

Ordinance Number 400.06

Iowa County Sanitary Ordinance

Iowa County, Wisconsin

Available at the Iowa County Office of Planning and Development
222 N. Iowa Street, Dodgeville, WI 53533
(608)935-0398 fax: (608)930-1205
email: scott.godfrey@iowacounty.org

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SECTION 1.0 INTRODUCTION

1.01 STATUTORY AUTHORITY.

This ordinance is adopted pursuant to the authorization in §59.70(1), 59.70(5), 145.04, 145.19, 145.20, and 245 Wisconsin Statutes and chapter Comm 83, Wisconsin Administrative Code.

1.02 PURPOSE.

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

1.03 REPEAL AND EFFECTIVE DATE.

After public hearing, adoption by the County Board and publishing or posting as required by law, this ordinance shall be effective. The existing sanitary provisions for the County shall be repealed effective on the date of the enactment of this ordinance.

1.04 SEVERABILITY AND LIABILITY.

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

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

1.05 INTERPRETATIONS.

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

1.06 DEFINITIONS.

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

Buildings. See Structure.

Certified Soil Tester (CST). An individual who holds a valid Certified Soil Tester license as issued by the Wisconsin Department of Commerce.

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

County. The Iowa County Office of Planning and Development.

County Sanitary Permit. A permit issued by the County for the reconnection of a private sewage system or the installation of a non-plumbing sanitation system pursuant to §59.70 and 145.04, Wisconsin Statutes and chapter Comm 83, Wisconsin Administrative Code.

Failing Private Sewage System. “Failing private sewage system” has the following meanings:

- (1) Those specified under §145.245(4), Wisconsin Statutes.
- (2) A holding tank which discharges sewage to the ground surface, including intentional discharges and discharges caused by neglect, shall be considered a failing private sewage system.
- (3) A POWTS system that has less than the minimum of in-situ soil between the infiltrative surface of a POWTS and high groundwater, a limiting layer that may adversely affect the operation of a POWTS system, or bedrock, pursuant to Comm 83.03(2)(b), Wisconsin Administrative Code.

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

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

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

In dwellings, when there is an increase or decrease in the number of bedrooms in the existing dwelling unit.

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

Occupancy. Pertains to and is the purpose for which a building is used or intended to be used. A change of occupancy is not intended to include a change of tenants or proprietors, but is intended to apply when the number of employees or occupants is increased.

Occupancy, seasonal. Pertains to the human habitation or occupancy of a structure for less than 6

months in any year and for periodic use such as a recreational cabin or cottage.

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

Plumber. A person licensed by the Wisconsin Department of Commerce as a Master Plumber or Master Plumber-Restricted Sewer Service.

Plumbing. A system of pipes installed within a building intended to carry water and/or wastewater, including stubbed-in or an otherwise partially installed pipe network.

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

POWTS. See "Private Sewage System"

Private Sewage System. Also referred to as a "Private On-Site Wastewater Treatment System" or "POWTS", has the meaning given under s. 145.01(12), Wis. Stats.

Privy. An enclosed nonportable toilet into which non-water-carried human wastes are deposited.

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

Sanitarian. The position so designated, regardless of title, within the Iowa County Planning and Development Office to enforce this Ordinance.

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

Septic Tank. An anaerobic treatment tank.

State. The Wisconsin Department of Commerce.

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

Structure. Any construction, excluding fills and fences, or any production or piece of work artificially built or composed of parts joined together in some definite manner having form, shape and utility. Examples include, but are not limited to, buildings, towers, mobile homes, manufactured homes; carports, additions, decks, swimming pools, and sheds.

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

SECTION 2.0 GENERAL REQUIREMENTS

2.01 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 sanitary permit for reconnection shall be approved and installed and may be inspected before the structure may be occupied.
- (3) No sanitary permit will be issued until such time as adequate evidence is presented by the property owner to show that the proposed construction would be in compliance with all provisions of any land use regulation, ordinance or plan adopted by Iowa County.

2.02 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 and 968.10, Wisconsin Statutes; Chs. Comm 52.63, Comm 81, Comm 82, Comm 83, Comm 84, Comm 85, Comm 91, NR 113 and NR 116 Wisconsin Administrative Code. These rules, regulations, and laws shall apply until amended or renumbered and then shall apply as amended or renumbered.

2.03 APPLICABILITY.

The requirements of this ordinance shall apply to all land within Iowa County.

2.04 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 (see Section 2.06 for other limitations). The "roughing in" of plumbing in a structure shall be considered the installation of plumbing.
- (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 Iowa County Floodplain Ordinance.

