

=== VILAS COUNTY ===
Code of Ordinances

Chapter 15

**Private Sewage
System Ordinance**

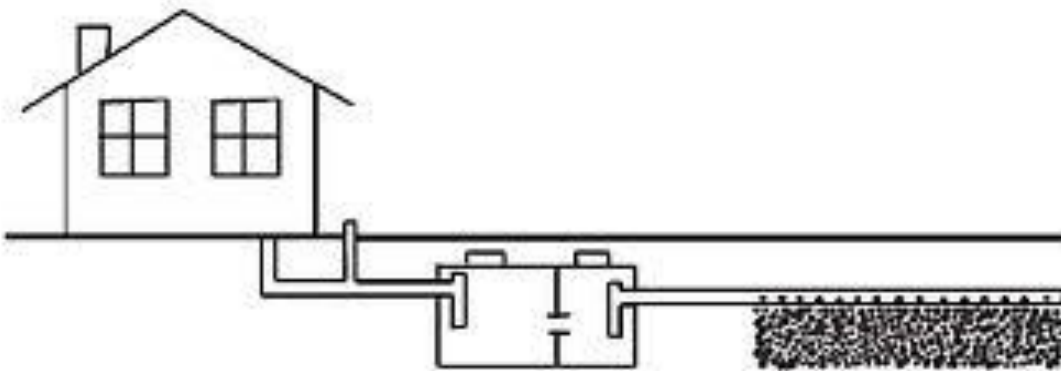


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Sequence of Events

SUBCHAPTER 1: INTRODUCTION

15.01 STATUTORY AUTHORITY

This ordinance is adopted pursuant to the authorization in Wis. Stats. 59.70(1), 59.70(5), 145.13, 145.19, 145.20 and 145.245.

History: (Amendment 2013-A04, Section 15.01, effective (7-3-13))

15.02 PURPOSE AND INTENT

This ordinance is adopted to promote and protect public health, safety and welfare as well as groundwater and surface water supplies by assuring the proper siting, design, installation, inspection, maintenance and management of private on-site wastewater treatment systems and non-plumbing sanitation systems.

History: (Amendment 2013-A04, Section 15.02, effective (7-3-13))

In order to achieve these purposes, it is the intent of this ordinance to include, among other things, the following methods and strategies:

- (1) Developing a sanitary permit program that continues to ensure public health, safety and welfare to residents and visitors of Vilas County as well as protecting surface and groundwater resources found in Vilas County.
 - (2) Prohibiting technologies such as evapo-transpiration beds in a climate such as that found in Vilas County where precipitation throughout the year is equal to or exceeds evaporation.
 - (3) Phasing out failed systems.
 - (4) Create and maintain specification files for complex systems.
 - (5) Maintain and improve the permit approval process.
 - (6) Maintain and improve the inspection and enforcement process for new system installations.
 - (7) Maintain and improve maintenance and tracking program for systems previously installed as well as newly installed systems.
 - (8) Allow municipal ownership of systems serving multiple structures.
 - (9) Limit the use of constructed wetlands to ensure adequate treatment during winter months.
 - (10) Provide communication to installers and maintainers to ensure proper installation and maintenance of systems.
 - (11) Provide an administration process for implementing and enforcing the Ordinance.
- History: (Amendment 2013-A04, Section 15.02(11), effective (7-3-13))*
- (12) Promote technologies that provide protections to the ground water and surface water of Vilas County.
 - (13) Promote processes to identify poorly sited systems and require corrections to these systems to ensure quality ground water and surface water within Vilas County.
 - (14) Promote equipment and technology with fewer maintenance requirements.
 - (15) Promote technologies that limit acclimation upsets and provide longer buffering capabilities.

15.03 FINDINGS OF FACT

Vilas County has over 1,300 lakes and other water bodies within its boundaries, nearly ten percent of the lakes contained within the State of Wisconsin. Further, it has one of the highest concentrations of inland freshwater lakes in the world. *[Vilas County Shoreland Zoning Ordinance, May 1, 1999]*

Given high levels of existing development on some water bodies, increased pressure for development of shorelands on many others, and the varied sensitivity of lakes, rivers and streams in Vilas County to impacts from such development, it is necessary that an effective Private On-Site Wastewater Treatment System Ordinance be implemented and maintained to protect groundwater and surface water supplies. *[Vilas County Shoreland Zoning Ordinance, May 1, 1999]*

The land area of Vilas County includes 554,777 acres of land and 96,321 acres of surface water. Effluent from sewage disposal facilities can pollute the water, especially in seepage lakes where there is little water exchange. *[Soil Survey, Vilas County, Wisconsin, June 1988]*

Water supplies in Vilas County are predominately drawn from sand and gravel (unconfined) aquifers which are replenished from precipitation and drainage. Water seeping from private on-site wastewater treatment systems fills these same aquifers that property owners and visitors use for drinking water supplies. *[Soil Survey, Vilas County, Wisconsin, June 1988]*

History: (Amendment 2013-A04, Section 15.03, effective (7-3-13))

15.04 REPEAL AND EFFECTIVE DATE

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

History: (Amendment 2013-A04, Section 15.04, effective (7-3-13))

15.05 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 any liability on the part of or a cause of action against the County or any employee thereof for any private on-site 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 do 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 with Wisconsin statutory or administrative code requirements.

History: (Amendment 2013-A04, Section 15.05, effective (7-3-13))

15.06 INTERPRETATIONS

The provisions of this ordinance shall be held to be the 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's Statutes or Administrative Codes.

15.07 DEFINITIONS

The following terms shall have the meanings indicated in this section, for terms not found in this section; terms from Wis. Adm. Code SPS 381 shall apply. For terms not found in either this section or in SPS 381, the dictionary definition shall apply.

History: (Amendment 2013-A04, Section 15.07, effective (7-3-13))

Accessory Building: An accessory building means a detached building, not used as a dwelling unit but is incidental to that of the dwelling.

Building: See Structure.

Conventional Private On-Site Wastewater Treatment System: A private on-site wastewater treatment system consisting of a septic tank and an in-ground soil absorption component with gravity distribution of effluent.

History: (Amendment 2013-A04, Section 15.07, effective (7-3-13))

County Sanitary Permit: A permit issued by the Department pursuant to Wis. Stats. 59.70(5), 145.20 and SPS 383.25 for the reconnection of a private on-site wastewater treatment system or for the installation of a non-plumbing sanitation system.

History: (Amendment 2013-A04, Section 15.07, effective (7-3-13))

Department: The Vilas County Zoning and Planning Department.

DHS: Department of Health Services.

DSPS: Department of Safety and Professional Services.

History: (Amendment 2013-A04, Section 15.07, effective (7-3-13))

Failing Private On-Site Wastewater Treatment System: "Failing private on-site wastewater treatment system" has the following meanings:

History: (Amendment 2013-A04, Section 15.07, effective (7-3-13))

- (1) Those given in Wis. Stat. 145.245(4).
- (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 on-site wastewater treatment system.
- (3) A POWTS system that has less than 36 inches 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 SPS 383.32(2)(b), Wisconsin Administrative Code.

History: (Amendment 2013-A04, Section 15.07(2) & (3), effective (7-3-13))

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

Issuing Agent: The Vilas County Zoning and Planning Department shall act as the County Issuing Agent.

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

- (1) For public buildings facilities or places of employment – When there is a proposed change in occupancy of the structure; or a proposed building or structure modification affects either the type or number of plumbing appliances, fixtures or devices discharging to the system; and
- (2) For dwellings – When there is an increase or decrease in the number of bedrooms or from any addition, alteration or remodeling, that exceeds 25% of the total gross area of the existing dwelling unit. Modified wastewater load in dwellings does not result from construction of decks, patios, garages, porches, re-roofing, painting, wiring, residing, window replacements or replacement of equipment or appliances.

Non-plumbing Sanitation System: Sanitation systems and devices within the scope of SPS 391 which are alternatives to water-carried waste plumbing fixtures and drain systems including, but not limited to, incinerating toilets, composting toilets and privies.

History: (Amendment 2013-A04, Section 15.07, effective (7-3-13))

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.

