposed structure conforms to the applicable setback limitations specified in SPS 383, Wisconsin Administrative Code. Documentation shall be submitted as required in SPS 383, Wisconsin Administrative Code.

- (b) Prior to commencing the construction of an addition or modification of a dwelling or habitable structure in which the construction will include 150 sq. ft. or greater in size the owner of the property shall provide documentation required in 12.118 (a-e).

**12.120 SOIL AND SITE EVALUATIONS**

- (a) A sanitary permit shall not be issued until a soil and site evaluation report has been approved by the Department as specified in SPS 383, SPS 385 and SPS 391, Wisconsin Administrative Code.
- (b) The department may verify the report and soils at the proposed site if deemed necessary by the Zoning Administrator. This verification will be made at the discretion of the Zoning Administrator and will be made prior to the issuance of the sanitary permit. The verification will result in one of the following:
  - (1) Issuance of the permit, provided all information on the application is correct and complete.
  - (2) Establishment of a file indicating site suitability.
  - (3) Holding the application pending clarification of information or new information by the owner, plumber or certified soil tester.
  - (4) Denial of the permit if the site does not meet all the provisions of this ordinance and appropriate Wisconsin Statutes and Administrative Codes.
- (c) Backhoe pits are required whenever the department verifies soil boring data. The soil test pits shall be left in such a manner that will permit access to them for the evaluation of the soil profile. All backhoe pits must be covered or fenced within one week after inspection. Unattended backhoe pits are the liability of the Certified Soil Tester and/or property owner.

**12.121 PROPERTY TRANSFER REQUIREMENTS Unenforceable effective 07/14/15 due to 2015 WISCONSIN ACT 55**

- (a) Property transfers for properties enrolled in the Oconto County Sanitary Maintenance program.

Prior to the transfer of property enrolled in the Oconto County Sanitary Maintenance program, the owner shall provide written notification of the maintenance program to the buyer. This notification shall include the date of installation, type of system, legal description and the sanitary permit number.
- (b) Property transfers for developed properties not enrolled in the Oconto County Sanitary Maintenance Program.
  - (1) For which a real estate transfer fee is not collected, the property owner is not required to enroll into the Oconto County Maintenance Program.
  - (2) For which a real estate transfer fee is collected the buyer shall:
    - (A) Enroll in the Oconto County Maintenance Program.
    - (B) Provide to the department verification that the existing private sewage system meets the minimum separation requirement between the infiltrative surface and high groundwater or bedrock as defined in Wisconsin Statute 145.245(4).

A waiver of this verification may be granted upon request if a previously filed soil report conducted in the vicinity of the system is deemed reliable.

## **SYSTEM MANAGEMENT AND MAINTENANCE**

### **12.122 MAINTENANCE AND MANAGEMENT** *(Amended 05/18/2017 – Ord. #: O2017-05-02)*

- (a) All private sewage systems shall be managed and maintained in accordance with SPS 383 and 384, Wisconsin Administrative Code, and this ordinance.
- (b) The property owner 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.
- (c) The property owner or the owner's agent shall submit a copy of an appropriate maintenance agreement and/or servicing contract to the Department prior to sanitary permit issuance for treatment & holding components requiring maintenance at intervals of twelve (12) months or less based on product approval conditions.
- (d) The property owner or the owner's agent shall submit a new or revised maintenance agreement and/or servicing contract to the Department whenever there is a change to such document(s).
- (e) The property owner or the owner's agent 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.

### **12.123 PRIVATE SEWAGE SYSTEM MAINTENANCE PROGRAM** *(Amended 05/18/2017 – Ord. #: O2017-05-02)*

- (a) Private sewage systems shall be visually inspected within three (3) years of the date of installation and at least once every three (3) years thereafter, if the inspection reveals a combined sludge and scum volume greater than or equal to one-third (1/3) of the volume of each tank, the tanks associated with the private sewage system shall be pumped.
- (b) Pumping of septic tanks shall be done by a certified septage servicing operator in accordance with NR 113, Wisconsin Administrative Code.
- (c) Visual inspection of a private sewage system may be conducted by any licensed individual to determine the condition of septic system components, determine if pumping of the tank components is necessary, and whether wastewater or effluent from the POWTS is ponding on the ground surface.
- (d) The owner of a private sewage system shall contract with a licensed individual to complete the maintenance of the septic system. Within thirty (30) days of completion of the maintenance, the licensed individual shall file the maintenance report with the Department. When Oconto County makes available, maintenance reports shall be through the Oconto County online reporting system. It shall be the property owner's responsibility to verify any report has been filed prior to the deadline established for the maintenance of the septic system. Other maintenance or management reports required by SPS 383 or 384, Wisconsin Administrative Code, should be included with this report.