- (4) Installation of a holding tank is prohibited if the following private sewage systems can be utilized: conventional/inground soil absorption system, at-grade system, or mound system as recognized by Comm 83 Wisconsin Administrative Code. Further, a holding tank shall not be allowed as a private sewage system to serve new construction.

A sanitary permit for the installation of a holding tank, or which designates a holding tank as a replacement system, shall not be issued unless a Soil and Site Evaluation determines that the property is unsuitable for conventional/inground soil absorption system, at-grade system, or mound system, except as provided in (a) or (b) below.

- (a) A temporary holding tank may be installed if a public sewer, approved by the Department of Natural Resources, will be installed to serve the property within 2 years of the date of sanitary permit issuance and there is a site approved for a system as a contingency on each lot. In addition to items required in Section 3.02, an application for a sanitary permit to install a temporary holding tank shall include written statements from:

1. The municipality or sanitary district, verifying the date that public sewer will be installed and available to serve the property;
2. The Department of Natural Resources, verifying approval of the public sewer; and
3. The property owner, agreeing to connect to public sewer when it becomes available and to abandon the temporary holding tank.

If public sewer does not become available within 2 years of the date of sanitary permit issuance, the holding tank must be replaced with another type of system recognized by Comm 83, Wisconsin Administrative Code. An extension shall only be allowed when:

- a. There is a written assurance from the affected municipality stating the reasons for extension and date certain that connection to the public sewer will be allowed is submitted to the County.
- b. The requested extension is for a period not to exceed six (6) months.

- (b) A temporary treatment/holding tank may be installed in cases of emergency due to inclement weather conditions, tank collapses, and other unforeseen circumstances. A sanitary permit application for the entire proposed system shall be submitted to the County as required in Section 3.02, prior to installation of the temporary tank(s). All components of the system shall be completed as soon as conditions permit. Time limits may be established at the discretion of the County.

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

- (6) Sewage treatment tanks for conventional/inground soil absorption systems, at-grade systems or mound systems shall be sized according to Comm 83, Wisconsin Administrative Code.
- (7) Sewage treatment or holding tanks shall not be located within 10 feet of the ordinary high water mark of a navigable water body.

2.05 ABANDONMENT OF PRIVATE SEWAGE SYSTEMS

- (1) When public sewers approved by the Department of Natural Resources become available to the structure or premises served, the private sewage system shall be disconnected within one year and a connection made to the public sewer with the following exception:
 - a) If the private sewage system was installed within the previous five years, the property owner may have the system evaluated pursuant to Section 3.11(2) and if the system is not a failing system, the existing system may be used for an additional 8 years at which time the existing system shall be disconnected and connection made to the public sewer. This section shall not apply if the municipality supplying the public sewer requires connection within a shorter period of time. Determination of whether sewer is available shall be made by the local sewer service entity.

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

- (2) The components of an existing private sewage system that are not part of the approved design of a replacement system shall be abandoned at the time of the installation of the replacement system by the plumber installing the system. The abandonment shall comply with Comm 83.33, Wisconsin Administrative Code.

2.06 NON-PLUMBING SANITATION SYSTEMS

(1) PRIVIES.

a) Location

1. Privies are prohibited on subdivided (platted) lots as approved under the provisions of the Iowa County Subdivision and Land Division Ordinance or any locally adopted subdivision ordinance.
2. Privies may be located on public lands including campgrounds and parks, private campgrounds, and group camps operated by a not-for-profit service organization.
3. A privy is allowed only when the building served by the privy is not provided with plumbing. A building or structure that has internal piping or has been "roughed in" with piping shall be considered to have plumbing.
4. Pit privies shall be a minimum of 50 feet to a well, 25 feet to a building, 15 feet to a lot line, and meet shoreland setback requirements of Wisconsin Administrative Code NR115.

5. Vault privies shall be a minimum of 25 feet to a well, 25 feet to a building used for human habitation, 15 feet to a lot line, and meet shoreland setback of Wisconsin Administrative Code 115.

b) Permit, fee, and agreement.

1. Prior to the installation of a privy, a property owner shall obtain a county sanitary permit for the privy and pay the applicable fee.
2. Prior to the issuance of a sanitary permit, the property owner must sign a privy installation agreement and have it recorded in the Register of Deeds' office.

c) Soil boring requirements.

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

d) Vault requirements.

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

e) Minimum capacity.

1. No privy shall be permitted that has a capacity of less than 200 gallons.

(2) COMPOSTING AND INCINERATING TOILETS.

a) Location.

1. Composting and incinerating toilets may be utilized in the same locations that privies are allowed.

b) Permit, fee, and agreement.

