

ORDINANCE NO. 10-2020

Repealing and Recreating Ch. 334 – Sewage Systems, Private

The County Board of Supervisors of Green Lake County, Green Lake Wisconsin, duly assembled at its regular meeting begun on the 18th day of August 2020, does ordain as follows:

- 1 **WHEREAS**, the Land Use Planning and Zoning Committee has reviewed the
- 2 recommendations of the Land Use Planning and Zoning Department and finds that the
- 3 Ch. 334 – Sewage Systems, Private as currently written requires a comprehensive
- 4 revision.

Roll Call on Ordinance No. 10-2020

Submitted by Land Use Planning
and Zoning Committee:

Ayes 18, Nays 0, Absent 1, Abstain 0

/s/ Curt Talma

Curt Talma, Chair

Passed and Enacted/~~Rejected~~ this 18th
day of August, 2020.

William Boutwell, Vice-chair

/s/ Harley Reabe

County Board Chairman

/s/ Chuck Buss

Chuck Buss

/s/ Elizabeth A. Otto

ATTEST: County Clerk
Approve as to Form:

/s/ Don Lenz

Don Lenz

/s/ Dawn N. Klockow

Corporation Counsel

/s/ Harley Reabe

Harley Reabe

6 **NOW, THEREFORE, THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY**
7 **OF GREEN LAKE DOES ORDAIN AS FOLLOWS:**

8 Section 1. Green Lake County Ordinance, Chapter 334, Sewage Systems, Private is
9 hereby repealed and recreated as follows:

10 **CHAPTER 334 - PRIVATE SEWAGE SYSTEMS ORDINANCE**

- 11
- 12 **334-1 Statutory Authorization**
- 13 **334-2 Purpose**
- 14 **334-3 Jurisdiction**
- 15 **334-4 Administration**
- 16 **334-5 General Provisions**
- 17 **334-6 Installations Prohibited**
- 18 **334-7 Soil and Site Evaluations**
- 19 **334-8 Sanitary Permits and Applications**
- 20 **334-9 Reconnections**
- 21 **334-10 Construction Affecting Wastewater Flow or Contaminant Load**
- 22 **334-11 Construction Not Affecting Wastewater Flow or Contaminant Load**
- 23 **334-12 Permit Fees**
- 24 **334-13 POWTS Maintenance Program**
- 25 **334-14 Non-Plumbing Sanitation Systems**
- 26 **334-15 Holding Tanks**
- 27 **334-16 Inspections**
- 28 **334-17 Violations, Penalties, Remedial Action, Enforcement**
- 29 **334-18 Subdivision Plats**
- 30 **334-19 Definitions**

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32 **334-1 Statutory Authorization.**

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34 This Chapter is adopted pursuant to the authority contained in §§ 59.70(5),
35 66.0703, 145.19(1b), 145.20, , and 254.59(2) Wis. Stats. and Wis. Admin. Code SPS
36 Chs. 381, 382, 383, 384, 385, and 391.

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38 **334-2 Purpose.**

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40 This Chapter is adopted for the purpose of promoting and protecting the public
41 health, safety, prosperity and general welfare and to further the maintenance of safe
42 and healthful conditions for the people and communities within the County. This
43 Chapter is intended to ensure the proper siting, design, construction, installation,
44 inspection, and maintenance of all private on-site wastewater treatment systems so
45 as to protect the health of the citizens of the County. As unforeseen circumstances
46 arise which are not specifically covered, the basic principles enumerated in this
47 Chapter shall serve to define the intent.

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49 **334-3 Jurisdiction.**

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This Chapter shall apply throughout the unincorporated areas of the County, including all lands and waters, and shall apply to those incorporated areas of the County which have not adopted and do not adopt their own sanitary code or Code.

334-4 Administration.

A. This Chapter incorporates by reference the following rules, regulations, and laws, as set forth in the Wisconsin State Statutes and the Wisconsin Administration Code: §§ 59.70(5), 281, 145, 146 and 968.10, Wis. Stats.; SPS 381, SPS 382, SPS 383, SPS 384, SPS 385, SPS 387, SPS 391, NR 113 and NR 116 Administrative Code, as amended. These rules, regulations, and laws shall apply until amended or renumbered and then shall apply as amended or renumbered.

B. The Land Use Planning and Zoning Department (hereinafter “Department”) under direction of the Land Use Planning and Zoning Director (hereinafter “Director”) shall be responsible for the administration and enforcement of this Chapter. The responsibilities of the Department may be delegated by the Director to personnel employed by the County.

C. The Director or their designee(s) shall have the following duties and power:

1. Administer provisions of Wisconsin Fund Grant Program as required by Wisconsin State Statutes and Wisconsin Administrative Code.
2. Advise applicants as to the provisions of this Chapter and assist them in preparing permit applications.
3. Review and approve plans for private on-site wastewater treatment and sanitation systems that treat domestic wastewater.
4. Issue or deny permits and inspect properties for compliance with this Chapter.
5. Keep records of all permits issued, inspections made, work approved and other official actions.
6. Have access to any structure or premises between 8:00 a.m. and 6:00 p.m. for the purpose of performing duties. Application for and issuance of a sanitary permit shall constitute permission by the owner for said access.
7. Report violations of this Chapter to the Planning and Zoning Committee and the Corporation Counsel.
8. Upon reasonable cause or question as to proper compliance, revoke any permit issued under this Chapter and require cessation of any construction, alteration or use of any building which is in violation of the provisions of this Chapter until compliance with this Chapter or all applicable State Statutes and Codes is obtained.

