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**June 20, 2000**

**AS AMENDED TO**

**August 20, 2002**

**May 21, 2006 (#1-2005)**

**June 17, 2008 (#1-2008)**

**August 30, 2009 (#1-2009)**

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110 **13.10 STATUTORY AUTHORITY.**

111  
112 This ordinance is adopted pursuant to the authorization in §59.70(1), 59.70(5), 145.04,  
113 145.19, 145.20, 145.245 145.13, 145.19, Wisconsin Statutes and ~~Comm 82, 83, 84, 85,~~  
114 ~~86 and 87~~ SPS 382, 383, 384, 385, 386, 387 and 391 Wisconsin Administrative Code.

116 **13.11 PURPOSE.**

117  
118 This ordinance is adopted to promote and protect public health and safety by assuring  
119 the proper siting, design, installation, inspection and management of ~~private sewage~~  
120 ~~systems~~ POWTS and non-plumbing sanitation systems.

121  
122 In order to achieve these purposes, it is the intent of this ordinance to include, but not be  
123 limited to, the following methods and strategies:

- 124  
125 1. Develop a sanitary permit program that continues to ensure public health, safety and  
126 welfare to the residents and visitors of Oneida County.  
127  
128 ~~2. Limit the use of holding tanks to protect surface water and groundwater resources.~~  
129  
130 ~~3.2.~~ Maintain and improve the inspection and enforcement process for new system  
131 installation.  
132  
133 ~~4.3.~~ Improve the maintenance and tracking program for systems previously installed as  
134 well as new systems installed each successive year.  
135  
136 ~~5.4.~~ Allow municipal ownership of a private sewage system servicing multiple structures.

137  
138 **13.12 FINDINGS OF FACT.**

139  
140 Oneida County has over 1,127 lakes and other water bodies within its boundaries. It has  
141 a large amount of vacation properties that are used on an intermittent basis.

142  
143 The land area of Oneida County includes 791,347 acres and 68,096 acres of surface  
144 water. The soil in Oneida County is predominately sandy or loamy, which has moderate  
145 to very rapid permeability, but poor treatment capabilities. (Soil Survey, Oneida County,  
146 Wisconsin, February 1993.)

147  
148 Water supplies in Oneida County are predominately drawn from sand and gravel  
149 aquifers, which are replenished from precipitation and drainage. Water seeping from  
150 private sewage systems help fill these same aquifers that property owners and visitors  
151 use for drinking water supplies. (Soil Survey, Oneida County, Wisconsin, February,  
152 1993).

153  
154  
155 **13.13 SEVERABILITY AND LIABILITY.**

156  
157 Should any section, clause, provision or portion of this ordinance be adjudged  
158 unconstitutional or invalid by a court of competent jurisdiction, the remainder of this  
159 ordinance shall not be affected thereby.  
160

161 This ordinance shall not create a liability on the part of or a cause of action against the  
162 County or any employee thereof for any private sewage system or non-plumbing  
163 sanitation system which may not function as designed. There shall be no liability or  
164 warranty for any site which is approved or denied. The issuance of a sanitary permit and  
165 the final inspection of such a system does not warrant the system's function, nor is there  
166 a guarantee that the system is free of defects or that all aspects of the system comply to  
167 Wisconsin Statute or Administrative Code requirements.  
168

169 **13.14 INTERPRETATIONS.**

170  
171 The provisions of this ordinance shall be held to be minimum requirements and shall be  
172 liberally construed in favor of the County and shall not be deemed a limitation or repeal  
173 of any other power granted by the Wisconsin Statutes and related administrative codes.  
174

175 **13.15 DEFINITIONS.**

176 The following terms shall have the meanings indicated in this section.

177  
178 Buildings. See Structure.

179  
180  
181 Committee. The Oneida County Planning & Development Committee.

182  
183 Conventional In-Ground Sewage System-Private On-site Wastewater Treatment System  
184 A private ~~sewage~~ on-site wastewater treatment system consisting of a septic tank and  
185 an in-ground soil absorption component with gravity distribution of effluent.  
186

187 County Sanitary Permit. A permit issued by the Department for the reconnection of a  
188 private ~~sewage~~ on-site wastewater treatment system or for the installation of a non-  
189 plumbing sanitation system, pursuant to §59.70 and ~~445.04~~, Wisconsin Statutes.  
190

191 Department. The Oneida County Planning & Zoning Department.

192  
193 Failing Non-Plumbing Sanitation Systems.

- 194 1. The discharge of sewage into surface water or groundwater.  
195 2. The introduction of sewage into zones of saturation which adversely affects the  
196 operation of the non-plumbing system.  
197 3. The discharge of sewage to a drain tile or into zones of bedrock.  
198 4. The discharge of sewage to the surface of the ground.  
199

200 Failing Private Sewage Onsite Wastewater Treatment System. "Failing private ~~sewage~~  
201 on-site wastewater treatment system" has the following meanings:  
202

- 203 1. Those specified under §145.245(4), Wisconsin Statutes.  
204 2. A private ~~sewage-on-site wastewater treatment~~-system which discharges sewage  
205 to the ground surface, including intentional discharges and discharges caused by  
206 neglect, shall be considered a failing private sewage system.  
207

208 Holding Tank. A water tight receptacle for the collection and holding of wastewater.  
209

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

212 Issuing Agent. The County Planning & Zoning Department shall act as the County  
213 Issuing Agent and is hereby assigned the duties of administering the Private Sewage  
214 On-site

215  
216 Large Onsite Sewage Wastewater Treatment Systems. An onsite sewage wastewater  
217 treatment system with a subsurface discharge that is designed to treat wastewater from  
218 residential buildings that contain the equivalent of more than 85 bedrooms. For those  
219 systems with a subsurface discharge that treat wastewater from other types of  
220 occupancies (non-residential), a large onsite sewage system means a system with a  
221 daily effluent application rate of greater than 8,000 gallons per day (gpd). The design  
222 wastewater flow for these systems is 150% of the daily effluent application (12,000 gpd).  
223

224 Minor Repairs. A minor repair to a private sewage on-site wastewater treatment system  
225 includes the replacement or repair of any of the following:

- 226 1. manhole covers;
- 227 2. manhole risers;
- 228 3. septic tank baffles;
- 229 4. effluent pumps and related controls or wiring;
- 230 5. other components as determined by the Department.

231  
232 Modification of Wastewater Flow or Contaminant Load. A modification in wastewater  
233 flow or contaminant load shall be considered to occur:

234  
235 In public buildings, facilities or places of employment, when there is a proposed change  
236 in occupancy of the structure; or the proposed modification affects either the type or  
237 number of plumbing appliances, fixtures or devices discharging to the system; and  
238

239 In dwellings, when there is an increase or decrease in the number of bedrooms.  
240

241 Non-plumbing Sanitation System. Sanitation systems and devices within the scope of  
242 ~~Comm 94~~ SPS 391, Wisconsin Administrative Code, which are alternatives to water  
243 carried waste plumbing fixtures and drain systems; including, but not limited to,  
244 incinerating toilets, composting toilets and privies.  
245

246 Occupancy. Pertains to and is the purpose for which a building is used or intended to be  
247 used. A change of occupancy is not intended to include a change of tenants or  
248 proprietors.  
249

250 Plumber. A person licensed by the State as a Master Plumber or Master Plumber-  
251 Restricted Service.  
252

253 POWTS. A Private Onsite Wastewater Treatment System ~~and also referred to as~~  
254 ~~Private Sewage System~~ has the same meaning given under §.145.01(12), Wisconsin  
255 Statutes.  
256

257 Portable Restroom. A self-contained portable unit that includes fixtures, incorporating  
258 holding tank facilities, designed to contain human excrement.  
259

260 Private Sewage System. ~~Also referred to as a "Private Onsite Wastewater Treatment~~  
261 ~~System" or "POWTS", has the meaning given under s. 145.01(12), Wisconsin Statutes.~~  
262

263 Privy. An enclosed nonportable toilet into which nonwater-carried human wastes are  
264 deposited.

265  
266 Privy-Pit. A privy with a subsurface storage chamber which is not watertight.

267  
268 Privy-Vault. A privy with a subsurface storage chamber that is watertight.

