

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

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

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24 **334-1 Statutory Authorization.**

25

26 This Chapter is adopted pursuant to the authority contained in §§ 59.70(5), 66.0703,

27 145.19(1b), 145.20, and 254.59(2) Wis. Stats. and Wis. Admin. Code SPS Chs. 381, 382, 383,

28 384, 385, and 391.

29

30 **334-2 Purpose.**

31

32 This Chapter is adopted for the purpose of promoting and protecting the public health,

33 safety, prosperity and general welfare and to further the maintenance of safe and healthful

34 conditions for the people and communities within the County. This Chapter is intended to ensure

35 the proper siting, design, construction, installation, inspection, and maintenance of all private on-

36 site wastewater treatment systems so as to protect the health of the citizens of the County. As

37 unforeseen circumstances arise which are not specifically covered, the basic principles enumerated

38 in this Chapter shall serve to define the intent.

39

40 **334-3 Jurisdiction.**

41

42 This Chapter shall apply throughout the unincorporated areas of the County, including all

43 lands and waters, and shall apply to those incorporated areas of the County which have not adopted

44 and do not adopt their own sanitary code or Code.

45

46 **334-4 Administration.**

47

48 **A.** This Chapter incorporates by reference the following rules, regulations, and laws,
49 as set forth in the Wisconsin State Statutes and the Wisconsin Administration Code: §§ 59.70(5),
50 281, 145, 146 and 968.10, Wis. Stats.; SPS 381, SPS 382, SPS 383, SPS 384, SPS 385, SPS 387,
51 SPS 391, NR 113 and NR 116 Administrative Code, as amended. These rules, regulations, and laws
52 shall apply until amended or renumbered and then shall apply as amended or renumbered.
53

54 **B.** The Land Use Planning and Zoning Department (hereinafter “*Department*”) under
55 direction of the Land Use Planning and Zoning Director (hereinafter “*Director*”) shall be
56 responsible for the administration and enforcement of this Chapter. The responsibilities of the
57 Department may be delegated by the Director to personnel employed by the County.
58

59 **C.** The Director or their designee(s) shall have the following duties and power:
60

- 61 1. Administer provisions of Wisconsin Fund Grant Program as required by
62 Wisconsin State Statutes and Wisconsin Administrative Code.
- 63 2. Advise applicants as to the provisions of this Chapter and assist them in
64 preparing permit applications.
- 65 3. Review and approve plans for private on-site wastewater treatment and
66 sanitation systems that treat domestic wastewater.
- 67 4. Issue or deny permits and inspect properties for compliance with this
68 Chapter.
- 69 5. Keep records of all permits issued, inspections made, work approved and
70 other official actions.
- 71 6. Have access to any structure or premises between 8:00 a.m. and 6:00 p.m.
72 for the purpose of performing duties. Application for and issuance of a
73 sanitary permit shall constitute permission by the owner for said access.
- 74 7. Report violations of this Chapter to the Planning and Zoning Committee
75 and the Corporation Counsel.
- 76 8. Upon reasonable cause or question as to proper compliance, revoke any
77 permit issued under this Chapter and require cessation of any construction,
78 alteration or use of any building which is in violation of the provisions of
79 this Chapter until compliance with this Chapter or all applicable State
80 Statutes and Codes is obtained.
- 81 9. Order any person owning, using, operating or installing a POWTS to
82 modify, repair, replace or return the POWTS to a safe and sanitary condition
83 if they find the POWTS defective, unsanitary, malfunctioning or otherwise
84 in violation of this Chapter or other applicable state regulations.
85

86 **334-5 General Provisions.**

87


88 **A. Public Sewer.** All plumbing fixtures shall be connected to a public sewer where
89 available. Determination of whether a sewer is available shall be made by the local sanitary district.
90 Where such a public sewer system is not available, a private sewage system shall be used.
91

92 **B. Allowable Use.** Private sewage systems or other treatment tank and effluent
93 disposal systems shall be constructed when no public sewer is available to the property to be served.
94 Unless otherwise specifically approved by the Department, the wastewater disposal system of each
95 building shall be entirely separate from and independent of that of any other structure or building.

96 A private sewage system may be owned by the property owner or by a special purpose district.
97 The use of a common system will be subject to the same plan review procedures as for systems
98 serving public buildings.
99

100 **C. Floodplain.** Any private sewage system, or portion(s) thereof, installed within a
101 floodplain shall comply with all applicable requirements of Wisconsin Administrative Code NR
102 116 and Chapter 300.
103

104 **D. Abandonment of Private Sewage Systems.**

- 105 
- 106 1. All unused treatment tanks, settling chambers, dosing chambers and
107 seepage pits shall have the contents removed and disposed of in accordance
108 with the requirements of Wisconsin Administrative Code NR 113, or acts
109 amendatory thereto. The top or entire tank shall be removed and the
110 remaining portion of the tank or excavation shall be immediately filled with
111 soil material of similar characteristics to that of which exists on the property.
112