Plumber: A person licensed by the State as a Master Plumber or Master Plumber-Restricted Service.

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

History: (Amendment 2013-A04, Section 15.07, effective (7-3-13))

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

POWTS: A Private On-Site Wastewater Treatment System has the meaning given under Wis. Stat. 145.01(12).

History: (Amendment 2013-A04, Section 15.07, effective (7-3-13))

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

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

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

Rebuilding: The construction which takes place after a structure is demolished or damaged to the extent of replacement of 50% or more of the building's supporting members as described in *Vilas County General Zoning Ordinance Section XI Definitions:*

Structural Alteration: Any change in the supporting members of a building such as bearing walls, columns, beams or girders, or any substantial changes in the roof and exterior walls.

History: (Amendment 2013-A04, Section 15.07, effective (7-3-13))

Sanitary Permit: A County Sanitary Permit, a State Sanitary Permit, or both.

Septic Tank: An anaerobic treatment tank.

History: (Amendment 2013-A04, Subchapter 1: Introduction, effective (7-3-13))

Shoreland – Wetland: Areas identified as wetlands by the Department of Natural Resources on the Wisconsin wetland inventory maps and which are located within 1000 feet of the ordinary high water mark of a water body

Soils Information: A soil and site evaluation report for systems that utilize in situ soil for treatment or disposal verifying the vertical separation distance complies with the requirements of SPS 383

History: (Amendment 2013-A04, Section 15.07, effective (7-3-13))

SPS 381, SPS 382, SPS 383, SPS 384, SPS 385, SPS 387, SPS 391: Wisconsin Administrative Code Chapters as identified by number.

History: (Amendment 2013-A04, Section 15.07, effective (7-3-13))

State: The Wisconsin Department of Safety and Professional Services unless specifically stated otherwise.

State Sanitary Permit: A permit issued by the Department pursuant to Wis. Stat. 145.19, for the installation or modification of a private on-site wastewater treatment system.

History: (Amendment 2013-A04, Section 15.07, effective (7-3-13))

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 and 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.

Zoning Administrator: The person appointed by the Vilas County Board of Supervisors to administer and enforce this ordinance.

SUBCHAPTER 2: GENERAL REQUIREMENTS

15.11 COMPLIANCE

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

History: (Amendment 2013-A04, Section 15.11(2), effective (7-3-13))

15.12 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 which govern the location, construction, and use of private on-site wastewater treatment systems:

History: (Amendment 2013-A04, Section 15.12, effective (7-3-13))

- (1) 145, 59.70(5) and 281.48 of the Wisconsin Statutes; and
- (2) Chapters SPS 381, SPS 382, SPS 383, SPS 384, SPS 385, SPS 391, NR 113 and NR 116 and SPS 362 of the Wisconsin Administrative Code.

History: (Amendment 2013-A04, Section 15.12 (1), (2), effective (7-3-13))

These rules, regulations, and laws shall apply until amended or renumbered and then shall apply as amended or renumbered.

15.13 APPLICABILITY

The requirements of this ordinance shall apply to all geographic areas within the exterior boundaries of Vilas County.

15.14 LIMITATIONS

- (1) All domestic wastewater shall enter a private on-site wastewater treatment system unless otherwise exempted by the State or this ordinance.

History: (Amendment 2013-A04, Section 15.14 (1), effective (7-3-13))

- (2) A non-plumbing sanitation system may be permitted only when the structure or premises served by the non-plumbing sanitation system is not provided with an indoor plumbing system. If plumbing is installed in the structure or running water is supplied to the structure, an acceptable method of sewage disposal other than, or in addition to, a non-plumbing sanitation system must be provided.

- (3) Any private on-site wastewater treatment system, or portion(s) thereof, installed within a floodplain shall comply with all applicable requirements of Wis. Adm. Code NR 116.

History: (Amendment 2013-A04, Section 15.14(3), effective (7-3-13))

- (4) Installation of a holding tank may be prohibited if any of the following may be utilized:
 - (a) Conventional/In-ground Soil Absorption systems as recognized by In-ground Soil Absorption Component Manual SBD-10705-P and its updates.

- (b) A holding tank may be allowed in conjunction with a private on-site wastewater treatment system under certain circumstances for example:
 - 1. Segregated kitchen waste for an at risk facility, which can be found in Table A, SPS 383.43-1. Two separate sanitary permits would be required.

History: (Amendment 2013-A04, Section 15.14 (4) (a) & (b), effective (7-3-13))

- (5) When a failing private on-site wastewater treatment system is identified, it shall be

History: (Amendment 2013-A04, Section 15.14(5), effective (7-3-13))

- (a) Brought into compliance with current code requirements;
- (b) Replaced with a code compliant system; or
- (c) Its use discontinued within one year or as required by Department order.

15.15 TECHNOLOGY, PROHIBITIONS & LIMITATIONS

(1) Prohibitions

- (a) The issuance of a sanitary permit for the construction or use of a POWTS technology, design, or method that utilizes an evapo-transpiration bed as a treatment component shall be prohibited pursuant to SPS 383.32(2) (a) 3.
- (b) Recreational Vehicle Transfer Containers are prohibited unless they are located within a campground permitted by the Department of Health and Family Services under Chapter HFS 178

History: (Amendment 2013-A04, Section 15.15(1) (a) & (b), effective (7-3-13))

(2) Limitations of Constructed Wetlands

The use of constructed wetlands as a POWTS treatment component shall be limited to uses and properties where:

- (a) Peak activity typically occurs between May 15 and October 15 of each year;
- (b) Alternate treatment components (not including holding tanks) exist and are used for the treatment of domestic waste generated on the property between October 15 and May 15;
- (c) An affidavit is recorded with the Register of Deeds limiting the use of the constructed wetlands as required;
- (d) A properly licensed plumber or private POWTS inspector provides notification and documentation of taking the systems online and offline;
- (e) Special permitting and inspection processes are complied with;
- (f) Approval by the Zoning Committee shall be necessary where the standards, conditions and guarantees as identified in Section 9.4 of the Vilas County General Zoning Ordinance shall be complied with and where special conditions may be applied to the project per Committee approval;

- (g) Where approval for the projects are conducted on a case by case basis; and
- (h) Where an additional approval timeframe of 60 days may be necessary to address the issues of the permit.

(3) Municipal or Agency Ownership

Pursuant to SPS 383.32(2) (c), the issuance of sanitary permits or the use of POWTS shall be prohibited where that POWTS services two (2) or more structures or buildings that are located on more than one property. This prohibition shall not apply to:

History: (Amendment 2013-A04, Section 15.15(3), effective (7-3-13))

- (a) A POWTS that has a design flow of 5,000 gallons per day or less; or
- (b) POWTS systems that have a design flow of greater than 5,000 gallons per day and are owned by a governmental entity or agency such as a sanitary district, utility district or special purpose district.

History: (Amendment 2013-A04, (Section 15.16 Delayed implementation deleted), effective (7-3-13))

15.16 ABANDONMENT OF PRIVATE ON-SITE WASTEWATER TREATMENT SYSTEMS

History: (Amendment 2013-A04, Section 15.17 renumbered to 15.16, effective (7-3-13))

- (1) When public sewers approved by the Department of Natural Resources become available to the structure or premises served, the private on-site wastewater treatment system shall be disconnected within one year and a connection made to the public sewer. Determination of whether sewer is available shall be made by the local sewer service entity.

Abandonment of the disconnected private on-site wastewater treatment system shall be done in accordance with the provisions of SPS 383.

- (2) The components of an existing private on-site wastewater treatment 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 SPS 383.

History: (Amendment 2013-A04, Section 15.16(1) & (2), effective (7-3-13))

15.17 NON-PLUMBING SANITARY SYSTEMS

History: (Amendment 2013-A04, Section 15.18 renumbered to 15.17, effective (7-3-13))

- (1) Non-plumbing sanitary systems shall comply with the minimum requirements of SPS 391 unless this ordinance is more restrictive.
- (2) Privies shall be constructed and maintained in the manner described in SPS 391.12 and SPS 362.2900(2).