269  
270 Rebuilt. The construction which takes place after a structure is demolished or damaged  
271 to the extent of fifty percent (50%) of its current equalized assessed value.

272  
273 Recreational Vehicle Transfer Container: A type of sanitary holding tank used to collect  
274 and hold wastewater discharges generated by an individual camping trailer or  
275 recreational vehicle.

276  
277 Sanitary Permit. The term “sanitary permit”, as used in this ordinance shall mean a  
278 County Sanitary Permit, a State Sanitary Permit or both.

279  
280 Septic Tank. An anaerobic treatment tank.

281  
282 Shoreland-Wetland. A wetland of  $\frac{5}{2}$  acres or more on the Wisconsin Wetland Inventory  
283 Map within 1,000’ of the ordinary high water mark of navigable waters of a wetland less  
284 than  $\frac{5}{2}$  acres but are located in whole or in part within 200’ of a navigable lake or  
285 stream.

286  
287 Soil and Site Evaluation Application. An application submitted for the purpose of  
288 requesting County verification of a Soil and Site Evaluation Report.

289  
290 State. The Wisconsin Department of ~~Commerce~~ Safety and Professional Services.

291  
292 State Sanitary Permit. A permit issued by the Department or the Department of  
293 ~~Commerce~~ Safety and Professional Services for the installation or modification of a  
294 private sewage system, pursuant to ~~§145.135~~ and 145.19, Wisconsin Statutes.

295  
296 Structure. Anything for support, shelter, or enclosure of persons on property, including  
297 but not limited to any building, dwelling, manufactured building, manufactured home,  
298 mobile homes, house trailer, recreational vehicle, boathouse, or deck.

299  
300 Wastewater Treatment System Program.

301  
302 **SUBCHAPTER 2 - GENERAL REQUIREMENTS**

303  
304 **13.20 COMPLIANCE.**

- 305  
306 1. All structures or premises in the County that are permanently or intermittently  
307 intended for human habitation or occupancy, which are not serviced by a public  
308 sewer, shall have a system for holding or treatment and dispersal of sewage and  
309 wastewater which complies with the provisions of this ordinance.
- 310  
311 2. The ~~private sewage system~~ POWTS or non-plumbing sanitation system for newly  
312 constructed structures or structures requiring a Reconnection Permit shall be  
313 installed, inspected, and approved before the structure may be occupied.

314  
315 **13.21 INCORPORATION OF PROVISIONS BY REFERENCE.**  
316

317 This ordinance incorporates by reference the following rules, regulations, and laws, as  
318 set forth in the Wisconsin Statutes and the Wisconsin Administrative Code governing the  
319 location, construction, and use of ~~private sewage systems~~ POWTS: §59.70(5), Chs.  
320 145, 281.48, and 283.31 and ~~968.10~~, Wisconsin Statutes; Chs. ~~Comm 352.63~~, ~~Comm~~  
321 ~~25~~, ~~Comm SPS 381~~, ~~Comm SPS 382~~, ~~Comm SPS 383~~, ~~Comm SPS 384~~, ~~Comm SPS~~  
322 ~~385~~, ~~Comm SPS 386~~, ~~Comm SPS 387~~, ~~Comm SPS 391~~, NR 113, NR 116 and NR 206  
323 Wisconsin Administrative Code. These rules, regulations, and laws shall apply until  
324 amended or renumbered and then shall apply as amended or renumbered.  
325

326 **13.22 APPLICABILITY.**  
327

328 The requirements of this ordinance shall apply to all geographic areas of Oneida County.  
329

330 **13.23 LIMITATIONS.**  
331

- 332 1. All domestic wastewater shall enter a ~~private sewage system~~ POWTS unless  
333 otherwise exempted by the State or this ordinance.  
334
- 335 2. A non-plumbing sanitation system may be permitted only when the structure or  
336 premises served by the non-plumbing sanitation system is not provided with an  
337 indoor plumbing system. If plumbing is installed in the structure or running water  
338 is supplied to the structure, an acceptable method of sewage disposal other than,  
339 or in addition to, a non-plumbing sanitation system must be provided.  
340
- 341 3. Any ~~private sewage system~~ POWTS or portion thereof, installed within a  
342 floodplain shall comply with all applicable requirements of NR 116, Wisconsin  
343 Administrative Code, and the Oneida County Floodplain Zoning Ordinance,  
344 Chapter 20 of the General Code of Ordinances for Oneida County.  
345
- 346 4. (a) When a failing ~~private sewage system~~ POWTS or non-plumbing  
347 sanitation system is identified, it shall be brought into compliance with  
348 current code requirements, replaced with a code compliant system or its  
349 use discontinued within that period of time required by Department order.  
350
- 351 (b) Unlawfully modified ~~private sewage systems~~ POWTS, a ~~private sewage~~  
352 ~~system~~ POWTS that has sewage by-passed or a holding tank which is  
353 discharging untreated or partially treated sewage into the ground, onto  
354 ground surface or into surface waters, may be ordered by the Department  
355 to be corrected or replaced with a code compliant system.  
356

357 **13.24 (RESERVED).**  
358

359 **13.25 PROHIBITION.**  
360

- 361 1. The issuance of a sanitary permit for the construction or use of POWTS designs  
362 that utilize one or more of the following technologies, designs or methods below  
363 shall be prohibited pursuant to Wisconsin Administrative Code ~~Comm SPS~~  
364 383.32(2)(a):

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(a) An evapotranspiration bed as a POWTS treatment component.

2. No large onsite ~~sewage~~ wastewater treatment system shall be installed or operated in Oneida County. This prohibition shall not apply to:

(a) Any large onsite ~~sewage~~ wastewater treatment system for which a Water Pollution Discharge Elimination System (WPDES) permit has been issued by the Wisconsin Department of Natural Resources (WDNR) pursuant to Wisconsin Statutes Section 283.31

Any large-scale onsite ~~sewage~~ wastewater treatment system shall be subject to ongoing maintenance and operating strategies required by the WDNR including periodic permit review and renewal. Failure of the owner of a large onsite ~~sewage~~ wastewater treatment system to have a valid WPDES permit or renewal thereof from the WDNR, shall constitute violation of this ordinance and be subject to penalties specified in 13.63(2), until such time as the owner demonstrates that a valid WPDES permit has been again issued by the WDNR.

3. Pursuant to Wisconsin Administrative Code ~~Comm~~ SPS 383.32(2)(c) the issuance of sanitary permits shall be prohibited for POWTS that service two (2) or more structures or buildings that are located on more than one property. This prohibition shall not apply to a POWTS that has a design flow of 3,000 gallons per day or less, or POWTS systems that have a design flow of greater than 3,000 gallons per day and are owned by a governmental entity or agency such as a Sanitary District, Utility District, or Special Purpose District.

4. Recreational vehicle Transfer Containers are prohibited unless they are located within a campground permitted by the Department of Health and Family Services under Ch HFS 178.

**13.26 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~~ POWTS 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~~ POWTS shall be done in accordance with the provisions of ~~Comm~~ SPS 383, Wisconsin Administrative Code.

2. The components of an existing ~~private sewage system~~ POWTS that are not part of the approved design of a replacement system shall be abandoned per ~~Comm~~ SPS 383, Wisconsin Administrative Code at the time of the installation of the replacement system by the plumber installing the system.

**13.27 NON-PLUMBING SANITARY SYSTEMS.**

- 416 1. Non-plumbing sanitary systems shall comply with the minimum requirements of  
 417 Wisconsin Administrative Code ~~Comm~~ SPS 391 and SPS 362.2900 (2)(a) & (b)  
 418 unless this ordinance is more restrictive.  
 419
- 420 2. Pit and vault type Pprivies shall be sturdily constructed and maintained in a clean  
 421 and healthful condition.  
 422
- 423 3. Pit and Vault type Pprivies shall be located at the minimum horizontal distance  
 424 of:  
 425
- 426 (a) 25 feet from dwellings.
  - 427 (b) 10 feet from lot line.
  - 428 (c) ~~25 feet from a slope 15% or greater.~~
  - 429 (d)(c) 50 feet from any well.
  - 430 (e)(d) 75 feet from the Ordinary High Water Mark of a lake or stream.
  - 431 (f) (e) 25 feet from a shoreland/wetland.

