

ORDINANCE AMENDMENT #1-2009

1 Ordinance Amendment offered by Supervisors of the Planning and Zoning Committee.

2
3 Resolved by the Board of Supervisors of Oneida County, Wisconsin:

4
5 **WHEREAS**, the Planning & Zoning Committee, having considered Petition
6 #1-2009, (copy attached) which was filed May 12, 2009, to amend Chapter 13, The Oneida
7 County Private Onsite Wastewater Treatment System Ordinance, and having given notice
8 thereof as provided by law and having held a public hearing thereon June 3, 2009, and
9 having been informed of the facts pertinent to the changes which are as follows:

10
11 **WHEREAS**, the proposed ordinance amendment addresses the Wisconsin
12 Department of Commerce mandate to require Oneida County to inventory all private onsite
13 wastewater treatment systems (POWTS) within three years and place them in a
14 maintenance program within five (5) years; and

15
16 **WHEREAS**, the proposed ordinance amendment updates Chapter 13 due to
17 revisions to Wisconsin Administrative Code Comm83; and

18
19 **WHEREAS**, the proposed ordinance amendment addresses the Wisconsin
20 Department of commerce concerns regarding existing language.

21
22 And being duly advised of the people in the area affected as follows:

23
24 A public hearing was held on June 3, 2009 and no one in attendance opposed the changes.
25 All Towns were sent a notice and no one provided comments. A special mailing to licensed
26 POWTS installers, service providers and certified soil testers and none provided comment.
27 The Wisconsin Department of commerce has reviewed and approved the proposed
28 changes.

29
30 **NOW THEREFORE, BE IT RESOLVED**, that the Oneida County Board of
31 Supervisors hereby accepts and approves Petition # 1-2009 and ordains as follows:

32
33 Section 1: Any existing ordinances, codes, resolutions, or portion thereof in conflict with
34 this ordinance shall be and are hereby are repealed as far as any conflict exists.

35 Section 2: If any claims, provisions, or portions of this ordinance are adjudged
36 unconstitutional or invalid by a court of competent jurisdiction, the remainder of the
37 ordinance shall not be affected thereby.

38 Section 3: If any claims, provisions, or portions of this ordinance are adjudged
39 unconstitutional or invalid by a court of competent jurisdiction, the remainder of the
40 ordinance shall not be affected thereby.

41 Section 4: Additions noted by underline; deletions noted by ~~strikethrough~~.
42 Chapter 13, The Oneida County Private Onsite wastewater Treatment System (POWTS)
43 Ordinance is amended as follows:

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CHAPTER 13

**ONEIDA COUNTY
PRIVATE ONSITE WASTEWATER TREATMENT
SYSTEMS ORDINANCE**

**AS AMENDED TO
JUNE 20, 2000
AUGUST 20, 2002
MAY 21, 2006**

CHAPTER 13

**ONEIDA COUNTY
PRIVATE ONSITE WASTEWATER TREATMENT SYSTEMS**

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SUBCHAPTER 1

INTRODUCTION

13.10 STATUTORY AUTHORITY.

This ordinance is adopted pursuant to the authorization in §59.70(1), 59.70(5), 145.04, 145.19, 145.20, 145.245 Wisconsin Statutes and Comm 82, 83, 84, 85, 86 and through 87 Wisconsin Administrative Code.

13.11 PURPOSE

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

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

- (1) Develop a sanitary permit program that continues to ensure public health, safety and welfare to the residents and visitors of Oneida County.
- (2) Limit the use of holding tanks to protect surface water and groundwater resources.
- (3) Maintain and improve the inspection and enforcement process for new system installation.
- (4) Improve the maintenance and tracking program for systems previously installed as well as new systems installed each successive year.
- (5) Allow municipal ownership of a private sewage system servicing multiple structures on different parcels.

13.12 FINDINGS OF FACT

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

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

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

179 1993).

180
181 13.13 SEVERABILITY AND LIABILITY.

182
183 Should any section, clause, provision or portion of this ordinance be adjudged
184 unconstitutional or invalid by a court of competent jurisdiction, the remainder of this
185 ordinance shall not be affected thereby.

186
187 This ordinance shall not create a liability on the part of or a cause of action against the
188 County or any employee thereof for any private sewage system or non-plumbing
189 sanitation system which may not function as designed. There shall be no liability or
190 warranty for any site which is approved or denied. The issuance of a sanitary permit and
191 the final inspection of such a system does not warrant the system's function, nor is there
192 a guarantee that the system is free of defects or that all aspects of the system comply to
193 Wisconsin Statute or Administrative Code requirements.

194
195 13.14 INTERPRETATIONS.

196
197 The provisions of this ordinance shall be held to be minimum requirements and shall be
198 liberally construed in favor of the County and shall not be deemed a limitation or repeal
199 of any other power granted by the Wisconsin Statutes and related administrative codes.

200
201 13.15 DEFINITIONS.

202
203 The following terms shall have the meanings indicated in this section.

204
205 Buildings. See Structure.

206
207 Conventional In-Ground Sewage System. A private sewage system consisting of a
208 septic tank and an in-ground soil absorption component with gravity distribution of
209 effluent.

210
211 County Sanitary Permit. A permit issued by the Department for the reconnection of a
212 private sewage system or for the installation of a non-plumbing sanitation system,
213 pursuant to §59.70 and 145.04, Wisconsin Statutes.

214
215 Department. The Oneida County Planning & Zoning Department.

216
217 Failing Non-Plumbing Sanitation Systems.

- 218
219 (a) The discharge of sewage into surface water or groundwater.
220 (b) The introduction of sewage into zones of saturation which adversely affects the
221 operation of the non-plumbing system.
222 (c) The discharge of sewage to a drain tile or into zones of bedrock.
223 (d) The discharge of sewage to the surface of the ground.

224
225 Failing Private Sewage System. "Failing private sewage system" has the following
226 meanings:

- 227
228 (1) Those specified under §145.245(4), Wisconsin Statutes.
229 (2) ~~A holding tank which discharges sewage to the ground surface, including~~

230 intentional discharges and discharges caused by neglect, shall be considered a
231 failing private sewage system.

232 (3) ~~A POWTS system installed after December 1, 1969 that has less than 36" of~~
233 ~~vertical separation between the infiltrative surface of a POWTS and high~~
234 ~~groundwater, or bedrock pursuant to Wisconsin Administrative Code Comm~~
235 ~~83.32(2)(b).~~

236
237 (2) A private sewage system which discharges sewage to the ground surface,
238 including intentional discharges and discharges caused by neglect, shall be
239 considered a failing private sewage system.

240
241 Holding Tank. A water tight receptacle for the collection and holding of wastewater.

242
243 Human Habitation. The act of occupying a structure as a dwelling or sleeping place,
244 whether intermittently or as a principal residence.

245
246 Issuing Agent. The County Planning & Zoning Department shall act as the County
247 Issuing Agent and is hereby assigned the duties of administering the Private Sewage
248 System Program.

249
250 Large Onsite Sewage Systems. An onsite sewage system with a subsurface discharge
251 that is designed to treat wastewater from residential buildings that contain the equivalent
252 of more than 85 bedrooms. For those systems with a subsurface discharge that treat
253 wastewater from other types of occupancies (non-residential), a large onsite sewage
254 system means a system with a daily effluent application rate of greater than 8,000
255 gallons per day (gpd). The design wastewater flow for these systems is 150% of the
256 daily effluent application – (12,000 gpd).

257
258 Minor Repairs. A minor repair to a private sewage system includes the replacement or
259 repair of any of the following:

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

265
266 Modification of Wastewater Flow or Contaminant Load. A modification in wastewater
267 flow or contaminant load shall be considered to occur:

268
269 In public buildings, facilities or places of employment, when there is a proposed change
270 in occupancy of the structure; or the proposed modification affects either the type or
271 number of plumbing appliances, fixtures or devices discharging to the system; and

272
273 In dwellings, when there is an increase or decrease in the number of bedrooms.