- 96 9. Order any person owning, using, operating or installing a POWTS
97 to modify, repair, replace or return the POWTS to a safe and
98 sanitary condition if they find the POWTS defective, unsanitary,
99 malfunctioning or otherwise in violation of this Chapter or other
100 applicable state regulations.
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102 **334-5 General Provisions.**
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104 **A. Public Sewer.** All plumbing fixtures shall be connected to a public
105 sewer where available. Determination of whether a sewer is available shall be made by
106 the local sanitary district. Where such a public sewer system is not available, a private
107 sewage system shall be used.
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109 **B. Allowable Use.** Private sewage systems or other treatment tank and
110 effluent disposal systems shall be constructed when no public sewer is available to the
111 property to be served. Unless otherwise specifically approved by the Department, the
112 wastewater disposal system of each building shall be entirely separate from and
113 independent of that of any other structure or building. A private sewage system may
114 be owned by the property owner or by a special purpose district. The use of a
115 common system will be subject to the same plan review procedures as for systems
116 serving public buildings.
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118 **C. Floodplain.** Any private sewage system, or portion(s) thereof, installed
119 within a floodplain shall comply with all applicable requirements of Wisconsin
120 Administrative Code NR 116 and Chapter 300.
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122 **D. Abandonment of Private Sewage Systems.**
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- 124 1. All unused treatment tanks, settling chambers, dosing chambers
125 and seepage pits shall have the contents removed and disposed
126 of in accordance with the requirements of Wisconsin
127 Administrative Code NR 113, or acts amendatory thereto. The top
128 or entire tank shall be removed and the remaining portion of the
129 tank or excavation shall be immediately filled with soil material of
130 similar characteristics to that of which exists on the property.
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132 **E. Failing System.**
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- 134 1. When a failing or malfunctioning private sewage system is
135 identified, the sewage disposal system shall be corrected or its
136 use discontinued within that period of time required by
137 Department order, but in no case shall this time period be
138 extended beyond one (1) year of the notification of failure or
139 malfunction. Health and safety hazards shall be abated
140 immediately.
141 2. If any part of a system has failed, the entire system shall be

142 evaluated for compliance with existing codes and this Chapter.
143

144 **F. Domestic Waste.** All water-carried wastes derived from ordinary human
145 living uses shall enter the septic or treatment tank unless otherwise specifically
146 exempted by the State or this Chapter.
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148 **G. A Non-plumbing Sanitation System.** A non-plumbing sanitation
149 system may be permitted only when the structure or premises served by the system is
150 not provided with any type of indoor plumbing system. If plumbing is installed in the
151 structure a private on-site wastewater treatment system shall be installed prior to the
152 connection of water service.
153

154 **H. Cesspools.** The use of a cesspool is prohibited.
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156 **I. Industrial Waste / Non-Domestic Waste.** The Department of Natural
157 Resources shall be contacted in regard to the treatment and disposal of all industrial
158 or non-domestic wastes including those combined with domestic waste.
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160 **J. Clear Water.** The discharge of surface rain or other clear water into a
161 private sewage system is prohibited, except that water softener or iron filter discharge
162 may enter a private on-site wastewater treatment system.
163

164 **K. Uniform numbering.** Prior to any sanitary permit for new construction
165 being issued, the Department shall require the applicant to obtain a fire number under
166 Article II of Ch. 217 "Road Names and Building Numbers" of the Code of Green Lake
167 County.
168

169 **334-6 Installations Prohibited.**

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171 **A.** Installation of a holding tank is prohibited if any other type of private on-
172 site wastewater treatment system (POWTS) permitted by SPS 383, Wisconsin
173 Administrative Code, is to be utilized except for those treatment components
174 enumerated as 1, 2, 3 and 4 of Table 383.04- 1 of the Wisconsin Administrative Code. A
175 sanitary permit for the installation of any septic system, which designates a holding
176 tank as a replacement system, shall not be used unless a Soil or Site Evaluation
177 determines that the property is unsuitable for any other type of system permitted by
178 SPS 383, Wisconsin Administrative Code.
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180 **B.** Installation of a holding tank is prohibited for new construction as
181 provided by Section 383.32(2)(a)1 SPS 383, Wisconsin Administrative Code with the
182 following exceptions:
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- 184 1. Systems in an area where a sanitary district has been formed.
- 185 2. Holdings tanks to service dwellings or structures that replace
186 dwellings, which existed on April 21, 1992.
- 187 3. Holdings tanks to serve municipal public facilities.

188 4. Exemptions per Section 334-15.A.3 where the design wastewater
189 flow is less than 150 gallons per day.

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191 C. Installation of a constructed wetland is prohibited as a POWTS
192 treatment component as required under Section 383.32(2)(a)2 SPS 383, Wisconsin
193 Administrative Code.

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195 D. Installation of an evapotranspiration bed as a POWTS treatment
196 component is prohibited as required under Section 383.32(2)(a)3 SPS 383, Wisconsin
197 Administrative Code.

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199 **334-7 Soil and Site Evaluations.**

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201 A. Soil and site evaluations shall be done prior to the issuance of a sanitary
202 permit as specified in and in compliance with SPS 383 and SPS 385, Wisconsin
203 Administrative Code.

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205 B. A soil evaluation shall be conducted by a State certified soil tester or
206 professional soil scientist on all sites regardless of the type of POWTS planned to
207 serve the parcel, unless it can be demonstrated, to the satisfaction of the Department,
208 that sufficient area does not exist for a POWTS, which utilizes in- situ soil.

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210 C. At least one soil pit, large enough to enter and allow visual evaluation of
211 the in-situ soil profile, shall be constructed for each proposed soil absorption area.

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213 D. Department site evaluation or verification of the proposed absorption
214 area may be required prior to issuance of a sanitary permit.

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216 E. Preliminary soil and site evaluations may be required before the creation
217 of new lots by means of a certified survey map or subdivision plat, as defined in the
218 Chapter 315 of the Code of Green Lake County, if review of data, including but not
219 limited to, the County Soil Survey, site and soil evaluations on neighboring lands, and
220 familiarity of the area, indicate that the lots intended may only be served by a holding
221 tank.

