

Crawford County
Chapter 15
Private Onsite Wastewater Treatment Systems (POWTS) Ordinance

Introduction

15.01 Adoption and Statutory Authority	2
15.02 Purpose	2
15.03 Applicability	2
15.04 Severability and Liability	2
15.05 Interpretations	2
15.06 Definitions	3-5

General Requirements

15.07 Compliance	5
15.08 Limitations	5-7
15.09 Abandonment of Private Onsite Wastewater Treatment Systems	7
15.10 Non-plumbing Sanitation Systems	7

Permits and Applications

15.11 Soil & Site Evaluation	8
15.12 Sanitary Permits	8-9
15.13 Application Requirements	9-10
15.14 Plans	10-11
15.15 Permit Cards	11
15.16 Permit Expiration	11-12
15.17 Change of Ownership	12
15.18 Change of Plumbers	12
15.19 Permit Denial	12
15.20 Reconnection	12-13
15.21 Construction Affecting Wastewater Flow or Contaminant Load	13-14
15.22 Existing POWTS Evaluation Reports	14-15
15.23 Fees	15

Inspections

15.24 Inspections; General	15-16
15.25 Inspections; Site Constructed Holding Tanks	16
15.26 Inspections; Mounds & At-Grade Systems	16
15.27 Testing	16

System Management and Maintenance

15.28 Maintenance and Management	17
15.29 POWTS Maintenance Program	17
15.30 Holding Tank Agreement	17-18

Administration and Enforcement

15.31 Administration	18
15.32 Powers and Duties	18-19
15.33 Board of Adjustment	19
15.34 Violations and Penalties	19

**AN ORDINANCE REPEALING AND RECREATING CHAPTER 15 OF THE
CRAWFORD COUNTY CODE OF ORDINANCES REGARDING PRIVATE ONSITE
WASTEWATER SYSTEMS AND NON-PLUMBING SANITARY SYSTEMS**

The Crawford County Board of Supervisors do ordain as follows:

Section I: That Chapter 15 of the Crawford County Code of Ordinances is hereby repealed in its entirety and recreated to read as follows:

**CHAPTER 15 - PRIVATE ONSITE WASTEWATER TREATMENT SYSTEMS
(POWTS) ORDINANCE**

15.01 – ADOPTION AND STATUTORY AUTHORITY

(1) Pursuant to §59.70(5) & (1) Wis. Stats., the County Board hereby adopts this private onsite wastewater treatment systems (POWTS) ordinance.

(2) This chapter shall be subject to the provisions of Ch. 145 Wis. Stats., and all subsequent rules and regulations promulgated thereunder regarding sanitary systems including without limitation and incorporating by reference the State Plumbing Code and Wisconsin Administrative Code Chapters SPS 381-387 and SPS 391 and Department of Natural Resources Administrative Code Chapters NR 113, 114, 116 and 140 and all amendments thereto.

15.02– PURPOSE. This chapter is adopted to promote and protect the public health, safety, prosperity, and general welfare of the people and communities within the County. The purpose of this chapter is to regulate the siting, location, design, construction, installation, alteration, inspection, use, and management of private onsite wastewater treatment systems and non-plumbing sanitation systems. These regulations are intended to ensure safe and healthful conditions; to protect the health of residents and transients; to prevent disease and nuisance; to provide for the timely repair or replacement of failing systems; and to protect groundwater and surface water resources.

15.03- APPLICABILITY. The requirements of this article shall apply to all areas of the county not served by a public sewer approved by the Department of Natural Resources.

15.04- SEVERABILITY AND LIABILITY. Should any section, clause, provision or portion of this ordinance be adjudged unconstitutional or invalid by a Court of competent jurisdiction, the remainder of this ordinance shall not be affected thereby. This ordinance shall not create a liability on the part of or a cause of action against the County or any employee thereof for any private onsite wastewater treatment system which may not function as designed. There shall be no liability or warranty for any site which is approved or denied. The issuance of a sanitary permit and the final inspection of such a system does not warrant the system's function, nor is there a guarantee that the system is free of defects or that all aspects of the system comply to Wisconsin Statute or Administrative Code requirements.

15.05 – INTERPRETATIONS. The provisions of this ordinance shall be held to be minimum requirements and shall be liberally construed in favor of the County and shall not be

deemed a limitation or repeal of any other power granted by the Wisconsin Statutes and related administrative codes.

15.06 – DEFINITIONS. The following words, terms and phrases, when used in this ordinance, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

BUILDING. See the definition of the term “structure” in this section.