274
275 Non-plumbing Sanitation System. Sanitation systems and devices within the scope of
276 Comm 91, Wisconsin Administrative Code, which are alternatives to water carried waste
277 plumbing fixtures and drain systems; including, but not limited to, incinerating toilets,
278 composting toilets and privies.

279
280 Occupancy. Pertains to and is the purpose for which a building is used or intended to be

281 used. A change of occupancy is not intended to include a change of tenants or
282 proprietors.

283
284 Plumber. A person licensed by the State as a Master Plumber or Master Plumber-
285 Restricted Service.

286
287 POWTS. A Private Onsite Wastewater Treatment System and also referred to as
288 Private Sewage System.

289
290 Portable Restroom. A self-contained portable unit that includes fixtures, incorporating
291 holding tank facilities, designed to contain human excrement.

292
293 Private Sewage System. Also referred to as a "Private Onsite Wastewater Treatment
294 System" or "POWTS", has the meaning given under s. 145.01(12), Wisconsin Statutes.

295
296 Privy. An enclosed nonportable toilet into which nonwater-carried human wastes are
297 deposited.

298
299 Privy-Pit. A privy with a subsurface storage chamber which is not watertight.

300
301 Privy-Vault. A privy with a subsurface storage chamber that is watertight.

302
303 Rebuilt. The construction which takes place after a structure is demolished or damaged
304 to the extent of fifty percent (50%) of its current equalized assessed value.

305
306 Sanitary Permit. The term "sanitary permit", as used in this ordinance shall mean a
307 County Sanitary Permit, a State Sanitary Permit or both.

308
309 Septic Tank. An anaerobic treatment tank.

310
311 Shoreland-Wetland. A wetland of 5 acres or more on the Wisconsin Wetland Inventory
312 Map within 1,000' of the ordinary highwater mark of navigable waters of a wetland less
313 than 5 acres but are located in whole or in part within 200' of a navigable lake or stream.

314
315 Soil and Site Evaluation Application. An application submitted for the purpose of
316 requesting County verification of a Soil and Site Evaluation Report.

317
318 State. The Wisconsin Department of Commerce.

319
320 State Sanitary Permit. A permit issued by the Department or the Department of
321 Commerce for the installation or modification of a private sewage system, pursuant to
322 §145.135 and 145.19, Wisconsin Statutes.

323
324 Structure. Anything for support, shelter, or enclosure of persons on property, including
325 but not limited to any building, dwelling, manufactured building, manufactured home,
326 mobile homes, house trailer, recreational vehicle, boathouse, or deck.

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SUBCHAPTER 2

GENERAL REQUIREMENTS

13.20 COMPLIANCE.

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

13.21 INCORPORATION OF PROVISIONS BY REFERENCE.

This ordinance incorporates by reference the following rules, regulations, and laws, as set forth in the Wisconsin Statutes and the Wisconsin Administrative Code governing the location, construction, and use of private sewage systems: §59.70(5), Chs. 145, 281.48, 283.31 and 968.10, Wisconsin Statutes; Chs. Comm 52.63, Comm 5, Comm 81, Comm 82, Comm 83, Comm 84, Comm 85, Comm 86, Comm 87, Comm 91, NR 113, NR 116 and NR 206 Wisconsin Administrative Code. These rules, regulations, and laws shall apply until amended or renumbered and then shall apply as amended or renumbered.

13.22 APPLICABILITY.

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

13.23 LIMITATIONS

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

378 ~~13.24 DELAYED IMPLEMENTATION (Effective date to be inserted)~~

379 ~~(1) Delayed Implementation.~~

380 ~~(A) The issuance of sanitary permits for the construction or use of POWTS~~
381 ~~designs that utilize a method or technology that is added to the list under~~
382 ~~Comm 83.61 after July 1, 2000 shall be prohibited for not more than 6~~
383 ~~months, pursuant to Wisconsin Administrative Code Comm 83.04(2)(a) &~~
384 ~~(b).~~

385
386
387 ~~(1) These subsections shall be limited to permits intended to~~
388 ~~serve new development.~~

389 ~~(2) For the purpose of this subsection, a new development~~
390 ~~shall be considered a property without an existing habitable~~
391 ~~building.~~

392
393 13.25 PROHIBITION

394
395 (1) The issuance of a sanitary permits for the construction or use of POWTS designs
396 that utilize one or more of the following technologies, designs or methods below
397 shall be prohibited pursuant to Wisconsin Administrative Code Comm
398 83.32(2)(a):

399
400 (a) An evapotranspiration bed as a POWTS treatment component.

401
402 (2) No large onsite sewage system shall be installed or operated in Oneida County.
403 This prohibition shall not apply to:

404
405 (a) Any large onsite sewage system for which a Water Pollution Discharge
406 Elimination System (WPDES) permit has been issued by the Wisconsin
407 Department Natural Resources (WDNR) pursuant to Wisconsin Statutes
408 Section 283.31

409
410 Any large-scale onsite sewage system shall be subject to ongoing
411 maintenance and operating strategies required by the WDNR including
412 periodic permit review and renewal. Failure of the owner of a large onsite
413 sewage system to have a valid WPDES permit or renewal thereof from
414 the WDNR, shall constitute violation of this ordinance and be subject to
415 penalties specified in 13.63(2).until such time as the owner demonstrates
416 that a valid WPDES permit has been again issued by the WDNR.

417
418 (3) Pursuant to Wisconsin Administrative Code Comm 83.32(2)(c) the issuance of
419 sanitary permits shall be prohibited for POWTS that service two (2) or more
420 structures or buildings that are located on more than one property. This
421 prohibition shall not apply to a POWTS that has a design flow of 3,000 gallons
422 per day or less, or POWTS systems that have a design flow of greater than 3,000
423 gallons per day and are owned by a governmental entity or agency such as a
424 Sanitary District, Utility District, or Special Purpose District.

425
426 13.26 ABANDONMENT OF PRIVATE SEWAGE SYSTEMS

427
428 (1) When public sewers approved by the Department of Natural Resources become

429 available to the structure or premises served, the private sewage system shall be
430 disconnected within one year and a connection made to the public sewer.
431 Determination of whether sewer is available shall be made by the local sewer
432 service entity.
433

434 Abandonment of the disconnected private sewage system shall be done in
435 accordance with the provisions of Comm 83, Wisconsin Administrative Code.
436

- 437 (2) The components of an existing private sewage system that are not part of the
438 approved design of a replacement system shall be abandoned per Comm 83,
439 Wisconsin Administrative Code at the time of the installation of the replacement
440 system by the plumber installing the system.
441

442 13.27 NON-PLUMBING SANITARY SYSTEMS
443

- 444 (1) Non-plumbing sanitary systems shall comply with the minimum requirements of
445 Wisconsin Administrative Code Comm 91 unless this ordinance is more
446 restrictive.
447 (2) Privies shall be sturdily constructed and maintained in a clean and healthful
448 condition.
449 (3) Privies shall be located at the minimum horizontal distance of:
450 (a) 25 feet from dwellings.
451 (b) 10 feet from lot line.
452 (c) 25 feet from a slope 15% or greater.
453 (d) 50 feet from any well.
454 (e) 75' from the Ordinary High Water Mark of a lake or stream.
455 (f) 25' from a shoreland/wetland.
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SUBCHAPTER 3

PERMITS AND APPLICATIONS

13.30 SOIL AND SITE EVALUATION.

- (1) Soil and site evaluations shall be done prior to the issuance of sanitary permits as specified in Comm 83, Comm 85 and Comm 91, Wisconsin Administrative Code.
- (2) Soil test pits shall be constructed which allow adequate visual observation of the soil profile in place. This is best accomplished by the excavation of backhoe pits or other methods approved by the Department.
- (3) Department verification of a Soil and Site Evaluation Report may be necessary to determine the suitability of a lot for a private sewage system. This verification will be made at the discretion of the Issuing Agent and will be made prior to the issuance of the sanitary permit. Department verification shall be required on all sites that have less than 12 (twelve) inches of in-situ soil, suitable for the treatment and disposal of effluent, unless specifically waived by the Issuing Agent. This verification will result in one of the following:
 - (a) Issuance of the permit, provided all information on the application is correct and complete.
 - (b) Establishment of a file indicating site suitability.
 - (c) Holding the application pending clarification of information or new information by the owner, the plumber, or the certified soil tester.
 - (d) Denial of the permit if the site does not meet all the provisions of this ordinance and appropriate Wisconsin Statutes and Administrative Codes.
- (4) A certified soil tester may request Department verification of a Soil and Site Evaluation Report before a complete sanitary permit application is submitted. Application for this verification shall include all information required in §13.31(2)(a)(1-6) on forms provided by the Department, and the original copy of the Soil and Site Evaluation Report. ~~and as many copies as are required by the Department.~~ The Department reserves the right to refuse verification of a Soil and Site Evaluation report in accordance with Comm 85.30(5).