History: (Amendment 2013-A04, Section 15.17(1) & (2), effective (7-3-13))

- (3) Privies shall have the following horizontal separating distances:
 - (a) 50 feet from a well unless greater separation distance or as required by Wisconsin Administrative Code NR 812;
 - (b) 25 feet from the dwelling;

- (c) 25 feet from a lot line;
- (d) 20 feet from a slope of 20 percent or greater;
- (e) 75 feet from the ordinary high water mark of a water body; and
- (f) 250 feet from another property owner's residence or dwelling.

(4) Privies shall:

- (a) Be located on ground that is well drained and where there is no possibility of contaminating any drinking water supply; and
- (b) Be provided with a suitable approach such as concrete, gravel or cinder walk.

15.18 Campgrounds

History: (Amendment 2013-A04, Section 15.18 Campgrounds added, effective (7-3-13))

(1) **SEWAGE DISPOSAL SYSTEM**

- (a) GENERAL. If a campground requires a private on-site waste water treatment system and/or a public sewer facility is available to the campground, connection and use are required.

Note: See SPS 383.03 (2), Public Sewer Connection.

(2) **PRIVATE SEWAGE DISPOSAL**

- (a) A private on-site waste water treatment system, as defined in Wis. Stat. 145.01 (12), is permitted when a public sewer facility is not available to the campground. The system shall be located, designed, constructed and operated in accordance with SPS 382, SPS 383, and SPS384.
- (b) A failed private on-site waste disposal system shall be corrected or its use discontinued. A failed system has the meaning prescribed for "a failing private on-site waste water treatment system" under Wis. Stat. 145.245 (4).
- (c) A plan and installation details for the design and construction, alteration or extension of a private on-site waste water treatment system shall be submitted to the DSPS or its designated agent for an approval before construction or the work of altering or extending the private on-site waste water treatment system can begin.
- (d) All plumbing fixtures shall be connected to the building drainage system, with discharge to a public sewer or private on-site waste water treatment system.
- (e) Sewage, which includes all liquid and water-carried wastes from sinks, bathing and toilet facilities, may not discharge onto the ground surface.
- (f) Containers installed outside of a camping unit and used to receive the discharge from its toilet, shower, bathing and sink facilities may be accepted

by the DHS if approved by DSPS, and a product approval letter is submitted with unit number and campground name to Vilas County Zoning Office and Vilas County Department of Health for record of treatment system. Containers shall be emptied as often as necessary so as not to create a nuisance. Wastewater shall be disposed of in a manner approved by DSPS and DNR.

(3) TOILETS, TYPE AND LOCATION

- (a) Separate toilet rooms shall be provided for each sex and shall be available at all times while the campground is occupied by dependent camping units. Vault toilets or other approved outdoor toilet units are permitted. Vault toilets shall be constructed in accordance with the outdoor toilet requirements in SPS 362.2900 and SPS 391 and shall be maintained in good repair. All toilet rooms shall be fly-tight, vermin-proof and constructed with impervious floors, seat risers and seats. Doors shall have self-closing devices.
- (b) No vault toilet may be located within 75 feet of an individual campsite or a building used for human occupancy.
- (c) Each toilet shall be enclosed in a separate compartment equipped with a privacy lock.

(4) TOILETS FOR PEOPLE WITH PHYSICAL DISABILITIES

The construction of toilets, toilet rooms and toilet buildings, and their accessibility, shall comply with SPS 362.

(5) WALKWAYS TO TOILET BUILDINGS

Walkways to toilet buildings shall be provided and shall have a prepared slip-resistant surface to allow safe and clean access under all weather conditions.

(6) DISTANCE TO TOILETS

A toilet for each sex shall be located within 400 feet from each individual or group campsite on which a dependent camping unit is located.

(7) NUMBER

- (a) Individual campsites.
 - 1. For campgrounds the plans and specifications for which are approved under s. DHS 178.04 on or after September 1, 1992, the number of toilet fixtures for individual campsites shall be determined by the total number of sites, excluding sites intended solely for use by independent camping units, using table 178.09. If a campground has more than 100 sites, one additional toilet for each sex shall be provided for every additional 75 sites or fraction thereof except that urinals may be substituted for up to 50% of the calculated number of toilets required for males.
 - 2. Campgrounds with plans and specifications approved by DHS before September 1, 1992 shall have the number of toilet fixtures required by the rules in effect when the plans and specifications were approved.

- (b) Group campsites. The number of toilet fixtures for group campsites shall be one toilet for each sex for every 30 campers or fraction thereof. Urinals may be substituted for up to 50% of the number of toilets required for males.
 - (c) Independent camping unit campground. Where a campground is designed for and exclusively limited to use by independent camping units, the campground shall provide a backup toilet for each sex for every 100 sites or fraction thereof, which shall be available at all times that the campground is occupied.
- (8) **SANITARY STATION**
All campgrounds accommodating independent camping units on unsewered sites shall provide a sanitary station in the ratio of 1 for every 300 sites or fraction thereof unless the operator submits a plan to the DHS and obtains an approval for an alternate method for disposal of liquid wastes.
- (9) **THE SANITARY STATION**
Shall consist of at least a trapped 4 inch sewer riser pipe connected to the campground sanitary sewer system, surrounded at the inlet end by a concrete apron sloped to the drain, and with a suitable hinged cover provided for the riser. A water outlet shall be included to permit sanitary maintenance of the station. The water outlet shall be marked: "THIS WATER FOR FLUSHING AND CLEANING — NOT FOR DRINKING OR DOMESTIC PURPOSES". The water outlet hose shall be mounted on a reel or tower to ensure that the nozzle does not touch the ground when not in use. The water outlet shall be provided with an approved device to prevent backflow.
- (10) **A SANITARY STATION MAY NOT BE LOCATED**
Within 50 feet of a permanent body of surface water nor within 75 feet of a designated campsite.
- (11) **TOILET OR SHOWER BUILDING**
If a building, housing toilets, hand washing facilities and showers or only toilets or showers is provided at a campground, it shall be constructed in compliance with SPS 361 to SPS 365. The private on-site waste water treatment system serving the building shall be constructed and maintained in compliance with Wis. Stat. 145 and SPS 382, SPS 383, and SPS 384.

SUBCHAPTER 3: PERMITS AND APPLICATIONS

15.21 SOIL AND SITE EVALUATION

- (1) Soil and site evaluations shall be done prior to the issuance of permits as specified in SPS 383, SPS 385 and SPS 391.
- (2) Soil test pits shall be constructed which allow adequate visual observation of the soil profile in place. This is best accomplished by the excavation of backhoe pits as in SPS 385.20(3) (c).
- (3) Department verification of a Soil and Site Evaluation Report may be necessary to determine the suitability of a lot for a private on-site wastewater treatment system as specified in SPS 385.50(2). This verification will be made at the discretion of the Zoning Administrator and will be made prior to the issuance of the sanitary permit. This verification will result in one of the following:

History: (Amendment 2013-A04, Section 15.21(1), (2), (3), effective (7-3-13))

- (a) Issuance of the permit provided all information on the application is correct and complete.
 - (b) Establishment indicating site suitability.
 - (d) Holding the application pending clarification of information or new information by the owner, the plumber, or the certified soil tester.
 - (e) Denial of the permit if the site does not meet all the provisions of this ordinance and appropriate Wisconsin statutory and administrative code provisions.
- (4) A certified soil tester may request assistance by department staff in evaluating the significance of unusual soil color patterns as indicators of soil saturation that may not indicate saturated soil conditions. The department may decline to provide such assistance, and defer to the use of soil saturation determinations pursuant to SPS 385.60 or some other method.

History: (Amendment 2013-A04, Section 15.21(4), effective (7-3-13))

15.22 SANITARY PERMIT APPLICATION

- (1) General
 - (a) Every private on-site wastewater treatment system shall require a separate application and sanitary permit pursuant to Wisconsin Statutes 145.19.
 - (b) A sanitary permit shall be obtained by the property owner, their agent or contractor, in the name of the property owner, prior to the installation, establishment or construction of any structure which requires a private on-site wastewater treatment system or non-plumbing sanitation system. Any property owner, their agent or contractor, who starts construction prior to obtaining a sanitary permit is in violation and may be subject to the penalties provided in this ordinance.