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223 F. New lots that can only be served by systems enumerated as 1., 2., 3.,
224 and 4., of Table 383.04-1 of the Wisconsin Administrative Code, may at the discretion
225 of the Department, be required to have the suitable area delineated on the resultant
226 certified survey map or plat.

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228 **334-8 Sanitary Permits and Applications.**

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230 A. **Permits.**

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232 1. Every POWTS and non-plumbing sanitation system shall require a
233 separate application and permit.

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2. A sanitary permit shall be obtained by the property owner, his agent or contractor, or in the name of the property owner, prior to the start of construction of any structure, which requires a POWTS or non-plumbing sanitation system.
 3. A sanitary permit shall be obtained by the owner, his agent or contractor, before any POWTS may be installed, enlarged or altered.
 4. No master plumber or master plumber-restricted shall install a POWTS holding or treatment component unless the property owner holds a valid sanitary permit.
 5. A County sanitary permit shall be obtained prior to the reconnection of a POWTS, which has been disconnected from a structure.
 6. A County sanitary permit shall be obtained prior to constructing or erecting a non-plumbing sanitation system.
 7. The permit card issued by the Department shall serve as a notice to the observer that a sanitary permit has been issued for the respective property.
 8. The permit card shall be displayed at the site in such a manner that it will be visible from a road abutting the parcel at all phases of construction.
 9. The permit card shall not be removed until the POWTS or non-plumbing sanitation system has been installed, inspected, and approved by the Department.

259 **B. Application Requirements.**

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1. The sanitary permit application shall include the following information which shall be furnished by the applicant on forms provided by the Department along with applicable fees:
 - a. Names and address of the applicant (owner of the property) and the plumber employed (where applicable).
 - b. Legal description of the property.
 - c. All lot dimensions.
 - d. Building use (single family, duplex, etc.) and/or any other information required by the Department pertaining to projected wastewater output.
 - e. Soil and Site Evaluation report.
 - f. System plans conforming to Section 334-8(C).
 - g. Appropriate system management and maintenance agreements and contracts.
 - h. Copies of any recorded documents required under this Chapter.
 - i. When any official State action is required, an original copy of the official action shall accompany this application.
 - j. Any other information requested by the Land Use Planning &

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Zoning Department.

2. Where required, the following documents must be recorded with the County Register of Deeds as an attachment to the property deed prior to the issuance of a sanitary permit:
 - a. Maintenance agreements or contracts, when recording of such is required by Wisconsin Administrative Code SPS 383 and/or this Chapter.
 - b. When a POWTS, or parts thereof, are located on a different parcel than the structure it serves, an appropriate easement must be recorded.
 - c. POWTS per capita sizing affidavit for existing systems that is permitted to remain in use under SPS 383, SPS 384, Wisconsin Administrative Code and this Chapter.
3. The Department reserves the right to require floodplain and/or wetland delineation for a building site or POWTS area prior to sanitary permit issuance. The Department may require elevations on plans to be tied to floodplain elevation datum.
4. The Department reserves the right to refuse incomplete or incorrect permit applications or to delay permit issuance until corrected or completed applications are received.

C. Plans.

1. System plans shall be submitted for approval to the Land Use Planning & Zoning Department or to the State in accordance with SPS 383, Wisconsin Administrative Code. Plans shall comply with SPS 383, Wisconsin Administrative Code, and this Chapter.
2. Plans submitted shall be clear, legible, and include the original system plan as well as two copies.
3. Plans shall include the following items:
 - a. The name of the property owner and a legal description of the site.
 - b. Estimated daily wastewater flow and design wastewater flow.
 - c. A detailed plot plan, dimensioned or drawn to scale, on paper no smaller than eight and one half (8 ½) inches by eleven (11) inches in size. The plot plan shall delineate the lot size and location of all existing and proposed: POWTS, building sewers, private interceptor main sewers, wells, water mains or water services, buildings, lot lines, swimming pools, navigable waters, replacement system areas, location of building to be served or proposed building location, the benchmark established on the Soil and Site Evaluation Report, and accesses and associated public roadways. Adjoining properties shall be checked to insure that horizontal setback parameters in SPS 383, Wisconsin

326 Administrative Code are met. All separating distances shall
327 be clearly shown on plot plan. Plot plans shall include a
328 north arrow.

- 329 d. Details and configuration layouts depicting how the system
330 is to be constructed.
- 331 e. Systems utilizing an effluent pump shall include pump
332 curve and model information.
- 333 f. Effluent filter information; manufacturer, model,
334 manufacturer recommended maintenance interval.
- 335 g. A description of a contingency plan in the event the
336 POWTS fails and cannot be repaired.
- 337 h. Sufficient supporting information to determine whether the
338 proposed design, installation and management of the
339 proposed POWTS or modification to an existing POWTS
340 complies with SPS 383, Wisconsin Administrative Code,
341 and this Chapter.
- 342 i. Plan shall be signed or sealed as specified in SPS 383,
343 Wisconsin Administrative Code.
- 344 j. A copy of the approved plans shall be maintained at the
345 construction site until the POWTS installation is
346 completed, inspected and accepted. The plans shall be
347 made available to the Land Use Planning & Zoning
348 Department or State upon request.
- 349 k. A modification to the design of a POWTS, which has been
350 previously approved shall be submitted to the Land Use
351 Planning & Zoning Department or the State as specified in
352 SPS 383, Wisconsin Administrative Code. Plan revisions
353 must be approved prior to system installation.