1. Prior to utilization of a composting or incinerating toilet, a property owner shall obtain a county sanitary permit for a privy.

c) Inspections.

1. All properties where composting or incinerator toilets are utilized may be inspected periodically by the Sanitarian with the permission of the property owner, to assure there is no plumbing in the structure and that no other type of sanitary system exists. Denying the right to inspect the premises shall result in a revocation of the permit and the requirement that a code complying private sewage system be installed on the property.

(3) PORTABLE TOILETS.

a) When allowed.

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

- the project or need. In such cases, there must be a service contract or agreement to ensure the appropriate maintenance of the toilet.
2. Portable, self contained toilets may be allowed on a temporary basis not to exceed two weeks for short term events such as auctions, flea markets, recreational events, etc. In such cases, there must be a service contract or agreement to ensure the appropriate maintenance of the toilet.
 3. Portable, self contained toilets are prohibited as a substitution for an approved wastewater treatment system, for other non-plumbing sanitation systems, or for connection to a municipal wastewater system.

SECTION 3.0 PERMITS AND APPLICATIONS

3.01 SOIL AND SITE EVALUATION.

- (1) Soil and site evaluations shall be done prior to the issuance of permits as specified in Comm 83, Comm 85 and Comm 91, Wisconsin Administrative Code.
- (2) Soil test pits shall be constructed with a backhoe to allow adequate visual observation of the soil profile in place. A minimum of three soil pits shall be observed except where soil and site conditions are not uniform, more borings may be required.
- (3) The Soil and Site Evaluation Report shall, at a minimum, contain the following information:
 - All of the information included on the Wisconsin Department of Commerce standard form SBD-8330 or as later revised.
 - The undisturbed and finished grade vertical and horizontal elevation reference point (benchmark) on each lot
 - Surface elevation of each soil boring
 - The slope of the system area clearly marked
 - All setbacks clearly delineated
 - The lot lines, either existing or proposed, shall be clearly shown
 - The number of bedrooms and proposed use of the structure to be served by the proposed system
 - A clear statement if the system site requires an easement
- (4) County 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 County and will be made prior to the issuance of the sanitary permit. This verification will result in one of the following:
 - (a) If an application for a sanitary permit has been submitted, issuance of the permit, provided all information on the application is correct and complete.
 - (b) Filing of the approved report in the County's soil test file.
 - (c) Holding the application pending clarification of information or new information

by the owner, the plumber, or the certified soil tester.

- (d) Denial of the report and/or sanitary permit, if the site does not meet all the provisions of this ordinance and appropriate Wisconsin Statutes and Administrative Codes.
- (5) A certified soil tester may request County verification of soil and site conditions before a complete Soil and Site Evaluation Report or sanitary permit application is submitted. In such a case, the required inspection fee must be submitted prior to the inspection being made. At the discretion of the County, a complete Soil and Site Evaluation Report may be required, prior to the field verification.
- (6) Soil evaluation reports shall be submitted to the county within a reasonable amount of time from the date on which the soil test was performed in case field verification of the site is necessary. The county reserves the right of a time period up to six (6) months if deemed necessary to thoroughly review and accept the report.

3.02 SANITARY PERMITS.

- (1) Every private sewage system shall require a separate application and sanitary permit.
- (2) A sanitary permit shall be obtained by the property owner, his agent or contractor, in the name of the property owner, prior to the installation, establishment or construction of any structure which requires a private sewage system or non-plumbing sanitation system. Any property owner, his agent or contractor, who starts construction prior to obtaining a sanitary permit is in violation and may be subject to the penalties provided in this Ordinance. No person shall sell a septic tank or holding tank for installation as specified in this chapter, unless the purchaser holds a valid sanitary permit.
- (3) A sanitary permit shall be obtained by the property owner, his agent or contractor, before any private sewage system or part thereof may be installed, replaced, reconnected or modified. A sanitary permit is not required for the addition of manhole risers or for the replacement of manhole covers, manhole risers, baffles or pumps.
- (4) A County Sanitary Permit shall be obtained prior to constructing or installing a non-plumbing sanitation system.
- (5) If any part of a private sewage system has failed or requires replacement or modification, the entire system shall be evaluated for compliance with the code requirements in effect at the time of original installation prior to sanitary permit issuance. This shall include a soil and site evaluation for those components that utilize in situ soil for treatment or dispersal, unless a valid report is already on file with the County.

If any part of the system is found to be defective or not in conformance with the applicable provisions of this ordinance, the sanitary permit application shall include specifications for the repair, renovation, replacement or removal of that part.
- (6) No sanitary permit shall be issued for a lot of a platted subdivision or certified survey map

before said subdivision or map has been recorded with the Iowa County Register of Deeds.

