

# JEFFERSON COUNTY



## PRIVATE ONSITE WASTEWATER TREATMENT SYSTEM ORDINANCE CHAPTER 12

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## CHAPTER 12. PRIVATE SEWAGE SYSTEM ORDINANCE

### 12.01 STATUTORY AUTHORITY

This ordinance is adopted pursuant to the authority in §59.70(1), 59.70(5), 145.04, 145.045, 145.19, 145,195, 145.20 and 145.245 Wisconsin Statutes, and any amendments thereto.

### 12.02 PURPOSE

This ordinance is adopted to promote and protect public health and safety by assuring the proper siting, design, installation, alteration, inspection, maintenance, and management of POWTS and non-plumbing sanitation systems.

### 12.03 SEVERABILITY AND LIABILITY

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

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

### 12.04 INTERPRETATION

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

### 12.05 DEFINITIONS.

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

County: Jefferson County or the Jefferson County Planning and Zoning Department.

County Inspector: An individual who is employed by Jefferson County to assist in the administration and enforcement of this ordinance and is licensed by the department to inspect POWTS and to evaluate soils for the purpose of this ordinance. A County Inspector is also referred to as an "authorized agent" throughout this ordinance.

Department: Department of Safety and Professional Services (DSPS)

Domestic Wastewater: Wastewater, not including stormwater, discharged from wastewater plumbing fixtures and appliances that drain wastewater outside of the structure served by the appliance including, but not limited to, discharges from a toilet, bath, laundry, dishwasher, garbage disposal, and wastewater used for cleaning and sanitary purposes.

Failing Private On-Site Wastewater Treatment System (POWTS): A failing private on-site wastewater treatment system is one which causes or results in any of the following conditions:

- (a) The discharge of sewage into surface water or groundwater
  - (b) The introduction of sewage into zones of saturation which adversely affects the operation of a private on-site wastewater treatment system
  - (c) The discharge of sewage to a drain tile or into zones of bedrock
  - (d) The discharge of sewage to the surface of the ground
  - (e) The failure to accept sewage discharges and back up of sewage into the structure served by the private on-site wastewater treatment system
- s. 145.245(4)

A holding tank which discharges sewage to the ground surface, including intentional discharges and discharges caused by neglect, shall be considered a failing private on-site wastewater treatment system.

Human Habitation: The act of occupying a structure as a dwelling, sleeping place, or other use resulting in human occupancy, whether intermittently or as a principal structure.

Occupancy: Pertains to and is the purpose for which a building or structure is used or intended to be used when considering a building's or structure's use or intended use for human habitation.

Modification in wastewater flow or contaminant load: A modification in wastewater flow or contaminant load shall be considered to occur:

- (a) In public buildings, facilities or places of employment, when there is a proposed change in occupancy of the structure; or the proposed modification affects either the type or number of plumbing appliances, fixtures or devices discharging wastewater to the private on-site wastewater treatment system; and
- (b) In dwellings, when there is an increase or decrease in the number of bedrooms

Plumber: A person licensed by the State as a master plumber or master plumber restricted service.

Private On-Site Wastewater Treatment System (POWTS): As given the meaning and defined in s. 145.01 (12) of Wisconsin Statutes:

A sewage treatment and disposal system serving a single structure with a septic tank and soil absorption filed located on the same parcel as the structure. This term also means an alternative sewage system approved by the department including a substitute for the septic tank or soil absorption field, a holding tank, a system serving more than one structure or a system located on a different parcel than the structure. A private on-site wastewater treatment system may be owned by the property owner or by a special purpose district.

Private Sewage System: Also referred to as a “Private Onsite Wastewater Treatment System” or “POWTS” and has the meaning given under s. 145.01(12) Wisconsin Statutes.

## **12.06 COMPLIANCE**

- (1) All structures or premises in the County intended for permanent or intermittent occupancy which are not served by a public sewer, shall have a system for holding or treatment and dispersal of sewage and wastewater which complies with the provisions of this ordinance.
- (2) The POWTS for newly constructed structures or existing structures shall be installed, inspected and approved a by person licensed by the State as a master plumber or master plumber restricted service, and also inspected and approved by the Planning and Zoning Department before the structure may be occupied.
- (3) No person shall install, move, reconstruct, extend, enlarge, convert, substantially alter, or change the use of any private sewage system or any part thereof without a sanitary permit and without being in full compliance with all provisions of all applicable County and State regulations.