432  
 433 **SUBCHAPTER 3 - PERMITS AND APPLICATIONS**

434  
 435 **13.30 SOIL AND SITE EVALUATION.**

- 436
- 437 1. Soil and site evaluations shall be done prior to the issuance of sanitary permits  
 438 as specified in ~~Comm~~ SPS 383, ~~Comm~~ SPS 385 and ~~Comm~~ SPS 391,  
 439 Wisconsin Administrative Code.  
 440
- 441 2. Soil test pits shall be constructed which allow adequate visual observation of the  
 442 soil profile in place. This is best accomplished by the excavation of backhoe pits  
 443 ~~or other methods approved by the Department as referred to in SPS~~  
 444 385.20(3)(c).  
 445
- 446 3. Department verification of a Soil and Site Evaluation Report may be necessary to  
 447 determine the suitability of a lot for a ~~private sewage system~~ POWTS as  
 448 specified in SPS 385.50(2). This verification will be made at the discretion of the  
 449 Issuing Agent and will be made prior to the issuance of the sanitary permit.  
 450 ~~Department verification shall be required on all sites that have less than 12~~  
 451 ~~(twelve) inches of in-situ soil, suitable for the treatment and disposal of effluent,~~  
 452 ~~unless specifically waived by the Issuing Agent.~~ This verification will result in one  
 453 of the following:  
 454
- 455 (a) Issuance of the permit, provided all information on the application is  
 456 correct and complete.
  - 457 (b) Establishment of a file indicating site suitability.
  - 458 (c) Holding the application pending clarification of information or new  
 459 information by the owner, the plumber, or the certified soil tester.
  - 460 (d) Denial of the permit if the site does not meet all the provisions of this  
 461 ordinance and appropriate Wisconsin Statutes and Administrative Codes.
- 462  
 463  
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 465  
 466 4. A certified soil tester may request Department verification of a Soil and Site

467 Evaluation Report before a complete sanitary permit application is submitted.  
468 Application for this verification shall include all information required in  
469 §13.31(2)(a)(1-6) on forms provided by the Department and the original copy of  
470 the Soil and Site Evaluation Report. The Department reserves the right to refuse  
471 verification of a Soil and Site Evaluation report in accordance with ~~Comm~~ SPS  
472 385.30(5).  
473

474 **13.31 SANITARY PERMIT APPLICATIONS.**

475  
476 1. GENERAL.

- 477  
478 (a) Every ~~private sewage system~~ POWTS shall require a separate  
479 application and sanitary permit pursuant to Wisconsin Statutes 145.19.  
480  
481 (b) A Sanitary Permit shall be obtained by the property owner, his agent or  
482 contractor, in the name of the property owner, prior to the installation,  
483 establishment or construction of any structure which requires a ~~private~~  
484 ~~sewage—system~~ POWTS or non-plumbing sanitation system. Any  
485 property owner, his agent or contractor, who starts construction prior to  
486 obtaining a sanitary permit is in violation and may be subject to the  
487 penalties provided in this ordinance.  
488  
489 (c) A Sanitary Permit shall be obtained by the property owner, his agent or  
490 contractor, before any ~~private sewage system~~ POWTS or part thereof  
491 may be installed, replaced, repaired, reconnected or modified. A sanitary  
492 permit is not required for minor repairs.  
493  
494 (d) A County Sanitary Permit shall be obtained prior to constructing or  
495 installing a non-plumbing sanitation system.  
496  
497 (e) A County Sanitary Permit shall be required for soil remediation or  
498 renovation processes such as physical (i.e. Terralift™) or chemical (i.e.  
499 Porox™). A County Sanitary Permit is not required for soil remediation or  
500 renovation processes if the POWTS was installed after January 1, 1980.  
501  
502 (f) If any part of a ~~private sewage system~~ POWTS has failed or requires  
503 replacement or modification, the entire system shall be evaluated for  
504 compliance with codes that existed at the time of installation prior to  
505 sanitary permit issuance. This shall include a soil and site evaluation for  
506 those components that utilize in situ soil for treatment or dispersal, unless  
507 a valid report is already on file with the Department.

508  
509 If any part of the system is found to be defective or not in conformance  
510 with the applicable provisions of this ordinance, the sanitary permit  
511 application shall include specifications for the repair, renovation,  
512 replacement or removal of that part.

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2. APPLICATION REQUIREMENTS.

- (a) 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:
- (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) Driving directions to the site.
  - (5) Building use (single family, duplex, etc.).
  - (6) Soil and Site Evaluation report.
  - (7) System plans (see §13.31(3)(a-f)).
  - (8) Appropriate agreements and contracts for system management and maintenance.
  - (9) Copies of any documents required in §13.31(2)(D)(1-5) and verification that they have been recorded.
  - (10) Any other information required by the Department, including verification of compliance with §13.61(11) 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 ~~Comm~~ SPS 391, Wisconsin Administrative Code.
- (d) The following documents must be recorded with the Oneida County Register of Deeds prior to sanitary permit issuance:
- (1) Maintenance requirements, if recording is required by ~~Comm~~ SPS 383, Wisconsin Administrative Code, or §13.52 of this ordinance.
  - (2) If a ~~private sewage system~~ POWTS, or parts thereof, are located on a different parcel than the structure served an appropriate easement or Certified Survey Map combining the parcels must be recorded.
  - (3) If a ~~private sewage system~~ POWTS 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~~ POWTS 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

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maintenance must be recorded.

- (5) If the design wastewater flow of a ~~private sewage system~~ POWTS for a dwelling is not based upon the number of bedrooms within the dwelling, a deed restriction specifying maximum wastewater flow must be recorded.
  - (e) The Department reserves the right to refuse incomplete or incorrect permit applications or to delay permit issuance until corrected or completed applications are received.
3. PLANS. System plans shall be submitted for approval to the Department or to the State in accordance with ~~Comm~~ SPS 383, Wisconsin Administrative Code. Plans shall comply with the requirements of ~~Comm~~ SPS 383, Wisconsin Administrative Code, and this ordinance.
- a. Plans submitted to the Department shall include the original, ~~and two (2) copies.~~
  - 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 ~~Comm~~ SPS 383, Wisconsin Administrative Code, and include the following:
    - (1) The name of the property owner and the legal description of the site, including parcel identification number;
    - (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 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~~ POWTS 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 ~~Comm~~ SPS table 383.43-1, 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~~ POWTS fails and cannot be repaired.

- 615 (6) Sufficient supporting information to determine whether the  
616 proposed design, installation and management of the proposed  
617 ~~private sewage system~~ POWTS or modification to an existing  
618 system complies with this ordinance.  
619
- 620 e. Plans shall be signed or sealed as specified in ~~Comm~~ SPS 383,  
621 Wisconsin Administrative Code.  
622
- 623 f. A copy of the approved plans shall be maintained at the construction site  
624 until the ~~private sewage system~~ POWTS installation is completed,  
625 inspected and accepted. The plans shall be made available to the  
626 Department or the State upon request.  
627
- 628 g. A modification to the design of a ~~private sewage system~~ POWTS which  
629 has been previously approved shall be submitted to the Department or  
630 the State as specified in ~~Comm~~ SPS 383, Wisconsin Administrative Code.  
631 Plan revisions must be approved prior to system installation. A fee may  
632 be charged when submitting revised plans, see §13.37.  
633

634 **13.32 SANITARY PERMIT - GENERAL APPROVAL & CONDITIONS**  
635

- 636 1. **CONDITIONAL APPROVAL.** When applicable provisions of Wisconsin Statutes,  
637 Wisconsin Administrative Code and this Ordinance have been complied with  
638 when applying for a sanitary permit, the permit shall be approved. Conditions  
639 may be attached to the permit application to provide clarifications.  
640
- 641 The permit shall only be valid for an installation that completely complies with  
642 Wisconsin Statutes, Wisconsin Administrative Code and this Ordinance. Failure  
643 to denote an error and/or correction on the permit application does not lessen the  
644 requirements upon the applicant from installing a system and/or component that  
645 meets the Wisconsin Statutes, Wisconsin Administrative Code and this  
646 Ordinance.  
647
- 648 2. **PERMIT CARDS.**  
649
- 650 (a) The permit card issued by the Issuing Agent to the property owner or his  
651 agent shall serve as the sanitary permit.  
652
- 653 (b) The permit card shall contain all the information required by §145.435 ~~19~~,  
654 Wisconsin Statutes.  
655
- 656 (c) The permit card shall be displayed at the site in such a manner that it will  
657 be visible from a road abutting the lot during all construction phases.  
658
- 659 (d) The permit card may not be removed until the ~~private sewage system~~  
660 POWTS has been installed, inspected, and approved by the Issuing  
661 Agent.  
662
- 663 (e) Failure to display the permit card shall be considered a violation of this  
664 section and may subject the property owner, his agent or contractor, to  
665 penalty provisions of this ordinance.