COMPOSTING TOILET SYSTEM. A method that collects, stores and converts by bacterial digestion nonliquid-carried human wastes or organic kitchen wastes, or both, into humus.

COUNTY SANITARY PERMIT. A permit issued by the Department for the reconnection or repair of a private sewage system or the installation of a non-plumbing sanitation system, pursuant to Wis. Stats. §§ 59.70 and 145.04 and Chapters SPS 381-387 and SPS 391, Wisconsin Administrative Code.

DEPARTMENT. The Crawford County Sanitation & Zoning Department.

DOMESTIC WASTEWATER. The type of wastewater, not including stormwater, normally discharged from or similar to that discharged from plumbing fixtures, appliances and devices, including, but not limited to, sanitary, bath, laundry, dishwashing, garbage disposal and cleaning wastewater.

FAILING PRIVATE SEWAGE SYSTEM. has the following meanings:

- (1) Those specified under Wis. Stats. § 145.01(4m)
 - (a) The discharge of sewage into surface water or groundwater.
 - (b) The introduction of sewage into zones of saturation that adversely affects the operation of a private on-site wastewater treatment system.
 - (c) The discharge of sewage to a drain tile or into zones of bedrock.
 - (d) The discharge of sewage to the surface of the ground.
 - (e) The failure to accept sewage discharges and back up of sewage into the structure served by the private on-site wastewater treatment system.
- (2) A holding tank which discharges sewage to the ground surface, including intentional discharges and discharges caused by neglect.
- (3) A POWTS system that has less than the minimum of in-situ soil between the infiltrative surface of the POWTS or privy and high groundwater, a limiting layer that may adversely affect the operation of a POWTS system or bedrock pursuant to SPS 383.03(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, or act of occupying a structure as a place of employment or business.

INCINERATING TOILET. A self-contained device for the treatment of nonliquid carried wastes that deposits the wastes directly into a combustion chamber, reduces the solid portion to ash and evaporates the liquid portion.

ISSUING AGENT. The County office, department, committee, board, commission, position or employee assigned the duties of administering this POWTS ordinance by the County Board.

MINOR REPAIRS. A minor repair to a private onsite wastewater treatment system includes the replacement or repair of any of the following:

- (a) manhole covers;
- (b) manhole risers;
- (c) septic tank baffles;
- (d) effluent pumps and related controls or wiring;
- (e) other components as determined by the Department;

NON-PLUMBING SANITARY SYSTEM. Alternatives to water-carried waste plumbing fixtures and drain systems regulated by Ch. SPS 391, Wis. Admin. Code, including composting or incinerating toilets and privies.

OCCUPANCY. Pertains to, and is the purpose for which, a building is used or intended to be used. A change in 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 six months in any year and for periodic use such as a recreational cabin or cottage.

OWNER. The owner of the property served by a POWTS. In cases where a POWTS is located on a property with ownership different than the property which it serves, or in which multiple properties and/or structures are served by a single POWTS, the legal document which specifies the agreements of ownership and responsibility shall extend in application to this chapter.

PLUMBER. A person licensed by the state department of safety and professional services as a master plumber or master plumber-restricted services.

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

PRIVATE ONSITE WASTEWATER TREATMENT SYSTEM (POWTS). A sewage treatment and disposal system serving a single structure with a septic tank and soil absorption field located on the same parcel as the structure; an alternative sewage system approved by the Department, including a substitute for the septic tank or soil absorption field, a holding tank, a system serving more than one structure or a system located on a different parcel than the structure. A POWTS may be owned by the property owner or by a special purpose district.

PRIVY. An enclosed non-portable 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.

SANITARY PERMIT. A county sanitary permit or a state sanitary permit, or both.

SEPTIC TANK. An anaerobic treatment tank.

SERVICING. Removing the liquid, scum, sludge, or other wastes from a private sewage system such as septic or holding tanks, dosing chambers, grease interceptors, seepage beds, seepage pits, seepage trenches, privies, or portable restrooms and properly disposing or recycling of the contents as provided per §NR 113.03(57), Wis. Admin. Code.

STATE. The state department of safety and professional services.

STATE SANITARY PERMIT. A permit issued by the department for the installation or modification of a private sewage system, pursuant to Wis. Stats. §§ 145.135 and 145.19.

STRUCTURE. Anything constructed or erected, the use of which requires a location in or on the premises, or any other attachment to something having a permanent location on the ground, which includes, but is not limited to, objects such as buildings, factories, sheds, cabins, mobile homes, gas or liquid storage tanks, bridges, culverts, decks, satellite dishes or swimming pools. Also included are items of personal property that may have been designed as transportable or as a vehicle, but stand in a seasonal or permanent location for storage or intermittent human habitation. Such incidental structures may include, but are not limited to, truck campers, travel trailers, park or model units, buses and motor homes.