- (c) A sanitary permit shall be obtained by the property owner, their agent or contractor, before any private on-site wastewater treatment system or part thereof may be installed, replaced, or modified. Reconnection to an existing system requires a County Sanitary Permit under Section 15.25(1) of this ordinance. A sanitary permit is not required for the addition of manhole risers or for the replacement of manhole covers, manhole risers, baffles or pumps.

History: (Amendment 2013-A04, Section 15.22(1) (a), (b), (c), effective (7-3-13))

- (d) A County Sanitary Permit shall be obtained prior to constructing or installing a non-plumbing sanitation system.
- (e) A County Sanitary Permit shall be required for soil remediation or renovation processes such as physical (i.e., Terralift, Earthquake) or chemical (i.e., Perox) processes. A County Sanitary Permit is not required for soil remediation or renovation processes if the POWTS was installed after July 1, 1980.
- (e) If any part of a private on-site wastewater treatment system has failed or requires replacement or modification, the entire system shall be evaluated for compliance with existing 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.

History: (Amendment 2013-A04, Section 15.22(1) (e), effective (7-3-13))

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, abandonment or removal of that part.

(2) Application Requirements

- (a) A sanitary permit application shall include the following information which shall be furnished by the applicant on forms required by the State and/or the Department along with all applicable fees:
 1. Names and addresses of the applicant (owner of the site) and the plumber employed (when applicable).
 2. Legal description of the subject site and the parcel identification number (i.e., computer number).
 3. All lot dimensions.
 4. Driving directions to the site.
 5. Description of building use (single family, duplex, etc.).
 6. Soil and Site Evaluation report.

7. System plans (see Section 15.22(3)).
8. Appropriate agreements and contracts for system management and maintenance.
9. Copies of any documents required in Section 15.22(2) (d) and verification that they have been recorded.

History: (Amendment 2013-A04, Section 15.22(2), (a) 9., effective (7-3-13))

10. Any other information required by the Department, including verification of compliance with Section 15.62 of this ordinance.

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

(c) Pit privy permit applications shall be accompanied by soil data provided by a Certified Soil Tester to determine compliance with SPS 391.12(b) 1.

History: (Amendment 2013-A04, Section 15.22(2), (c), effective (7-3-13))

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

1. Maintenance agreements or contracts, if recording is required by SPS383, Wisconsin Administrative Code, or Section 15.53 of this ordinance.
2. If a private on-site wastewater treatment system, or parts thereof, are located on a different parcel than the structure served, an appropriate easement or combined parcel affidavit.
3. 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.
4. If a private on-site 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.
5. If the design wastewater flow of a private on-site 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.

History: (Amendment 2013-A04, Section 15.22(2)(d)1,2,3,4.&5., effective (7-3-13))

- (e) The Department reserves the right to require Floodplain and/or Wetland delineation for a building site or proposed private on-site wastewater treatment system area prior to sanitary permit issuance. The Department may require elevations on plans to be tied to floodplain elevation datum.

History: (Amendment 2013-A04, Section 15.22(2) (e), effective (7-3-13))

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

(3) Plans

System plans shall be submitted for approval to the Department or to the State in accordance with SPS 383. Plans shall comply with the requirements of SPS 383 and this ordinance.

History: (Amendment 2013-A04, Section 15.22(3), effective (7-3-13))

- (a) Plans submitted to the Department shall include the original and as many copies as are required by the Department.
- (b) If plans are reviewed and approved by the State, at least one set of the plans submitted to the Department shall bear an original State approval stamp or seal.
- (c) Plans submitted shall be clear, legible and permanent (inked) copies.
- (d) Plans submitted shall include the following:
 - 1. The name of the property owner and the legal description of the site;
 - 2. Estimated daily wastewater flow and design wastewater flow.
 - 3. A detailed plot plan (site plan), dimensioned or drawn to scale, on paper no smaller than 8.5 inches by 11 inches in size. The plot plan shall delineate the lot size and the location of all existing and proposed: private on-site 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 bench mark established on the Soil and Site Evaluation Report. Adjoining properties shall be checked to insure that the horizontal setback parameters in SPS table 383.43-1 are met. All separating distances and dimensions shall be clearly shown on the plot plan.

History: (Amendment 2013-A04, Section 15.22(3)(d)3., effective (7-3-13))

- 4. Details and configuration layouts depicting how the system is to be constructed.
- 5. A description of a contingency plan in the event the proposed private on-site wastewater treatment system fails and cannot be repaired. The contingency plan may include a replacement area for new

construction. Other contingency plans may require detailed analysis of options showing that adequate options exist should the proposed POWTS system fails.

6. Sufficient supporting information to determine whether the proposed design, installation and management of the proposed private on-site wastewater treatment system or modification to an existing system comply with this ordinance.

History: (Amendment 2013-A04, Section 15.22(3) (d) 5. & 6., effective (7-3-13))

- (e) Plans shall be signed or sealed as specified in SPS 383.22.
- (f) A copy of the approved plans shall be maintained at the construction site until the private on-site wastewater treatment system installation is completed, inspected and accepted. The plans shall be made available to the Department or the State upon request.
- (g) A modification to the design of a private on-site wastewater treatment system which has been previously approved shall be submitted to the Department or the State as specified in SPS 383. Plan revisions must be approved prior to system installation. A fee may be charged when submitting revised plans, see section 15.29(2).

History: (Amendment 2013-A04, Section 15.22(3) (e), (f) & (g), effective (7-3-13))

(4) Transfer of Ownership

Transfer of ownership of a property for which a valid sanitary permit has been issued but the system has not been installed shall be subject to the following:

- (a) The applicable State form shall be submitted to the Department.
- (b) The sanitary permit card shall be returned to the Department so that a new permit card may be issued.
- (c) Transfer of ownership shall not affect the permit's expiration date or renewal requirements.

- (d) A transfer fee shall be required.

History: (Amendment 2013-A04, Section 15.22(4), (d), effective (7-3-13))

(5) Change of Plumbers

- (a) When an owner wishes to change plumbers, it will be necessary to furnish the Department with the applicable State form signed by the new plumber.

History: (Amendment 2013-A04, Section 15.22(5), (a), effective (7-3-13))

- (b) The transfer of sanitary permits shall take place prior to the installation of the private sewage system.
- (c) Sanitary permits for systems requiring State plan approval shall not be transferred to a different plumber unless the plan bears the stamp of an

architect or engineer, plumbing designer, or a State level approval is obtained by the new plumber.

- (d) A transfer fee shall be required.

History: (Amendment 2013-A04, Section 15.22(5) (d), effective (7-3-13))

15.23 SANITARY PERMIT, GENERAL, CONDITIONAL APPROVAL

(1) Conditional Approval

When applicable provisions of Wisconsin Statutes, Wisconsin Administrative Code and this Ordinance have been complied with when applying for a sanitary permit, the permit shall be conditionally approved. Conditions may be attached to the permit application that corresponds to inadequacies of the permit application and/or to provide clarifications on the permit.

The permit shall only be valid for an installation that completely complies with Wisconsin Statutes, Wisconsin Administrative Code and this Ordinance. Failure to denote an error and/or correction on the permit application does not lessen the requirements upon the applicant from installing a system and/or component that meets the Wisconsin Statutes, Wisconsin Administrative Code and this Ordinance.

(2) 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. Reasons for the denial shall be forwarded to the plumber, landowner and, when appropriate State representative(s) and Corporation Counsel.

(3) Permit Cards

- (a) The permit card issued by the Zoning Administrator to the property owner or his agent shall provide physical representation that a sanitary permit has been obtained for the project.

- (b) The permit card shall contain all the information required by Wis. Stat. 145.19.

History: (Amendment 2013-A04, Section 15.23(3)(b), effective (7-3-13))

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

- (d) The permit card may not be removed from display until the private on-site wastewater treatment system has been installed, inspected, and approved by the Zoning Administrator or their designee.