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3. PERMIT EXPIRATION.

- (a) A sanitary permit for a ~~private sewage system~~ POWTS 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 by the property owner, his agent or contractor, prior to the expiration date of the original permit.
- (b) There shall be a fee for the renewal of a sanitary permit. (See §13.37)
- (c) The renewal shall be based on Wisconsin Administrative Code, Statute and ordinance requirements in force at the time of renewal.
- (d) Changed Wisconsin Administrative Code, Statute and ordinance requirements may impede the renewal.
- (e) A new permit card shall be issued when the permit is renewed.
- (f) Sanitary permits which have been renewed shall expire two years from the date of renewal.
- (g) A new sanitary permit shall be obtained by the owner or his agent prior to beginning construction if a sanitary permit has expired.

4. TRANSFER OF OWNERSHIP. Transfer of ownership of a property for which a valid sanitary permit exists shall be subject to the following:

- (a) The applicable form shall be submitted to the Department.
- (b) The sanitary permit card shall be returned to the Department so that a new permit card may be issued.
- (c) Transfer of ownership shall not affect the expiration date or renewal requirements. There shall be a fee for transfer of ownership (see 13.37).

5. CHANGE OF PLUMBERS.

- (a) When an owner wishes to change plumbers, it will be necessary for the owner to furnish the Department with the applicable state form signed by the new plumber.
- (b) System plans requiring State plan approval shall not be transferred to a different plumber unless the plan bears the stamp of an architect or engineer, plumbing designer, or a State level approval is obtained by the new plumber.
- (c) There shall be a fee for change of plumbers (see § 13.37).

6. PERMIT DENIAL. When applicable provisions of Wisconsin Statutes, Wisconsin

717 Administrative Code or this Ordinance have not been complied with when  
718 applying for a sanitary permit, the permit shall be denied. The issuing agent shall  
719 issue written notice to the owner and the plumber whose sanitary permit  
720 application is denied. Each notice shall:

721  
722 (a) State the specific reason for disapproval or amendments to the  
723 application, if any, which would render the application approval.

724  
725 (b) Inform the applicant of the right to appeal and the procedures for  
726 conducting an appeal under the provision of §68.10, Wisconsin Statutes,  
727 and Chapter 17 of the General Code. The Oneida County Board of  
728 Adjustment shall conduct the appeal.

729  
730 **13.33 SANITARY PERMIT - SPECIFIC REQUIREMENTS FOR APPROVAL.**

731  
732 1. **POWTS WITH PORTIONS CROSSING TOWN ROADS.** When portions of  
733 ~~private sewage systems~~ **POWTS** are proposed to cross Town Roads and/or  
734 encroach in a Town Road right-of-way, permission shall be obtained by the Town  
735 Board of that Town through an approved motion granting permission to cross the  
736 road at a Town Board meeting and/or through an easement granted by the Town  
737 Board. Certified copies of the minutes and/or the original easement shall be  
738 submitted with the sanitary permit application.

739  
740 2. **POWTS WITH PORTIONS CROSSING PRIVATE ROADS.** When portions of a  
741 ~~private sewage system~~ **POWTS** cross Private Roads owned fully or partially by  
742 others, permission shall be obtained through an easement.

743  
744 3. **MULTIPLE SOIL/SITE EVALUATIONS FOR SAME PARCEL.** When more than  
745 one soil/site evaluation has been performed on a parcel, a county soil and site  
746 verification ~~shall~~ may be performed. ~~A request for verification shall be made to~~  
747 ~~the Department.~~ The applicant shall provide all necessary equipment to perform  
748 such verification. The Department may waive such verification provided the  
749 site/soil evaluations show similar findings.

750  
751 4. **SYSTEMS POWTS SERVING MORE THAN ONE STRUCTURE ON**  
752 **DIFFERENT PARCELS.** When a POWTS is to serve two (2) or more structures  
753 or buildings that are located on more than one property with a design flow of  
754 more than 3,000 gallons a day of design flow (actual x 150%), the system is  
755 required to be owned by a governmental entity or agency. Documentation is  
756 required to be recorded pursuant to 13.31(2)(d)(3)&(4).

757  
758 5. **ADMINISTRATIVE CODE VARIANCE APPLICATIONS.** When petitioning the  
759 State for any Administrative Code Variance, a copy of the request shall be  
760 submitted by the petitioner to the Department. Additional documents shall  
761 provide background information, the options considered and the reasons why the  
762 options could not be used with strict adherence to the Administrative Code. The  
763 Department may request that other options be explored to eliminate the need for  
764 a variance. The Department shall be allowed to comment on the petition for  
765 variance.

766  
767 6. **PRE-TREATMENT COMPONENTS SUCH AS, BUT NOT LIMITED TO,**

768 AEROBIC TREATMENT UNITS, SAND FILTERS, RE-CIRCULATING SAND  
769 FILTERS, GRAVEL FILTERS, AND PEAT FILTERS. Prior to approval of a  
770 POWTS pre-treatment unit sanitary permit, a detailed management plan shall be  
771 submitted to the Department. This management plan shall provide a list of all  
772 replacement equipment, the location as to where the replacement equipment can  
773 be obtained, a list of approved maintainers (which includes full names,  
774 addresses, company names, corresponding phone numbers), the corporate  
775 name, address and phone numbers of the equipment manufacturer.  
776

777 Also prior to approval of a POWTS pre-treatment unit sanitary permit, a meeting  
778 shall take place between the Department, the installer and the property owner to  
779 ensure the installer and property owner are aware of the necessary site and  
780 maintenance requirements. The owner shall recognize that these systems  
781 require additional operational maintenance resulting in additional operational  
782 expenses.  
783

784 A pre-construction meeting may be required at the site prior to installation of the  
785 pre-treatment component at the discretion of the Department. During this  
786 meeting, an overview of the work schedule shall be outlined with Department  
787 staff and applicant. Appropriate notices shall be made by the installer to ensure  
788 Department staff is in attendance.  
789

- 790 7. EXPERIMENTAL SYSTEMS AND OTHER SYSTEMS NOT RECOGNIZED BY  
791 COMM SPS 383.60. Prior to application for State experimental plan approval  
792 the applicant shall request a meeting with Department staff. During this meeting,  
793 information shall be presented to the Department which is detailed in Comm SPS  
794 383.27. A comment period of no less than 30 days after the meeting shall be  
795 required by the Department prior to the applicant submitting the application to the  
796 State. Additional time may be requested by the Department.  
797

798 The applicant shall provide a detailed contingency plan, outlining the steps that  
799 will be taken upon failure of the experimental system. Further, the Department  
800 may require surety bonds to insure that if the experimental system fails,  
801 necessary funds are available to restore the site and/or to promote the health  
802 and general welfare of residents and visitors of Oneida County.  
803

804 The Department may require additional assurances from the applicant that the  
805 experiment will have no deleterious effects upon surface and groundwater.  
806 Examples of these assurances include requiring periodic Department  
807 inspections, regular-interval results examining the short-term and long-term  
808 effects at the site, applicant inspections at pre-determined intervals as well as  
809 any other similar requirement ensuring health and resource protection.  
810