113 **E. Failing System.**

- 114 1. When a failing or malfunctioning private sewage system is identified, the
115 sewage disposal system shall be corrected or its use discontinued within that
116 period of time required by Department order, but in no case shall this time
117 period be extended beyond one (1) year of the notification of failure or
118 malfunction. Health and safety hazards shall be abated immediately.
119
- 120 2. If any part of a system has failed, the entire system shall be evaluated for
121 compliance with existing codes and this Chapter.
122

123 **F. Domestic Waste.** All water-carried wastes derived from ordinary human living
124 uses shall enter the septic or treatment tank unless otherwise specifically exempted by the State or
125 this Chapter.
126

127 **G. A Non-plumbing Sanitation System.** A non-plumbing sanitation system may be
128 permitted only when the structure or premises served by the system is not provided with any type
129 of indoor plumbing system. If plumbing is installed in the structure a private on-site wastewater
130 treatment system shall be installed prior to the connection of water service.
131

132 **H. Cesspools.** The use of a cesspool is prohibited.
133

134 **I. Industrial Waste / Non-Domestic Waste.** The Department of Natural Resources
135 shall be contacted in regard to the treatment and disposal of all industrial or non-domestic wastes
136 including those combined with domestic waste.
137

138 **J. Clear Water.** The discharge of surface rain or other clear water into a private
139 sewage system is prohibited, except that water softener or iron filter discharge may enter a private
140 on-site wastewater treatment system.
141

142 **K. Uniform numbering.** Prior to any sanitary permit for new construction being
143 issued, the Department shall require the applicant to obtain a fire number under Article II of Ch.

144 217 “Road Names and Building Numbers” of the Code of Green Lake County.
145

146 **334-6 Installations Prohibited.**
147

148 **A.** Installation of a holding tank is prohibited if any other type of private on-site
149 wastewater treatment system (POWTS) permitted by SPS 383, Wisconsin Administrative Code,
150 is to be utilized except for those treatment components enumerated as 1, 2, 3 and 4 of Table 383.04-
151 1 of the Wisconsin Administrative Code. A sanitary permit for the installation of any septic system,
152 which designates a holding tank as a replacement system, shall not be used unless a Soil or Site
153 Evaluation determines that the property is unsuitable for any other type of system permitted by
154 SPS 383, Wisconsin Administrative Code.
155

156 **B.** Installation of a holding tank is prohibited for new construction as provided by
157 Section 383.32(2)(a)1 SPS 383, Wisconsin Administrative Code with the following exceptions:
158

- 159 1. Systems in an area where a sanitary district has been formed.
- 160 2. Holdings tanks to service dwellings or structures that replace dwellings,
161 which existed on April 21, 1992.
- 162 3. Holdings tanks to serve municipal public facilities.
- 163 4. Exemptions per Section 334-15.A.3 where the design wastewater flow is less
164 than 150 gallons per day.
165

166 **C.** Installation of a constructed wetland is prohibited as a POWTS treatment
167 component as required under Section 383.32(2)(a)2 SPS 383, Wisconsin Administrative Code.
168

169 **D.** Installation of an evapotranspiration bed as a POWTS treatment component is
170 prohibited as required under Section 383.32(2)(a)3 SPS 383, Wisconsin Administrative Code.
171

172 **334-7 Soil and Site Evaluations.**
173

174 **A.** Soil and site evaluations shall be done prior to the issuance of a sanitary permit as
175 specified in and in compliance with SPS 383 and SPS 385, Wisconsin Administrative Code.
176

177 **B.** A soil evaluation shall be conducted by a State certified soil tester or professional
178 soil scientist on all sites regardless of the type of POWTS planned to serve the parcel, unless it can
179 be demonstrated, to the satisfaction of the Department, that sufficient area does not exist for a
180 POWTS, which utilizes in- situ soil.
181

182 **C.** At least one soil pit, large enough to enter and allow visual evaluation of the in-situ
183 soil profile, shall be constructed for each proposed soil absorption area.
184

185 **D.** Department site evaluation or verification of the proposed absorption area may be
186 required prior to issuance of a sanitary permit.
187

188 **E.** Preliminary soil and site evaluations may be required before the creation of new
189 lots by means of a certified survey map or subdivision plat, as defined in the Chapter 315 of the
190 Code of Green Lake County, if review of data, including but not limited to, the County Soil Survey,

191 site and soil evaluations on neighboring lands, and familiarity of the area, indicate that the lots
192 intended may only be served by a holding tank.

193
194 **F.** New lots that can only be served by systems enumerated as 1., 2., 3., and 4., of
195 Table 383.04-1 of the Wisconsin Administrative Code, may at the discretion of the Department,
196 be required to have the suitable area delineated on the resultant certified survey map or plat.
197