History: (Amendment 2013-A04, Section 15.23(3)(d), effective (7-3-13))

- (e) Failure to display the permit card shall be considered a violation of this section and may subject the property owner, their agent or contractor, to penalty as provided by this Ordinance.

(4) Permit Expiration

- (a) A sanitary permit for a private on-site wastewater treatment 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 following submittal of an application to the Department by the property owner, their agent or contractor, prior to the expiration date of the original permit.

History: (Amendment 2013-A04, Section 15.23(4)(a), effective (7-3-13))

- (b) There shall be a fee for the renewal of a sanitary permit.

- (c) The renewal of the permit shall be based on Wisconsin Administrative Code and ordinance requirements in force at the time of renewal.

History: (Amendment 2013-A04, Section 15.23(4)(c), effective (7-3-13))

- (d) Changed ordinance requirements may impede the renewal.

- (e) A new card shall be issued when the permit is renewed.

History: (Amendment 2013-A04, Section 15.23(4)(e), effective (7-3-13))

- (f) All sanitary permits issued prior to the effective date of this Ordinance shall expire two years from the date of issuance unless renewed.

- (g) If a sanitary permit has expired, a new sanitary permit shall be obtained by the owner or his agent prior to beginning construction.

15.24 SANITARY PERMIT, SPECIFIC REQUIREMENTS FOR APPROVAL

- (1) Private On-Site Wastewater Treatment Systems with portions crossing Town Roads
When portions of private on-site wastewater treatment systems are proposed to cross Town Roads, permission shall be obtained from the Town Board of that Town through an approved motion made at a Town Board meeting granting permission to cross the road and/or through an easement granted by the Town Board. Certified copies of the minutes and/or the original easement shall be submitted with sanitary permit application.

- (2) Private On-Site Wastewater Treatment Systems with portions crossing Private Roads
When portions of a private on-site wastewater treatment systems cross private roads owned fully or partially by others, permission shall be obtained through an easement.

- (3) Multiple Soil/Site Evaluations for same parcel
When more than one soil and site evaluation has been performed on a parcel, a County soil and site verification shall be performed at the discretion of the Zoning Administrator or designee. The applicant shall provide all necessary equipment to perform such verification the Department may waive such verification provided the site/soil evaluations show similar findings.

History: (Amendment 2013-A04, Section 15.24(1), (2)&(3), effective (7-3-13))

- (4) Systems servicing more than one structure on different parcels

For POWTS servicing two or more buildings or structures where the buildings or structures are located on more than one property the following shall apply:

- (a) For a POWTS that has a design flow of 5,000 gallons per day or less, ownership agreements shall be established and recorded. These documents shall specify the responsible parties, the maintenance allocations, and provide for collection of maintenance funds as necessary to promote the proper operation of the POWTS. Upon sale of properties that commonly utilize the POWTS, notification of any futures assessments or fees associated with the maintenance of the POWTS shall be provided to the buyer by the seller.
- (b) For a POWTS that has greater than 5,000 gallons per day, the POWTS shall be owned by a governmental entity or agency such as a sanitary district, utility district or special purpose district pursuant to Section 15.15(4) of this Ordinance.

(5) Administrative Code Variance Applications

Prior to petitioning the State for any Administrative Code Variance, a request shall be submitted in writing to the Department explaining the need for the Variance. Additional documents shall provide background information, the options considered and the reasons why the options could not be used with strict adherence to the Administrative Code. The Department may request that other options be explored to eliminate the need for a variance. The Department shall reserve the right to comment on the petition for variance.

(6) Mechanical POWTS Treatment Unit

Prior to approval of a Mechanical POWTS Treatment Unit sanitary permit, a detailed management plan shall be submitted to the Department. This management plan shall provide a list of all replacement equipment, the location as to where the replacement equipment can be obtained, a list of approved maintainers (which includes full names, addresses, company's name, and corresponding phone numbers), the corporate name, address and phone numbers of the equipment manufacturer.

Also prior to approval a POWTS Treatment Unit sanitary permit, a meeting shall take place between the Department, the installer and the property owner to ensure the installer and property owner are aware of the necessary site and maintenance requirements. The owner shall recognize that these systems require additional operational maintenance resulting in additional operational expenses.

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

History: (Amendment 2013-A04, Section 15.24(6), effective (7-3-13))

(7) Sand Filters, Gravel Filters, and Peat Filters

(a) Site Constructed.

Prior to approval of Site Constructed Sand, Gravel and Peat Filter sanitary permits, the applicant shall create a detailed list of specifications of all replacement equipment and the location as to where the replacement equipment can be obtained (including names, addresses and phone numbers of suppliers of the equipment.)

Also prior to approval of Site Constructed Sand, Gravel and Peat Filter sanitary permits, a meeting shall take place between the Department, the installer and the property owner to ensure the installer and property owner are aware of the necessary site and maintenance requirements. The owner shall recognize that these systems require additional operational maintenance resulting in additional operational expenses.

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

(b) Prefabricated – Site Connected

Prior to approval of Prefabricated Sand, Gravel and Peat Filter sanitary permits, the applicant shall create a detailed list of specifications of all replacement equipment and the location as to where the replacement equipment can be obtained (including names, addresses and phone numbers of suppliers of the equipment.)

Also prior to approval of Site Constructed Sand, Gravel and Peat Filter sanitary permits, a meeting shall take place between the Department, the installer and the property owner to ensure the installer and property owner are aware of the necessary site and maintenance requirements. The owner shall recognize that these systems require additional operational maintenance resulting in additional operational expenses.

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

History: (Amendment 2013-A04, Section 15.24(7) (a) & (b), effective (7-3-13))

(8) Experimental Systems and Other Systems not recognized by SPS 383.60

Prior to application for State experimental plan approval the applicant shall request a meeting with Department staff. During this meeting, information shall be

presented to the Department which is detailed in SPS 383.27. A comment period of no less than 30 days after the meeting shall be required by the Department prior to the applicant submitting the application to the State. Additional time may be requested by the Department.

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

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

Prior to approval of an experimental and other system not recognized by SPS 383.60, a detailed management plan shall be submitted to the Department. This management plan shall provide a list of all replacement equipment, the location as to where the replacement equipment can be obtained, a list of approved maintainers (which includes full names, addresses, company's name, and corresponding phone numbers), the corporate name, address and phone numbers of the equipment manufacturer.

Also prior to approval of Experimental and Other Systems not recognized by SPS 383.60, a meeting shall take place between the Department, the installer and the property owner to ensure the installer and property owner are aware of the necessary site and maintenance requirements. The owner shall recognize that these systems may require additional operational maintenance resulting in additional operational expenses.

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

History: (Amendment 2013-A04, Section 15.24(8), effective (7-3-13))

(9) Site-Constructed Holding Tanks

A pre-construction meeting shall be required at the site prior to construction of the holding tank component. During this meeting, an overview of the work schedule shall be outlined with Department staff and applicant. Appropriate notices shall be

made by the installer to ensure Department staff is in attendance. The Department may at its discretion waive this requirement.

History: (Amendment 2013-A04, Section 15.24(9), effective (7-3-13))

15.25 RECONNECTION

(1) A County reconnection permit shall be obtained prior to:

- (a) Construction of a structure to be connected to an existing private on-site wastewater treatment system;
- (b) Disconnection of a structure from an existing private on-site wastewater treatment system and connection of another structure to the system, except as permitted in Section 15.25(4); or
- (c) Rebuilding a structure that is connected to a private on-site wastewater treatment system.

History: (Amendment 2013-A04, Section 15.25(1) (a), (b) &(c), effective (7-3-13))

(2) Prior to issuing a reconnection permit, the existing private on-site wastewater treatment system shall be examined to:

History: (Amendment 2013-A04, Section 15.25(2), effective (7-3-13))

- (a) Determine whether it is functioning properly and or if it is a failing system.
- (b) Determine whether it is 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 will be maintained.

History: (Amendment 2013-A04, Section 15.25 (2)(c), effective (7-3-13))

(3) Application for a County reconnection permit shall include the following:

- (a) All items in Section 15.22(2) (a) 1.-5. and 10.