811 Prior to approval of a sanitary permit for an experimental design, a detailed  
812 management plan shall be submitted to the Department. This management plan  
813 shall provide a lists of all replacement equipment, the location as to where the  
814 replacement equipment can be obtained, a list of approved maintainers (which  
815 includes full names, addresses, company names, and corresponding phone  
816 numbers), the corporate name, address and phone numbers of the equipment  
817 manufacturer.  
818

819 Also prior to approval of a sanitary permit for Experimental and Other Systems  
820 not recognized by ~~Comm~~ SPS 383.60 a meeting shall take place between the  
821 Department, the installer and the property owner to ensure the installer and  
822 property owner are aware of the necessary site and maintenance requirements.  
823 The owner shall recognize that these systems may require additional operational  
824 maintenance resulting in additional operational expenses.  
825

826 **13.34 RECONNECTION.**

- 827
- 828 1. A County reconnection permit shall be obtained prior to:
    - 829 (a) Construction of a structure to be connected to an existing ~~private sewage~~  
830 ~~system~~ POWTS;
    - 831 (b) Disconnection of a structure from an existing ~~private sewage system~~  
832 POWTS and connection of another structure to the system, except as  
833 permitted in §13.34(4); or
    - 834 (c) Rebuilding a structure that is connected to a ~~private sewage system~~  
835 POWTS.
  - 836 2. Prior to issuing a reconnection permit, the existing ~~private sewage system~~  
837 POWTS shall be examined to:
    - 838 (a) Determine if it is functioning properly and whether it is a failing system.
    - 839 (b) Determine if it will be capable of handling the proposed wastewater flow  
840 and contaminant load from the building to be served.
    - 841 (c) Determine that all minimum setback requirements of ~~Comm~~ SPS 383,  
842 Wisconsin Administrative Code, will be maintained.
  - 843 3. Application for a County reconnection permit shall include the following:
    - 844 (a) All items in §13.31(2)(a)(1-5) and §13.31(2)(a)(9-11);
    - 845 (b) For all systems that utilize in situ soil for treatment or disposal, a Soil and  
846 Site Evaluation report verifying that the vertical separation distance  
847 between the infiltrative surface of the existing treatment or dispersal  
848 component and estimated high groundwater elevation and/or bedrock  
849 complies with ~~Comm~~ SPS 383, Wisconsin Administrative Code, unless a  
850 valid report meeting these criteria is on file with the department;
    - 851 (c) A report provided by a licensed plumber, certified septage servicing  
852 operator or a POWTS inspector or other person(s) authorized to do so by  
853 ~~Comm~~. SPS 383, Wisconsin Administrative Code relative to the condition,  
854 capacities, baffles and manhole covers for any existing treatment or  
855 holding tanks;
    - 856 (d) A report provided by a licensed plumber, a POWTS inspector or other  
857 person(s) authorized to do so by ~~Comm~~. SPS 383, Wisconsin  
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- 870 Administrative Code relative to the condition and capacities of all other  
 871 system components and verifying that the system is not a failing system;  
 872  
 873 (e) A plot plan prepared by a plumber or other person(s) authorized to do so  
 874 by ~~Comm.~~ SPS 383, Wisconsin Administrative Code, including  
 875 information specified in §13.31(3)(d)(3); and  
 876  
 877 (f) A state sanitary permit for any system components which will be modified  
 878 or replaced.  
 879  
 880 (g) Reconnection to existing holding tanks may require a new servicing  
 881 contract and an updated holding tank agreement which meets the  
 882 requirements of this ordinance.  
 883  
 884 (h) Reconnection to an existing system other than a holding tank may require  
 885 a new maintenance agreement or contract.  
 886  
 887 4. Replacing a structure with a new or different structure within two years of the  
 888 date of permit issuance will only require a statement that the system has not  
 889 been altered, a statement that a modification in wastewater flow or contaminant  
 890 load will not occur, a plot plan that documents all setbacks between the structure  
 891 and system components and a re-inspection fee.  
 892  
 893 5. All ~~systems~~ POWTS shall be inspected at the time of reconnection, prior to  
 894 backfilling, to insure that proper materials and methods are being used.  
 895  
 896 6. Pre-construction site meetings may be required for all technologies and  
 897 installations as deemed necessary by the Department. Specific technologies  
 898 shall require pre-construction site meetings.  
 899

900 **13.35 CONSTRUCTION AFFECTING WASTEWATER FLOW OR CONTAMINANT LOAD.**

901  
 902 Construction that is considered to be a modification of wastewater flow or contaminant  
 903 load is defined in ~~Comm~~ SPS 383.25(2)(c)2. a. & b., Wisconsin Administrative Code.  
 904

905 Prior to commencing the construction of an addition to or modification of a structure which  
 906 will;  
 907

- 908 1. Affect the wastewater flow and/or contaminant load to an existing private ~~sewage~~  
 909 on-site wastewater treatment system, the owners of the property shall;  
 910  
 911 (a) Possess a sanitary permit to construct a new ~~private sewage system~~  
 912 POWTS or modify an existing ~~private sewage system~~ POWTS to  
 913 accommodate the modification in wastewater flow or contaminant load; or  
 914  
 915 (b) Provide the following to the Department:  
 916  
 917 (1) Documentation that a ~~private sewage system~~ POWTS of adequate  
 918 capability and capacity to accommodate the wastewater flow and  
 919 contaminant load already exists to serve the structure, as specified  
 920 in ~~Comm~~ SPS 383, Wisconsin Administrative Code;

- 921  
 922 (2) Documentation showing that the location of the proposed structure  
 923 conforms to the applicable setback distances to all of the existing  
 924 ~~private sewage system~~ POWTS components; and  
 925  
 926 (3) Documentation specified in §13.34(3)(b)(c)&(d).  
 927  
 928 2. Any installation, addition or modification of a system must be completed and  
 929 accepted before the addition or modified area of the structure may be occupied.  
 930

931 **13.36 CONSTRUCTION NOT AFFECTING WASTEWATER FLOW OR CONTAMINANT**  
 932 **LOAD.**  
 933

934 Prior to commencing construction of any structure or addition to a structure on a site  
 935 where there exists a ~~private sewage system~~ POWTS the owner or his agent shall  
 936 determine that the proposed structure conforms with applicable setback limitations of  
 937 ~~Comm~~ SPS 383, Wisconsin Administrative Code. Documentation shall be submitted as  
 938 required in ~~Comm~~ SPS 383, Wisconsin Administrative Code.  
 939

940 **13.37 PERMIT FEES.**  
 941

- 942 1. The applicant upon filing his application shall pay a fee in accordance with the  
 943 fee schedule adopted by the County Board.  
 944  
 945 2. State sanitary permits for public buildings.  
 946  
 947 3. State sanitary permits for non-public buildings.  
 948  
 949 4. County sanitary permits.  
 950  
 951 (a) Non-plumbing sanitation system.  
 952  
 953 (b) Soil remediation or renovation processes  
 954  
 955 (c) Reconnection permit (not requiring replacement, addition or modification  
 956 of system components).  
 957  
 958 5. Other Fees.  
 959  
 960 (a) Renewal of sanitary permits.  
 961  
 962 (b) Plumber change.  
 963  
 964 (c) Owner transfer.  
 965  
 966 (d) Re-inspection and additional inspection.  
 967  
 968 (e) Revision.  
 969  
 970 (1) A fee may be charged for any plan revision which is not submitted  
 971 and approved by the department before inspection of the system

972 has commenced. Revisions received after 30 days of system  
973 installation shall automatically be charged a revision fee.

974  
975 (2) If a plan revision results in a change to a system type or site for  
976 which a higher sanitary permit or plan is required, the difference  
977 between the fee already paid and the fee for the system installed  
978 will be charged.

979  
980 (f) Soil saturation determination.

981  
982 (g) Wisconsin Fund Application.

983  
984 (h) Monitoring and management tracking.

985  
986 (i) Soil and Site Evaluation Filing.

987  
988 (j) At-risk facilities monitoring.

989 6. Refunds. After the sanitary permit has been reviewed and/or issued, the fees  
990 shall not be refunded.

991  
992 7. New fees. The balance of the new fee shall be paid before the sanitary permit  
993 may be issued for any soil test or incomplete applications on file on the date the  
994 new fees become effective.