VAULT PRIVY. An enclosed nonportable toilet into which nonwater-carried human wastes are deposited to a subsurface storage chamber that is watertight.

ZONING ADMINISTRATOR. A person appointed by the county zoning committee to administer and enforce this article.

GENERAL REQUIREMENTS

15.07 - COMPLIANCE.

- (1) All structures or premises in the county that are permanently or intermittently intended for human habitation or occupancy, which are not serviced by a public sewer, and for which water is supplied or wastewater is collected and conveyed, shall be served by a Private Onsite Wastewater Treatment System (POWTS) for the holding, treatment, and dispersal of sewage and wastewater, and such system shall comply with the provisions of this article.
- (2) The private onsite wastewater treatment system or non-plumbing sanitation system for newly constructed structures or structures requiring a reconnection permit shall be approved and installed and may be inspected before the structure may be occupied.

15.08 – LIMITATIONS.

- (1) All domestic wastewater shall enter a private onsite wastewater treatment 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 §15.10 for other limitations).

(3) Vault privy. Only vaulted-type privies are allowed pursuant to this chapter, and require an approved, Crawford County non-plumbing sanitation system permit prior to placement or construction on a parcel. The pumping, transportation and disposal of the contents of a vault privy shall be in accordance with Ch. NR 113, Wisconsin Administrative Code, and shall be maintained pursuant to this chapter. Pit privies are not permitted in Crawford County.

(4) Any private onsite wastewater treatment system, or portion(s) thereof, installed within a floodplain shall comply with all applicable requirements of NR 116, Wisconsin Administrative Code, and the Floodplain Zoning Ordinance, Chapter 20 of the Code of Ordinances for Crawford County.

(5) Installation of a holding tank is prohibited if any other type of private onsite wastewater treatment system permitted by SPS 383, Wisconsin Administrative Code, can be used and may only be allowed when SPS 383 determines the site is unsuitable for conventional systems such as in-ground, mound, at-grade, or pressure systems. 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/in-ground soil absorption system, at-grade system, or mound system, except as provided in (a) (b) (c) or (d) below.

(a) A holding tank may be installed to serve a use with a design wastewater flow of less than or equal to 150 gallons per day. In addition to items required in section §15-12, an application for a sanitary permit to install a holding tank to serve a seasonal use one bedroom structure with less than or equal to 150 gallons per day shall include a written statement from the property owner, agreeing to install another type of system if any change of occupancy or use occurs which results in a design wastewater flow which exceeds 150 gallons per day.

(b) A temporary holding tank may be installed if a public sewer, approved by the Department of Natural Resources, will be installed to serve the property within 2 years of the date of sanitary permit issuance. In addition to items required in §15.13, 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 SPS 383, Wisconsin Administrative Code.

(c) 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 Department as required in §15.13, 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 Department.

(d) A holding tank may be installed to collect industrial, nondomestic, or high-strength wastewater only if conventional POWTS are not feasible or approved by DNR.

(6) When a failing private onsite wastewater treatment 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. Unlawfully modified private onsite wastewater treatment systems, a private onsite wastewater treatment system that has sewage bypassing the system, or a holding tank which is discharging sewage into the ground, onto the ground's surface, or into surface waters may be ordered by the Department to be corrected or replaced with a code compliant system.

15.09 – ABANDONMENT OF PRIVATE ONSITE WASTEWATER TREATMENT SYSTEMS.

(1) When public sewers approved by the Department of Natural Resources become available to the structure or premises served, the private onsite wastewater treatment system shall be disconnected within one year and a connection made to the public sewer with the following exception: Abandonment of the disconnected private onsite wastewater treatment system done in accordance with the provisions of SPS 383, Wisconsin Administrative Code.

(2) The components of an existing private onsite wastewater treatment system that are not part of the approved sanitary permit for a replacement system shall be abandoned at the time of the installation of the replacement system by the plumber installing the system. The abandonment shall comply with SPS 383.33, Wisconsin Administrative Code.

15.10 – NON-PLUMBING SANITATION SYSTEMS.

(1) A vault privy, composting toilet system, incinerating toilet, or portable restroom are allowed only when the building served by the non-plumbing system is not provided with plumbing and/or a code compliant soil absorption system or holding tank exists, and a valid sanitary permit to install such a system has been issued by the Crawford County Sanitation & Zoning Department. A building or structure that has internal piping or has been "roughed in" with piping shall be considered to have plumbing.