History: (Amendment 2013-A04, Section 15.25(3) (a), effective (7-3-13))

- (b) For all systems that utilize in situ soil for treatment or disposal, a Soil and Site Evaluation report verifying that the vertical separation distance between the infiltrative surface of the existing treatment or dispersal component and estimated high groundwater elevation and/or bedrock complies with SPS 383 unless a valid report meeting these criteria is on file with the Department;

History: (Amendment 2013-A04, Section 15.25(3)(b), effective (7-3-13))

- (c) A report provided by a licensed plumber, certified septage servicing operator or a POWTS inspector relative to the condition, capacities, baffles and manhole covers for any existing treatment or holding tanks;

- (d) A report provided by a licensed plumber or POWTS inspector relative to the condition and capacities of all other system components and verifying that the system is not a failing system;
 - (e) A plot plan prepared by a plumber including information specified in Section 15.22(3) (d) 3; and
 - (f) Complete plans, as specified in Section 15.22(3), for any system components which will be modified or replaced.
 - (g) Reconnection to existing holding tanks may require a new servicing contract and an updated holding tank agreement which meets the requirements of this Ordinance.
 - (h) Reconnection to an existing system other than a holding tank may require a new maintenance agreement or contract.
 - (j) The Department may require Department issued forms.
- (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, a plot plan that documents all setbacks between the structure and system components, and a re-inspection fee.
- (5) When reconnection to an undersized system is permitted by SPS 383 and SPS 384, a flows and loads affidavit for the use of the undersized system must be recorded in the Register of Deeds office on forms supplied by the Department.

History: (Amendment 2013-A04, Section 15.25(5), effective (7-3-13))

- (6) All systems shall be inspected at the time of reconnection, prior to backfilling, to insure that proper materials and methods are used.

15.26 CONSTRUCTION AFFECTING WASTEWATER FLOW OR CONTAMINANT LOAD

Prior to commencing the construction of an addition to, modification, or change of use of a structure which will affect the wastewater flow and/or contaminant load as defined in SPS383.25 (2)(c)2a and b to an existing private on-site wastewater treatment system, the owner(s) of the property shall:

History: (Amendment 2013-A04, Section 15.26, effective (7-3-13))

- (1) Obtain a sanitary permit to construct a new private on-site wastewater treatment system or modify an existing private on-site wastewater treatment system to accommodate the modification in wastewater flow or contaminant load; or

History: (Amendment 2013-A04, Section 15.26(1), effective (7-3-13))

- (2) Provide the following to the Department:
 - (a) Documentation that a Private On-Site 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;

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

History: (Amendment 2013-A04, Section 15.26(2) (a) & (b), effective (7-3-13))

- (e) Documentation specified in Section 15.25(3) (b), (c) and (d).

- (3) If the existing private on-site wastewater treatment system is found to be undersized, construction of the building addition or modification shall be allowed only if permitted by SPS 383 and SPS 384, and an affidavit for the use of the undersized system is recorded in the Register of Deeds Office.

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

History: (Amendment 2013-A04, Section 15.26(3) & (4), effective (7-3-13))

15.27 CONSTRUCTION NOT AFFECTING WASTEWATER FLOW OR CONTAMINANT LOAD

- (1) General

Prior to commencing construction of any structure or addition to a structure on a site where there already exists a private on-site wastewater treatment system the owner or their agent shall determine that the proposed structure conforms to applicable setback limitations of SPS 383. Documentation shall be submitted to the Department.

History: (Amendment 2013-A04, Section 15.27(1), effective (7-3-13))

- (2) Prior to commencing the construction of an addition to or modification of a dwelling or habitable structure in which the construction will include 150 sq ft or greater the owner(s) of the property shall:

- (a) Provide the following to the Department:

1. Documentation that a Private On-Site 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;
2. Documentation showing that the location of the proposed structure conforms to the applicable setback distances to all of the existing private on-site wastewater treatment system components including vertical separation; and

History: (Amendment 2013-A04, Section 15.27(2)(a)1.&2., effective (7-3-13))

3. Documentation specified in Section 15.25(3) (b), (c) and (d).
4. If the existing private on-site wastewater treatment system is found to be undersized, construction of the building addition or modification shall be allowed only if permitted by SPS 383 and SPS 384 and if a flows and loads affidavit for the use of the undersized system is recorded in the Register of Deeds Office.

5. Any installation, addition or modification of a system must be completed and inspected before the addition or modified area of the structure may be occupied.

History: (Amendment 2013-A04, Section 15.27(2)(a)4.&5., effective (7-3-13))

15.28 PROPERTY TRANSFER REQUIREMENTS

- (1) Property transfers for developed properties enrolled in the Vilas County Sanitary Maintenance program for which post July 1, 1980 soils information is on file with the department.

Prior to the transfer of property enrolled in the Vilas County Sanitary Maintenance program, for which post July 1, 1980 soils information is on file with the department, the owner shall provide written notification of the maintenance program to the buyer. This notification shall include: the date of installation, the type of system, the legal description and the County computer number identifying the parcel.

- (2) Property transfers for developed properties not enrolled or enrolled without post July 1, 1980 soils information in the Vilas County Sanitary Maintenance Program.

History: (Amendment 2013-A04, Section 15.28(1)&(2), effective (7-3-13))

- (a) For which a real estate transfer fee is not collected.
Property transfers for developed properties enrolled in the Vilas County Sanitary Maintenance Program and where a real estate transfer fee is not collected, the property owner is not required to supply soils information on the existing sanitary system to the department.
- (b) For which a real estate transfer fee is collected.
For all developed properties not enrolled or enrolled without post 1980 soils information in the Vilas County Sanitary Maintenance Program in which a real estate transfer fee is collected, the buyer (new owner) shall:

History: (Amendment 2013-A04, Section 15.28(2)(a)&(b), effective (7-3-13))

1. Enroll in the Vilas County Sanitary Maintenance Program
2. Shall prove that the minimum separation requirement exists between the bottom of the soil absorption system and high-groundwater, or bedrock by supplying soils information pursuant to SPS 383.44.
3. Required soils information shall be supplied to the Vilas County Zoning office by July 1, following notification by the department.

History: (Amendment 2013-A04, Section 15.28(2)(b)2.&3., effective (7-3-13))

15.29 PERMIT FEES

- (1) Permit Fees, General

History: (Amendment 2013-A04, Subchapter 3: Permits and Applications, effective (7-3-13))

Fees shall be set and amended from time to time by the Board of Supervisors as recommended by the Zoning and Planning Committee. Prior to amending fees relating to this ordinance, a Class II public hearing shall be held.

(2) Permit Fees, Specific

The applicant upon filing his application shall pay a fee in accordance with the fee schedule adopted by the County Board. Additional fees including, but not limited to: expedited fee, re-inspection, monitoring, plan revision, agent plan review, after-the-fact, Wisconsin Fund and transfer fees shall be adopted by the County Board. Failure to provide the appropriate fee deems the application incomplete and deficient.

(3) Refunds.

After the Sanitary Permit has been reviewed and issued, the fees shall not be refunded.

History: (Amendment 2013-A04, Section 15.29(3), effective (7-3-13))

SUBCHAPTER 4: INSPECTIONS

15.41 INSPECTIONS: GENERAL

- (1) Notice for final inspection shall be given to the Department for all private on-site wastewater treatment systems installed, modified or reconnected.
- (2) Private on-site wastewater treatment systems shall be inspected by the Department for compliance with SPS 382, SPS 383, SPS 384, and SPS 391, other appropriate statutory and administrative code sections, and this ordinance.
- (3) Notification for final inspection shall be given in accordance with the requirements of SPS 383.
- (4) The entire system shall be left completely uncovered until it has been inspected and accepted, unless the requirements of SPS 383 are not met by the Department.

History: (Amendment 2013-A04, Section 15.41(1), (2),(3)&(4) , effective (7-3-13))

- (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 an inspection.
- (6) Private on-site 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 or Designee.