995  
996 8. After-the-fact permit fees. A triple fee will be charged for all after-the-fact permit  
997 applications to partially recover the cost of obtaining compliance.

998  
999 **SUBCHAPTER 4 - INSPECTIONS**

1000  
1001 **13.40 INSPECTIONS - GENERAL.**

1002  
1003 1. Notice for final inspection shall be given to the Zoning Department for all ~~private~~  
1004 ~~sewage systems~~ POWTS installed, modified or reconnected.

1005  
1006 2. These private sewage systems shall be inspected by the Department for  
1007 compliance with ~~Comm~~ SPS 382, ~~Comm~~ SPS 383, Wisconsin Administrative  
1008 Code, other appropriate Wisconsin Statutes and Administrative Codes and this  
1009 ordinance.

1010  
1011 3. Notification for final inspection shall be given in accordance with the  
1012 requirements of ~~Comm~~ SPS 383 Wisconsin Administrative Code.

1013  
1014 4. The entire system shall be left completely open until it has been inspected and  
1015 accepted unless the requirements of ~~Comm~~ SPS 383, Wisconsin Administrative  
1016 Code, are not met by the Department.

1017  
1018 5. When a ~~private sewage system~~ POWTS is ready for inspection, the plumber in  
1019 charge shall make arrangements to enable the inspector to inspect all parts of  
1020 the system. The plumber shall provide the proper apparatus, equipment and  
1021 necessary assistance to make a proper inspection.

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6. ~~Private sewage systems~~ POWTS may be inspected periodically, after the initial installation inspection(s) and/or after the system is operative, as deemed necessary by the Issuing Agent

**13.41 INSPECTIONS – SPECIFIC.**

1. INSPECTIONS: SITE CONSTRUCTED HOLDING TANKS.
  - (a) 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.
  - (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.
2. INSPECTIONS: NON-PLUMBING SANITARY SYSTEMS.
  - (a) All non-plumbing sanitary systems installed shall be inspected for compliance with ~~Comm 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 ~~Comm SPS 352.63~~ SPS 391 and SPS 362.2900 (2) (a) & (b), 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.
3. INSPECTIONS: MOUNDS.
  - (a) The plumber installing the mound shall notify the Department the working day prior to the installation, excluding Saturdays, Sundays and holidays.
  - (b) Mound 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.
4. INSPECTIONS: AT-GRADE.
  - (a) The plumber installing the at-grade shall notify the Department the working day prior to the installation, excluding Saturdays, Sundays 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.

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5. INSPECTIONS: SAND FILTERS.
  - (a) The plumber installing the sand filter shall notify the Department the working day prior to the installation, excluding Saturdays, Sundays 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 has been completed.
6. EXPERIMENTAL SYSTEMS AND SYSTEMS NOT RECOGNIZED BY COMM SPS 383.60.
  - (a) The plumber installing the system shall coordinate any required pre-construction meeting(s).
  - (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 the inspection(s) 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 the plan approval.

**13.42 REINSPECTION.**

1. A reinspection fee shall be assessed when a reinspection of a ~~private sewage system~~ POWTS 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~~ may 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.

**13.43 TESTING.**

1. If testing of new systems or new system components is required by ~~Comm~~ SPS 382, SPS 383 or SPS 384, Wisconsin Administrative Code, or as a condition of plan approval, notice shall be given to the Department as specified in §13.40(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

- 1124  
1125 (c) Both a and b.  
1126

1127 **SUBCHAPTER 5 - SYSTEM MANAGEMENT AND MAINTENANCE**  
1128

1129 **13.50 MAINTENANCE AND MANAGEMENT.**  
1130

- 1131 1. All ~~private sewage systems~~ POWTS and non-plumbing sanitation systems shall  
1132 be managed and maintained in accordance with ~~Comm SPS 383, SPS 384 and~~  
1133 SPS 391, Wisconsin Administrative Code, and this ordinance.  
1134  
1135 2. The property owner or owner's agent shall report to the Department each  
1136 inspection, maintenance or servicing event, in accordance with ~~Comm SPS 383~~  
1137 383.55, Wisconsin Administrative Code, and this ordinance.  
1138  
1139 3. The property owner shall submit a copy of an appropriate maintenance  
1140 agreement and/or servicing contract to the Department prior to sanitary permit  
1141 issuance.  
1142  
1143 4. The property owner shall submit a new or revised maintenance agreement  
1144 and/or servicing contract to the Department whenever there is a change to such  
1145 document(s).  
1146  
1147 5. The property owner shall submit a new maintenance agreement and/or servicing  
1148 contract to the Department prior to expiration of any existing maintenance  
1149 agreement and/or servicing contract.  
1150  
1151 6. In order to satisfy the requirements of ~~Comm SPS 383.54~~ Oneida County shall  
1152 continue to cooperate with Lake Protection & Rehabilitation Districts to evaluate,  
1153 condemn and replace existing failing ~~private sewage systems~~ POWTS.  
1154  
1155 7. The applicant for a sanitary permit for a holding tank system shall sign a holding  
1156 tank agreement with the county.  
1157

1158 **13.51 SEPTIC TANK MAINTENANCE PROGRAM.**  
1159

- 1160 1. The applicant for a sanitary permit shall be provided with written notice of the  
1161 maintenance program at the time the sanitary permit is issued. The records of  
1162 this notification shall be maintained by the Issuing Agent. Upon sale of this  
1163 property, the owner shall provide written notification of the maintenance program  
1164 to the buyer.  
1165  
1166 2. All new and existing POWTS shall be visually inspected within three years of the  
1167 date of installation and at least once every three years thereafter.  
1168  
1169 3. All new and existing septic tanks shall be pumped within three (3) years of the  
1170 date of installation and at least once every three (3) years thereafter, unless upon  
1171 inspection the tank is found to have less than 1/3 of the volume occupied by  
1172 sludge and scum.  
1173  
1174 4. Pumping of a septic tank shall be done by a certified septage servicing operator

1175 in accordance with NR 113, Wisconsin Administrative Code.  
1176

1177 5. Visual inspection of a private sewage system may be conducted by individuals  
1178 specified in ~~Comm~~ SPS 383.54(4)(d)(2), to determine the condition of the tank  
1179 and whether wastewater or effluent from the POWTS is ponding on the ground  
1180 surface.

1181  
1182 6. The owner or owner's agent of a POWTS shall furnish the Department with a  
1183 copy of the inspection report verifying the condition of the tank, whether  
1184 wastewater or effluent from the POWTS is ponding on the ground surface and  
1185 the date of pumping within 30 calendar days of the date of inspection and  
1186 pumping. Reports shall include all information required in ~~Comm~~ SPS 383.55,  
1187 Wisconsin Administrative Code, and be signed by the person(s) inspecting and  
1188 pumping the private sewage system. Other maintenance or management reports  
1189 required by ~~Comm~~ SPS 383 or SPS 384, Wisconsin Administrative Code, shall  
1190 be included with this report.

1191  
1192 7. If the septic tank is not maintained or inspected in conformance with state  
1193 regulations, the Zoning Director shall order it to be maintained or pumped by a  
1194 certified septage servicing operator at County expense. The County shall then  
1195 invoice the property owner for all such costs incurred. If the invoice is not paid  
1196 within 30 days, the county may place the amount on the tax roll as a special  
1197 assessment pursuant to WI State Statutes 145.20(4) against the property in  
1198 question.  
1199

1200 **13.52 HOLDING TANK MAINTENANCE AGREEMENT.**

1201  
1202 1. The owner of the holding tank shall enter into a Maintenance Agreement with  
1203 Oneida County before the sanitary permit is issued. The agreement shall be  
1204 signed on a form provided by the Zoning Director, who shall sign the agreement  
1205 on behalf of the county. The agreement shall require the applicant to conform to  
1206 state regulations regarding the maintenance and pumping of the holding tank. If  
1207 the tank is not maintained and pumped in conformance with state regulations, the  
1208 Zoning Director shall order it to be maintained or pumped by a certified septage  
1209 servicing operator, at county expense. The county shall then invoice the property  
1210 owner for all such costs incurred. If the invoice is not paid within 30 days, the  
1211 county may place the amount on the tax roll as a special assessment pursuant to  
1212 WI State Statutes 145.20(4) against the property in question. This Maintenance  
1213 Agreement shall be filed in the Register of Deeds office and shall be recorded in  
1214 a manner that will permit the existence of the agreement to be determined by  
1215 reference to the property where the holding tank is installed. (Effective  
1216 5/21/2006)