## **12.07 INCORPORATION OF PROVISIONS BY REFERENCE**

This ordinance incorporates by reference the following rules, regulations, and laws as set forth in the Wisconsin Statutes and the Wisconsin Administrative Code governing the location, construction and use of POWTS as well as the disposition of domestic wastes: § 59.70(5), Chapters 145, 281.48 and 968.10 Wisconsin Statutes; SPS 381-385, SPS 387, SPS 391, NR113 and NR116 Wisconsin Administrative Code. These rules, regulations, and laws shall apply until amended or renumbered and then shall apply as amended or renumbered.

## **12.08 APPLICABILITY**

The requirements of this ordinance shall apply to all geographic areas of the County.

## 12.09 LIMITATIONS

- (1) All domestic wastewater shall enter a private sewage system unless otherwise exempted by state law or this ordinance.
- (2) A vault privy is allowable only for campgrounds or parks. Vault privies shall not be used in association with habitable structures. All such privies shall be constructed and maintained consistent with the requirements of SPS 391 and HR113 Wisconsin Administrative Code. For permitting purposes, a county sanitary permit is required for the installation of a vault privy.
- (3) Composting and/or incinerating toilets may be allowed on properties that are not connected to a water supply and are not connected to a plumbing system upon approval from the Planning and Zoning Committee.

Applications shall be made to the Planning and Zoning Department which shall refer the application to the Planning and Zoning Committee. Applications shall include written statements from the owner requesting a composting or incinerating toilet, and the specific facts as to why it is being requested. The Committee shall make necessary investigations, meet with the applicant or agent thereof, and shall determine whether or not to grant the application. The Committee will review facts such as the proposed use of the property, availability of a POWTS, location of the toilet, proposed structures, proposed use of a well or water and reasons why a traditional POWTS cannot be used. If approved by the Planning and Zoning Committee, a sanitary permit shall be required.

- (4) Any POWTS or portion thereof installed within a floodplain shall also comply with all state statutes and applicable requirements of NR116 Wisconsin Administrative Code, and the Jefferson County Floodplain Ordinance with the exception that a private sewage system can be permitted in the floodplain if properly floodproofed to the satisfaction of the Jefferson County Planning and Zoning Department after considering the specific characteristics of the property and the suitability of a POWTS on the property, and all other state and county requirements are satisfied
- (5) A primary area other than a holding tank shall be identified for new construction.
- (6) Holding tanks are prohibited for new construction and shall not be identified as the POWTS for new construction. Persons may request exceptions to this prohibition as described (7) and (8) below.
- (7) Installation of a holding tank is prohibited as a replacement POWTS for an existing dwelling or existing construction served by a POWTS, if at least an A+4 mound type system may be located on the property except as provided in (a) and (b) below.

- (a) A temporary holding tank may be installed if a public sewer, approved by the Department of Natural Resources, will be installed to serve the property within 2 years of the date of the sanitary permit issuance. An application for a sanitary permit for a holding tank shall include, in addition to what is required in SPS 383 and this ordinance, written statements from:
  - 1. The municipality or sanitary district verifying the date the public sewer will be installed and available to serve the property.
  - 2. The Department of Natural Resources verifying approval of the public sewer, and
  - 3. The property owner agreeing to connect to public sewer when it becomes available, and to properly abandon the temporary holding tank.

If public sewer does not become available within 2 years of the date of sanitary permit issuance, the holding tank must be replaced with another type of system recognized by SPS 383 unless conditions identified in par. (7)(b), (8) and (9) apply.

- (b) Soils and site evaluation has determined that the only available area is located within the 100-year floodplain.
- (8) Installation of a temporary holding tank may be approved by the County in cases where an approved POWTS may not be fully installed due to weather or other circumstances. The system shall be fully installed within one year of the approval of the temporary holding tank. The County may grant an extension on a case-by-case basis. Upon approval, the plumber and/or property owner shall submit the following:
- (a) Holding Tank Maintenance Agreement
  - (b) Holding Tank Servicing Contract
  - (c) Applicable fees required by the County
  - (d) Permit application
- (9) Exceptions to allowing holding tanks for new construction may be granted when the public interest in safe, healthful sanitation arrangements will not be jeopardized, and where the applicant's situation is truly unique, such as, the likelihood of public sewerage service being available at a reasonable future time.