History: (Amendment 2013-A04, Section 15.41(6), effective (7-3-13))

- (7) Pre-construction site meetings may be required for all technologies and installations as deemed necessary by the Department. Specific technologies shall require pre-construction site meetings. Applicant shall verify whether pre-construction meeting is required.

15.42 INSPECTIONS: SPECIFIC

(1) Mound Systems

- (a) The plumber installing the mound system shall notify the Department the working day prior to the installation, excluding Saturdays, Sundays and holidays.
 - (b) Mound systems shall be inspected at the time the ground surface is plowed, at the time the distribution piping installation has been completed and after all work has been completed.
- (2) Mound Systems utilizing less than 12 inches of in situ soil
- (a) The plumber installing the mound shall notify the Department the working day prior to the installation, excluding Saturdays, Sundays and holidays.
 - (b) Mound systems shall be inspected at the time the ground surface is plowed, at the time the distribution piping installation has been completed and after all work has been completed.

(3) At-Grade Systems

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

(4) Mechanical POWTS Treatment Units

- (a) The plumber installing the mechanical POWTS Treatment Unit shall notify the Department the working day prior to the installation, excluding Saturdays, Sundays and holidays.
- (b) Mechanical POWTS Treatment Units shall be inspected as deemed appropriate by the Department with at least a final inspection conducted after installation has been completed and prior to backfill.

(5) Sand, Gravel and Peat Filters

- (a) The plumber installing the sand, gravel and/or peat filter shall notify the Department the working day prior to the installation, excluding Saturdays, Sundays and holidays.
- (b) Site constructed filters shall be inspected at the time the liner or tank and under drain are in place, before placement of any treatment media, at the time the distribution piping installation has been completed, and after all work has been completed.
- (c) Prefabricated filters shall be inspected as deemed appropriate by the Department with at least a final inspection after installation has been completed and after all work has been completed.

(6) Experimental Systems and Other Systems not recognized by SPS 383.61

History: (Amendment 2013-A04, Section 15.42(6), effective (7-3-13))

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

(7) Non-Plumbing Sanitary Systems

- (a) All non-plumbing sanitary systems installed shall be inspected for compliance with SPS 391, SPS 362.2900(2)(a)(b) and this ordinance

History: (Amendment 2013-A04, Section 15.42(7) (a), effective (7-3-13))

- (b) The property owner shall notify the Department for inspection immediately after the non-plumbing sanitary system has been constructed or installed.

(8) Pre-Cast Holding Tanks

- (a) The plumber installing pre-cast holding tanks shall notify the Department the working day prior to the installation, excluding Saturdays, Sundays and holidays.

- (b) Pre-Cast Holding Tanks shall be inspected as deemed appropriate by the Department with at least a final inspection after installation has been completed and after all work has been completed.

(9) Site Constructed Holding Tanks

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

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

- (c) A final inspection shall be performed prior to covering any portion of the holding tank, piping and/or connections.

(10) Pressurized Systems

- (a) The plumber installing the pressurized system shall notify the Department the working day prior to the installation, excluding Saturdays, Sundays and holidays.

- (b) Pump tanks and related equipment shall be inspected as deemed appropriate by the Department with at least a final inspection after installation has been completed and after all work has been completed

(11) Pressurized Systems with less than one-eighth (1/8) inch orifice diameter

- (a) The plumber installing the system shall coordinate any required pre-construction meeting(s).

- (b) The plumber installing the system shall notify the Department at least two (2) workdays prior to beginning the installation of the system to schedule the inspection(s) and shall notify the State as may be required by the approved plans.
 - (c) Department inspections shall include an inspection during the time the distribution piping is being installed, an inspection for each component and a final inspection.
- (11) Filters, In-tank & In-line
 - (a) The plumber installing the filter(s) shall notify the Department the working day prior to the installation, excluding Saturdays, Sundays and holidays.
 - (b) Filters shall be inspected as deemed appropriate by the Department with at least a final inspection after installation has been completed and after all work has been completed.
- (12) Disinfection Unit
 - (a) The plumber installing the system shall coordinate any required pre-construction meeting(s).
 - (b) The plumber installing the system shall notify the Department at least two (2) workdays prior to beginning the installation of the system to schedule the inspection(s) and shall notify the State as may be required by the approved plans.
 - (c) Inspections shall be done pursuant to the approved plan requirements and as deemed necessary by the Department to assure compliance with appropriate codes and the plan approval.
 - (d) These systems shall be inspected as deemed appropriate by the Department with at least a final inspection after installation has been completed and after all work has been completed.
- (13) Pump Tanks and Related Equipment
 - (a) The plumber installing the pump tank and related equipment shall notify the Department the working day prior to the installation, excluding Saturdays, Sundays and holidays.
 - (b) Pump tanks and related equipment shall be inspected as deemed appropriate by the Department with at least a final inspection after installation has been completed and after all work has been completed.

15.43 RE-INSPECTION AND ADDITIONAL INSPECTIONS

- (1) A re-inspection fee may be assessed when a re-inspection 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 site re-inspection will require an additional fee.
- (2) The re-inspection fee shall be due within ten working days of written notification by the Department. Failure to pay this fee within that period shall constitute a violation of this Ordinance.
- (3) Additional inspections are encouraged on sites where multiple components are being installed where the installation of each or a portion of each component may conflict with the installation of another or a portion of another component. Additional inspections require a fee, but allow an orderly inspection process that may benefit the installer and property owner with less land disturbance and disruption. Installers are encouraged to plan accordingly when requesting additional inspections.

15.44 TESTING

- (1) If testing of new systems or new system components is required by administrative code, or as a condition of plan approval, notice shall be given to the Department as specified in Section 15.41, so that the Department may make an inspection during the test.

History: (Amendment 2013-A04, Section 15.44(1), effective (7-3-13))

- (2) The Department shall verify that required testing has been completed, by:
 - (a) Performing an inspection during the test,
 - (b) Requiring written verification from the responsible person, or
 - (c) Both (a) and (b).

SUBCHAPTER 5: SYSTEM MANAGEMENT AND MAINTENANCE

15.51 MAINTENANCE AND MANAGEMENT

- (1) All private on-site wastewater treatment systems shall be managed and maintained in accordance with SPS 383, SPS 384, and SPS 391 and this Ordinance.
- (2) The property owner shall report to the Department each inspection, maintenance or servicing event, in accordance with SPS 383.55 and this Ordinance.

History: (Amendment 2013-A04, Section 15.51(1) & (2), effective (7-3-13))

- (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 maintenance agreement and/or servicing contract to the Department 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 Department prior to expiration of any existing maintenance agreement and/or servicing contract.

15.52 SEPTIC TANK MAINTENANCE PROGRAM

(1) Septic Tanks

All septic tanks shall be visually inspected and/or pumped at least once every three years in accordance with SPS 383.54. If upon inspection the tank is found to have greater than 1/3 of the volume occupied by sludge and scum, the tank shall be pumped. A visual inspection of the entire POWTS system shall be completed at the same interval.

History: (Amendment 2013-A04, Section 15.52(1), effective (7-3-13))

(2) Septic Tank Pumping

Pumping of a septic tank shall be done by a certified septicage servicing operator in accordance with Wis. Adm. Code NR 113.

(3) Visual Inspections

Visual inspection of a private sewage system may be conducted by a plumber, a POWTS Inspector, a POWTS Maintainer, a person licensed under Wisconsin Statutes 281.48, or by an authorized County or State employee to determine the condition of the tank and whether wastewater or effluent from the POWTS is ponding on the ground surface. Additional information may be requested by the Department.

(4) Inspection Report, General Requirements

The owner of such septic tank 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 ponding on the ground surface and the date of pumping within 30 calendar days of the date of inspection and pumping. Reports shall include all information required in SPS 383.55 and be signed by the person(s) inspecting and pumping the private sewage system. Other maintenance or management reports required by SPS 383 or SPS 384 should be included with this report.