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355 **D. Permit Expiration.**

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- 357 1. A sanitary permit for a system which has not been installed,
358 modified or reconnected shall expire two (2) years after the date
359 of issuance.
- 360 2. Permits may be renewed prior to the expiration date. Written
361 application to the Land Use Planning & Zoning Department is
362 required and the renewal shall require an additional fee.
- 363 3. The renewal shall be based on State code and the County Code
364 requirements in effect at the time that the request for renewal is
365 made.
- 366 4. Changes in Code or Chapter requirements may impede the
367 renewal.
- 368 5. The owner or his agent prior to beginning construction shall
369 obtain a new sanitary permit if a sanitary permit has expired.

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371 **E. Permit Transfer.**

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1. Transfer of ownership of a property for which a valid sanitary permit exists shall be subject to the following:
 - a. The applicable State transfer form shall be submitted to the Department.
 - b. Transfer fee shall be included with the request.
 - c. The Land Use Planning & Zoning Department shall issue a new sanitary permit card upon approval of transfer.
 - d. Transfer of owner shall not affect the expiration date or the renewal requirements.

F. Change of Plumbers.

1. When an owner wishes to change plumbers on a valid sanitary permit the following items must be submitted to the Land Use Planning & Zoning Department prior to the installation of the POWTS:
 - a. A sanitary permit application signed by the new plumber.
 - b. Sanitary permit transfer fee.
 - c. A new system plan, which meets the requirements of Section 334-8 (C) unless the existing plan bears a stamp of a licensed plumbing designer.
 - d. The Land Use Planning & Zoning Department shall issue a new sanitary permit, and permit card upon approval of transfer.
 - e. Change of plumbers shall not affect the expiration date or renewal requirements.

G. Permit Denial.

1. When applicable provisions of Wisconsin Statutes, Wisconsin Administrative Code, or this Chapter 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 DSPS and the County Corporation Counsel.
2. In the event that a sanitary permit is denied the property owner has the right to appeal the denial decision or request a variance.

334-9 Reconnections.

- A.** A reconnection permit shall be obtained prior to:
1. Construction of a structure to be connected to an existing POWTS.
 2. Disconnection of a structure from an existing POWTS and

418 connection of another structure to the system, except as permitted
419 under Section 334-9(C).

420 3. Rebuilding a structure that is connected to a POWTS.

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422 **B.** Prior to issuing a reconnection permit, the existing POWTS shall be
423 evaluated to:

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425 1. Determine if the existing system is functioning properly. A
426 licensed plumber's signed statement regarding the condition of
427 the system and all its components shall be provided.

428 2. Determine if it will be capable of handling the proposed
429 wastewater flow and contaminant load from the building to be
430 served.

431 3. Determine that all minimum setback requirements of SPS 383,
432 Wisconsin Administrative Code, will be maintained.

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434 **C.** Application for a County reconnection permit shall include the following:

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436 1. All items in Section 334-8(B)(1 (a-d)).

437 2. In cases where the existing POWTS was installed based on soil
438 percolation rate or an insufficient soil test, soil boring data shall
439 be provided that documents suitable soil conditions exist to a
440 depth of not less than two (2) feet above groundwater or bedrock
441 for POWTS installed prior to December 1, 1969, and at least
442 three (3) feet above the ground water or bedrock for POWTS
443 installed on or after December 1, 1969.

444 3. Appropriate agreements and contracts for system management
445 and maintenance.

446 4. A report by a licensed plumber, certified septage servicing
447 operator or POWTS inspector relative to the condition, capacities,
448 baffles, and manhole covers for any existing treatment or holding
449 tanks.

450 5. A report provided by a licensed plumber or POWTS inspector
451 relative to the condition and capacities of all other system
452 components and verifying that the system is not failed.

453 6. Complete plans as specified under Section 334-8(C) for any
454 system components, which will be modified or replaced.

455 7. A plot plan, as specified under Section 334-8(C)(3)(c) for any
456 system components that are existing and intended for utilization.

457 8. When reconnecting to a system, that has a design flow capacity
458 below the design flow calculated by number of bedrooms, is
459 permitted under Wisconsin Administrative Code, a "POWTS Per
460 Capita Sizing" affidavit must be recorded in the County Register of
461 Deeds Office.

462 9. All systems shall be inspected by the Department at the time of
463 reconnection, prior to backfilling to insure that the proper

464 materials and methods are being used.

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466 **334-10 Construction Affecting Wastewater Flow or Contaminant Load.**

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468 **A.** An increase in wastewater flow or contaminant load due to new
469 construction shall be considered to take place when one of the following occurs:

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471 1. There is an increase in the number of bedrooms.
472 2. In public buildings, facilities or places of employment, when there
473 is a proposed change in occupancy of the structure; or the
474 proposed modification affects either the type or number of
475 plumbing appliances, fixtures or devices discharging to the
476 system.

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478 **B.** Prior to commencing the construction of an addition to or modification of
479 a structure, which will increase wastewater flow or contaminant load to an existing
480 POWTS the owner(s) of the property shall:

- 481
482 1. Possess a sanitary permit to construct a new POWTS or modify
483 the existing system to accommodate the increase; or
484 2. Provide the following to the Department:
485 a. Documentation that a POWTS of adequate capability and
486 capacity to accommodate the increase already exists to
487 serve the structure, as specified in SPS 383;
488 b. Documentation showing that the location of the proposed
489 construction conforms to the applicable setback distances
490 to all of the existing POWTS components; and
491 c. Documentation specified under Section 334-9(D)(2-5).
492 3. If the existing POWTS is found to be undersized, construction of
493 the building addition or modification shall not be permitted until a
494 new sanitary permit has been issued that will accommodate the
495 increased wastewater flow derived from the building addition.

496
497 **334-11 Construction Not Affecting Wastewater Flow or Contaminant Load.**

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499 Prior to commencing construction of any structure or addition to a structure on a
500 site where there exists a POWTS the owner or agent shall determine that the proposed
501 construction conforms with all applicable setbacks of SPS 383, Wis. Admin. Code.