13.31 SANITARY PERMIT APPLICATIONS.

- (1) General
 - (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) A Sanitary Permit shall be obtained by the property owner, his agent or contractor, before any private sewage system or part thereof may be installed, replaced, repaired reconnected or modified. A sanitary permit is not required for ~~the addition of manhole risers or for the replacement of manhole covers, manhole risers, baffles or pumps~~ minor repairs.

- 508 (d) A County Sanitary Permit shall be obtained prior to constructing or
509 installing a non-plumbing sanitation system.
- 510 (e) A County Sanitary Permit shall be required for soil remediation or
511 renovation processes such as physical (i.e. Terralift™) or chemical (i.e.
512 Porox™). A County Sanitary Permit is not required for soil remediation or
513 renovation processes if the POWTS was installed after January 1, 1980.
- 514 (f) If any part of a private sewage system has failed or requires replacement
515 or modification, the entire system shall be evaluated for compliance with
516 ~~existing~~ codes that existed at the time of installation prior to sanitary
517 permit issuance. This shall include a soil and site evaluation for those
518 components that utilize in situ soil for treatment or dispersal, unless a
519 valid report is already on file with the Department.

520
521 If any part of the system is found to be defective or not in conformance with the applicable
522 Provisions of this ordinance, the sanitary permit application shall include specifications for
523 the repair, renovation, replacement or removal of that part.

- 524
525 (2) Application Requirements
- 526 (A) A sanitary permit application shall include the following information
527 which shall be furnished by the applicant on forms required by the
528 State and/or the Department along with all applicable fees:
- 529 (1) Names and addresses of the applicant (owner of the site) and the
530 plumber employed (when applicable).
- 531 (2) Legal description of the subject site and the parcel identification
532 number.
- 533 (3) All lot dimensions.
- 534 (4) Driving directions to the site.
- 535 (5) Building use (single family, duplex, etc.).
- 536 (6) Soil and Site Evaluation report.
- 537 (7) System plans (see §13.31(3)(a-f)).
- 538 (8) Appropriate agreements and contracts for system management
539 and maintenance.
- 540 (9) Copies of any documents required in §13.31(2)(D)(1-5) and
541 verification that they have been recorded.
- 542 (10) Any other information required by the Department, including
543 verification of compliance with §13.61(11) of this ordinance.
- 544 (B) When any official State action is required prior to the issuance of a
545 sanitary permit, an original copy of the official action shall accompany the
546 application.
- 547 (C) Pit privy permit applications shall be accompanied by soil data provided
548 by a Certified Soil Tester to determine compliance with Comm 91,
549 Wisconsin Administrative Code.
- 550 (D) The following documents must be recorded with the Oneida County
551 Register of Deeds prior to sanitary permit issuance:
- 552 (1) Maintenance requirements, if recording is required by Comm 83,
553 Wisconsin Administrative Code, or §13.52 of this ordinance.
- 554 (2) If a private sewage system, or parts thereof, are located on a
555 different parcel than the structure served an appropriate
556 easement, ~~Quit Claim Deed~~ or Certified Survey map ~~combining~~
557 combining the parcels must be recorded.

- 558 (3) If a private sewage system serves more than one structure under
559 different ownership, a document identifying all parties that have
560 ownership rights and are responsible for the operation and
561 maintenance must be recorded.
562 (4) If a private sewage system is owned by a party other than the
563 owner of the parcel on which it is installed, a document identifying
564 the owner of the system, the structures to be served by the
565 system, and the party responsible for operation and maintenance
566 must be recorded.
567 (5) If the design wastewater flow of a private sewage system for a
568 dwelling is not based upon the number of bedrooms within the
569 dwelling, a deed restriction specifying maximum wastewater flow
570 must be recorded.
571 ~~(E) The Department reserves the right to require Floodplain and/or Wetland~~
572 ~~delineation for a building site or proposed private sewage system area~~
573 ~~prior to sanitary permit issuance. The Department may require elevations~~
574 ~~on plans to be tied to floodplain elevation datum.~~
575 ~~(E)(F)~~ (F) The Department reserves the right to refuse incomplete or incorrect
576 permit applications or to delay permit issuance until corrected or
577 completed applications are received.
578

579 (3) Plans
580

581 System plans shall be submitted for approval to the Department or to the State in
582 accordance with Comm 83, Wisconsin Administrative Code. Plans shall comply with the
583 requirements of Comm 83, Wisconsin Administrative Code, and this ordinance.

- 584
585 (A) Plans submitted to the Department shall include the original and two (2)
586 ~~as many copies, as are required by the Department.~~
587 (B) If plans are reviewed and approved by the State, at least one set of the
588 plans submitted to the Department shall bear an original State approval
589 stamp or seal.
590 (C) Plans submitted shall be clear, legible and permanent copies.
591 (D) Plans submitted shall comply with Comm 83, Wisconsin Administrative
592 Code, and include the following:
593 (1) The name of the property owner and the legal description of the
594 site, including parcel Identification number;
595 (2) Estimated daily wastewater flow and design wastewater flow.
596 (3) A detailed plot plan (site plan), dimensioned or drawn to scale, on
597 paper no smaller than 8½ inches by 11 inches in size. The plot
598 plan shall delineate the lot size and the location of all existing and
599 proposed: private sewage system components; building sewers;
600 private interceptor main sewers; wells; water mains or water
601 services; buildings; lot lines; swimming pools; navigable waters;
602 and the benchmark established on the Soil and Site Evaluation
603 Report. Adjoining properties shall be checked to insure that the
604 horizontal setback parameters in Comm 83.43, Wisconsin
605 Administrative Code, are complied with. All separating distances
606 and dimensions shall be clearly shown on the plot plan.
607 (4) Details and configuration layouts depicting how the system is to

- 608 be constructed.
- 609 (5) A description of a contingency plan in the event the proposed
- 610 private sewage system fails and cannot be repaired.
- 611 (6) Sufficient supporting information to determine whether the
- 612 proposed design, installation and management of the proposed
- 613 private sewage system or modification to an existing system
- 614 complies with this ordinance.
- 615 (E) Plans shall be signed or sealed as specified in Comm 83, Wisconsin
- 616 Administrative Code.
- 617 (F) A copy of the approved plans shall be maintained at the construction site
- 618 until the private sewage system installation is completed, inspected and
- 619 accepted. The plans shall be made available to the Department or the
- 620 State upon request.
- 621 (G) A modification to the design of a private sewage system which has been
- 622 previously approved shall be submitted to the Department or the State as
- 623 specified in Comm 83, Wisconsin Administrative Code. Plan revisions
- 624 must be approved prior to system installation. A fee may be charged
- 625 when submitting revised plans, see §13.37.
- 626

627 13.32 SANITARY PERMIT, GENERAL

628

629 APPROVAL & CONDITIONS

630

631 (1) Conditional Approval.

632

633 When applicable provisions of Wisconsin Statutes, Wisconsin Administrative

634 Code and this Ordinance have been complied with when applying for a sanitary

635 permit, the permit shall be approved. Conditions may be attached to the permit

636 application to provide clarifications.