History: (Amendment 2013-A04, Section 15.52(4), effective (7-3-13))

- (5) Department Forms
Standard Forms may be developed and/or required by the Department.
Examples may include, but are not limited to:

(a) Vilas County Sanitary Maintenance Card

(b) Vilas County Sanitary Maintenance Initiation Form

History: (Amendment 2013-A04, Section15.52 (5), effective (7-3-13))

- (6) Additional information may be required as necessary to adequately manage POWTS.
Examples may include, but are not limited to:

(a) Baffle conditions

(b) Alarm status

(c) Manhole condition

History: (Amendment 2013-A04, Section15.52 (6), effective (7-3-13))

15.53 HOLDING TANK MAINTENANCE AGREEMENT

- (1) The proposed owner of the holding tank shall enter into a Maintenance Agreement with Vilas County before a sanitary permit is issued. The agreement shall be signed on a form provided by the Zoning Administrator, whose designee 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 Maintenance 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 their agent shall submit a copy of the holding tank Maintenance Agreement when the application is submitted to the Department for review.

History: (Amendment 2013-A04, Section15.53 (1) & (2), effective (7-3-13))

SUBCHAPTER 6: ADMINISTRATION AND ENFORCEMENT

15.61 ADMINISTRATION

The Zoning Administrator shall be responsible for the administration of this Ordinance. The Administrator may delegate responsibilities to personnel employed by the Zoning and Planning Department.

15.62 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 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 on-site wastewater treatment systems for one and two family residences or as approved through agent status by the State.

History: (Amendment 2013-A04, Section 15.62(3), effective (7-3-13))

- (4) Issue sanitary permits and inspect properties for compliance with this ordinance and related Wisconsin Statutes and Administrative Code.
- (5) Keep records of all sanitary permits issued, inspections made, work approved, and other official actions.
- (6) Report violations of this Ordinance to the Corporation Counsel.
- (7) Have access to any premises for the purpose of performing official duties between 8 a.m. and 8 p.m. or at other times set by mutual agreement between the property owner or their agent and the Zoning Administrator or upon issuance of a special inspection warrant in accordance with Wisconsin Stat. 66.0119. Application for a sanitary permit is considered for the purposes of this Ordinance as the owner's consent to enter the premises.

History: (Amendment 2013-A04, Section 15.62(7), effective (7-3-13))

- (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 Administrative Code is obtained.
- (9) Issue and enforce orders to plumbers, pumpers, property owners, their agents or contractors or a responsible party, to assure proper compliance with all provisions of this Ordinance.
- (10) Apply for and distribute grants obtained through the Wisconsin Fund Grant Program.
- (11) Withhold permit(s) or approval(s) pursuant to this Ordinance where the applicant, owner or licensed contractor is in violation of this or any Ordinance administered by the Department and for any parcel(s) of land which have an outstanding violation until the violation(s) have been corrected. A request for waiver of these provisions

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.

- (12) Consider and approve or deny requests for a waiver to §15.14(4) of this Ordinance. Approval of such requests shall be based upon conditions or circumstances unique to the parcel of land or structure served. In granting such a waiver, the Zoning Administrator may require recording of affidavits, the identification and preservation of a replacement system area or other conditions as deemed necessary.
- (13) Perform other duties regarding private on-site wastewater treatment systems as considered appropriate by the County or the State.

History: (Amendment 2013-A04, Section 15.62(13), effective (7-3-13))

15.63 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 the Vilas County General Zoning Ordinance. Any appeal shall be made on forms furnished by the Board of Adjustment within 30 days of the date of that administrative action. Other substantiating evidence will be accepted.

15.64 WISCONSIN FUND APPEALS

- (1) Request for initial review of determination. Pursuant to Wis. Stat. 68.08, any person in disagreement with the denial of a Wisconsin Fund application may have a written or oral determination reviewed by written request mailed or delivered to the Zoning Office within 30 days of notice to such person of such determination. The request for review shall state the ground(s) upon which the person aggrieved contends that the decision should be modified or reversed. A request for review shall be made to the employee who made the determination.

History: (Amendment 2013-A04, Section 15.64(1), effective (7-3-13))

15.65 VIOLATIONS AND PENALTIES

- (1) Any person, property owner, individual, company, partnership, corporation, or agent who fails to comply with the provisions of this ordinance or any order of the Department issued in accordance with this ordinance, or who resists enforcement, shall be subject to a penalty as follows: a \$100.00 forfeiture for first offense, \$ 250.00 forfeiture for second and subsequent offense may result in a Vilas County Circuit Court Civil Action.

History: (Amendment 2013-A04, Section 15.65(1), effective (7-3-13))

- (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.

SEQUENCE OF EVENTS

Ordinance/ Year/ Change	Date
<p>Ordinance 2001-2A <u>Subchapter 2:</u> General requirements 15.14(5), <u>Subchapter 3: Permits and Applications,</u> 5.22(2)(a)9 Application Requirements Public hearing County Board Approval Published</p>	<p>6-28-01 8-21-01 8-29-01</p>
<p>Ordinance 2003-1A <u>Subchapter 1:</u> 15.07 Definitions, <u>Subchapter 2:</u> 15.14(3) Limitations, <u>Subchapter 3:</u> 15.22(1)(C) Sanitary Permit Application and Revision of Vilas County Sanitary Fee Schedule (POWTS) Public hearing County Board Approval Published</p>	<p>5-08-03 6-24-03 7-09-03</p>
<p>Ordinance 2004-6A <u>Subchapter 1:</u> 15.02(3) Introduction, <u>Subchapter 2:</u> 15.14 (4)(a)-(e) General Requirements 15.15(3)(a)-(d), <u>Subchapter 3:</u> Permits and Applications, 15.24-(13) Sanitary Permit Specific Requirements for Approval 15.33(2) Permit Fees, Specific Revision of Vilas County Sanitary Fee Schedule (POWTS), <u>Subchapter 5:</u> System Management and Maintenance 15.52(3) Visual Inspections 15.54(4) Public Hearing County Board Approval Published</p>	<p>7-04-04 8-17-04 9-01-04</p>
<p>Ordinance 2013-A04 Table of Contents, <u>Subchapter 1:</u> 15.01 Statutory Authority, 15.02 Purpose and Intent, 15.03 Findings of Fact, 15.04 Repeal and Effective Date, 15.05 Severability and Liability & 15.07 Definitions, <u>Subchapter 2:</u> 15.11 Compliance, 15.12 Incorporation of Provisions by Reference, 15.14 Limitations, 15.15 Technology, Prohibitions & Limitations, 15.16 Abandonment of Private On-Site wastewater Treatment Systems, 15.17 Non-Plumbing Sanitary Systems & 15.18 Campgrounds., <u>Subchapter 3:</u> 15.21 Soil and Site Evaluation, 15.22 Sanitary Permit Application, 15.23 Sanitary Permit, General, Conditional Approval, 15.24 Sanitary Permit, Specific Requirements for Approval, 15.25 Reconnection, 15.26 Construction Affecting Wastewater Flow or Contaminant Load, 15.27 Construction not Affecting Wastewater Flow or Contaminant Load, 15.28 Property Transfer Requirements & 15.29 Permit Fees, <u>Subchapter 4:</u> 15.41 Inspections: General, 15.42 Inspections: Specific & 15.44 Testing, <u>Subchapter</u> <u>5:</u> 15.51 Maintenance and Management, 15.52 Septic Tank Maintenance Program & 15.53 Holding Tank Maintenance Agreement, <u>Subchapter 6:</u> 15.26 Powers and Duties, 15.64 Wisconsin Fund Appeals & 15.65 Violations and Penalties and Revision of Vilas County Sanitary Fee Schedule (POWTS) 2 Public Hearings (Ordinance and Fee Schedule) County Board Approval Published</p>	<p>5-07-13 6-25-13 7-03-13</p>

ATTEST,

I, Dave Alleman, Clerk of Vilas County, Wisconsin, do hereby certify that this is a true and correct copy of the CHAPTER 15 – PRIVATE SEWAGE SYSTEM ORDINANCE, which was duly processed properly, introduced and amended by the Vilas County Board of Supervisors on June 25, 2013, and became effective upon adoption and publication thereof.

 Dave Alleman
 Vilas County Clerk
 Vilas County, Wisconsin