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503 **334-12 Permit Fees.**

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505 Fees shall be established to defray the costs of administering this Chapter.
506 Permit fees shall be established by the Land Use Planning and Zoning Committee
507 and shall be included in the County Fee Schedule. Permit fees shall take effect
508 following approval of the County Board and may be periodically adjusted as deemed
509 necessary by the Land Use Planning and Zoning Committee.

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- A. The fee for a sanitary permit shall be as follows:
 - 1. At-grade system: \$380
 - 2. Conventional (In-ground Gravity) system: \$380
 - 3. Conventional (In-ground Gravity) system with Lift: \$380
 - 4. Holding Tank: \$455
 - 5. In-ground Pressure system: \$380
 - 6. Mound System: \$380
 - 7. Vault Privy: \$380
 - 8. Minor repair / modification: \$150
 - 9. Pretreatment Unit: \$75
 - 10. Agent Status (County) review: \$75
 - 11. Renewal fee: \$75
 - 12. Transfer of sanitary permit between plumbers: \$75
 - 13. Transfer of sanitary permit between owners: \$300
 - 14. After-the-fact fee: Double the initial filing fee

B. An additional fee of \$100 shall be collected by the Land Use Planning & Zoning Department for systems that have a design wastewater flow of over 5,000 gallons per day; further an additional \$100 shall be collected for each additional 5,000 gallons flow per day, above the first 5,000 gallons per day.

C. A fee of \$100 shall be collect by the Land Use Planning & Zoning Department to monitor groundwater levels (when required as per SPS 385.60(3), Wis. Adm. Code.

D. The above sanitary permit fees include the State fee and WNDR surcharge. The above fees will be automatically adjusted concurrently with each State adjustment, whenever the State of Wisconsin changes its permit fees (See section SPS 2.67)

E. The county may not charge more than one fee for a sanitary permit or the renewal of a sanitary permit in any twelve-month period.

F. The Land Use Planning & Zoning Department shall forward the required portion of the sanitary permit fee to the Department of Safety and Professional Services.

334-13 POWTS Maintenance Program.

A. As required under Wisconsin Administrative Code SPS 383.255, the County hereby establishes a POWTS maintenance program for the purpose of inventorying and monitoring the location and maintenance events of POWTS located within the County.

- 1. Every three (3) years, after a sanitary permit has been issued and

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the POWTS has been installed or after an existing POWTS has been added to the POWTS maintenance program, the owner of a POWTS shall contract with a POWTS maintenance provider to inspect and maintain their POWTS.

2. The inspection and maintenance shall:
 - a. Be reported to the Department by way of the “POWTS Reporting – File Reports Here” link on the Department’s webpage or <https://ascent.co.green-lake.wi.us/PermitManagement/Permit/Permit>.
 - b. Be reported within 30 days of the inspection and maintenance.
 - c. Address the prompted questions applicable to the POWTS system being inspected and maintained.
 - d. Include the volume (in gallons) that the licensed septic pumper removed from the tank or if the tank was less than one-third (1/3) full of sludge and scum.
 - e. Indicate, that after a visual inspection had been done of the in-situ soil treatment component, there is no wastewater ponding on the surface of the ground.
 - f. Indicate that all wastewater from the structure is discharging to the POWTS.
3. Every three years, the Department shall provide to the owner of the POWTS a First Notice POWTS Maintenance Reminder Card. The POWTS owner shall have 30 days from the postmark of the first notice to complete their POWTS maintenance obligation.
4. If the POWTS owner fails to complete POWTS maintenance as required in §334-13.A.(1) the Department shall provide the POWTS owner with a Final Notice POWTS Maintenance Reminder Card. The POWTS owner shall have 30 days from the postmark of the final notice to complete their POWTS maintenance obligation.
5. If the POWTS owner fails to complete POWTS maintenance as required in §334-13.A.(1) the Department shall provide the POWTS owner with a notice of violation letter. The POWTS owner shall have 15 days from the postmark of the notice of violation letter to complete their POWTS maintenance obligation.
6. If the POWTS owner fails to complete POWTS maintenance as required in §334-13.A.(1) the Department will turn over the violation to Corporation Counsel who will use all appropriate legal remedies to resolve the violation.
7. Service providers that report more than 30 days after the POWTS inspection and maintenance will be tracked and after three late reports the service provider may be referred to DSPS.
8. Upon sale of the property, the owner shall provide written

602 notification of the maintenance program to the buyer.
603 9. In addition to 334-13.A.(1), any master plumber, master plumber
604 restricted, or POWTS service provider or POWTS inspector that
605 performs work on or services a POWTS shall report the event by
606 way of the "POWTS Reporting – File Reports Here" link on the
607 Department's webpage.
608

609 **B.** Pursuant to Wis. Stats. §145.20(4), the County may assess the owner of
610 a private onsite wastewater treatment system (POWTS) located within Green Lake
611 County for costs related to the pumping of a septic or holding tank. The County shall
612 make the assessment in the same manner that a city, village or town makes an
613 assessment under Ch. 66.0703 Wis. Stats.
614

615 **334-14 Non-Plumbing Sanitation Systems.**
616

617 **A.** Except as provided herein, a County sanitary permit with the proper fee
618 is required for the construction and/or installation of a non-plumbing sanitation system.
619

620 **B.** Portable restrooms may be utilized for municipal purposes for the public
621 benefit on public property or for temporary purposes on private property. For the
622 purpose of this ordinance standard, "temporary" shall mean the following: For
623 temporary gatherings, festivals and similar activities, a period of 30 consecutive days
624 or less. For use at any construction site, the duration of the construction plus two
625 weeks. A sanitary permit is not required for a portable restroom.
626