(2) Composting toilet system, incinerating toilet, or portable restroom shall conform to the standards set out in SPS 391.12 Wisconsin Administrative Code.

(3) Location of vault privies shall not be erected within:

- (a) Minimum Fifty feet of any well, or surface water;
- (b) Minimum Ten feet of a door or window of any building;
- (c) Minimum Ten feet from any road right-of-way;
- (d) Minimum Twenty-five feet of any property line; and
- (e) Meet the shoreland setback of Wis. Admin. Code NR115.

(4) Vault requirements:

- (a) Vaults used for privies shall be an approved sewage/treatment tank as listed in the most current department of safety and professional services product approval register.
 - (b) No privy shall be permitted that has a capacity of less than 200 gallons.
 - (c) Vault Privy shall conform to the standards set out in SPS 391.12 Wisconsin Administrative Code.
- (5) Permit, fee, and agreement:
- (a) Prior to the installation of a non-plumbing sanitation system, a property owner shall obtain a county sanitary permit for the non-plumbing sanitation system and pay the applicable fee.
 - (b) Prior to the issuance of a sanitary permit, the property owner must sign a non-plumbing sanitary system agreement and have it recorded in the register of deeds' office.

PERMITS AND APPLICATIONS

15.11 – SOIL AND SITE EVALUATION.

- (1) Soil and site evaluations shall comply with SPS 383, SPS 385 and SPS 391, Wisconsin Administrative Code and this chapter.
- (2) The department shall attempt to inspect all soil tests performed in the county, dependent on schedules and weather.
- (3) All soil testers shall contact the department at least 48 hours prior to any requested inspections.
- (4) Soil test pits shall be constructed which 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. Sufficient suitable area shall be identified. Observation is best accomplished by the excavation of backhoe pits.
- (5) A certified soil tester may request department verification of a soil and site evaluation report before a complete sanitary permit application is submitted. An application for such verification shall include, on forms provided by the department, all information required in section 15.13(1)(a)-(e), the original copy of the soil and site evaluation report and as many copies as are required by the department.

15.12 – SANITARY PERMITS.

- (1) Every private onsite wastewater treatment 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 onsite wastewater treatment 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 onsite wastewater treatment 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 minor repairs.

(4) A County Sanitary Permit shall be obtained prior to constructing or installing a non-plumbing sanitation system.

(5) If any part of a private onsite wastewater treatment system has failed or requires replacement or modification, the entire system shall be evaluated to determine if it is compliant with applicable codes 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 Department. If any part of the system is found to be defective, the sanitary permit application shall include specifications for the repair, renovation, replacement or removal of that part.

15.13 – APPLICATION REQUIREMENTS.

(1) A sanitary permit application shall include the following information which shall be furnished by the applicant on forms required by the State and/or the Department along with all applicable fees:

- (a) Names and addresses of the applicant (owner of the site) and the plumber employed (when applicable).
- (b) Legal description of the subject site and the parcel identification or parcel number.
- (c) All lot dimensions.
- (d) Driving directions to the site.
- (e) Building use (single family, duplex, etc.).
- (f) Soil and Site Evaluation report.
- (g) System plans (see §15.14).
- (h) Appropriate agreements, contracts, and a management plan for the proposed design describing monitoring, maintenance, and servicing agreements.
- (i) Verification that any existing private onsite wastewater treatment systems on the same parcel of land are not failing private onsite wastewater treatment systems.
- (j) Copies of any documents required in §15.13(3) and verification that they have been recorded.
- (k) Any other information required by the Department, including verification of compliance with §15.32(10) of this ordinance.

(2) When any official State action is required prior to the issuance of a sanitary permit, a copy of the official action shall accompany the application.

(3) The following documents must be recorded with the Crawford County Register of Deeds prior to sanitary permit issuance:

(a) Maintenance agreements, notification of servicing requirements, or notification of system limitations, if recording is required by, SPS 383 Wisconsin Administrative Code, or §15.32 of this ordinance.

(b) If a private on-site wastewater treatment 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.

(c) If a private onsite wastewater treatment 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.

(d) If the design wastewater flow of a private onsite wastewater treatment 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.

(4) The Department reserves the right to require Floodplain zoning verification prior to sanitary permit issuance. The Department may require elevations on plans to be tied to floodplain elevation datum.

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

15.14 - PLANS. System plans shall be submitted for approval to the Department or to the State in accordance with, SPS 383 Wisconsin Administrative Code. Plans shall comply with the requirements of, SPS 383 Wisconsin Administrative Code, and this ordinance.