637

638 The permit shall only be valid for an installation that completely complies with

639 Wisconsin Statutes, Wisconsin Administrative Code and this Ordinance. Failure

640 to denote an error and/or correction on the permit application does not lessen the

641 requirements upon the applicant from installing a system and/or component that

642 meets the Wisconsin Statutes, Wisconsin Administrative Code and this

643 Ordinance.

644 (2) Permit Cards.

645 (a) The permit card issued by the Issuing Agent to the property owner or his

646 agent shall serve as the sanitary permit.

647 (b) The permit card shall contain all the information required by §145.135,

648 Wisconsin Statutes.

649 (c) The permit card shall be displayed at the site in such a manner that it will

650 be visible from a road abutting the lot during all construction phases.

651 (d) The permit card may not be removed until the private sewage system has

652 been installed, inspected, and approved by the Issuing Agent.

653 (e) Failure to display the permit card shall be considered a violation of this

654 section and may subject the property owner, his agent or contractor, to

655 penalty provisions of this ordinance.

656 (3) Permit Expiration.

657 (a) A sanitary permit for a private sewage system or non-plumbing sanitation

658 system which has not been installed, replaced, repaired, modified or

- 659 reconnected and approved shall expire two years after the date of
660 issuance unless renewed. Permits may be renewed following ~~written~~
661 submittal of an application to the Department by the property owner, his
662 agent or contractor, prior to the expiration date of the original permit.
- 663 (b) There shall be a fee for the renewal of a sanitary permit. (See §13.37.)
 - 664 (c) The renewal shall be based on Wisconsin Administrative Code, Statute
665 and ordinance requirements in force at the time of renewal.
 - 666 (d) Changed Wisconsin Administrative Code, Statute and ordinance
667 requirements may impede the renewal.
 - 668 (e) ~~The property owner, his agent or contractor, shall return the original~~
669 ~~permit card and receive a~~ A new permit card shall be issued when the
670 permit is renewed.
 - 671 (f) ~~All Sanitary permits issued prior to the effective date of this ordinance~~
672 ~~which have been renewed~~ shall expire two years from the date of
673 ~~issuance unless renewed~~ renewal.
 - 674 (g) A new sanitary permit shall be obtained by the owner or his agent prior to
675 beginning construction if a sanitary permit has expired.
- 676 (4) Transfer of Ownership.
677 Transfer of ownership of a property for which a valid sanitary permit exists shall
678 be subject to the following:
- 679 (a) The applicable ~~State Sanitary Permit form~~ shall be submitted to the
680 Department.
 - 681 (b) The sanitary permit card shall be returned to the Department so that a
682 new permit card may be issued.
 - 683 (c) Transfer of ownership shall not affect the expiration date or renewal
684 requirements. There shall be a fee for transfer of ownership (see 13.37).
- 685 (5) Change of Plumbers.
- 686 (a) When an owner wishes to change plumbers, it will be necessary for ~~him~~
687 the owner to furnish the Department with the applicable ~~transfer state~~
688 form signed by the new plumber.
 - 689 (b) System plans requiring State plan approval shall not be transferred to a
690 different plumber unless the plan bears the stamp of an architect or
691 engineer, plumbing designer, or a State level approval is obtained by the
692 new plumber.
 - 693 (c) There shall be a fee for change of plumbers. (See § 13.37).
- 694 (6) Permit Denial.
695 When applicable provisions of Wisconsin Statutes, Wisconsin Administrative
696 Code or this Ordinance have not been complied with when applying for a sanitary
697 permit, the permit shall be denied. The issuing agent shall issue written notice to
698 the owner and the plumber whose sanitary permit application is denied. Each
699 notice shall:
- 700 (a) State the specific reason for disapproval or amendments to the
701 application, if any, which would render the application approval.
 - 702 (b) Inform the applicant of the right to appeal and the procedures for
703 conducting an appeal under the provision of §68.10, Wisconsin Statutes,
704 and Chapter 17 of the General Code. The Oneida County Board of
705 Adjustment shall conduct the appeal.

707 **13.33 SANITARY PERMIT, SPECIFIC REQUIREMENTS FOR APPROVAL**

- 708 (1) POWTS with portions crossing Town Roads.
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When portions of private sewage systems are proposed to cross Town Roads and/or encroach in a Town Road right-of-way, permission shall be obtained by the Town Board of that Town through an approved motion granting permission to cross the road at a Town Board meeting and/or through an easement granted by the Town Board. Certified copies of the minutes and/or the original easement shall be submitted with the sanitary permit application.

(2) POWTS with portions crossing Private Roads.

When portions of a private sewage system cross Private Roads owned fully or partially by others, permission shall be obtained through an easement.

~~(3)~~ POWTS utilizing 12 inches or less of in situ soil.

~~Prior to submitting state plan approval for POWTS utilizing less than 12 inches of soil, a county soil and site evaluation shall be performed unless specifically waived by the Issuing Agent. A request for verification shall be made to the Department. The applicant shall provide all necessary equipment to perform such evaluation.~~

~~(3)~~(4) Multiple Soil/Site Evaluations for same parcel.

When more than one soil/site evaluation has been performed on a parcel, a county soil and site evaluation verification shall be performed. A request for verification shall be made to the Department. The applicant shall provide all necessary equipment to perform such evaluation verification. The Department may waive such verification provided the site/soil evaluations show similar findings.

~~(4)~~(5) Systems ~~servicing~~ serving more than one structure on different parcels.

When a POWTS is to serve two (2) or more structures or buildings that are located on more than one property with a design flow of more than 3,000 gallons a day of design flow (actual x 150%), the system is required to be owned by a governmental entity or agency. Documentation is required to be recorded pursuant to 13.31(2)(d)(3)&(4).

~~(5)~~(6) Administrative Code Variance Applications.

When petitioning the State for any Administrative Code Variance, a copy of the request shall be submitted by the petitioner to the Department. Additional documents shall provide background information, the options considered and the reasons why the options could not be used with strict adherence to the Administrative Code. The Department may request that other options be explored to eliminate the need for a variance. The Department shall be allowed to comment ~~of~~ on the petition for variance.

~~(6)~~(7) Pre-treatment components such as, but not limited to, Aerobic Treatment Units, Sand Filters, Re-Circulating Sand Filters, Gravel Filters, and Peat Filters.

761 Prior to approval of a POWTS pre-treatment unit sanitary permit, a detailed
762 management plan shall be submitted to the Department. This management plan
763 shall provide a list of all replacement equipment, the location as to where the
764 replacement equipment can be obtained, a list of approved maintainers (which
765 includes full names, addresses, ~~companies~~ company names, corresponding
766 phone numbers), the corporate name, address and phone numbers of the
767 equipment manufacturer.
768

769 Also prior to approval of a POWTS pre-treatment unit sanitary permit, a meeting
770 shall take place between the Department, the installer and the property owner to
771 ensure the installer and property owner are aware of the necessary site and
772 maintenance requirements. The owner shall recognize that these systems
773 require additional operational maintenance resulting in additional operational
774 expenses.
775

776 A pre-construction meeting may be required at the site prior to installation of the
777 pre-treatment component at the discretion of the Department. During this
778 meeting, an overview of the work schedule shall be outlined with Department
779 staff and applicant. Appropriate notices shall be made by the installer to ensure
780 Department staff is in attendance.
781

782 (7)(8) Experimental Systems and Other Systems not recognized by Comm ~~83.64~~ 83.60.
783

784 Prior to application for State experimental plan approval the applicant shall
785 request a meeting with Department staff. During this meeting, information shall
786 be presented to the Department which ~~are~~ is detailed in Comm 83.27. A
787 comment period of no less than 30 days after the meeting shall be required by
788 the Department prior to the applicant submitting the application to the State.
789 Additional time may be requested by the Department.
790

791 The applicant shall provide a detailed contingency plan, outlining the steps that
792 will be taken upon failure of the experimental system. Further, the Department
793 may require surety bonds to insure that if the experimental system fails,
794 necessary funds are available to restore the site and/or to promote the health
795 and general welfare of residents and visitors of Oneida County.
796