(7) If any part of a private sewage system has failed or requires replacement, such new part or replacement shall meet current code. For tank replacement, a soil evaluation shall be performed which shows the drain field separation to a limiting verification of compliance with current code, unless such a verification factor for evaluation is already on file with the County.

3.03 APPLICATION REQUIREMENTS

- (1) A sanitary permit application shall include the following information which shall be furnished by the applicant on forms required by the State and/or the County along with all applicable fees:
 - (a) Names and addresses of the applicant (owner of the site) and the plumber employed (when applicable).
 - (b) Legal description of the subject site and the parcel identification or parcel number.
 - (c) All lot dimensions.
 - (d) Building use (single family, duplex, commercial, etc.).
 - (e) Soil and Site Evaluation report.
 - (f) System plans.
 - (g) Appropriate agreements and contracts for system management and maintenance.
 - (h) Copies of any documents required in Section 3.03(4) and verification that they have been recorded.
 - (i) Any other information required by the County to assure compliance with this ordinance.
 - (j) Specifications for replacement parts and drain fields, if required.
- (2) When any official State action is required prior to the issuance of a sanitary permit, an original copy of the official action shall accompany the application.
- (3) Pit privy permit applications shall be accompanied by soil data provided by a Certified Soil Tester to determine compliance with Comm 91, Wisconsin Administrative Code.
- (4) The following documents must be recorded with the Iowa County Register of Deeds prior to sanitary permit issuance:
 - (a) Maintenance agreements , if recording is required by Comm 83, Wisconsin

Administrative Code, or Section 5.03 of this ordinance.

- (b) If a private sewage system, or parts thereof, are located on a different parcel than the structure served, an appropriate easement must be recorded.
 - (c) If a private sewage system serves more than one structure under different ownership, a document identifying all parties that have ownership rights and are responsible for the operation and maintenance must be recorded.
 - (d) If a private sewage system is owned by a party other than the owner of the parcel on which it is installed, a document identifying the owner of the system, the structures to be served by the system, and the party responsible for operation and maintenance must be recorded.
 - (e) If the design wastewater flow of a private sewage system for a dwelling is not based upon the number of bedrooms within the dwelling, a deed restriction limiting occupancy to that used in the design must be recorded.
- (5) The County reserves the right to require Floodplain and/or Wetland delineation for a proposed private sewage system area prior to sanitary permit issuance. The County may require elevations on plans to be tied to floodplain elevation datum.
 - (6) The County reserves the right to refuse incomplete or incorrect permit applications or to delay permit issuance until corrected or completed applications are received.
 - (7) The County reserves the right to require the applicant to show the proposed system location on an aerial photograph of the affected property.

3.04 PLANS

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

- (1) An original plan must be submitted to the County..
- (2) If plans are reviewed and approved by the State, at least one set of the plans submitted to the County shall bear an original State approval stamp or seal.
- (3) Plans submitted shall be clear, legible and permanent copies.
- (4) Plans submitted shall comply with Comm 83, Wisconsin Administrative Code, and include the following:
 - (a) The name of the property owner and the legal description of the site;
 - (b) Estimated daily wastewater flow and design wastewater flow.

- (c) A detailed plot plan (site plan), dimensioned or drawn to scale, on paper no smaller than 8½ inches by 11 inches in size. The plot plan shall delineate the lot size and the location of all existing and proposed: private sewage system components; building sewers; private interceptor main sewers; wells; water mains or water services; buildings; lot lines; swimming pools; navigable waters; and the benchmark established on the Soil and Site Evaluation Report. Adjoining properties shall be checked to insure that the horizontal setback parameters in Comm 83.43, Wisconsin Administrative Code, are complied with. All separating distances and dimensions shall be clearly shown on the plot plan.
 - (d) Details and configuration layouts depicting how the system is to be constructed.
 - (e) A description of a contingency plan in the event the proposed private sewage system fails and cannot be repaired. [see Section 2.04(4)]
 - (f) Sufficient supporting information to determine whether the proposed design, installation and management of the proposed private sewage system or modification to an existing system comply with this ordinance.
- (5) Plans shall be signed or sealed as specified in Comm 83, Wisconsin Administrative Code.
 - (6) A copy of the approved plans shall be maintained at the construction site until the private sewage system installation is completed, inspected and accepted. The plans shall be made available to the County or the State upon request.
 - (7) A modification to the design of a private sewage system which has been previously approved shall be submitted to the County or the State as specified in Comm 83, Wisconsin Administrative Code. Plan revisions must be approved prior to system installation. A fee may be charged when submitting revised plans according to Section 3.13. As-built revisions may be allowed at the discretion of the County.
 - (8) Plans for holding tanks designed based on <3,000 gallons per day estimated flow shall be submitted to and reviewed by the County.