(1) Plans submitted to the Department shall include the original and as many copies as are required by the Department.

(2) If plans are reviewed and approved by the State, at least one set of the plans submitted to the Department shall bear an State approval stamp or seal.

(3) Plans submitted shall be clear, legible and permanent copies.

(4) Plans submitted shall comply with, SPS 383, Wisconsin Administrative Code, and include the following:

(a) The name of the property owner and the legal description of the site;

(b) Estimated daily wastewater flow and design wastewater flow.

(c) A detailed plot plan (site plan), dimensioned or drawn to scale, on paper no smaller than 8½ inches by 11 inches in size. The plot plan shall delineate the lot size and the location of all existing and proposed: private onsite wastewater treatment system components; building sewers; private interceptor main sewers; wells; water mains or water services; buildings; lot lines; swimming pools; navigable waters; and the benchmark established on the Soil and Site Evaluation Report. Adjoining properties shall be checked to insure that the horizontal setback parameters in, SPS 383.43, Wisconsin

Administrative Code, are complied with. All separating distances and dimensions shall be clearly shown on the plot plan.

(d) Details and configuration layouts depicting how the system is to be constructed.

(e) Sufficient supporting information to determine whether the proposed design, installation and management of the proposed private onsite wastewater treatment system or modification to an existing system complies with this ordinance.

(5) Plans shall be signed or sealed as specified in, SPS 383, Wisconsin Administrative Code.

(6) A copy of the approved plans shall be maintained at the construction site until the private onsite wastewater treatment system installation is completed and inspected. The plans shall be made available to the Department or the State upon request.

(7) A modification to the design of a private onsite wastewater treatment system which has been previously approved shall be submitted to the Department or the State as specified in, SPS 383, Wisconsin Administrative Code. Plan revisions must be approved prior to system installation. A fee may be charged when submitting revised plans according to §15.23.

15.15 – PERMIT CARDS.

(1) The permit card issued by the Zoning Administrator to the property owner or his agent shall serve as the sanitary permit.

(2) The permit card shall contain all the information required by §145.19, Wisconsin Statutes.

(3) The permit card shall be displayed at the site in such a manner that it will be visible from a road abutting the lot during all construction phases.

(4) The permit card may not be removed until the private onsite wastewater treatment system has been installed and inspected by the Zoning Administrator.

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

15.16 – PERMIT EXPIRATION.

(1) A sanitary permit for a private onsite wastewater treatment system or non-plumbing sanitation system which has not been installed, replaced, repaired, modified or reconnected and approved shall expire two years after the date of issuance unless renewed. Permits may be renewed by the property owner, his agent or plumber, prior to the expiration date of the original permit.

(2) Prior to the expiration of the sanitary permit, the licensed plumber shall submit the applicable form for the renewal along with the appropriate fee. A new permit card shall be issued when the permit is renewed.

(3) The renewal shall be based on Wisconsin Administrative Code, Statute, and ordinance requirements in force at the time of renewal. Changed Wisconsin Administrative Code, Statute, or ordinance may impede renewal and a new permit may be required.

(4) A sanitary permit which has been renewed shall expire two years from the date of renewal.

(5) A new sanitary permit shall be obtained by the owner or his agent prior to beginning construction if a sanitary permit has expired.

15.17 – CHANGE OF OWNERSHIP.

(1) Change of ownership of a property for which a valid sanitary permit exists shall be subject to the following:

(a) The property owner or plumber shall submit the applicable form to the Department with the change of owner section completed and signed along with the applicable fee.

(b) Change of ownership shall not affect the expiration date or renewal requirements.

15.18– CHANGE OF PLUMBERS.

(1) When an owner wishes to change plumbers, it will be necessary for the owner to submit the applicable form to the Department with the change of plumber section completed and signed by the new plumber along with the applicable fee.

(2) The change of plumbers shall be approved by the department prior to the installation of the private onsite wastewater treatment system.

(3) Sanitary permits for systems requiring State plan approval shall not be approved by the Department unless the plan bears the stamp of an architect, engineer, or plumbing designer, or a State level approval is obtained by the new plumber.

15.19 – PERMIT DENIAL. When applicable provisions of Wisconsin Statutes, Wisconsin Administrative Code or this Ordinance have not been complied with when applying for a sanitary permit, the permit shall be denied. Written notice of the right to appeal along with the procedures for the appeal shall be given to the plumber pursuant to SPS 383.21(3)(d)2.b Reasons for the denial shall be forwarded to the plumber, landowner and when appropriate, the Corporation Counsel.