198 **334-8 Sanitary Permits and Applications.**

199
200 **A. Permits.**

- 201
- 202 1. Every POWTS and non-plumbing sanitation system shall require a separate
203 application and permit.
- 204 2. A sanitary permit shall be obtained by the property owner, his agent or
205 contractor, or in the name of the property owner, prior to the start of
206 construction of any structure, which requires a POWTS or non-plumbing
207 sanitation system.
- 208 3. A sanitary permit shall be obtained by the owner, his agent or contractor,
209 before any POWTS may be installed, enlarged or altered.
- 210 4. No master plumber or master plumber-restricted shall install a POWTS
211 holding or treatment component unless the property owner holds a valid
212 sanitary permit.
- 213 5. A County sanitary permit shall be obtained prior to the reconnection of a
214 POWTS, which has been disconnected from a structure.
- 215 6. A County sanitary permit shall be obtained prior to constructing or erecting
216 a non-plumbing sanitation system.
- 217 7. The permit card issued by the Department shall serve as a notice to the
218 observer that a sanitary permit has been issued for the respective property.
- 219 8. The permit card shall be displayed at the site in such a manner that it will
220 be visible from a road abutting the parcel at all phases of construction.
- 221 9. The permit card shall not be removed until the POWTS or non-plumbing
222 sanitation system has been installed, inspected, and approved by the
223 Department.
224

225 **B. Application Requirements.**

- 226
- 227 1. The sanitary permit application shall include the following information
228 which shall be furnished by the applicant on forms provided by the
229 Department along with applicable fees:
 - 230 a. Names and address of the applicant (owner of the property) and the
231 plumber employed (where applicable).
 - 232 b. Legal description of the property.
 - 233 c. All lot dimensions.
 - 234 d. Building use (single family, duplex, etc.) and/or any other
235 information required by the Department pertaining to projected
236 wastewater output.
 - 237 e. Soil and Site Evaluation report.

- 238 f. System plans conforming to Section 334-8(C).
239 g. Appropriate system management and maintenance agreements and
240 contracts.
241 h. Copies of any recorded documents required under this Chapter.
242 i. When any official State action is required, an original copy of the
243 official action shall accompany this application.
244 j. Any other information requested by the Land Use Planning & Zoning
245 Department.
- 246 2. Where required, the following documents must be recorded with the County
247 Register of Deeds as an attachment to the property deed prior to the issuance
248 of a sanitary permit:
- 249 a. Maintenance agreements or contracts, when recording of such is
250 required by Wisconsin Administrative Code SPS 383 and/or this
251 Chapter.
252 b. When a POWTS, or parts thereof, are located on a different parcel
253 than the structure it serves, an appropriate easement must be
254 recorded.
255 c. POWTS per capita sizing affidavit for existing systems that is
256 permitted to remain in use under SPS 383, SPS 384, Wisconsin
257 Administrative Code and this Chapter.
- 258 3. The Department reserves the right to require floodplain and/or wetland
259 delineation for a building site or POWTS area prior to sanitary permit
260 issuance. The Department may require elevations on plans to be tied to
261 floodplain elevation datum.
- 262 4. The Department reserves the right to refuse incomplete or incorrect permit
263 applications or to delay permit issuance until corrected or completed
264 applications are received.
265

266 **C. Plans.**

- 267
- 268 1. System plans shall be submitted for approval to the Land Use Planning &
269 Zoning Department or to the State in accordance with SPS 383, Wisconsin
270 Administrative Code. Plans shall comply with SPS 383, Wisconsin
271 Administrative Code, and this Chapter.
- 272 2. Plans submitted shall be clear, legible, and include the original system plan
273 as well as two copies.
- 274 3. Plans shall include the following items:
- 275 a. The name of the property owner and a legal description of the site.
276 b. Estimated daily wastewater flow and design wastewater flow.
277 c. A detailed plot plan, dimensioned or drawn to scale, on paper no
278 smaller than eight and one half (8 ½) inches by eleven (11) inches in
279 size. The plot plan shall delineate the lot size and location of all
280 existing and proposed: POWTS, building sewers, private interceptor
281 main sewers, wells, water mains or water services, buildings, lot
282 lines, swimming pools, navigable waters, replacement system areas,
283 location of building to be served or proposed building location, the
284 benchmark established on the Soil and Site Evaluation Report, and
285 accesses and associated public roadways. Adjoining properties shall

- 286 be checked to insure that horizontal setback parameters in SPS 383,
287 Wisconsin Administrative Code are met. All separating distances
288 shall be clearly shown on plot plan. Plot plans shall include a north
289 arrow.
- 290 d. Details and configuration layouts depicting how the system is to be
291 constructed.
 - 292 e. Systems utilizing an effluent pump shall include pump curve and
293 model information.
 - 294 f. Effluent filter information; manufacturer, model, manufacturer
295 recommended maintenance interval.
 - 296 g. A description of a contingency plan in the event the POWTS fails
297 and cannot be repaired.
 - 298 h. Sufficient supporting information to determine whether the
299 proposed design, installation and management of the proposed
300 POWTS or modification to an existing POWTS complies with SPS
301 383, Wisconsin Administrative Code, and this Chapter.
 - 302 i. Plan shall be signed or sealed as specified in SPS 383, Wisconsin
303 Administrative Code.
 - 304 j. A copy of the approved plans shall be maintained at the construction
305 site until the POWTS installation is completed, inspected and
306 accepted. The plans shall be made available to the Land Use
307 Planning & Zoning Department or State upon request.
 - 308 k. A modification to the design of a POWTS, which has been
309 previously approved shall be submitted to the Land Use Planning &
310 Zoning Department or the State as specified in SPS 383, Wisconsin
311 Administrative Code. Plan revisions must be approved prior to
312 system installation.