627 **C.** Non-plumbing sanitation systems shall be located according to the
628 following minimum setbacks:
629

- 630 1. Ten (10) feet from dwellings.
- 631 2. Fifty (50) feet from wells.
- 632 3. Seventy-five (75) feet from the ordinary high-water mark of a
633 lake, stream or river.
- 634 4. Privies and other structures associated with non-plumbing
635 sanitation systems shall be located ten (10) feet from lot lines or
636 the applicable setback for the Zoning District in which it is located,
637 whichever is greater.
638

639 **D.** Non-plumbing sanitation systems shall be constructed in conformance
640 with SPS 391, Wisconsin Administrative Code, and the following requirements:
641

- 642 1. Foundations shall be of concrete or masonry.
- 643 2. Vaults shall extend at least six (6) inches above the surrounding
644 grade.
- 645 3. All privy structure openings shall be screened and all doors shall
646 be self-closing. Ventilators shall be provided for the vault and
647 extend not less than one (1) foot above the roof and be provided

- 648 with an effective ventilating hood.
- 649 4. Vaults shall be watertight and constructed of materials that are
- 650 able to be buried and that meet the applicable provisions of
- 651 Wisconsin Administrative Code SPS 384.
- 652 5. Pit privies require a Soil and Site Evaluation in accordance with
- 653 Wisconsin Administrative Code SPS 385.

654

655 **334-15 Holding Tanks**

656

657 **A.** Sewage holding tanks are prohibited, with the following exceptions:

658

- 659 1. No other private sewage system permitted by SPS 383, Wis.
- 660 Admin. Code, may be installed on the subject property.
- 661 2. The subject property is located within an existing sanitary district
- 662 or municipal sewer district and the district provides written
- 663 verification that the subject property will be served by its public
- 664 sewer system within five years of the date of sanitary permit
- 665 issuance. The property owner shall record an affidavit with the
- 666 Green Lake County Register of Deeds stating that if sewer
- 667 service is not available within five years of the date of sanitary
- 668 permit issuance, the holding tank will be replaced with another
- 669 POWTS permitted by SPS 383, Wis. Admin. Code.
- 670 3. Holding tanks serving a design wastewater flow of less than 150
- 671 gallons per day. The property owner shall record an affidavit with
- 672 the Green Lake County Register of Deeds stating that if the
- 673 design wastewater flow increases to equal or exceed 150 gallons
- 674 per day, the holding tank will be replaced with another POWTS
- 675 system permitted by SPS 383, Wis. Admin. Code.
- 676

677 **B.** All holding tanks shall be equipped with functioning locking devices and

678 high water alarms. In cases where the Department finds the locking devices and/or

679 high water alarms missing or not functioning properly, the Department shall order

680 them to be replaced.

681

682 **C.** Servicing or pumping of a holding tank shall occur when the wastewater

683 in the tank reaches a level of one (1) foot below the inlet invert of the tank(s).

684

685 **D.** The service provider shall report any holding tank maintenance

686 performed every time the holding tank is pumped / serviced /maintained by way of the

687 POWTS Reporting – File Reports Here” link located on the Department’s webpage or:

688 <https://ascent.co.green-lake.wi.us/PermitManagement/Permit/Permit> .

689

690 **E.** Any holding tank which discharges sewage to the ground surface,

691 including intentional discharges and discharges caused by neglect, shall be

692 considered a failing POWTS which will need to be remediated to remain in

693 compliance with the requirements of the State Code and this Chapter. This may

694 include, by Department order, the installation of a water meter with remote reading
695 device to monitor pumping compliance.

696

697 **F.** The use of a camping unit transfer container as a POWTS holding tank
698 component shall be restricted to a campground permitted by the Wisconsin
699 Department of Health Services under DHS 178, Wis. Admin. Code.

700

701 **334-16 Inspections.**

702

703 **A.** Notice for final inspection shall be given to the Department for all
704 POWTS installed, modified, or reconnected.

705

706 **B.** The plumber shall be responsible for scheduling installation inspections
707 with the Department no later than 24 hours in advance on the business day prior to
708 the day of installation.

709

710 **C.** The entire system shall be left completely open until inspected and
711 accepted.

712

713 **D.** The plumber in charge shall provide the necessary apparatus,
714 equipment and assistance for a proper inspection. Inadequate equipment may result
715 in a delay of the completion of the inspection.

716

717 **E.** The Department reserves the right to require additional inspections if it
718 is determined that they are necessary to ensure compliance with Wisconsin
719 Administrative Code and this Chapter.

720

721 **F.** When a specific test is required by the product approval division of the
722 State, or as a condition of approval by the State or Department, the installer shall
723 provide notice to the Department at least twenty-four (24) hours prior to performing
724 the test, and will provide documentation of the results if requested by the Department.

725

726 **G.** All non-plumbing sanitation systems shall be inspected for compliance
727 with SPS 391 Wisconsin Administrative Code and this Chapter.

728

729 **H.** The property owner shall notify the Department for inspection
730 immediately after the non-plumbing sanitation system has been constructed or
731 installed.

732

733 **I.** Mound and At-Grade systems shall be inspected by the Department at
734 the time of plowing, at the completion of the distribution piping installation and after all
735 work is completed.