3.05 PERMIT CARDS.

- (1) The permit card issued by the Sanitarian to the property owner or his agent shall serve as the sanitary permit.
- (2) The permit card shall contain all the information required by §145.135, Wisconsin Statutes.
- (3) The permit card shall be displayed at the site in such a manner that it will be visible from a road abutting the lot during all construction phases.
- (4) The permit card may not be removed until the private sewage system has been installed, inspected, and approved by the Sanitarian.

- (5) Failure to display the permit card shall be considered a violation of this section and may subject the property owner, his agent or contractor, to penalty provisions of this ordinance.

3.06 PERMIT EXPIRATION.

- (1) A sanitary permit for a private sewage system or non-plumbing sanitation system which has not been installed, modified or reconnected and approved shall expire two years after the date of issuance. Permits may be renewed for a two-year period by the property owner, his agent or plumber, prior to the expiration date of the original permit.
- (2) Permit and fee. Prior to the expiration of the sanitary permit, the licensed plumber shall submit a state sanitary permit application to the county for the renewal along with the appropriate fee. The property owner, his agent or contractor, shall return the original permit card and receive a new card when the permit is renewed.
- (3) The renewal shall be based on ordinance requirements in force at the time of renewal. If there is a new or amended ordinance or new or amended Comm83, Wisconsin Administrative Code, in effect at the time of renewal, a new permit may be required.
- (4) A new sanitary permit shall be obtained by the owner or his agent prior to starting construction if a sanitary permit has expired.

3.07 PERMIT TRANSFER.

- (1) Transfer of an issued sanitary permit from one property owner to another shall follow the requirements of Chapter 145.135(1) Stats and Comm 83, Wisconsin Administrative Code. A new sanitary permit application with the new property owner's information shall be required to be submitted to the County with the appropriate fee. A transferred permit shall require issuance of a new permit card.

3.08 PERMIT REVISION.

- (1) When there is to be a change of the plumber on an issued sanitary permit, a new sanitary permit application must be submitted to the County by the new plumber as well as a new plan only if the original plan was prepared by a plumber. A permit revision shall require issuance of a new permit card.

3.09 PERMIT REVOCATION OR SUSPENSION.

- (1) Pursuant to Comm 83.21(7)(b) , Wisconsin Administrative Code, the County may revoke a sanitary permit that was issued on the basis of incorrect or false statements, information or a misrepresentation of facts.
- (2) Pursuant to Comm 83.21(6m) , Wisconsin Administrative Code, the County may temporarily suspend a sanitary permit if it is determined prior to construction that a private sewage system cannot be installed based on the information that was

available when the permit was issued.

3.10 RECONNECTION.

- (1) A county sanitary permit for a reconnection of an existing system shall be obtained prior to:
 - (a) Construction of a structure to be connected to an existing private sewage system;
 - (b) Disconnection of a structure from an existing private sewage system and connection of another structure to the system; or
 - (c) Rebuilding a structure that is connected to a private sewage system.
- (2) Prior to issuing a reconnection sanitary permit, the existing private sewage system shall be examined to:
 - (a) Determine if it is functioning properly or whether it is a failing system.
 - (b) Determine if it will be capable of handling the proposed wastewater flow and contaminant load from the building to be served.
 - (c) Determine that all minimum setback requirements of Comm 83, Wisconsin Administrative Code will be maintained.
- (3) Application for a County reconnection permit shall include the following:
 - (a) All items in Section 3.03(1)(a - e) and Section 3.03(1)(i-k);
 - (b) For all systems that utilize in situ soil for treatment or disposal, a Soil and Site Evaluation report must be on file verifying that the vertical separation distance between the infiltrative surface of the existing treatment or dispersal component and estimated high groundwater elevation or bedrock does not meet the criteria for a failing system as defined in Section 1.06.
 - (c) A report provided by a licensed plumber, certified septage servicing operator or other person(s) authorized to do so by Comm 83, Wisconsin Administrative Code relative to the condition, capacities, baffles and manhole covers for any existing treatment or holding tanks;
 - (d) A report on forms furnished by the County provided by a licensed plumber or other person(s) authorized to do so by Comm 83, Wisconsin Administrative Code relative to the condition and capacities of all other system components and verifying that the system is not a failing system;
 - (e) A plot plan prepared by a plumber including information specified in Section

3.04(4)(c); and

- (f) Complete plans, as specified in Section 3.04, for any system components which will be modified or replaced.
- (g) If required, a new servicing contract and an updated holding tank agreement which meets the requirements of this ordinance when reconnecting an existing holding tank.-
- (h) If required, a new maintenance agreement or contract when reconnecting to existing systems other than a holding tank.
- (i)
- (4) Replacing a structure with a new or different structure within two years of the date of system installation will only require a statement that the system has not been altered, a statement that a modification in wastewater flow or contaminant load will not exceed the design of the system, and a plot plan that documents all setbacks between the structure and system components.
- (5) All systems shall be inspected at the time of reconnection at the discretion of the County, prior to backfilling, to insure that proper materials and methods are being used.