313
314 **D. Permit Expiration.**
315

- 316 1. A sanitary permit for a system which has not been installed, modified or
317 reconnected shall expire two (2) years after the date of issuance.
- 318 2. Permits may be renewed prior to the expiration date. Written application to
319 the Land Use Planning & Zoning Department is required and the renewal
320 shall require an additional fee.
- 321 3. The renewal shall be based on State code and the County Code requirements
322 in effect at the time that the request for renewal is made.
- 323 4. Changes in Code or Chapter requirements may impede the renewal.
- 324 5. The owner or his agent prior to beginning construction shall obtain a new
325 sanitary permit if a sanitary permit has expired.

326
327 **E. Permit Transfer.**
328

- 329 1. Transfer of ownership of a property for which a valid sanitary permit exists
330 shall be subject to the following:
 - 331 a. The applicable State transfer form shall be submitted to the
332 Department.

- 333 b. Transfer fee shall be included with the request.
334 c. The Land Use Planning & Zoning Department shall issue a new
335 sanitary permit card upon approval of transfer.
336 d. Transfer of owner shall not affect the expiration date or the renewal
337 requirements.
338

339 **F. Change of Plumbers.**

- 340
341 1. When an owner wishes to change plumbers on a valid sanitary permit the
342 following items must be submitted to the Land Use Planning & Zoning
343 Department prior to the installation of the POWTS:
344 a. A sanitary permit application signed by the new plumber.
345 b. Sanitary permit transfer fee.
346 c. A new system plan, which meets the requirements of Section 334-8
347 (C) unless the existing plan bears a stamp of a licensed plumbing
348 designer.
349 d. The Land Use Planning & Zoning Department shall issue a new
350 sanitary permit, and permit card upon approval of transfer.
351 e. Change of plumbers shall not affect the expiration date or renewal
352 requirements.
353

354 **G. Permit Denial.**

- 355
356 1. When applicable provisions of Wisconsin Statutes, Wisconsin
357 Administrative Code, or this Chapter have not been complied with when
358 applying for a sanitary permit, the permit shall be denied. Reasons for the
359 denial shall be forwarded to the plumber, landowner, and when appropriate
360 DSPS and the County Corporation Counsel.
361 2. In the event that a sanitary permit is denied the property owner has the right
362 to appeal the denial decision or request a variance.
363

364 **334-9 Reconnections.**

365
366 **A.** A reconnection permit shall be obtained prior to:

- 367
368 1. Construction of a structure to be connected to an existing POWTS.
369 2. Disconnection of a structure from an existing POWTS and connection of
370 another structure to the system, except as permitted under Section 334-9(C).
371 3. Rebuilding a structure that is connected to a POWTS.
372

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

- 374
375 1. Determine if the existing system is functioning properly. A licensed
376 plumber's signed statement regarding the condition of the system and all its
377 components shall be provided.
378 2. Determine if it will be capable of handling the proposed wastewater flow
379 and contaminant load from the building to be served.

- 380 3. Determine that all minimum setback requirements of SPS 383, Wisconsin
381 Administrative Code, will be maintained.

382
383 C. Application for a County reconnection permit shall include the following:

- 384
385 1. All items in Section 334-8(B)(1 (a-d)).
386 2. In cases where the existing POWTS was installed based on soil percolation
387 rate or an insufficient soil test, soil boring data shall be provided that
388 documents suitable soil conditions exist to a depth of not less than two (2)
389 feet above groundwater or bedrock for POWTS installed prior to December
390 1, 1969, and at least three (3) feet above the ground water or bedrock for
391 POWTS installed on or after December 1, 1969.
392 3. Appropriate agreements and contracts for system management and
393 maintenance.
394 4. A report by a licensed plumber, certified septage servicing operator or
395 POWTS inspector relative to the condition, capacities, baffles, and manhole
396 covers for any existing treatment or holding tanks.
397 5. A report provided by a licensed plumber or POWTS inspector relative to
398 the condition and capacities of all other system components and verifying
399 that the system is not failed.
400 6. Complete plans as specified under Section 334-8(C) for any system
401 components, which will be modified or replaced.
402 7. A plot plan, as specified under Section 334-8(C)(3)(c) for any system
403 components that are existing and intended for utilization.
404 8. When reconnecting to a system, that has a design flow capacity below the
405 design flow calculated by number of bedrooms, is permitted under
406 Wisconsin Administrative Code, a "POWTS Per Capita Sizing" affidavit must
407 be recorded in the County Register of Deeds Office.
408 9. All systems shall be inspected by the Department at the time of
409 reconnection, prior to backfilling to insure that the proper materials and
410 methods are being used.

411
412 **334-10 Construction Affecting Wastewater Flow or Contaminant Load.**

413
414 A. An increase in wastewater flow or contaminant load due to new construction shall
415 be considered to take place when one of the following occurs:

- 416
417 1. There is an increase in the number of bedrooms.
418 2. In public buildings, facilities or places of employment, when there is a
419 proposed change in occupancy of the structure; or the proposed modification
420 affects either the type or number of plumbing appliances, fixtures or devices
421 discharging to the system.