797 The Department may require additional assurances from the applicant that the
798 experiment will have no deleterious effects upon surface and groundwater.
799 Examples of these assurances include requiring periodic Department
800 inspections, regular-interval results examining the short-term and long-term
801 effects at the site, applicant inspections at pre-determined intervals as well as
802 any other similar requirement ensuring health and resource protection.
803

804 ~~Also p~~Prior to approval of a ~~POWTS Treatment Unit~~ sanitary permit for an
805 experimental design, a detailed management plan shall be submitted to the
806 Department. This management plan shall provide a lists of all replacement
807 equipment, the location as to where the replacement equipment can be obtained,
808 a ~~minimum~~ list of approved maintainers (which includes full names, addresses,
809 ~~companies~~ company names, and corresponding phone numbers), the corporate
810 name, address and phone numbers of the equipment manufacturer.
811

812 Also prior to approval of a sanitary permit for Experimental and Other Systems
813 not recognized by Comm ~~83.64~~ 83.60 a meeting shall take place between the
814 Department, the installer and the property owner to ensure the installer and
815 property owner are aware of the necessary site and maintenance requirements.
816 The owner shall recognize that these systems may require additional operational
817 maintenance resulting in additional operational expenses.
818

819 13.34 RECONNECTION.
820

- 821 (1) A County reconnection permit shall be obtained prior to:
822 (a) Construction of a structure to be connected to an existing private sewage
823 system;
824 (b) Disconnection of a structure from an existing private sewage system and
825 connection of another structure to the system, except as permitted in
826 §13.34(4); or
827 (c) Rebuilding a structure that is connected to a private sewage system.
828 (2) Prior to issuing a reconnection permit, the existing private sewage system shall
829 be examined to:
830 (a) Determine if it is functioning properly and whether it is a failing system.
831 (b) Determine if it will be capable of handling the proposed wastewater flow
832 and contaminant load from the building to be served.
833 (c) Determine that all minimum setback requirements of Comm 83,
834 Wisconsin Administrative Code, will be maintained.
835 (3) Application for a County reconnection permit shall include the following:
836 (a) All items in §13.31(2)(a)(1-5) and §13.31(2)(a)(9-11);
837 (b) For all systems that utilize in situ soil for treatment or disposal, a Soil and
838 Site Evaluation report verifying that the vertical separation distance
839 between the infiltrative surface of the existing treatment or dispersal
840 component and estimated high groundwater elevation and/or bedrock
841 complies with Comm 83, Wisconsin Administrative Code, unless a valid
842 report meeting these criteria is on file with the department;
843 (c) A report provided by a licensed plumber, certified septage servicing
844 operator or a POWTS inspector or other person(s) authorized to do so by
845 Comm. 83, Wisconsin Administrative Code relative to the condition,
846 capacities, baffles and manhole covers for any existing treatment or
847 holding tanks;
848 (d) A report provided by a licensed plumber, or a POWTS inspector or other
849 person(s) authorized to do so by Comm. 83, Wisconsin Administrative
850 Code relative to the condition and capacities of all other system
851 components and verifying that the system is not a failing system;
852 (e) A plot plan prepared by a plumber or other person(s) authorized to do so
853 by Comm. 83, Wisconsin Administrative Code, including information
854 specified in §13.31(3)(d)(3); and
855 (f) A state sanitary permit for any system components which will be modified
856 or replaced.
857 (g) Reconnection to existing holding tanks may require a new servicing
858 contract and an updated holding tank agreement which meets the
859 requirements of this ordinance.
860 (h) Reconnection to an existing system other than a holding tank may require
861 a new maintenance agreement or contract.
862 (4) Replacing a structure with a new or different structure within two years of the

- 863 date of permit issuance will only require a statement that the system has not
864 been altered, a statement that a modification in wastewater flow or contaminant
865 load will not occur, a plot plan that documents all setbacks between the structure
866 and system components and a re-inspection fee.
- 867 (5) All systems shall be inspected at the time of reconnection, prior to backfilling, to
868 insure that proper materials and methods are being used.
- 869 (6) Pre-construction site meetings may be required for all technologies and
870 installations as deemed necessary by the Department. Specific technologies
871 shall require pre-construction site meetings.

872
873 **13.35 CONSTRUCTION AFFECTING WASTEWATER FLOW OR CONTAMINANT LOAD.**

874
875 Construction that is considered to be a modification of wastewater flow or contaminant
876 load is defined in Comm 83.25(2)(c)2. a. & b., Wisconsin Administrative Code.

877
878 Prior to commencing the construction of an addition to or modification of a structure which
879 will;

- 880 (1) Affect the wastewater flow and/or contaminant load to an existing private sewage
881 system, or the owners of the property shall;
- 882 ~~(2) Involves any addition, alteration or remodeling, that exceeds 25% of the total~~
883 ~~gross area of the existing dwelling unit not including construction of decks, patios,~~
884 ~~garages, porches, re-roofing, painting, wiring, residing, window replacements, or~~
885 ~~replacement of equipment or appliance, the owners of the property shall;~~
- 886 (a) Possess a sanitary permit to construct a new private sewage system or
887 modify an existing private sewage system to accommodate the
888 modification in wastewater flow or contaminant load; or
- 889 (b) Provide the following to the Department:
- 890 (1) Documentation that a Private Sewage System of adequate
891 capability and capacity to accommodate the wastewater
892 flow and contaminant load already exists to serve the
893 structure, as specified in Comm 83, Wisconsin
894 Administrative Code;
- 895 (2) Documentation showing that the location of the proposed
896 structure conforms to the applicable setback distances to all
897 of the existing private sewage system components; and
- 898 (3) Documentation specified in §13.34(3)(b)(c)&(d).
- 899 ~~(2)(3)~~ Any installation, addition or modification of a system must
900 be completed and accepted before the addition or modified
901 area of the structure may be occupied.

902
903 **13.36 CONSTRUCTION NOT AFFECTING WASTEWATER FLOW OR CONTAMINANT LOAD**

904
905 Prior to commencing construction of any structure or addition to a structure on a site
906 where there exists a private sewage system the owner or his agent shall determine that
907 the proposed structure conforms with applicable setback limitations of Comm 83,
908 Wisconsin Administrative Code. Documentation shall be submitted as required in Comm
909 83, Wisconsin Administrative Code.

910
911 **13.37 PERMIT FEES.**

- 912
913 (1) The applicant upon filing his application shall pay a fee in accordance with the

- 914 fee schedule adopted by the County Board.
- 915 (2) State sanitary permits for public buildings.
- 916 (3) State sanitary permits for non-public buildings.
- 917 (4) County sanitary permits.
- 918 (a) Non-plumbing sanitation system.
- 919 (b) Soil remediation or renovation processes
- 920 (c) Reconnection permit (not requiring replacement, addition or modification
- 921 of system components).
- 922 (5) Other Fees.
- 923 (a) Renewal of sanitary permits.
- 924 (b) Plumber ~~transfer~~ change
- 925 (c) Owner transfer.
- 926 (d) Re-inspection and additional inspection.
- 927 (e) Revision.
- 928 (1) A fee may be charged for any plan revision which is not submitted
- 929 and approved by the department before inspection of the system has
- 930 commenced. Revisions received after 30 days of system installation
- 931 shall automatically be charged a revision fee.
- 932 (2) If a plan revision results in a change to a system type or site for which
- 933 a higher sanitary permit or plan is required, the difference between the
- 934 fee already paid and the fee for the system installed will be charged.
- 935 (f) Soil saturation determination.
- 936 (g) Wisconsin Fund Application.
- 937 (h) Monitoring and management tracking.
- 938 (i) Soil and Site Evaluation Filing.
- 939 (6) Refunds
- 940 After the sanitary permit has been reviewed and/or issued, the fees shall not be
- 941 refunded.
- 942 (7) New fees.
- 943 The balance of the new fee shall be paid before the sanitary permit may be
- 944 issued for any soil test or incomplete applications on file on the date the new fees
- 945 become effective.
- 946 (8) After-the-fact permit fees.
- 947 A triple fee will be charged for all after-the-fact permit applications to partially
- 948 recover the cost of obtaining compliance.