15.20 – 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 onsite wastewater treatment system;

(b) Disconnection of a structure from an existing private onsite wastewater treatment system and connection of another structure to the system except as permitted in §15.20(4); or

- (c) Rebuilding a structure that is reconnected to a private onsite wastewater treatment system.
 - (d) A modification of or addition to an existing building which includes a new building sewer and/or new connection to an existing private onsite wastewater treatment system.
- (2) Prior to issuing a reconnection sanitary permit, the existing private onsite wastewater treatment 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, SPS 383, Wisconsin Administrative Code will be maintained.
- (3) Application for a County reconnection permit shall include the following:
- (a) All items in §15.13(1)(a - e) and §15.13(1)(i-k);
 - (b) An Existing POWTS Evaluation Report, as specified in §15.22.
 - (c) Complete plans, as specified in §15.14.
 - (d) If required, a updated holding tank agreement which meets the requirements of this ordinance for reconnections to existing holding tanks.
 - (e) If required, a copy of an affidavit which has been recorded in the Register of Deeds office.
- (4) Replacing a structure with a new or different structure within two years of the date of permit issuance will only require a statement that the system has not been altered, a statement that a modification in wastewater flow or contaminant load will not occur, 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 Department, prior to backfilling, to insure that proper materials and methods are being used.
- (6) Reconnection to an undersized system is not permitted.

15.21 - CONSTRUCTION AFFECTING WASTEWATER FLOW OR CONTAMINATION 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 onsite wastewater treatment system, the owner(s) of the property shall:

- (1) Possess a sanitary permit to construct a new private onsite wastewater treatment system or modify an existing private onsite wastewater treatment system to accommodate the modification of wastewater flow or contaminant load; or
- (2) Provide the following to the Department:
 - (a) Documentation that a private onsite wastewater treatment system of adequate capability and capacity to accommodate the wastewater flow and contaminant load already exists to serve the structure, as specified in SPS 383, Wisconsin Administrative Code;

(b) Documentation showing that the location of the proposed structure conforms to the applicable setback distances to all the existing private onsite wastewater treatment system components; and,

(c) An Existing POWTS Evaluation Report, as specified in §15.22.

(3) If a previously permitted existing POWTS is known to be incorrectly sized by the existing or proposed wastewater load, the continued use of the existing POWTS may be allowed upon completion of an affidavit limiting use of the structure based upon a per capita occupancy as per SPS 383.43(3). When replacement is required the system shall be sized based on the number of bedrooms.

(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.

(5) Prior to commencing construction of any structure or addition to a structure on a site where there exists a private onsite wastewater treatment system the owner or his agent shall determine that the proposed structure conforms with applicable setback limitations of SPS 383, Wisconsin Administrative Code. Documentation shall be submitted as required in, SPS 383, Wisconsin Administrative Code.

15.22 – EXISTING POWTS EVALUATION REPORTS.

(1) When an evaluation of an existing POWTS is required by this ordinance, an Existing POWTS Evaluation Report shall be completed and submitted to the Department. Existing POWTS Evaluation Reports must be on forms provided by the Department.

Each Evaluation Report shall include all of the following:

(a) A Soil and Site Evaluation Report verifying that the vertical separation distance between the Infiltrative surface of the existing treatment or dispersal component and estimated high groundwater and/or bedrock along with identifying a replacement area that complies with SPS 383, Wisconsin Administrative Code. Submittal of a Soil and Site Evaluation Report will not be required if:

(1) The existing POWTS is a code compliant holding tank;

(2) An adequate Soil and Site Evaluation Report is on file which was submitted and approved by the Department after July 1, 1994. The Department may accept Soil and Site Evaluation Reports on a case by case basis.

(b) A report provided by a plumber, certified septage servicing operator, certified POWTS inspector or other person(s) authorized to do so by SPS 383, Wisconsin Administrative Code, relative to the condition, capacities, and code compliance of any existing treatment or holding tanks;

(c) A report provided by a plumber, certified POWTS inspector, or other person(s) authorized to do so by SPS 383, Wisconsin Administrative Code, relative to the condition, capacities, and code compliance of all other system components;

(d) A plot plan prepared by a plumber, certified soil tester, certified POWTS inspector, or other person(s) authorized to do so by SPS 383, Wisconsin Administrative Code, including information specified in §15.14(4)(c), unless an accurate plot plan is on file with the Department;

- (e) An evaluation of the use and wastewater flow of the structure(s) served relative to the capacity of the existing POWTS.
 - (f) Verification that all domestic wastewater from the structure discharges into the POWTS and that no outfall pipe(s) or connection(s) to drain tile exist.
- (2) Existing POWTS Evaluation Reports must be signed by the licensed or certified person(s) performing the evaluation(s).
 - (3) Existing POWTS Evaluation Reports must be submitted to the Department within thirty (30) days of the evaluation.