422
423 B. Prior to commencing the construction of an addition to or modification of a
424 structure, which will increase wastewater flow or contaminant load to an existing POWTS the
425 owner(s) of the property shall:

- 426
427 1. Possess a sanitary permit to construct a new POWTS or modify the existing

- 428 system to accommodate the increase; or
429 2. Provide the following to the Department:
430 a. Documentation that a POWTS of adequate capability and capacity
431 to accommodate the increase already exists to serve the structure, as
432 specified in SPS 383;
433 b. Documentation showing that the location of the proposed
434 construction conforms to the applicable setback distances to all of
435 the existing POWTS components; and
436 c. Documentation specified under Section 334-9(D)(2-5).
437 3. If the existing POWTS is found to be undersized, construction of the
438 building addition or modification shall not be permitted until a new sanitary
439 permit has been issued that will accommodate the increased wastewater flow
440 derived from the building addition.

441
442 **334-11 Construction Not Affecting Wastewater Flow or Contaminant Load.**
443

444 Prior to commencing construction of any structure or addition to a structure on a site where
445 there exists a POWTS the owner or agent shall determine that the proposed construction conforms
446 with all applicable setbacks of SPS 383, Wis. Admin. Code.
447

448 **334-12 Permit Fees.**
449

450 Fees shall be established to defray the costs of administering this Chapter. Permit fees shall
451 be established by the Land Use Planning and Zoning Committee and shall be included in the
452 County Fee Schedule. Permit fees shall take effect following approval of the County Board and
453 may be periodically adjusted as deemed necessary by the Land Use Planning and Zoning
454 Committee.
455

- 456 A. The fee for a sanitary permit shall be as follows:
457 1. At-grade system: \$380
458 2. Conventional (In-ground Gravity) system: \$380
459 3. Conventional (In-ground Gravity) system with Lift: \$380
460 4. Holding Tank: \$455
461 5. In-ground Pressure system: \$380
462 6. Mound System: \$380
463 7. Vault Privy: \$380
464 8. Minor repair / modification: \$150
465 9. Pretreatment Unit: \$75
466 10. Agent Status (County) review: \$75
467 11. Renewal fee: \$75
468 12. Transfer of sanitary permit between plumbers: \$75
469 13. Transfer of sanitary permit between owners: \$300
470 14. After-the-fact fee: Double the initial filing fee
471

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

476
477 C. A fee of \$100 shall be collect by the Land Use Planning & Zoning Department to
478 monitor groundwater levels (when required as per SPS 385.60(3), Wis. Adm. Code.
479

480 D. The above sanitary permit fees include the State fee and WNDR surcharge. The
481 above fees will be automatically adjusted concurrently with each State adjustment, whenever
482 the State of Wisconsin changes its permit fees (See section SPS 2.67)
483

484 E. The county may not charge more than one fee for a sanitary permit or the renewal of
485 a sanitary permit in any twelve-month period.
486

487 F. The Land Use Planning & Zoning Department shall forward the required portion of
488 the sanitary permit fee to the Department of Safety and Professional Services.
489

490 **334-13 POWTS Maintenance Program.**
491

492 A. As required under Wisconsin Administrative Code SPS 383.255, the County hereby
493 establishes a POWTS maintenance program for the purpose of inventorying and monitoring the
494 location and maintenance events of POWTS located within the County.
495

- 496 1. Every three (3) years, after a sanitary permit has been issued and the
497 POWTS has been installed or after an existing POWTS has been added to
498 the POWTS maintenance program, the owner of a POWTS shall contract
499 with a POWTS maintenance provider to inspect and maintain their POWTS.
500 2. The inspection and maintenance shall:
501 a. Be reported to the Department by way of the “POWTS Reporting –
502 File Reports Here” link on the Department’s webpage or
503 <https://ascent.co.green-lake.wi.us/PermitManagement/Permit/Permit>.
504 b. Be reported within 30 days of the inspection and maintenance.
505 c. Address the prompted questions applicable to the POWTS system
506 being inspected and maintained.
507 d. Include the volume (in gallons) that the licensed septic pumper
508 removed from the tank or if the tank was less than one-third (1/3)
509 full of sludge and scum.
510 e. Indicate, that after a visual inspection had been done of the in-situ
511 soil treatment component, there is no wastewater ponding on the
512 surface of the ground.
513 f. Indicate that all wastewater from the structure is discharging to the
514 POWTS.
515 3. Every three years, the Department shall provide to the owner of the POWTS
516 a First Notice POWTS Maintenance Reminder Card. The POWTS owner
517 shall have 30 days from the postmark of the first notice to complete their
518 POWTS maintenance obligation.
519 4. If the POWTS owner fails to complete POWTS maintenance as required in
520 §334-13.A.(1) the Department shall provide the POWTS owner with a Final
521 Notice POWTS Maintenance Reminder Card. The POWTS owner shall
522 have 30 days from the postmark of the final notice to complete their
523 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 notification of the maintenance program to the buyer.
9. In addition to 334-13.A.(1), any master plumber, master plumber restricted, or POWTS service provider or POWTS inspector that performs work on or services a POWTS shall report the event by way of the “POWTS Reporting – File Reports Here” link on the Department’s webpage.