949 **SUBCHAPTER 4**

950 **INSPECTIONS**

951
952 **13.40 INSPECTIONS; GENERAL.**

- 953
- 954 (1) Notice for final inspection shall be given to the Zoning Department for all private
 - 955 sewage systems installed, modified or reconnected.
 - 956 (2) These private sewage systems shall be inspected by the Department for
 - 957 compliance with Comm 82, Comm 83, Wisconsin Administrative Code, other
 - 958 appropriate Wisconsin Statutes and Administrative Codes and this ordinance.
 - 959 (3) Notification for final inspection shall be given in accordance with the
 - 960 requirements of Comm 83 Wisconsin Administrative Code.
 - 961 (4) The entire system shall be left completely open until it has been inspected and
 - 962 accepted by the Department as provided in Wisconsin Administrative Code
 - 963 Comm 83.26(2), unless the requirements of Comm 83, Wisconsin Administrative
 - 964 Code, are not met by the Department.
 - 965 (5) When a private sewage system is ready for inspection, the plumber in charge
 - 966 shall make arrangements to enable the inspector to inspect all parts of the
 - 967 system. The plumber shall provide the proper apparatus, equipment and
 - 968 necessary assistance to make a proper inspection.
 - 969 (6) Private sewage systems may be inspected periodically, after the initial installation
 - 970 inspection(s) and/or after the system is operative, as deemed necessary by the
 - 971 Issuing Agent

972
973 **13.41 INSPECTIONS - SPECIFIC**

- 974
- 975 (1) Inspections: Site Constructed Holding Tanks.
 - 976 (a) All site constructed holding tanks shall be inspected after the floor is
 - 977 poured and the keyway and water stop are installed or after the forms for
 - 978 the tank walls have been set but in all instances before any concrete for
 - 979 the walls has been poured.
 - 980 (b) Concrete walls may be poured only after it has been determined that the
 - 981 tank, as formed, complies with the approved plans.
 - 982 (c) This inspection shall not eliminate the need for an inspection after the
 - 983 installation has been completed.
 - 984 (2) Inspections: Non-Plumbing Sanitary Systems.
 - 985 (a) All non-plumbing sanitary systems installed shall be inspected for
 - 986 compliance with Comm 91, Wisconsin Administrative Code, or as
 - 987 amended, and this ordinance. Non-plumbing sanitary systems serving
 - 988 uses other than one and two family dwellings shall also be inspected for
 - 989 compliance with Comm 52.63, Wisconsin Administrative Code.
 - 990 (b) The property owner shall notify the Department for inspection immediately
 - 991 after the non-plumbing sanitary system has been constructed or installed.
 - 992 (3) Inspections: Mounds.
 - 993 (a) The plumber installing the mound shall notify the Department the working
 - 994 day prior to the installation, excluding Saturdays, Sundays and holidays.
 - 995 (b) Mound systems shall be inspected at the time the ground surface is
 - 996 plowed at the time the distribution piping installation has been completed
 - 997 and after all work has been completed.
 - 998 (4) Inspections: At-grade.
 - 999 (a) The plumber installing the at-grade shall notify the Department the

- 1000 working day prior to the installation, excluding Saturdays, Sundays and
1001 holidays.
- 1002 (b) At-grade systems shall be inspected at the time the ground surface is
1003 plowed, at the time the distribution piping installation has been completed
1004 and after all work has been completed.
- 1005 (5) Inspections: Sand Filters.
- 1006 (a) The plumber installing the sand filter shall notify the Department the
1007 working day prior to the installation, excluding Saturdays, Sundays and
1008 holidays.
- 1009 (b) Sand filters shall be inspected at the time the liner or tank and underdrain
1010 are in place, before placement of any treatment media, at the time the
1011 distribution piping installation has been completed and after all work has
1012 been completed.
- 1013 (6) Experimental Systems and Systems not Recognized by Comm
1014 ~~83.64-83.60.~~
- 1015 (a) The plumber installing the system shall coordinate any required pre-
1016 construction meeting(s).
- 1017 (b) The plumber installing the system shall notify the Department at least two
1018 (2) workdays prior to beginning the installation of the system to schedule
1019 the inspection(s) and shall notify the State as may be required by the
1020 approved plans.
- 1021 (c) Inspections shall be done pursuant to the approved plans requirements
1022 and as deemed necessary by the Department to assure compliance with
1023 appropriate codes and the plan approval.
1024

1025 13.42 REINSPECTION.

- 1026
- 1027 (1) A reinspection fee shall be assessed when a reinspection of a private sewage
1028 system is required because the initial inspection disclosed that the installation is
1029 incomplete at the scheduled inspection time or does not comply with applicable
1030 Wisconsin Statutes, Administrative Codes, the approved plans or this ordinance.
1031 Each additional reinspection required at the site will require a fee.
- 1032 (2) The reinspection fee shall be due within ten working days of written notification
1033 by the Department. Failure to pay this fee within that period shall constitute a
1034 violation of this ordinance.
1035

1036 13.43 TESTING

- 1037
- 1038 (1) If testing of new systems or new system components is required by Comm 82, 83
1039 or 84, Wisconsin Administrative Code, or as a condition of plan approval, notice
1040 shall be given to the Department as specified in §13.40(3), so that the
1041 Department may make an inspection during the test.
- 1042 (2) The Department shall verify that required testing has been completed, by:
- 1043 (a) Performing an inspection during the test,
1044 (b) Requiring written verification from the responsible person, or
1045 (c) Both a and b.

1046
1047 **SUBCHAPTER 5**

1048 **SYSTEM MANAGEMENT AND MAINTENANCE**

1049
1050 **13.50 MAINTENANCE AND MANAGEMENT**

- 1051
1052 (1) All private sewage systems and non-plumbing sanitation systems shall be
1053 managed and maintained in accordance with Comm 83, 84 and 91,
1054 Wisconsin Administrative Code, and this ordinance.
1055 (2) The property owner or owner's agent shall report to the Department each
1056 inspection, maintenance or servicing event, in accordance with Comm 83,
1057 Wisconsin Administrative Code, and this ordinance.
1058 (3) The property owner shall submit a copy of an appropriate maintenance
1059 agreement and/or servicing contract to the Department prior to sanitary
1060 permit issuance.
1061 (4) The property owner shall submit a new or revised maintenance agreement
1062 and/or servicing contract to the Department whenever there is a change to
1063 such document(s).
1064 (5) The property owner shall submit a new maintenance agreement and/or
1065 servicing contract to the Department prior to expiration of any existing
1066 maintenance agreement and/or servicing contract.
1067 (6) In order to satisfy the requirements of Comm 83.54 Oneida County shall
1068 continue to cooperate with Lake Protection & Rehabilitation Districts to
1069 evaluate, condemn and replace existing failing private sewage systems.
1070 (7) The applicant for a sanitary permit for a holding tank system shall sign a
1071 holding tank agreement with the county. ~~in accordance with Comm. 83,~~
1072 ~~Wisconsin Administrative Code.~~

1073
1074 **13.51 SEPTIC TANK MAINTENANCE PROGRAM.**

- 1075
1076 (1) The applicant for a sanitary permit shall be provided with written notice of
1077 the maintenance program at the time the sanitary permit is issued. The
1078 records of this notification shall be maintained by the Issuing Agent. Upon
1079 sale of this property, the owner shall provide written notification of the
1080 maintenance program to the buyer.
1081 (2) All new and existing POWTS ~~permitted and installed on or after July 1,~~
1082 ~~1980 shall be visually inspected by a plumber, POWTS inspector or a~~
1083 ~~person licensed under sec. 281.48 Wis. Stats., and pumped within three~~
1084 ~~years of the date of installation and at least once every three years~~
1085 ~~thereafter. unless upon inspection the septic tank is found to have less~~
1086 ~~than 1/3 of the volume occupied by sludge and scum.~~
1087 (3) All new and existing septic tanks shall be pumped within three (3) years of
1088 the date of installation and at least once every three (3) years thereafter,
1089 unless upon inspection the tank is found to have less than 1/3 of the
1090 volume occupied by sludge and scum.
1091 (4)(3) Pumping of a septic tank shall be done by a certified septage servicing