### **12.124 HOLDING TANK MAINTENANCE AGREEMENT**

- (a) The owner of the holding tank shall enter into a Maintenance Agreement with Oconto County before the sanitary permit is issued. The agreement shall be signed on form provided by the Zoning Administrator, who shall sign the agreement on behalf of the county. The agreement shall require the applicant to conform to state regulations regarding the maintenance and pumping of the holding tank. If the tank is not maintained and pumped in conformance with state regulations, the Zoning Administrator shall order it to be maintained or pumped by a private pumper, at county expense. The county shall then invoice the property owner for all such costs incurred. If the invoice is not paid within 30 days, the county may place the amount on the tax roll as a special assessment

against the property in question. This Maintenance Agreement shall be filed in the Register of Deeds office and shall be recorded in a manner that will permit the existence of the agreement to be determined by reference to the property where the holding tank is installed.

- (b) The owner or agent shall submit a copy of the Holding Tank Maintenance Agreement when plans are submitted to the Department for review.

## **INSPECTIONS**

### **12.125 INSPECTIONS: GENERAL**

- (a) Notice for final inspection shall be given to the Zoning Department for all private sewage systems installed, modified or reconnected.
- (b) These private sewage systems shall be inspected by the Department for compliance with SPS 382, 383, 384 and 391, Wisconsin Administrative Code, other appropriate Wisconsin Statutes and Administrative Codes and this ordinance.
- (c) Notification for final inspection shall be given in accordance with the requirements of SPS 383, Wisconsin Administrative Code.
- (d) 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 Zoning Department.
- (e) 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 the proper inspection.
- (f) 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 Zoning Administrator.

### **12.126 INSPECTIONS: SITE CONSTRUCTED HOLDING TANKS**

- (a) All site constructed holding tanks shall be inspected after the floor is poured and the keyway and waterstop 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.
- (b) Concrete walls may be poured only after it has been determined that the tank, as formed, complies with the approved plans.
- (c) This inspection shall not eliminate the need for an inspection after the installation has been completed.

### **12.127 INSPECTIONS: NON-PLUMBING SANITARY SYSTEMS**

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

#### **12.128 INSPECTIONS: MOUNDS**

- (a) The plumber installing the mound shall notify the Department the working day prior to the installation, excluding weekends and holidays.
- (b) Mound systems shall be inspected at the time the ground surface is plowed, before aggregate is placed in the distribution cell, at the time the distribution piping installation has been completed and after all work has been completed.

#### **12.129 INSPECTIONS: AT-GRADE SYSTEMS**

- (a) The plumber installing the at-grade system shall notify the Department the working day prior to the installation, excluding weekends and holidays.
- (b) At-grade systems shall be inspected at the time the ground surface is plowed, at the time the distribution piping installation has been completed and after all work has been completed.

#### **12.130 INSPECTIONS: SAND FILTERS**

- (a) The plumber installing the sand filter shall notify the Department the working day prior to the installation, excluding weekends and holidays.
- (b) 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 is completed.

#### **12.131 EXPERIMENTAL SYSTEMS AND SYSTEM NOT RECOGNIZED BY SPS 383.61**

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

#### **12.132 REINSPECTION**

- (a) 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 will require a fee.
- (b) 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.