3.11 CONSTRUCTION AFFECTING WASTEWATER FLOW OR CONTAMINANT LOAD.

Prior to commencing the construction of an addition to or modification of a structure which will affect the wastewater flow and/or contaminant load to an existing private sewage system, the owner(s) of the property shall:

- (1) Possess a sanitary permit to construct a new private sewage system or modify an existing private sewage system to accommodate the modification of wastewater flow or contaminant load; or
- (2) Provide the following to the County:
 - (a) Documentation that a private sewage system of adequate capability and capacity to accommodate the wastewater flow and contaminant load already exists to serve the structure, as specified in Comm 83, Wisconsin Administrative Code;
 - (b) Documentation showing that the location of the proposed structure conforms to the applicable setback distances to all of the existing private sewage system components; and
 - (c) Documentation specified in Section 3.10(3)(b, c & d).
- (3) If the existing private sewage system is found to be undersized, construction of the building addition or modification shall be allowed only if the system is modified to meet the proposed wastewater flow or replaced with an adequately sized system.

- (4) Any installation, addition or modification of a system must be completed and accepted before the addition or modified area of the structure may be occupied.

3.12 CONSTRUCTION NOT AFFECTING WASTEWATER FLOW OR CONTAMINANT LOAD

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

3.13 PERMIT FEES.

Permit fees shall be established by County Board resolution. No fees shall be refunded after a sanitary permit has been issued.

SECTION 4.0 INSPECTIONS

4.01 INSPECTIONS; GENERAL.

- (1) Notice for final inspection shall be given to the County for all private sewage systems installed, modified or reconnected.
- (2) Private sewage systems shall be inspected by the County for compliance with Comm 82, Comm 83, and Comm 84, Wisconsin Administrative Code, other appropriate Wisconsin Statutes and Administrative Codes and this ordinance.
- (3) Notification for final inspection shall be given in accordance with the requirements of Comm 83 Wisconsin Administrative Code.
- (4) The entire system shall be left completely open until it has been inspected and accepted, unless the requirements of Comm 83, Wisconsin Administrative Code, are not met by the County.
- (5) When a private sewage system is ready for inspection, the plumber in charge shall make arrangements to enable the inspector to inspect all parts of the system. The plumber shall provide the proper apparatus, equipment and necessary assistance to make a proper inspection.
- (6) Private sewage systems may be inspected periodically, after the initial installation inspection(s) and/or after the system is operative, as deemed necessary by the County.

4.02 INSPECTIONS; SITE CONSTRUCTED HOLDING TANKS.

- (1) All site constructed holding tanks shall be inspected after the floor is poured and the keyway and water stop are installed or after the forms for the tank walls have been set but in all instances before any concrete for the walls has been poured.

- (2) Concrete walls may be poured only after it has been determined that the tank, as formed, complies with the approved plans.
- (3) This inspection shall not eliminate the need for an inspection after the installation has been completed.

4.03 INSPECTIONS; NON-PLUMBING SANITATION SYSTEMS

- (1) All non-plumbing sanitary systems installed shall be inspected for compliance with Comm 91, 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 52.63, Wisconsin Administrative Code.
- (2) The property owner shall notify the County for inspection immediately after the non-plumbing sanitary system has been constructed or installed and prior to any use.

4.04 INSPECTIONS; CONVENTIONAL IN-GROUND SYSTEMS

- (1) The plumber installing the conventional system shall notify the County the working day prior to the installation, excluding Saturdays, Sundays and holidays.
- (2) Conventional systems may be inspected at the following times or as otherwise required by the County:
 - at the time the distribution piping installation has been completed
 - after all work has been completed
 - at the discretion of the Sanitarian

4.05 INSPECTIONS; MOUNDS.

- (1) The plumber installing the mound shall notify the County the working day prior to the installation, excluding Saturdays, Sundays and holidays.
- (2) Mound systems may be inspected at the following times or as otherwise required by the County:
 - when the ground surface is plowed
 - before aggregate is placed in the distribution cell
 - at the time the distribution piping installation has been completed
 - after all work has been completed
 - at the discretion of the Sanitarian.