15.23- FEES.

- (1) The schedule of fees for all types of sanitary permits and related services shall be set by a motion of the Land Conservation, Planning & Zoning Committee & adjusted from time to time in the same manner. The schedule of fees shall be kept in the office of the issuing agent and provided upon request.
- (2) After the sanitary permit has been issued, the fees may not be refunded.
- (3) Penalty fees will be charged for all after-the-fact permit applications. Fees shall be multiplied according to the schedule of fees for work commenced prior to permit issuance.

INSPECTIONS

15.24– INSPECTION; GENERAL.

- (1) Notice for final inspection shall be given to the Department for all private onsite wastewater treatment systems installed, replaced, repaired, modified or reconnected. Unless otherwise noted, notification for final inspection shall be given in accordance with the requirements of Wis. Admin. Code SPS 383.
- (2) These private onsite wastewater treatment systems shall be inspected by the Department for compliance with, SPS 382, SPS 383 and SPS 384 Wisconsin Administrative Code, other appropriate Wisconsin Statutes and Administrative Codes and this ordinance.
- (3) The installing plumber whose name appears on the sanitary permit shall allow the Department to make a field inspection of the POWTS installation, modification or reconnection after construction, but before backfilling, no later than the end of the next work day after which such work was completed on the system and the Department was notified, excluding Saturdays, Sundays and holidays,. The installing plumber will be held in violation of this section when any POWTS is backfilled and covered before it has been inspected and approved by the Department, unless the inspection requirements of SPS 383, Wisconsin Administrative Code, are not met by the County.
- (4) The entire system shall be left completely open until it has been inspected and accepted, unless the requirements of SPS 383, Wisconsin Administrative Code, are not met by the Department.
- (5) When a private onsite wastewater treatment 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 onsite wastewater treatment systems may be inspected periodically, after the initial installation inspection(s) and/or after the system is operative, as deemed necessary by the Zoning Administrator.

15.25- INSPECTIONS; SITE CONSTRUCTED HOLDING TANKS.

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

(2) Concrete walls may be poured only after it has been determined that the tank, as formed, complies with the approved plans.

(3) This inspection shall not eliminate the need for an inspection after the installation has been completed.

15.26- INSPECTIONS; MOUNDS & AT-GRADE SYSTEMS.

(1) The installing plumber whose name appears on the sanitary permit shall allow the Department to make a field inspection of the POWTS installation, modification or reconnection after construction, but before backfilling, no later than the end of the next work day after which such work was completed on the system and the Department was notified, excluding Saturdays, Sundays and holidays,. The installing plumber will be held in violation of this section when any POWTS is backfilled and covered before it has been inspected and approved by the Department, unless the inspection requirements of SPS 383, Wisconsin Administrative Code, are not met by the County..

(2) Systems may be inspected at the time the ground surface is plowed, before distribution pipes have been placed in the cell, at the time the distribution piping installation has been completed before backfilling and after all work has been completed, at the discretion of the Zoning Administrator.

15.27- TESTING

(1) If testing of new systems or new system components is required by SPS 382, 383 or 384, Wisconsin Administrative Code, or as a condition of plan approval, notice shall be given to the Department as specified in §15.24(3), so that the Department may make an inspection during the test.

(2) The Department may verify that required testing has been completed, by:

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

SYSTEM MANAGEMENT AND MAINTENANCE

15.28- MAINTENANCE AND MANAGEMENT.

- (1) All private onsite wastewater treatment systems shall be managed and maintained in accordance with SPS 383, 384 and 391, Wisconsin Administrative Code, and this ordinance.
- (2) The property owner shall report to the Department each inspection, maintenance or servicing event, in accordance with SPS 383, Wisconsin Administrative Code, and this ordinance.
- (3) The property owner shall submit a copy of an appropriate maintenance agreement and/or servicing contract to the Department prior to sanitary permit issuance.
- (4) The property owner shall submit a new or revised servicing contract to the Department whenever there is a change to such document(s).

15.29- POWTS MAINTENANCE PROGRAM.