#### **12.133 TESTING**

- (a) 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 12.125 (c), so that the Department may make an inspection during the test.
- (b) The Department shall verify that required testing has been completed, by:

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

**12.134 PERMIT FEES** (amended Ord #1742-2008, Ord # 1812-2008, Ord # 1926-2010)

- (a) Fees shall be approved by resolution adopted by the Oconto County Board of Supervisors.
- (b) Plan Revisions
  - (1) A fee shall be charged for any plan revision that is not submitted and approved by the Department and/or State before inspection of the system has commenced.
  - (2) In addition to any fee required in (a) above, if a plan revision results in a change to a system type or size for which a higher sanitary permit or plan review fee is required, the difference between the fee already paid and that listed in (1) will be charged.
- (c) Sanitary permit fees are due at the time of application. After any sanitary permit has been issued, the fee(s) will not be refunded.
- (d) After-the-fact permit fees - A double fee will be charged for all after-the-fact permit applications to partially recover the cost of obtaining compliance.
- (e) Agent Plan Review - County plan review fees for any system listed in Table 383.22-2, Wisconsin Administrative Code, approved by the Department as a designated agent of the State.

**OCONTO COUNTY SEPTAGE ORDINANCE**

**12.201 TITLE, AUTHORIZATION, INTENT AND PURPOSE, AND SEVERABILITY**

- (a) Title: This chapter shall be known as, referred to or cited as the "Oconto County Septage Ordinance."
- (b) Authorization: This chapter is adopted under the authority and responsibility granted to Oconto County in Section 59.07 (51), Wisconsin Statutes. This chapter incorporates by reference the following rules, regulations and laws as set forth in Wisconsin Statutes and the Wisconsin Administrative Code that governs discharging of noxious matter, nuisances and septage disposal: Chapters 146.13, 146.14 and 968.10 Wisconsin Statutes and Chapters NR 113 of the Wisconsin Administrative Code. These rules, regulations, and laws shall apply until amended or renumbered and then shall apply as amended and renumbered.
- (c) Purpose and Intent: The purpose of this ordinance is to protect and promote the health, safety, prosperity, aesthetics, and general welfare of the people and communities within Oconto County. The general intent of this chapter is the regulation of septage disposal so as to protect the health of residents and transients and to secure safety from disease, nuisance, and pestilence.
- (d) If any section, provision or portion of this chapter is judged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this chapter shall not be affected thereby.

**12.202 GENERAL REQUIREMENTS**

- (a) Applicability: The requirements of this chapter shall apply to all lands and waters within Oconto County.

- (b) Compliance: No septage may be disposed of within Oconto County except as permitted by this chapter. The owner of the property on which septage is to be stored or disposed of and the company or individual storing or disposing of same are both responsible for compliance with this chapter.

### **12.203 ADMINISTRATION**

- (a) Oconto County shall hereinafter, regulate the disposal of septage under this chapter.
- (b) This chapter implements the provisions of NR 113; except NR 113.08 pertaining to Vehicle Inspections, Servicing and Licensing.
- (c) All records and reports required by NR 113 shall be directed to the Zoning Administrator. Reports shall be complete and accurate. Reports will be generated quarterly for the septage program and provided to the County Board of Supervisors and Department of Natural Resources.

### **12.204 INSPECTIONS**

- (a) The Zoning Administrator shall inspect all new sites for approval.
- (b) The Zoning Administrator shall inspect all sites which are subjects of complaints.
- (c) The Zoning Administrator shall at least once a year, inspect all approved sites to insure compliance with the septage management plans.
- (d) Inspection reports shall be forwarded to the Department of Natural Resources for information.

### **12.205 DEFINITIONS**

- (a) Definitions within NR 113.03 apply to this chapter.
- (b) In addition, definitions within chapter 1, Section 11 shall apply where applicable.

### **12.206 FEES AND BONDS**

Fees and Bonds required by NR 113.05, Table 1 shall apply.

## **OCONTO COUNTY SLUDGE ORDINANCE**

### **12.301 TITLE, AUTHORIZATION, INTENT AND PURPOSE, AND SEVERABILITY**

- (a) Title: This chapter shall be known as, referred to or cited as the "Oconto County Sludge Ordinance."
- (b) Authorization and Incorporation of Provisions by Reference: This chapter is adopted under the authority and responsibility granted to Oconto County in Section 59.07 (51), Wisconsin Statutes. This chapter incorporates by reference the following rules, regulations, and laws as set forth in Wisconsin Statutes and the Wisconsin Administrative Code governing the disposal of sludges; Chapters 146.13, 146.14 and 968.10 Wisconsin Statutes; and NR 204 of the Wisconsin Administrative Code. These rules, regulations and laws shall apply until amended or renumbered and then shall apply as amended and renumbered.
- (c) Purpose and Intent: The purpose of this ordinance is to protect and promote the health, safety, prosperity, aesthetics, and general welfare of the people and communities within Oconto County.