736

737 **J.** Inspections of Sand Filters, Drip-line Effluent Dispersal and
738 experimental systems shall be scheduled as follows:

739

- 740 1. The plumber installing the system shall coordinate any
741 preconstruction meetings.
742 2. The plumber installing the system shall notify the Department
743 forty-eight
744 (48) hours prior to the beginning of the installation to schedule
745 inspections and shall notify the State if required as a condition of
746 plan approval.
747 3. The Department reserves the right to request as many inspections
748 as deemed necessary to insure proper installation of the system.
749

750 **334-17 Violations, Penalties, Remedial Action, Enforcement.**
751

752 **A. Investigation of alleged violations.** Any violation of the provisions of
753 this chapter shall be deemed unlawful and a public nuisance. When necessary, to
754 determine compliance with this chapter, the Land Use Planning and Zoning
755 Department shall investigate alleged violations. After confirmation that a violation
756 exists, the Land Use Planning and Zoning Department shall pursue compliance of the
757 violation and enforce the provisions of this chapter.
758

759 **B. Violations and Penalties; Citations.**

- 760 1. Any violation of the provisions of this chapter by or under the
761 direction of the landowner shall be brought into compliance upon
762 notification by the Land Use Planning and Zoning Department or
763 the Land Use Planning and Zoning Committee or the County
764 Corporation Counsel.
765 2. The County Corporation Counsel shall have the authority to use all
766 legal remedies necessary to enforce the provisions of this
767 chapter. After consultation with the Land Use Planning and
768 Zoning Department and/or the Land Use Planning and Zoning
769 Committee, the Corporation Counsel shall determine which legal
770 remedy or legal remedies are in order to enforce the provisions of
771 this chapter.
772 3. Each day that the violation exists, after receiving notice of the
773 violation from the Land Use Planning & Zoning Department by
774 certified or registered mail, or personal service per Ch. 801.11
775 Wis. Stats, shall constitute a separate offense.
776 a. Any landowner who violates or refuses to comply with any
777 of the provisions of this chapter shall be subject to a
778 forfeiture of not less than \$50 nor more than \$500 per
779 offense, together with the taxable costs of action.
780 b. A landowner may request an extension to a deadline for
781 compliance as set by the Department. The request for
782 extension must be made in writing and include the
783 following information: parcel number, address, current
784 owner information, reference within the ordinance(s) of
785 existing violations, number of days the extension is being

786 requested for, enforceable compliance schedule / time
787 frame, if any other existing violations on the property have
788 been resolved, and other pertinent information.

789 4. In addition to the Corporation Counsel having the authority to
790 enforce the provisions of this chapter per Subsection **B** above,
791 the designated staff of the Land Use Planning and Zoning
792 Department shall have the authority to and may prepare, sign,
793 and issue citations in order to commence action to achieve
794 compliance with the provisions of this chapter.

795
796 **C. Stop-work Orders.**

797 1. *No sanitary permit obtained.* When the Land Use Planning and
798 Zoning Department is notified or becomes aware of any activity in
799 violation of the provisions of this chapter by or under the direction
800 of the landowner that requires issuance of a sanitary permit
801 pursuant to this chapter, and such a permit has not been
802 obtained, the Land Use Planning and Zoning Department may
803 issue a stop-work order requiring any such activity to be
804 immediately stopped and enjoined.

805 2. *Sanitary permit obtained.* When the Land Use Planning and
806 Zoning Department is notified or becomes aware of any activity in
807 violation of the provisions of this chapter by or under the direction
808 of the landowner for which a sanitary permit was issued and the
809 actual activity deviates from that sanitary permit, the Land Use
810 Planning and Zoning Department may issue a stop-work order
811 requiring the activity to be immediately stopped and enjoined.

812 3. The stop-work order shall be mailed to the subject landowner's
813 property tax bill mailing address or the mailing address as stated
814 on the sanitary permit application and/or to any person signing
815 the sanitary permit application.

816 4. The stop-work order card issued and posted by the Land Use
817 Planning and Zoning Department shall be posted at the subject
818 site in plain view from a non-trespass location off the subject
819 property. A stop-work order card shall remain posted until
820 compliance of the violation occurs. In the event that a stop-work
821 order has been removed from its posted location by persons
822 other than Department staff, the property owner(s) and/or other
823 agents, upon conviction, shall be subject to a \$300 fine plus court
824 costs. The fine shall increase by \$300 after each offense and be
825 cumulative. For example: \$300 first offense, \$600 for second
826 offense, \$900 for third offense, and so on. If a property owner
827 removes a stop work order sign three times they shall be subject
828 to \$1800 (\$300 + \$600 + \$900) in fines plus court costs.

829 5. An action filed pursuant to the Board of Adjustment or to any court
830 shall stop work during and until the final outcome of the action
831 has been reached or until so ordered by a Court of appropriate

832 jurisdiction.

833
834 **D. Injunctions.** Every violation of this chapter is a public nuisance, and the
835 creation thereof may be enjoined and the maintenance thereof abated pursuant to
836 § 59.69(11), Wis. Stats.

837
838 **E. Emergency conditions.** Whenever the Land Use Planning and Zoning
839 Department finds that an emergency exists such as sudden, unexpected occurrences,
840 or combinations thereof, unforeseen conditions or circumstances at the time beyond a
841 landowner's control, adverse weather conditions, meeting a timetable which requires
842 immediate action to protect the public health, safety, and welfare, the Land Use
843 Planning and Zoning Department may, without notice or hearing, issue an order citing
844 the existence of such emergency and may require that such action be taken as may
845 be deemed necessary to meet the emergency. The Land Use Planning and Zoning
846 Department shall notify the Chairperson of the Land Use Planning and Zoning
847 Committee within 24 hours of such situations. Notwithstanding any other provisions of
848 this chapter, such order shall become effective immediately. Any person to whom
849 such order is directed shall comply therewith immediately. Appeals or challenges to
850 emergency orders may be brought to the Board of Adjustment after emergency
851 conditions have ceased.