- (1) All new and existing septic tanks shall be inspected and pumped within three years of the date of installation and at least once every three years thereafter, unless upon inspection the tank is found to have less than 1/3 of the volume occupied by sludge and scum pursuant SPS 383.54.
- (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.
- (3) Visual inspection of a private onsite wastewater treatment system shall be conducted by persons specified in SPS 383.54 to determine the condition of the tank and whether wastewater or effluent from the POWTS is ponding on the ground surface.
- (4) REPORTS. The property owner or owner's agent of a private onsite wastewater treatment system shall furnish the Department with a copy of the inspection report verifying the condition of the tank, whether wastewater or effluent from the POWTS is discharging to or ponding on the ground surface and the date of pumping within 30 calendar days of the date of inspection and/or pumping. Reports shall include all information required in SPS 383.55, Wisconsin Administrative Code, and signed by the person(s) inspecting and pumping the private onsite wastewater treatment system. Other maintenance or management reports required by SPS 383 or 384, Wisconsin Administrative Code, shall be included with this report.
- (5) 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.

15.30- HOLDING TANK AGREEMENT.

- (1) The proposed owner of the holding tank shall enter into a Holding Tank Agreement with Crawford County before a sanitary permit is issued. The holding tank agreement shall be signed on a form provided by the Zoning Administrator, who shall sign the agreement on behalf of the county. The agreement shall require the applicant to conform to state regulations regarding the maintenance and pumping of the holding tank. If the tank is not maintained or pumped in conformance with state regulations, the Zoning Office shall order it to be maintained or pumped

by a certified septage servicing operator, at county expense. The county shall then invoice the property owner for all such costs incurred. If the invoice is not paid within 30 days, the county may place the amount on the tax roll as a special assessment pursuant to Wis. Stat. 145.20(4) against the property in question. This holding Tank Agreement shall be filed with the Register of Deeds office 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 Agreement when plans are submitted to the Department for review.

ADMINISTRATION AND ENFORCEMENT

15.31- ADMINISTRATION. The Zoning Administrator shall be responsible for the administration of this ordinance. The Zoning Administrator may delegate his responsibilities to personnel employed by the Department.

15.32- POWERS AND DUTIES. In the administration of this ordinance, the Zoning Administrator shall have the following powers and duties:

(1) Delegate duties to and supervise clerical staff and other employees to assure full and complete compliance with this ordinance and related Wisconsin Statutes and the Administrative Codes.

(2) Advise applicants concerning the provisions of this ordinance and assist them in preparing permit applications.

(3) Review and approve plans for private onsite wastewater treatment 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, work approved, and other official actions.

(6) Report violations of this article to the corporation counsel and/or district attorney. Issue citations or initiate other legal action through corporation counsel or district attorney.

(7) Have access to any premises for the purpose of performing official duties between 8 a.m. and 8 p.m. or at other times set by mutual agreement between the property owner or his agent and the Zoning Administrator or upon issuance of a special inspection warrant in accordance with §66.122, Wisconsin Statutes. Application for a sanitary permit is considered for the purposes of this ordinance as the owner's consent to enter the premises.

(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, certified septage servicing operators, property owners their agents or contractors or the responsible party, to assure proper compliance with all provisions of this ordinance or delegate such authority to the County Health Department.
- (10) Withhold permits or approvals if the application or proposed private onsite wastewater treatment system does not comply with the requirements of the statutes, administrative code, or this ordinance governing private onsite wastewater treatment systems. A request for a waiver of the provisions of this article may be made, to grant or deny a permit or approval on the merits of the application, to the corporation counsel and the zoning committee.
- (11) Perform other duties regarding private onsite wastewater treatment systems as considered appropriate by the County or the State.
- (12) Review and approve Existing POWTS Evaluation Reports for compliance with this ordinance and administrative codes.

15.33- BOARD OF ADJUSTMENT. Any person who alleges that there is an error in any order, requirement or decision made in the enforcement of this ordinance may appeal to the Board of Adjustment as provided in Ch. 16 (Shoreland Protection Ordinance) of the General Code. Any appeal shall be made on forms furnished by the Department within 30 days of the date of that administrative action. Other substantiating evidence will be accepted.

15.34- VIOLATIONS AND PENALTIES.

- (1) Any person who fails to comply with the provisions of this ordinance, or any order of the Department issued in accordance with this ordinance, or resists enforcement, shall be subject to a penalty as provided in §25.04 of the General Code.
- (2) Any construction which is in violation of this ordinance shall cease upon written orders from the Zoning Administrator or the placement of a notification of violation at the site.
- (3) All construction shall remain stopped until the order is released by the Zoning Administrator.
- (4) Violations of this ordinance shall be prosecuted by the Corporation Counsel or District Attorney as requested by the Zoning Administrator.