The general intent of this chapter is to assist in the regulation of disposal of sludges so as to protect the health of residents and transients and to secure safety from disease, nuisance, and pestilence.

- (d) Severability: If any section, provision or portion of this chapter is judged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this chapter shall not be affected thereby.

### **12.302 GENERAL REQUIREMENTS**

- (a) Applicability: The requirements of this chapter shall apply to all lands and waters within Oconto County.
- (b) Compliance: No sludge may be disposed of within Oconto County except in compliance with this chapter. The owner of the property on which sludge is to be stored or disposed of and the company or individual storing or disposing of said sludge are both responsible for compliance with this chapter.

### **12.303 ADMINISTRATION**

- (a) The Zoning Administrator shall hereinafter, inspect and make his/her recommendations to the Department of Natural Resources on each Wisconsin Pollutant Discharge Elimination System Permit (WPDES) pertaining to each site used for the storage or disposal of sludges.
- (b) The Zoning Administrator shall review and comment on all Sludge Management Plans pertaining to Oconto County.
- (c) A copy of all records and reports required by NR 204 shall be directed to the Zoning Administrator. Reports shall be complete and accurate. Computer reports pertaining to each site will be generated annually for the Sludge Program and provided to the County Board and Department of Natural Resources.

### **12.304 INSPECTIONS**

- (a) The Zoning Administrator shall inspect all sites which are subjects of complaints.
- (b) The Zoning Administrator shall at least once a year, inspect all approved sites to insure compliance with the Sludge Management Plans.
- (c) Inspection reports shall be forwarded to the Department of Natural Resources with comments, recommendations or requests for compliance or legal action.

### **12.305 DEFINITIONS**

- (a) Definitions within NR 204.03 apply to this chapter.
- (b) In addition, definitions within Chapter 1, Section 11 shall apply as pertains to sludge management.

### **12.306 VIOLATION**

- (a) Disposal of sludges except on approved sites and in accordance with NR 204 is hereby prohibited.
- (b) Disposal of sludges without the required permits(s) required by NR 204 is hereby prohibited.

## **ADMINISTRATION AND ENFORCEMENT**

### **12.401 TITLE, AUTHORIZATION, INTENT AND PURPOSE, AND SEVERABILITY**

- (a) Title: This chapter shall be known as, referred to or cited as the "Administration and Enforcement Chapter, Oconto County Sanitary Ordinance."
- (b) Authorization and Incorporation of Provisions by Reference: This chapter is adopted under the authority and responsibility granted to Oconto County in Sections 59.065, 59.067, 59.07 (51), and 145.20, Wisconsin Statutes. This chapter incorporates by reference the various rules, regulations, and laws as specified in Chapters I through V. These rules, regulations, and laws shall apply until amended or renumbered and then shall apply as amended and renumbers.
- (c) Purpose and Intent: The purpose of this ordinance is to provide for the administration and enforcement procedures. It is the intent to further provide for penalties.
- (d) Severability: If any section, provision or portion of this chapter is judged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this chapter shall not be affected thereby.