4.06 INSPECTIONS; AT-GRADE SYSTEMS.

- (1) The plumber installing the at-grade shall notify the County the working day prior to the installation, excluding Saturdays, Sundays and holidays.

- (2) At-grade systems may be inspected at the following times or as otherwise required by the County:
- when the ground surface is plowed
 - at the time the distribution piping installation has been completed
 - after all work has been completed
 - at the discretion of the Sanitarian.

4.07 INSPECTIONS; SAND FILTERS.

- (1) The plumber installing the sand filter shall notify the County the working day prior to the installation, excluding Saturdays, Sundays and holidays.
- (2) Sand filters may be inspected at the following times or as otherwise required by the County:
- when 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
 - after all work has been completed
 - at the discretion of the County

4.08 EXPERIMENTAL SYSTEMS AND SYSTEMS NOT RECOGNIZED BY COMM 83.60

- (1) The plumber installing the system shall coordinate any required preconstruction meeting(s).
- (2) The plumber installing the system shall notify the County at least two (2) workdays prior to beginning the installation of the system to schedule the inspection(s) and shall notify the State as may be required by the approved plans.
- (3) Inspections shall be done pursuant to the approved plan requirements and as deemed necessary by the County to assure compliance with appropriate codes and the plan approval.

4.09 REINSPECTION.

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

4.10 TESTING

- (1) If testing of new systems or new system components is required by Comm 82, 83 or 84,

Wisconsin Administrative Code, or as a condition of plan approval, notice shall be given to the County as specified in Section 4.01(3), so that the County may make an inspection during the test.

- (2) The County may verify that required testing has been completed, by:
 - (a) Performing an inspection during the test; and/or
 - (b) Requiring written verification from the responsible person

SECTION 5.0 SYSTEM MANAGEMENT AND MAINTENANCE

5.01 MAINTENANCE AND MANAGEMENT

- (1) All private sewage systems shall be managed and maintained in accordance with Comm 83 and 84, Wisconsin Administrative Code, and this ordinance.
- (2) The property owner or the owner's agent shall report to the County each inspection, maintenance or servicing event, in accordance with Comm 83, Wisconsin Administrative Code, and this ordinance.
- (3) The property owner shall submit a copy of an appropriate maintenance agreement and/or servicing contract to the County prior to sanitary permit issuance.
- (4) The property owner shall submit a new or revised maintenance agreement and/or servicing contract to the County whenever there is a change to such document(s).
- (5) The property owner shall submit a new maintenance agreement and/or servicing contract to the County prior to expiration of any existing maintenance agreement and/or servicing contract.

5.02 PRIVATE SEWAGE SYSTEM MAINTENANCE PROGRAM.

Pursuant to Comm 83.255, the county shall conduct, complete and maintain an inventory of all private sewage systems located in its jurisdictional area. The inventory shall be updated as existing private sewage systems are identified and new private sewage systems are installed or constructed. At a minimum, a private sewage system inventory shall consist of all of the following elements:

a. Legal description of all properties including tax parcel number where a private sewage system is located within the governmental unit jurisdictional area.

b. Name and address of the owner of each private sewage system located within the governmental unit jurisdictional area.

- (1) All septic tanks shall be visually inspected and pumped within three years of the date of installation or inclusion in the County's inventory and at least once every three years thereafter, unless upon inspection the tank is found to have less than 1/3 of the volume

occupied by sludge and scum.

- (2) PUMPING AND DISPOSAL. The pumping and the disposal of the septage shall be done by a certified septage servicing operator in accordance with NR 113, Wisconsin Administrative Code.
- (2) POSTPONEMENT. Circumstances, such as inclement weather, road weight restrictions and site limitations, may necessitate a delay in the maintenance until conditions permit at the discretion of the County.
- (4) REPORTS. The owner of such septic tank or the owner's agent shall furnish the County with a copy of the inspection report verifying the condition of the tank, whether wastewater or effluent from the private sewage system is discharging to or ponding on the ground surface and the date of pumping within 30 calendar days of the date of inspection and/or pumping. Reports shall include all information required in Comm 83.55, Wisconsin Administrative Code, and be signed by the person(s) inspecting and pumping the private sewage system. Other maintenance or management reports required by Comm 83 or 84, Wisconsin Administrative Code, should be included with this report.
- (5) INSPECTIONS. Visual inspection of a private sewage system may be conducted by a person(s) authorized to do so by Comm 83, Wisconsin Administrative Code to determine the condition of the tank and whether wastewater or effluent from the POWTS is ponding on the ground surface.
- (6) FEES. Fees associated with the administration of the county's maintenance program shall be set by county board resolution.