852
853 **334-18. Subdivision Plats.** To protect the public health, all subdivision plats
854 (preliminary and final) as regulated by Chapter 315, "Land Division & Subdivision"
855 shall identify the primary and a replacement soil absorption areas for proper on-site
856 wastewater treatment for all lots not served by a public sewer. In addition,

- 857 **A.** Data for all soil tests shall be submitted to the County on DSPS form
858 SBD-8330 (R04/15) or any future revisions. The form shall be signed
859 and dated by a state certified soil tester.
- 860 **B.** The County may conduct field investigations to verify, but limited to,
861 depth to soil mottles, groundwater, and bedrock, soil texture and
862 structure and land slope.
- 863 **C.** At least two (2) soil pits, large enough to enter and allow visual
864 evaluation of the in-situ soil profile, shall be constructed for each
865 proposed soil absorption area.
- 866 **D.** The County may require the monitoring of groundwater levels for
867 proposed subdivisions where the in situ soil has been altered.
- 868 **E.** The soil absorption (and replacement area) for each subdivision lot not
869 served by a public sewer, shall be of sufficient area to treat a design
870 wastewater flow of 450 gallons per day.
- 871 **F.** Where individual subdivision lots are to be served by a community
872 wastewater treatment system, the submitted preliminary and final plats
873 shall clearly explain and identify the location of the system's components
874 and the lots being served. Furthermore:
- 875 1. Any community system shall be designed to accommodate a
876 minimum design wastewater flow of 450 gallons per day and a
877 restriction shall be included on

- 878 2. All components of a community wastewater treatment system
879 shall be owned and maintained by a special purpose district,
880 3. All components of a community wastewater treatment system
881 shall be accessible through easements, public rights-of-way or
882 ownership.
883 4. Community systems shall be submitted to and approved by DSPTS
884 and/or the WNDR prior to final plat approval by the County.
885

886 **334-19. Definitions.**

887 **C. Buildings.** See structure.

888 **D. Department.** The County Land Use Planning and Zoning Department.
889

890 **E. Director.** The Land Use Planning & Zoning Director.
891

892 **F. Failing Private Sewage System** A failing private on-site wastewater
893 treatment system is one which causes or results in any of the following
894 conditions:
895

896 (1) The discharge of sewage into surface water or groundwater.
897

898 (2) The introduction of sewage into zones of saturation which adversely
899 affects the operation of a private on-site wastewater treatment system.

900 (3) The discharge of sewage to a drain tile or into zones of bedrock.
901

902 (4) The discharge of sewage to the surface of the ground.
903

904 (5) The failure to accept sewage discharges and back up of sewage into
905 the structure served by the private on-site wastewater treatment system.

906 See Wis. Stat. § 145.245(4). In addition, a holding tank which discharges
907 sewage to the ground surface, including intentional discharges and
908 discharges caused by neglect, shall be considered a failing private
909 sewage system.

910 **G. Human Habitation.** The act of occupying a structure as a dwelling or
911 sleeping place, whether intermittently or as a primary residence.

912 **H. Non-Plumbing Sanitation System.** Sanitation systems and devices
913 within the scope of SPS 391, Wisconsin Administrative Code, which are approved
914 alternatives to water carried waste plumbing fixtures and drain systems; including but
915 not limited to, incinerating toilets, composting toilets and privies.
916

917 **I. Plumber.** A person licensed by the State as a Master Plumber or
918 Master Plumber- Restricted Services.
919

920 **J. POWTS.** Private on-site wastewater treatment system.
921

922 **K. Private On-Site Wastewater Treatment System.** Also referred to as a
923 “sewage system”, mean a sewage treatment and disposal system serving a single

924 structure with a septic tank and soil absorption field located on the same parcel as the
925 structure. This term also means an alternative sewage system approved by the
926 Department of Safety and Professional Services including a substitute for the septic
927 tank or soil absorption field, a holding tank, a system serving more than one structure
928 or a system located on a different parcel than the structure. A private on-site
929 wastewater treatment system may be owned by the property owner or by a special
930 purpose district. See § 145.01(12), Wis. Stats.

931
932 **L. Privy-Pit.** A privy with earthen sidewalls and/or bottom constructed in
933 accordance with applicable sections of Wisconsin Administrative Code and this
934 Chapter.

935
936 **M. Privy-Vault.** A privy with a subsurface storage chamber that is water
937 tight and has a minimum capacity of two hundred (200) gallons.

938
939 **N. Rebuilt.** The construction which takes place after a structure is
940 demolished or damaged in excess of fifty percent (50%) or greater of its equalized
941 value at the time it is demolished or damaged.

942
943 **O. Sanitary Permit.** A permit issued by the Department for the installation
944 of or reconnection to a private on-site wastewater treatment system or non-plumbing
945 sanitation pursuant to Chapter 145, Wis. Stats.

946
947 **P. Septage.** See sewage.

948
949 **Q. Septic Tank.** An anaerobic treatment tank.

950
951 **R. Servicing Provider.** An individual or business licensed by the State of
952 Wisconsin as a master plumber, master plumber-restricted service, septage pumper
953 or POWTS maintainer.

954
955 **S. Sewage.** The liquid and liquid carried wastes created in and to be
956 conducted away from residences, businesses, industries, public buildings, and other
957 buildings in which people live, stay or work.

958
959 **T. State.** The Wisconsin Department of Safety and Professional Services.

960
961 **U. Structure.** Anything constructed or erected the use of, which requires
962 location in or on the premises, or any other attachment to something having a
963 permanent location on the ground. Included are items that may have been designed
964 as transportable or as a vehicle, but stand in seasonal or permanent locations for
965 storage or human habitation, which may include but are not limited to; truck campers,
966 travel trailers, park or model units, buses and motor homes.

967
968

969 Section 2. This ordinance shall become effective upon passage and publication.

970 Section 3. The repeal and recreation of any section herein shall not have any effect on
971 existing litigation and shall not operate as an abatement of any action or proceeding then
972 pending or by virtue of the repealed sections.

973 Section 4. All ordinances and parts of ordinances in conflict herewith are hereby
974 repealed.