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

334-14 Non-Plumbing Sanitation Systems.

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

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

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

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

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

- 572 1. Foundations shall be of concrete or masonry.
- 573 2. Vaults shall extend at least six (6) inches above the surrounding grade.
- 574 3. All privy structure openings shall be screened and all doors shall be self-
- 575 closing. Ventilators shall be provided for the vault and extend not less than
- 576 one (1) foot above the roof and be provided with an effective ventilating
- 577 hood.
- 578 4. Vaults shall be watertight and constructed of materials that are able to be
- 579 buried and that meet the applicable provisions of Wisconsin Administrative
- 580 Code SPS 384.
- 581 5. Pit privies require a Soil and Site Evaluation in accordance with Wisconsin
- 582 Administrative Code SPS 385.

583

584 **334-15 Holding Tanks**

585

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

- 587
- 588 1. No other private sewage system permitted by SPS 383, Wis. Admin. Code,
- 589 may be installed on the subject property.
- 590 2. The subject property is located within an existing sanitary district or
- 591 municipal sewer district and the district provides written verification that
- 592 the subject property will be served by its public sewer system within five
- 593 years of the date of sanitary permit issuance. The property owner shall
- 594 record an affidavit with the Green Lake County Register of Deeds stating
- 595 that if sewer service is not available within five years of the date of sanitary
- 596 permit issuance, the holding tank will be replaced with another POWTS
- 597 permitted by SPS 383, Wis. Admin. Code.
- 598 3. Holding tanks serving a design wastewater flow of less than 150 gallons per
- 599 day. The property owner shall record an affidavit with the Green Lake
- 600 County Register of Deeds stating that if the design wastewater flow
- 601 increases to equal or exceed 150 gallons per day, the holding tank will be
- 602 replaced with another POWTS system permitted by SPS 383, Wis. Admin.
- 603 Code.
- 604

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

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

607 missing or not functioning properly, the Department shall order them to be replaced.

608

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

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

611

612 **D.** The service provider shall report any holding tank maintenance performed every

613 time the holding tank is pumped / serviced /maintained by way of the POWTS Reporting – File

614 Reports Here” link located on the Department’s webpage or:

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

616

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

618 intentional discharges and discharges caused by neglect, shall be considered a failing POWTS

619 which will need to be remediated to remain in compliance with the requirements of the State Code
620 and this Chapter. This may include, by Department order, the installation of a water meter with
621 remote reading device to monitor pumping compliance.
622

623 **F.** The use of a camping unit transfer container as a POWTS holding tank component
624 shall be restricted to a campground permitted by the Wisconsin Department of Health Services
625 under DHS 178, Wis. Admin. Code.
626

627 **334-16 Inspections.**
628

629 **A.** Notice for final inspection shall be given to the Department for all POWTS
630 installed, modified, or reconnected.
631

632 **B.** The plumber shall be responsible for scheduling installation inspections with the
633 Department no later than 24 hours in advance on the business day prior to the day of installation.
634

635 **C.** The entire system shall be left completely open until inspected and accepted.
636

637 **D.** The plumber in charge shall provide the necessary apparatus, equipment and
638 assistance for a proper inspection. Inadequate equipment may result in a delay of the completion
639 of the inspection.
640

641 **E.** The Department reserves the right to require additional inspections if it is
642 determined that they are necessary to ensure compliance with Wisconsin Administrative Code and
643 this Chapter.
644

645 **F.** When a specific test is required by the product approval division of the State, or as
646 a condition of approval by the State or Department, the installer shall provide notice to the
647 Department at least twenty-four (24) hours prior to performing the test, and will provide
648 documentation of the results if requested by the Department.
649

650 **G.** All non-plumbing sanitation systems shall be inspected for compliance with SPS
651 391 Wisconsin Administrative Code and this Chapter.
652

653 **H.** The property owner shall notify the Department for inspection immediately after
654 the non-plumbing sanitation system has been constructed or installed.
655

656 **I.** Mound and At-Grade systems shall be inspected by the Department at the time of
657 plowing, at the completion of the distribution piping installation and after all work is completed.
658

659 **J.** Inspections of Sand Filters, Drip-line Effluent Dispersal and experimental systems
660 shall be scheduled as follows:
661



- 662 1. The plumber installing the system shall coordinate any preconstruction
663 meetings.
- 664 2. The plumber installing the system shall notify the Department forty-eight
665 (48) hours prior to the beginning of the installation to schedule inspections

- 666 and shall notify the State if required as a condition of plan approval.
667 3. The Department reserves the right to request as many inspections as deemed
668 necessary to insure proper installation of the system.
669

670 **334-17 Violations, Penalties, Remedial Action, Enforcement.**
671

672 **A. Investigation of alleged violations.** Any violation of the provisions of this chapter
673 shall be deemed unlawful and a public nuisance. When necessary, to determine compliance with
674 this chapter, the Land Use Planning and Zoning Department shall investigate alleged violations.
675 After confirmation that a violation exists, the Land Use Planning and Zoning Department shall
676 pursue compliance of the violation and enforce the provisions of this chapter.
677