5.03 HOLDING TANK MAINTENANCE AGREEMENT

- (1) The owner of the holding tank shall enter into a Maintenance Agreement with the appropriate city, village or town guaranteeing that the local governmental unit which signed the agreement will service the holding tank if the owner fails to have the holding tank properly serviced in response to orders issued by the County. The Maintenance Agreement shall be binding upon the owner, the heirs of the owner and assignees of the owner. The Maintenance Agreement shall be filed with the register of deeds and shall be recorded in a manner which will permit the existence of the agreement to be determined by reference to the property where the holding tank is installed.
- (2) The owner or agent shall submit a copy of the holding tank Maintenance Agreement when plans are submitted to the County for review.
- (3) An owner of a holding tank found to be violating the maintenance Agreement and who is unable to replace the holding tank with a soil absorption system shall hire a plumber to install a water meter and evaluate the holding tank for code compliance and sign a new Service Contract which requires the pumper to report water meter readings at each

pumping to the County.

SECTION 6.0 ADMINISTRATION AND ENFORCEMENT

6.01 ADMINISTRATION.

The Iowa County Office of Planning and Development shall be responsible for the administration of this ordinance. The Iowa County Sanitarian shall be the primary position responsible within the Office for administration of this ordinance, but may also delegate the responsibilities to other Office personnel.

6.02 POWERS AND DUTIES.

In the administration of this ordinance, the Office of Planning and Development shall have the following powers and duties:

- (1) Assure full and complete compliance with this ordinance and related Wisconsin Statutes and the Administrative Code.
- (2) Advise applicants concerning the provisions of this ordinance and assist them in preparing permit applications.
- (3) Review and approve plans for private sewage systems for one and two-family residences or as approved through agent status by the State.
- (4) Issue sanitary permits and inspect properties for compliance with this ordinance and related Wisconsin Statutes and the Administrative Code.
- (5) Keep records of all sanitary permits issued, inspections made, soil tests filed, work approved and other official actions.
- (6) Pursue enforcement actions for violations of this ordinance.
- (7) Have access to any premises for the purpose of performing official duties between 8:00am and 8:00 pm or at other times set by mutual agreement with the property owner or upon issuance of a special inspection warrant in accordance with 66.122, Wisconsin Statutes. Application for a sanitary permit is considered, for the purposes of this ordinance, as the owner's consent to enter the premises.
- (8) Upon reasonable cause or question as to proper compliance, revoke or suspend any sanitary permit and issue cease and desist orders requiring the cessation of any construction, alteration or use of a building which is in violation of the provisions of this ordinance, until compliance with this ordinance or applicable Wisconsin Statutes and the Administrative Code is obtained.
- (9) Issue and enforce orders to plumbers, pumpers, property owners, their agents or contractors or the responsible party, to assure proper compliance with all provisions of this ordinance.
- (10) Consider and approve or deny requests to install sewage holding components (tanks) prior to sanitary permit issuance when a health or safety emergency exists. Such a request may be approved only if the owner of the property has submitted an affidavit acknowledging the emergency and agreeing to obtain the required sanitary permit by a specified date.

- (11) Perform other duties regarding private sewage systems as considered appropriate by the County or the State.

6.03 BOARD OF ADJUSTMENT.

Any person who alleges that there is an error in any order, requirement or decision made in the enforcement of this ordinance may appeal to the Board of Adjustment as provided in Section 10 of the Iowa County Zoning Ordinance. Any appeal shall be made on forms furnished by the County within 30 days of the date of that administrative action. Other substantiating evidence will be accepted.

6.04 VIOLATIONS AND PENALTIES.

- (1) Any person who fails to comply with the provisions of this ordinance, or any order of the County issued in accordance with this ordinance, or resists enforcement, may be subject to the issuance of a citation by the Office, as authorized by Ordinance No. 2-695-1995, in the amount of \$1000 for each violation of this Ordinance or the Office may initiate a Small Claims Action with the Iowa County Circuit Court for which the minimum forfeiture request shall be \$5,000. Payment of either the citation or Small Claims forfeiture shall not be deemed as compliance and any remaining violation will be subject to further enforcement.
- (2) Any construction which is in violation of this ordinance shall cease upon written orders from the County or the placement of a notification of violation at the site.
- (3) All construction shall remain stopped until the order is released by the County.
- (4) Violations of this ordinance shall be prosecuted by the Corporation Counsel.

APPROVED BY THE IOWA COUNTY BOARD OF SUPERVISORS ON March 17, 2009

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