### **12.402 ADMINISTRATION**

- (a) The Oconto County Zoning Administrator shall be responsible for administering this ordinance.
- (b) Powers and Duties: The Zoning Administrator shall have the following responsibilities and authority in the administration of this ordinance:
  - (1) Delegate duties to and supervise the Department Staff and others for administration and enforcement of this ordinance.
  - (2) Explain the provisions of this ordinance to licensed professionals and interested persons and assist applicants in preparing permit applications. Review all applications and plans submitted to the county.
  - (3) Issue, deny, and rescind permits; maintain records of permits, inspections made, work approved and performed, and other information as appropriate.
  - (4) Investigate all complaints relative to this ordinance. Order any person, farm, firm or corporation not in compliance with these provisions or otherwise in violation of this ordinance or applicable state regulations, to comply with same.
  - (5) Have access to any structure, land or water between the hours of 8:00 A.M. and 6:00 P.M. for the purpose of performing said duties or at other times set by mutual agreement by the property owner or his/her agent and the administrator or upon issuance of a special inspection warrant in accordance with 66.122, Wisconsin Statutes.. Access may be at any time upon determination that an emergency exists. Application for a sanitary permit is considered for the purposes of this ordinance as the owner's consent to enter the premises.
  - (6) 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.
  - (7) Enforce any or all of the rules or orders and amendments thereto of the Department of Safety & Professional Services applicable to private sewage systems. Enforce any or all of the rules or orders and amendments thereto of the Department of Natural Resources

applicable to the Septage and Sludge programs. Enforce any order of the Health Officer applicable to Nuisances.

- (8) Administer the Wisconsin Fund Program for Failing Septic Systems and distribute grant monies to eligible applicants.
- (9) Consider and approve or deny requests for a waiver to 12.106(e) 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 Zoning Administrator may require recording of affidavits, the identification and preservation of a replacement area or other conditions as deemed necessary.
- (10) Refer all unresolved violations of this ordinance to the Corporation Counsel for appropriate legal or other action.
- (11) Any other duties relating to these programs as assigned by the Planning and Zoning Committee or as required by state regulations or law.

#### **12.403 VIOLATIONS AND PENALTIES**

- (a) **Violations:** No person shall construct, repair, maintain, alter or use a private sewage system, dispose of septage or sludge, or create any nuisance in violation of any provisions of this ordinance. No person shall resist, obstruct or interfere in any way with the Zoning Administrator or Health Officer in the lawful enforcement of this ordinance. No person shall fail to obey the Zoning Administrator or Health Officers enforcement orders.
- (b) **Notification:** Persons in violation of this ordinance shall be notified by the Zoning Administrator or Health Officer of said violation and corrective actions needed to abate the violation, if any. If the violation is not corrected by the specified deadline, the Zoning Administrator or Health Officer shall refer the violation to the Corporation Counsel.
- (c) **Penalties:** Any persons, farm, firm or corporation who fails to comply with the provisions of this ordinance shall, upon conviction thereof, forfeit not less than \$25.00 nor more than \$500.00 and the cost of prosecution as set by the statutes for each violation and in default of payment of such forfeitures and costs, shall be imprisoned by the county jail until payment thereof, but not exceeding 30 days. Each day a violation occurs or continues shall constitute a separate offense.
- (d) **Remedial Action:** Whenever an order of the Zoning Administrator or Health Officer has not been complied with within the time specified, the Corporation Counsel shall institute appropriate legal action or proceedings to resolve the violation, prevent the use of premises, lands or waters until such order is complied with and to seek appropriate penalties.
- (e) **Appeals:** Persons seeking to appeal decision of the Zoning Administrator under this ordinance shall file written letters of appeal with the Zoning Administrator. The Zoning Administrator shall place the appeal on the agenda of the Planning and Zoning Committee and the appeal shall be given a due process proceeding in accord with chapter 68, Wisconsin Statutes. The Planning and Zoning Committee shall decide whether to uphold, uphold with modifications or reverse the Zoning Administrator's decision based upon the terms and intent of this ordinance and of relevant state laws and administrative rules. No appellate decision of the board shall have the effect of approving an existing or proposed condition that would violate this ordinance or state law or administrative rule. Planning and Zoning Committee appellate decisions shall be made in writing and shall be filed in the Zoning Administrator's office. Appeals of decisions made by authorized agents on the behalf of the administrator, shall be made first to the administrator and then be appealable as provided herein.

#### **12.404 VALIDITY, ADOPTION, AND EFFECTIVE DATE**

- (a) Validity: - All other ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed. Specifically, Section 20.0 Oconto County Private Sewage System Ordinance of the Oconto County Shoreland Protection Ordinance is hereby repealed.
- (b) Adoption and Effective Date: This ordinance shall be effective after public hearing, adoption by the County Board of Supervisors and publication as required by law.