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

- 679 1. Any violation of the provisions of this chapter by or under the direction of
680 the landowner shall be brought into compliance upon notification by the
681 Land Use Planning and Zoning Department or the Land Use Planning and
682 Zoning Committee or the County Corporation Counsel.
683 2. The County Corporation Counsel shall have the authority to use all legal
684 remedies necessary to enforce the provisions of this chapter. After
685 consultation with the Land Use Planning and Zoning Department and/or the
686 Land Use Planning and Zoning Committee, the Corporation Counsel shall
687 determine which legal remedy or legal remedies are in order to enforce the
688 provisions of this chapter.
689 3. Each day that the violation exists, after receiving notice of the violation
690 from the Land Use Planning & Zoning Department by certified or registered
691 mail, or personal service per Ch. 801.11 Wis. Stats, shall constitute a
692 separate offense.
693 **a.** Any landowner who violates or refuses to comply with any of the
694 provisions of this chapter shall be subject to a forfeiture of not less
695 than \$50 nor more than \$500 per offense, together with the taxable
696 costs of action.
697 **b.** A landowner may request an extension to a deadline for compliance
698 as set by the Department. The request for extension must be made
699 in writing and include the following information: parcel number,
700 address, current owner information, reference within the
701 ordinance(s) of existing violations, number of days the extension is
702 being requested for, enforceable compliance schedule / time frame,
703 if any other existing violations on the property have been resolved,
704 and other pertinent information.
705 4. In addition to the Corporation Counsel having the authority to enforce the
706 provisions of this chapter per Subsection **B** above, the designated staff of
707 the Land Use Planning and Zoning Department shall have the authority to
708 and may prepare, sign, and issue citations in order to commence action to
709 achieve compliance with the provisions of this chapter.
710

711 **C. Stop-work Orders.**

- 712 1. *No sanitary permit obtained.* When the Land Use Planning and Zoning
713 Department is notified or becomes aware of any activity in violation of the

714 provisions of this chapter by or under the direction of the landowner that
715 requires issuance of a sanitary permit pursuant to this chapter, and such a
716 permit has not been obtained, the Land Use Planning and Zoning
717 Department may issue a stop-work order requiring any such activity to be
718 immediately stopped and enjoined.

- 719 2. *Sanitary permit obtained.* When the Land Use Planning and Zoning
720 Department is notified or becomes aware of any activity in violation of the
721 provisions of this chapter by or under the direction of the landowner for
722 which a sanitary permit was issued and the actual activity deviates from that
723 sanitary permit, the Land Use Planning and Zoning Department may issue
724 a stop-work order requiring the activity to be immediately stopped and
725 enjoined.
- 726 3. The stop-work order shall be mailed to the subject landowner's property tax
727 bill mailing address or the mailing address as stated on the sanitary permit
728 application and/or to any person signing the sanitary permit application.
- 729 4. The stop-work order card issued and posted by the Land Use Planning and
730 Zoning Department shall be posted at the subject site in plain view from a
731 non-trespass location off the subject property. A stop-work order card shall
732 remain posted until compliance of the violation occurs. In the event that a
733 stop-work order has been removed from its posted location by persons other
734 than Department staff, the property owner(s) and/or other agents, upon
735 conviction, shall be subject to a \$300 fine plus court costs. The fine shall
736 increase by \$300 after each offense and be cumulative. For example: \$300
737 first offense, \$600 for second offense, \$900 for third offense, and so on. If
738 a property owner removes a stop work order sign three times they shall be
739 subject to \$1800 (\$300 + \$600 + \$900) in fines plus court costs.
- 740 5. An action filed pursuant to the Board of Adjustment or to any court shall
741 stop work during and until the final outcome of the action has been reached
742 or until so ordered by a Court of appropriate jurisdiction.

743
744 **D. Injunctions.** Every violation of this chapter is a public nuisance, and the creation
745 thereof may be enjoined and the maintenance thereof abated pursuant to § 59.69(11), Wis. Stats.
746


747 **E. Emergency conditions.** Whenever the Land Use Planning and Zoning Department
748 finds that an emergency exists such as sudden, unexpected occurrences, or combinations thereof,
749 unforeseen conditions or circumstances at the time beyond a landowner's control, adverse weather
750 conditions, meeting a timetable which requires immediate action to protect the public health,
751 safety, and welfare, the Land Use Planning and Zoning Department may, without notice or hearing,
752 issue an order citing the existence of such emergency and may require that such action be taken as
753 may be deemed necessary to meet the emergency. The Land Use Planning and Zoning Department
754 shall notify the Chairperson of the Land Use Planning and Zoning Committee within 24 hours of
755 such situations. Notwithstanding any other provisions of this chapter, such order shall become
756 effective immediately. Any person to whom such order is directed shall comply therewith
757 immediately. Appeals or challenges to emergency orders may be brought to the Board of
758 Adjustment after emergency conditions have ceased.
759

760 **334-18. Subdivision Plats.** To protect the public health, all subdivision plats (preliminary and
761 final) as regulated by Chapter 315, "Land Division & Subdivision" shall identify the primary and

762 a replacement soil absorption areas for proper on-site wastewater treatment for all lots not served
763 by a public sewer. In addition,