1217  
1218 2. The owner or agent shall submit a copy of the holding tank Maintenance  
1219 Agreement when plans are submitted to the Department for review.  
1220

1221 **13.53 PROPERTY TRANSFER REQUIREMENTS.** (Effective 9/30/2006)

1222  
1223 1. Property transfers for properties enrolled in the Oneida County POWTS  
1224 Maintenance Program (Installed after July 1, 1980).  
1225

- 1226 (a) Prior to the transfer of property enrolled in the Oneida County POWTS  
 1227 Maintenance Program, the owner shall provide written notification of the  
 1228 maintenance program to the buyer. The notification shall include the date  
 1229 of installation, the type of system, the management plan, the legal  
 1230 description and the county Parcel Identification Number (PIN).  
 1231
- 1232 2. Property transfers for developed properties enrolled in the Oneida County  
 1233 Maintenance Program (Installed prior to July 1, 1980).  
 1234
- 1235 (a) An existing system inspection is required for all property transfers in  
 1236 which a real estate transfer fee is collected and land divisions in which the  
 1237 property contains a structure serviced by a POWTS. A system regulated  
 1238 by the mandatory maintenance program specified in 13.53(1) at the time  
 1239 of division or transfer may be precluded from this section at the discretion  
 1240 of the Zoning Administrator. An existing system inspection is not required  
 1241 if a letter from the host municipality is submitted to the Zoning Office  
 1242 stating a date by which the structure is required to be connected to a  
 1243 sanitary sewer.  
 1244
- 1245 (b) To adequately determine whether an existing POWTS is failing under  
 1246 conditions defined in s.145.245(4), Stats., an existing system inspection  
 1247 must include:  
 1248
- 1249 (1) An observation boring described by a certified soil tester  
 1250 extending 3' below the bottom of the absorption area which is  
 1251 large enough to clearly depict the presence of groundwater,  
 1252 bedrock, or seasonally saturated soils which adversely affect the  
 1253 operation of the system. The Zoning Office may allow use of a  
 1254 previously filed soil test conducted in an area near the failing  
 1255 system to verify soil conditions if deemed reliable by the Zoning  
 1256 Director.  
 1257
- 1258 (2) A report provided by a plumber, certified septage servicing  
 1259 operator, certified POWTS inspector or other person(s) authorized  
 1260 to do so by ~~Comm~~ SPS 383, Wisconsin Administrative Code,  
 1261 relative to the condition, capacities, and code compliance of any  
 1262 existing treatment or holding tanks;  
 1263
- 1264 (3) A report provided by a plumber, certified POWTS inspector, or  
 1265 other person(s) authorized to do so by ~~Comm~~ SPS 383,  
 1266 Wisconsin Administrative Code, relative to the condition,  
 1267 capacities, and code compliance of all other system components;  
 1268
- 1269 (4) A plot plan prepared by a plumber, certified soil tester, certified  
 1270 POWTS inspector, or other person(s) authorized to do so by  
 1271 ~~Comm~~ SPS 383, Wisconsin Administrative Code, including  
 1272 information specified in §13.31(3)(D)3, unless an accurate plot  
 1273 plan is on file with the department;  
 1274
- 1275 (5) An evaluation of the use and wastewater flow of the structure(s)  
 1276 served relative to the capacity of the existing POWTS.

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- (6) Verification that all domestic wastewater from the structure discharges into the POWTS.
  - (7) A county inspection to verify the results of the existing system inspection may be required. Any cost associated with the inspection including, but not limited to backhoe pits or pumping fees are the responsibility of the owner at the time of the inspection.
  - (8) Existing system inspection reports must be submitted to the Zoning Office on forms obtained from the Zoning Office within thirty days of completion of inspection.

1291 **SUBCHAPTER 6 - ADMINISTRATION AND ENFORCEMENT**

1292  
1293 **13.60 ADMINISTRATION.**

1294  
1295 The Issuing Agent shall be responsible for the administration of this ordinance. The  
1296 Issuing Agent may delegate the responsibilities to personnel employed by the Oneida  
1297 County Planning & Zoning Department and in the case of issuing abatement orders, to  
1298 the County Health Department.  
1299

1300 **13.61 POWERS AND DUTIES.**

1301 In the administration of this ordinance, the Issuing Agent shall have the following powers  
1302 and duties:  
1303

- 1304
- 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~~ POWTS for one and two family residences or as approved through agent status by the State.
  - 4. Issue sanitary permits and inspect properties for compliance with this ordinance and related Wisconsin Statutes and the Administrative Code.
  - 5. Keep records of all sanitary permits issued, inspections made, work approved, and other official actions.
  - 6. Report violations of this ordinance to the Corporation Counsel.
  - 7. Have access to any premises for the purpose of performing official duties between 8 a.m. and 8 p.m. or at other times set by mutual agreement between the property owner or his agent and the Issuing Agent or upon issuance of a special inspection warrant in accordance with ~~§66.122~~ §66.0119, Wisconsin Statutes. Application for a sanitary permit is considered for the purposes of this
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1328 ordinance as the owner's consent to enter the premises.  
1329

- 1330 8. Upon reasonable cause or question as to proper compliance, revoke or suspend  
1331 any sanitary permit and issue cease and desist orders requiring the cessation of  
1332 any construction, alteration or use of a building which is in violation of the  
1333 provisions of this ordinance, until compliance with this ordinance or applicable  
1334 Wisconsin Statutes and the Administrative Code is obtained.  
1335
- 1336 9. Issue and enforce orders to plumbers, certified septage servicing operators,  
1337 property owners, their agents or contractors or the responsible party, to assure  
1338 proper compliance with all provisions of this ordinance or delegate this authority  
1339 to the County Health Department.  
1340
- 1341 10. Apply for and distribute grants obtained through the Wisconsin Fund Grant  
1342 Program.  
1343
- 1344 11. Assess the owner of a ~~private sewage system~~ POWTS a special assessment for  
1345 costs related to pumping of a septic or holding tank as determined to be  
1346 reasonable and necessary pursuant to Chapter 145, Wisconsin Statutes,  
1347 specifically including §145.20(4), Wisconsin Statutes, and in the same manner  
1348 that a village or town makes an assessment under ~~§66.073~~ 66.0703 Wisconsin  
1349 Statutes. (Effective February 26, 2006, Resolution #9-2006)  
1350
- 1351 12. Enforce the provisions of § 145.11 Wisconsin Statutes advertising restrictions.  
1352
- 1353 13. Pursuant to ~~Comm~~ SPS 383.20(2) nothing in this chapter shall limit the issuing  
1354 agent's authority and power to inspect or require an evaluation of a POWTS,  
1355 including an existing POWTS at times or for activity not covered in this section.  
1356
- 1357 14. Perform other duties regarding private sewage systems as considered  
1358 appropriate by the County or the State.  
1359

1360 **13.62 BOARD OF ADJUSTMENT.**

1361 1. APPEALS  
1362

- 1363 (a) Any person who alleges that there is an error in any order, requirement or  
1364 decision made in the enforcement of this ordinance may appeal to the  
1365 Oneida County Board of Adjustment as provided in Ch. 17 (Zoning  
1366 Ordinance) of the General Code. Any appeal shall be made on forms  
1367 furnished by the Zoning Department within 30 days of the date of that  
1368 administrative action. Other substantiating evidence will be accepted.  
1369

1370 2. WISCONSIN FUND APPEALS.  
1371

- 1372 (a) Request for initial review of determination. Pursuant to Wisconsin State  
1373 Statute 68.08, any person in disagreement with the denial of a Wisconsin  
1374 Fund application may have a written or oral determination reviewed by  
1375 written request mailed or delivered to the Zoning Office within 30 days of  
1376 notice to such person of such determination. The request for review shall  
1377 state the ground or grounds upon which the person aggrieved contends  
1378 that the decision should be modified or reversed. A request for review