- 1092 operator in accordance with NR 113, Wisconsin Administrative Code.
1093 ~~(5)~~(4) Visual inspection of a private sewage system may be conducted by
1094 individuals specified in Comm 83.54(4)(d)(2), to determine the condition of
1095 the tank and whether wastewater or effluent from the POWTS is ponding
1096 on the ground surface.
1097 ~~(6)~~(5) The owner or owner's agent of such ~~septic tank~~ a POWTS shall furnish
1098 the Department with a copy of the inspection report verifying the condition
1099 of the tank, whether wastewater or effluent from the POWTS is ponding on
1100 the ground surface and the date of pumping within ~~40~~ 30 calendar days of
1101 the date of inspection and pumping. Reports shall include all information
1102 required in Comm 83.55, Wisconsin Administrative Code, and be signed
1103 by the person(s) inspecting and pumping the private sewage system.
1104 Other maintenance or management reports required by Comm 83 or 84,
1105 Wisconsin Administrative Code, ~~should~~ shall be included with this report.
1106 ~~(7)~~(6) If the septic tank is not maintained or inspected in conformance with state
1107 regulations, the Zoning Director shall order it to be maintained or pumped
1108 by a certified septage servicing operator at County expense. The County
1109 shall then invoice the property owner for all such costs incurred. If the
1110 invoice is not paid within 30 days, the county may place the amount on the
1111 tax roll as a special assessment pursuant to WI State Statutes 145.20(4)
1112 against the property in question.
1113

1114 13.52 HOLDING TANK MAINTENANCE AGREEMENT

- 1115
1116 (1) The owner of the holding tank shall enter into a Maintenance Agreement
1117 with Oneida County before the sanitary permit is issued. The agreement
1118 shall be signed on a form provided by the Zoning Director, who shall sign
1119 the agreement on behalf of the county. The agreement shall require the
1120 applicant to conform to state regulations regarding the maintenance and
1121 pumping of the holding tank. If the tank is not maintained and pumped in
1122 conformance with state regulations, the Zoning Director shall order it to be
1123 maintained or pumped by a certified septage servicing operator, at county
1124 expense. The county shall then invoice the property owner for all such
1125 costs incurred. If the invoice is not paid within 30 days, the county may
1126 place the amount on the tax roll as a special assessment pursuant to WI
1127 State Statutes 145.20(4) against the property in question. This
1128 Maintenance Agreement shall be filed in the Register of Deeds office and
1129 shall be recorded in a manner that will permit the existence of the
1130 agreement to be determined by reference to the property where the
1131 holding tank is installed. (Effective 5/21/2006)
1132 (2) The owner or agent shall submit a copy of the holding tank Maintenance
1133 Agreement when plans are submitted to the Department for review.
1134

1135 13.53 PROPERTY TRANSFER REQUIREMENTS (Effective 9/30/2006)

- 1136
1137 (1) Property transfers for properties enrolled in the Oneida County POWTS

- 1138 Maintenance Program (Installed after July 1, 1980).
- 1139 (a) Prior to the transfer of property enrolled in the Oneida County
- 1140 POWTS Maintenance Program, the owner shall provide written
- 1141 notification of the maintenance program to the buyer. The
- 1142 notification shall include the date of installation, the type of system,
- 1143 the management plan, the legal description and the county Parcel
- 1144 Identification Number (PIN).
- 1145 (2) Property transfers for developed properties not enrolled in the Oneida
- 1146 County Maintenance Program (Installed prior to July 1, 1980).
- 1147 (a) An existing system inspection is required for all property transfers in
- 1148 which a real estate transfer fee is collected and land divisions in
- 1149 which the property contains a structure serviced by a POWTS. A
- 1150 system regulated by the mandatory maintenance program specified
- 1151 in 13.53(1) at the time of division or transfer may be precluded from
- 1152 this section at the discretion of the Zoning Administrator. An
- 1153 existing system inspection is not required if a letter from the host
- 1154 municipality is submitted to the Zoning Office stating a date by
- 1155 which the structure is required to be connected to a sanitary sewer.
- 1156 (b) To adequately determine whether an existing POWTS is failing
- 1157 under conditions defined in s.145.245(4), Stats., an existing system
- 1158 inspection must include:
- 1159 (1) An observation boring described by a certified soil tester
- 1160 extending 3' below the bottom of the absorption area which
- 1161 is large enough to clearly depict the presence of
- 1162 groundwater, bedrock, or seasonally saturated soils which
- 1163 adversely affect the operation of the system. The Zoning
- 1164 Office may allow use of a previously filed soil test conducted
- 1165 in an area near the failing system to verify soil conditions if
- 1166 deemed reliable by the Zoning Director.
- 1167 ~~(2) A written evaluation of the general condition of the POWTS,~~
- 1168 ~~by a Master Plumber, Master Plumber-Restricted Service,~~
- 1169 ~~POWTS Inspector, or Certified Soil Tester, or other~~
- 1170 ~~person(s) authorized to do so by Comm. 83, Wisconsin~~
- 1171 ~~Administrative Code, which explains the presence and~~
- 1172 ~~condition of all of the following components:~~
- 1173 ~~(a) Inlet and outlet baffles.~~
- 1174 ~~(b) Vents, observation ports.~~
- 1175 ~~(c) High water alarms.~~
- 1176 ~~(d) Treatment tanks including risers and covers.~~
- 1177 ~~(e) Absorption area including ponding, surface discharge.~~
- 1178 ~~(f) Presence of any outfall pipe or connection to a drain~~
- 1179 ~~tile.~~
- 1180 ~~(g) All applicable setbacks require an accurate site~~
- 1181 ~~diagram if none exists on file at the Zoning Office.~~
- 1182 (2) A report provided by a plumber, certified septage servicing
- 1183 operator, certified POWTS inspector or other person(s)

- 1184 authorized to do so by Comm 83, Wisconsin Administrative
1185 Code, relative to the condition, capacities, and code
1186 compliance of any existing treatment or holding tanks;
1187 (3) A report provided by a plumber, certified POWTS inspector,
1188 or other person(s) authorized to do so by Comm 83,
1189 Wisconsin Administrative Code, relative to the condition,
1190 capacities, and code compliance of all other system
1191 components;
1192 (4) A plot plan prepared by a plumber, certified soil tester,
1193 certified POWTS inspector, or other person(s) authorized to
1194 do so by Comm 83, Wisconsin Administrative Code,
1195 including information specified in §13.31(3)(D)3, unless an
1196 accurate plot plan is on file with the department;
1197 (5) An evaluation of the use and wastewater flow of the
1198 structure(s) served relative to the capacity of the existing
1199 POWTS.
1200 (6) Verification that all domestic wastewater from the structure
1201 discharges into the POWTS.
1202
1203 (7) A county inspection to verify the results of the existing
1204 system inspection may be required. Any cost associated
1205 with the inspection including, but not limited to backhoe pits
1206 or pumping fees are the responsibility of the owner at the
1207 time of the inspection.
1208 (8) Existing system inspection reports must be submitted to the
1209 Zoning Office on forms obtained from the Zoning Office
1210 within thirty days of completion of inspection.

1211
1212 **SUBCHAPTER 6**

1213 **ADMINISTRATION AND ENFORCEMENT**

1214
1215 13.60 ADMINISTRATION.

1216
1217 The Issuing Agent shall be responsible for the administration of this ordinance.
1218 The Issuing Agent may delegate the responsibilities to personnel employed by
1219 the Oneida County Planning & Zoning Department and in the case of issuing
1220 abatement orders, to the County Health Department.

1221
1222 13.61 POWERS AND DUTIES.