- 764 A. Data for all soil tests shall be submitted to the County on DSPS form SBD-8330
765 (R04/15) or any future revisions. The form shall be signed and dated by a state
766 certified soil tester.
- 767 B. The County may conduct field investigations to verify, but limited to, depth to soil
768 mottles, groundwater, and bedrock, soil texture and structure and land slope.
- 769 C. At least two (2) soil pits, large enough to enter and allow visual evaluation of the
770 in-situ soil profile, shall be constructed for each proposed soil absorption area.
- 771 D. The County may require the monitoring of groundwater levels for proposed
772 subdivisions where the in situ soil has been altered.
- 773 E. The soil absorption (and replacement area) for each subdivision lot not served by a
774 public sewer, shall be of sufficient area to treat a design wastewater flow of 450
775 gallons per day.
- 776 F. Where individual subdivision lots are to be served by a community wastewater
777 treatment system, the submitted preliminary and final plats shall clearly explain and
778 identify the location of the system's components and the lots being served.
779 Furthermore:
 - 780 1. Any community system shall be designed to accommodate a minimum
781 design wastewater flow of 450 gallons per day and a restriction shall be
782 included on
 - 783 2. All components of a community wastewater treatment system shall be
784 owned and maintained by a special purpose district,
 - 785 3. All components of a community wastewater treatment system shall be
786 accessible through easements, public rights-of-way or ownership.
 - 787 4. Community systems shall be submitted to and approved by DSPS and/or
788 the WNDR prior to final plat approval by the County.

790 **334-19. Definitions.**

- 791 C. **Buildings.** See structure.
- 792 D. **Department.** The County Land Use Planning and Zoning Department.
- 793  **Director.** The Land Use Planning & Zoning Director.
- 794 E. **Director.** The Land Use Planning & Zoning Director.
- 795 F. **Failing Private Sewage System** A failing private on-site wastewater treatment
796 system is one which causes or results in any of the following conditions:
 - 797 (1) The discharge of sewage into surface water or groundwater.
 - 798 (2) The introduction of sewage into zones of saturation which adversely affects the
799 operation of a private on-site wastewater treatment system.
 - 800 (3) The discharge of sewage to a drain tile or into zones of bedrock.
 - 801 (4) The discharge of sewage to the surface of the ground.
 - 802 (5) The failure to accept sewage discharges and back up of sewage into the structure
803 served by the private on-site wastewater treatment system. See Wis. Stat. §
804 145.245(4). In addition, a holding tank which discharges sewage to the ground
805 surface, including intentional discharges and discharges caused by neglect, shall be
806 considered a failing private sewage system.

- 810
811 **G. Human Habitation.** The act of occupying a structure as a dwelling or sleeping
812 place, whether intermittently or as a primary residence.
813
- 814 **H. Non-Plumbing Sanitation System.** Sanitation systems and devices within the
815 scope of SPS 391, Wisconsin Administrative Code, which are approved alternatives to water
816 carried waste plumbing fixtures and drain systems; including but not limited to, incinerating toilets,
817 composting toilets and privies.
818
- 819 **I. Plumber.** A person licensed by the State as a Master Plumber or Master Plumber-
820 Restricted Services.
821
- 822 **J. POWTS.** Private on-site wastewater treatment system.
823
- 824 **K. Private On-Site Wastewater Treatment System.** Also referred to as a “*sewage*
825 *system*”, mean a sewage treatment and disposal system serving a single structure with a septic tank
826 and soil absorption field located on the same parcel as the structure. This term also means an
827 alternative sewage system approved by the Department of Safety and Professional Services
828 including a substitute for the septic tank or soil absorption field, a holding tank, a system serving
829 more than one structure or a system located on a different parcel than the structure. A private on-
830 site wastewater treatment system may be owned by the property owner or by a special purpose
831 district. See § 145.01(12), Wis. Stats.
832
- 833 **L. Privy-Pit.** A privy with earthen sidewalls and/or bottom constructed in accordance
834 with applicable sections of Wisconsin Administrative Code and this Chapter.
835
- 836 **M. Privy-Vault.** A privy with a subsurface storage chamber that is water tight and has
837 a minimum capacity of two hundred (200) gallons.
838
- 839 **N. Rebuilt.** The construction which takes place after a structure is demolished or
840 damaged in excess of fifty percent (50%) or greater of its equalized value at the time it is
841 demolished or damaged.
842
- 843 **O. Sanitary Permit.** A permit issued by the Department for the installation of or
844 reconnection to a private on-site wastewater treatment system or non-plumbing sanitation pursuant
845 to Chapter 145, Wis. Stats.
846
- 847 **P. Septage.** See sewage.
848
- 849 **Q. Septic Tank.** An anaerobic treatment tank.
850
- 851 **R. Servicing Provider.** An individual or business licensed by the State of Wisconsin
852 as a master plumber, master plumber-restricted service, septage pumper or POWTS maintainer.
853
- 854 **S. Sewage.** The liquid and liquid carried wastes created in and to be conducted away
855 from residences, businesses, industries, public buildings, and other buildings in which people live,
856 stay or work.

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T. State. The Wisconsin Department of Safety and Professional Services.

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