1379 shall be made to the employee who made the determination.  
1380

- 1381 (b) Appellate Review. Pursuant to Wisconsin State Statute 68.11, an  
1382 appellate review of the initial determination shall be made to the  
1383 Committee for Administrative review pursuant to 2.57 of the General  
1384 Code of Oneida County Wisconsin.  
1385

1386 **13.63 VIOLATIONS AND PENALTIES.**  
1387

1388 The provisions of this ordinance shall be administered, and enforced by and under the  
1389 direction of the County Board of Supervisors.  
1390

1391 1. INVESTIGATION AND COMPLIANCE; NOTICE OF VIOLATION.  
1392

- 1393 (a) The Department is responsible for conducting the necessary inspection  
1394 and investigation to insure compliance with this ordinance and, through  
1395 field notes, photographs and other means, documenting the presence of  
1396 violations.  
1397

- 1398 (b) If, upon investigation, the Department becomes aware of a violation of  
1399 this ordinance, it shall immediately notify responsible parties and those  
1400 potentially liable. Such notice shall include a demand that the condition  
1401 that is alleged to constitute a violation be halted or remedied, and a  
1402 statement that a complaint about the condition will be transmitted to the  
1403 County corporation counsel for prosecution if remedial action has not  
1404 occurred within 10 days. Responsible parties and those potentially liable  
1405 shall include but not be limited to the landowner, tenants, and contractors.  
1406

- 1407 (c) If the same or similar violation recurs within a two-year period, whether or  
1408 not it involves the same property or the same or similar conduct by the  
1409 owner, agent or contractor, notification of violation may be waived by the  
1410 Department or corporation counsel and immediate legal action can be  
1411 commenced to prosecute the violation.  
1412

- 1413 (d) The Department may issue a citation for any violation within the ten-day  
1414 notification period.  
1415

1416 2. PROSECUTION, INJUNCTIONS, FINES AND FORFEITURES,  
1417 IMPRISONMENT.  
1418

- 1419 (a) It shall be the duty of the corporation counsel to expeditiously review all  
1420 violations of this ordinance reported by the Department or Committee and  
1421 take action as appropriate.  
1422

- 1423 (b) A forfeiture of not less than \$25, nor more than \$250, plus costs, shall be  
1424 imposed for each violation of this ordinance.  
1425

- 1426 (c) Upon failure to pay a forfeiture, the violator may be confined in the County  
1427 jail until such forfeiture is paid, for a period not exceeding six months.  
1428

- 1429 (d) Each day a violation exists or continues shall be considered a separate  
1430 and distinct offense.  
1431
- 1432 (e) As a substitute for or in addition to forfeiture actions, the corporation  
1433 counsel may, on behalf of the County, seek enforcement of any and all  
1434 parts of this ordinance by court actions seeking injunctive orders or  
1435 restraining orders and/or by pursuing nuisance actions against the  
1436 violator.  
1437
- 1438 (f) Compliance with this ordinance may be enforced pursuant to sec. 145.20,  
1439 Wis. Stats.  
1440
- 1441 3. VIOLATIONS OF PERMITS ISSUED UNDER THIS ORDINANCE. Violation of a  
1442 permit issued under this ordinance shall be deemed a violation of this ordinance  
1443 and shall constitute grounds for revocation of the permit, as well as fines and  
1444 forfeitures and any other available remedies. Any person who has applied for  
1445 and received a permit and begins work on the project authorized by the permit  
1446 acknowledges that they have read, understand, and agree to follow all conditions  
1447 and requirements of the permit.  
1448
- 1449 4. REVOCATION OF PERMITS. The Committee shall retain continuing jurisdiction  
1450 over all activities authorized by the permit for the purpose of assuring compliance  
1451 with this ordinance and other ordinances and the terms of the permit. Such  
1452 authority shall be in addition to the enforcement authority of the Zoning  
1453 Administrator. Upon written complaint by any citizen, the Zoning Administrator, or  
1454 any other official, the Committee shall hold a public hearing to consider  
1455 amending, suspending or revoking the permit. Notice of the hearing and alleged  
1456 violation shall be served upon the property owner and permit holder either in  
1457 person or via certified mail to the address provided on the permit application form  
1458 or otherwise provided to the Department a minimum of 72 hours prior to  
1459 conducting the public hearing. The notice shall contain the date, time and place  
1460 of the hearing, a description of the property, a description of the activity  
1461 authorized by the permit, and a statement of the alleged violation(s). Notice shall  
1462 also be published as a class 2 notice. Any person may appear at such hearing  
1463 and testify in person or be represented by an agent or attorney. The Committee  
1464 at its sole discretion may hold additional public hearings. If the Committee finds  
1465 after the hearing that the permit holder is not in compliance with the terms of the  
1466 permit, it may amend, suspend or revoke the permit. The decision of the  
1467 Committee shall be furnished to the permit holder in writing, stating the reasons  
1468 therefore.  
1469
- 1470 5. PERMIT ISSUED IN VIOLATION OF THIS ORDINANCE. A permit issued in  
1471 violation of this ordinance, the Wisconsin Administrative Code or the Wisconsin  
1472 Statutes, gives the permit holder no vested right to continue the activity  
1473 authorized by the permit, and the permit is considered voidable.  
1474
- 1475 6. CONSTRUCTION IN VIOLATION OF THIS ORDINANCE. Any construction  
1476 which is in violation of this ordinance shall cease upon written orders from the  
1477 Issuing Agent or the placement of a notification of violation at the site. A  
1478 notification of violation shall state the following:  
1479

- 1480 (a) POWTS Inspector's name and telephone number.  
 1481  
 1482 (b) Time and date of violation notice.  
 1483  
 1484 (c) List of code section within Chapter 13 or Wisconsin Administrative Code  
 1485 chapters ~~Comm~~ SPS 382 through ~~Comm~~ SPS 385 that was violated.  
 1486

1487 7. RELEASE OF ORDER. All construction shall remain stopped until the order is  
 1488 released by the Issuing Agent.  
 1489

1490 The County Clerk shall, within seven (7) days after adoption of Ordinance Amendment # 1-2013  
 1491 by the Oneida County Board of Supervisors, cause a certified copy thereof to be transmitted by  
 1492 mail to the Town Clerks of Oneida County and the Wisconsin Department of Safety and  
 1493 Professional Services and Ordinance Amendment #1-2013 of Chapter 13 shall become  
 1494 effective immediately upon passage and publication as provided by law.  
 1495

1496 Approved by the Planning & Development Committee this 5<sup>th</sup> day of June, 2013.  
 1497

1498 Consent Agenda Item:        YES        NO  
 1499

1500 Vote Required: Majority = \_\_\_\_\_ 2/3 Majority = \_\_\_\_\_ ¾ Majority = \_\_\_\_\_  
 1501

1502 The County Board has the legal authority to adopt: Yes \_\_\_\_\_ No \_\_\_\_\_ as reviewed by  
 1503 the Corporation Counsel, \_\_\_\_\_, Date: \_\_\_\_\_  
 1504

1505 Offered and passage moved by: \_\_\_\_\_  
 1506 \_\_\_\_\_ Supervisor  
 1507 \_\_\_\_\_  
 1508 \_\_\_\_\_ Supervisor  
 1509 \_\_\_\_\_  
 1510 \_\_\_\_\_ Supervisor  
 1511 \_\_\_\_\_  
 1512 \_\_\_\_\_ Supervisor  
 1513 \_\_\_\_\_  
 1514 \_\_\_\_\_ Supervisor

- 1515 \_\_\_\_\_ Ayes  
 1516 \_\_\_\_\_ Nays  
 1517 \_\_\_\_\_ Absent  
 1518 \_\_\_\_\_ Abstain  
 1519 \_\_\_\_\_ Adopted

1520  
 1521 by the County Board of Supervisors this \_\_\_\_\_ day \_\_\_\_\_, 2013.  
 1522

1523 \_\_\_\_\_ Defeated  
 1524

1525 \_\_\_\_\_  
 1526 Mary Bartelt, County Clerk

1527 \_\_\_\_\_  
 1528 Ted Cushing, County Board Chair  
 1529  
 1530