1223
1224 In the administration of this ordinance, the Issuing Agent shall have the following
1225 powers and duties:

- 1226
- 1227 (1) Delegate duties to and supervise clerical staff and other employees to
1228 assure full and complete compliance with this ordinance and related
1229 Wisconsin Statutes and the Administrative Code.
 - 1230 (2) Advise applicants concerning the provisions of this ordinance and assist
1231 them in preparing permit applications.
 - 1232 (3) Review and approve plans for private sewage systems for one and two
1233 family residences or as approved through agent status by the State.
 - 1234 (4) Issue sanitary permits and inspect properties for compliance with this
1235 ordinance and related Wisconsin Statutes and the Administrative Code.
 - 1236 (5) Keep records of all sanitary permits issued, inspections made, work
1237 approved, and other official actions.
 - 1238 (6) Report violations of this ordinance to the Corporation Counsel.
 - 1239 (7) Have access to any premises for the purpose of performing official duties
1240 between 8 a.m. and 8 p.m. or at other times set by mutual agreement
1241 between the property owner or his agent and the Issuing Agent or upon
1242 issuance of a special inspection warrant in accordance with §66.122,
1243 Wisconsin Statutes. Application for a sanitary permit is considered for the
1244 purposes of this ordinance as the owner's consent to enter the premises.
 - 1245 (8) Upon reasonable cause or question as to proper compliance, revoke or
1246 suspend any sanitary permit and issue cease and desist orders requiring
1247 the cessation of any construction, alteration or use of a building which is in
1248 violation of the provisions of this ordinance, until compliance with this
1249 ordinance or applicable Wisconsin Statutes and the Administrative Code is
1250 obtained.
 - 1251 (9) Issue and enforce orders to plumbers, ~~pumpers~~ certified septage servicing
1252 operators, property owners, their agents or contractors or the responsible
1253 party, to assure proper compliance with all provisions of this ordinance or
1254 delegate this authority to the County Health Department.
 - 1255 (10) Apply for and distribute grants obtained through the Wisconsin Fund Grant
1256 Program.

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(11) Assess the owner of a private sewage system a special assessment for costs related to pumping of a septic or holding tank as determined to be reasonable and necessary pursuant to Chapter 145, Wisconsin Statutes, specifically including §145.20(4), Wisconsin Statutes, and in the same manner that a village or town makes an assessment under §66.073, Wisconsin Statutes. (Effective February 26, 2006, Resolution #9-2006)

~~(12)~~ Enforce the provisions of § 145.11 Wisconsin Statutes advertising restrictions.

~~(13)~~ Pursuant to Comm 83.20(2) nothing in this chapter shall limit the issuing agent's authority and power to inspect or require an evaluation of a POWTS, including an existing POWTS at times or for activity not covered in this section.

~~(12)~~(14) Perform other duties regarding private sewage systems as considered appropriate by the County or the State.

13.62 BOARD OF ADJUSTMENT.

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

13.63 VIOLATIONS AND PENALTIES.

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

(1) Investigation and Compliance; Notice of Violation

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

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

(c) If the same or similar violation recurs within a two-year period, whether or not it involves the same property or the same or similar conduct by

1303 the owner, agent or contractor, notification of violation may be waived
1304 by the Department or corporation counsel and immediate legal action
1305 can be commenced to prosecute the violation.

1306 (d) The Department may issue a citation for any violation within the ten-
1307 day notification period.

1308 (2) Prosecution, Injunctions, Fines and Forfeitures, Imprisonment.

1309 (a) It shall be the duty of the corporation counsel to expeditiously review
1310 all violations of this ordinance reported by the Department or
1311 Committee and take action as appropriate.

1312 (b) A forfeiture of not less than \$25, nor more than \$250, plus costs, shall
1313 be imposed for each violation of this ordinance.

1314 (c) Upon failure to pay a forfeiture, the violator may be confined in the
1315 County jail until such forfeiture is paid, for a period not exceeding six
1316 months.

1317 (d) Each day a violation exists or continues shall be considered a separate
1318 and distinct offense.

1319 (e) As a substitute for or in addition to forfeiture actions, the corporation
1320 counsel may, on behalf of the County, seek enforcement of any and all
1321 parts of this ordinance by court actions seeking injunctive orders or
1322 restraining orders and/or by pursuing nuisance actions against the
1323 violator.

1324 (f) Compliance with this ordinance may be enforced pursuant to sec.
1325 145.20, Wis. Stats.

1326 (3) Violations of Permits Issued Under This Ordinance

1327 Violation of a permit issued under this ordinance shall be deemed a
1328 violation of this ordinance and shall constitute grounds for revocation of
1329 the permit, as well as fines and forfeitures and any other available
1330 remedies. Any person who has applied for and received a permit and
1331 begins work on the project authorized by the permit acknowledges that
1332 they have read, understand, and agree to follow all conditions and
1333 requirements of the permit.

1334 (4) Revocation of Permits

1335 The Committee shall retain continuing jurisdiction over all activities
1336 authorized by the permit for the purpose of assuring compliance with this
1337 ordinance and other ordinances and the terms of the permit. Such
1338 authority shall be in addition to the enforcement authority of the Zoning
1339 Administrator. Upon written complaint by any citizen, the Zoning
1340 Administrator, or any other official, the Committee shall hold a public
1341 hearing to consider amending, suspending or revoking the permit. Notice
1342 of the hearing and alleged violation shall be served upon the property
1343 owner and permit holder either in person or via certified mail to the
1344 address provided on the permit application form or otherwise provided to
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1349 the Department a minimum of 72 hours prior to conducting the public
1350 hearing. The notice shall contain the date, time and place of the hearing,
1351 a description of the property, a description of the activity authorized by the
1352 permit, and a statement of the alleged violation(s). Notice shall also be
1353 published as a class 2 notice. Any person may appear at such hearing
1354 and testify in person or be represented by an agent or attorney. The
1355 Committee at its sole discretion may hold additional public hearings. If the
1356 Committee finds after the hearing that the permit holder is not in
1357 compliance with the terms of the permit, it may amend, suspend or revoke
1358 the permit. The decision of the Committee shall be furnished to the permit
1359 holder in writing, stating the reasons therefore.

1360
1361 (5) Permit Issued in Violation of This Ordinance

1362
1363 A permit issued in violation of this ordinance, the Wisconsin Administrative
1364 Code or the Wisconsin Statutes, gives the permit holder no vested right to
1365 continue the activity authorized by the permit, and the permit is considered
1366 voidable.

1367
1368 (6) Any construction which is in violation of this ordinance shall cease upon
1369 written orders from the Issuing Agent or the placement of a notification of
1370 violation at the site. A notification of violation shall state the following:

- 1371 (a) POWTS Inspector's name and telephone number.
- 1372 (b) Time and date of violation notice.
- 1373 (c) List of code section within Chapter 13 or Wisconsin Administrative
1374 Code chapters Comm 82 through Comm 85 that was violated.

1375
1376 (7) All construction shall remain stopped until the order is released by the
1377 Issuing Agent.

1378
1379 The County Clerk shall, within seven (7) days after adoption of Ordinance Amendment
1380 #1-2009 by the Oneida County Board of Supervisors, cause a certified copy thereof to
1381 be transmitted by mail to all the Town Clerks and the Wisconsin Department of
1382 Commerce and Ordinance Amendment #1-2009 shall become effective immediately
1383 upon passage and publication as provided by law.

1384
1385 Approved by the Planning and Zoning Committee this 1st day of July, 2009.

1386
1387 Vote Required: Majority = _____ 2/3 Majority = _____ 3/4 Majority = _____

1388
1389 The County Board has the legal authority to adopt: Yes _____ No _____ as reviewed by the
1390 Corporation Counsel, _____, Date: _____

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1392
1393 Offered and passage moved by: _____
1394 Supervisor

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Supervisor

Supervisor

Supervisor

Supervisor

Seconded by: _____

_____ Ayes

_____ Nays

_____ Absent

_____ Abstain

_____ Adopted

by the County Board of Supervisors this ____ day of _____ 2009.

_____ Defeated

Robert Brusio, Clerk

Andrew P. Smith, County Board Chair