Applications for an exception shall be made to the Planning and Zoning Department which shall refer the application to the Planning and Zoning Committee. Applications shall include written statements from the owner requesting the exception and plumber and/or soil tester documenting the specific facts as to why an exception is requested. The Committee shall make necessary investigations, meet with the applicant or agent thereof, and shall determine whether or not to grant the exception.

- (10) When a failing POWTS is identified, it shall be brought into compliance with current code requirements, replaced with a code-compliant system or its use discontinued within that period of time required by department or county orders.
- (11) Any POWTS proposed to be installed in a sanitary district, city or village; or within a 15 year growth area; or within an Urban Service Area or Limited Urban Service Area requires approval from that jurisdiction prior to issuance of the sanitary permit.
- (12) The POWTS shall be located on the lot or parcel that it is intended to serve or on the same lot or parcel that the structure(s) it serves is located

Applications for an exception shall be made to the Planning and Zoning Department which shall refer the application to the Planning and Zoning Committee. Applications shall include written statements from the owner requesting the exception and plumber and/or soil tester documenting the specific facts as to why an exception is requested. The Committee shall make necessary investigations, meet with the applicant or agent thereof, and shall determine whether or not to grant the exception.

#### **12.10 ABANDONMENT OF POWTS**

- (1) When public sewer approved by the Department of Natural Resources becomes available to the structure or premises served, the private sewage system shall be disconnected within one year and a connection made to the public sewer. Determination of whether sewer is available shall be made by the local sewer service authority.
- (2) Abandonment of the disconnected POWTS shall be done in accordance with the provisions of SPS 383, Wisconsin Administrative Code, and a report of the abandonment shall be filed with the Jefferson County Planning and Zoning Department within 30 days of abandonment.
- (3) The components of an existing POWTS that are not part of the approved design of a replacement system shall be abandoned at the time of the installation of the replacement system by the plumber installing the system. The abandonment shall comply with SPS 383, Wisconsin Administrative Code.

#### **12.11 SOILS AND SITE EVALUATIONS**

- (1) Soils and site evaluations shall be conducted as prescribed in SPS 383, 385 and 391 with at least three (3) soil profile evaluations unless additional borings are necessary to properly delineate the area.



- (2) Soil and site evaluation data shall relate to the undisturbed and finished grade elevations, vertical elevation reference point and horizontal reference point. Surface elevations shall be given to all soil borings.
- (3) A soil and site evaluation report may not be required if the site is located in a floodplain only if minimum setback distances cannot be met or if the site has been altered to the extent that a replacement holding tank is the only alternative.
- (4) Inspections and County Verification of Soil and Site Evaluations:
  - a. County verification of a Soil and Site Evaluation Report may be required by the County inspector to determine suitability of a lot for any POWTS. This verification will be made at the discretion of the county inspector and will be made prior to the issuance of the sanitary permit.
  - b. County onsite verification of a Soil and Site Evaluation Report shall be required for all soils, except those that support an in-ground or conventional soil absorption system. The county may waive verification at the discretion of the Planning and Zoning Director or his or her designee. Verification will be conducted upon receipt of a completed soil and site evaluation or meeting the County inspector at the site for verification. If soil pits are utilized, they shall be constructed prior to county inspection.
  - c. A certified soil tester may request county verification for soils that might support an in-ground soil absorption component. Verification may be conducted by the county upon submittal of a completed soil and site evaluation report or if the soil tester is present with the County inspector at the site during verification. Such verifications are subject to the County inspector's work schedule and may be subject to a fee.
  - d. Inspections shall be completed by the end of the workday following the request for inspection, excluding Saturdays, Sundays and Holidays.
- (5) County verification reports shall be attached and filed with a completed soil and site evaluation report.

## **12.12 SANITARY PERMITS (GENERAL)**

- (1) Every POWTS shall require a separate application and sanitary permit.
- (2) A sanitary permit shall be obtained by the property owner, agent or contractor in the name of the property owner, prior to installation, establishment or construction of any structure which requires a POWTS permit. Any property owner, agent or contractor, who starts construction prior to obtaining a sanitary permit is in violation of this ordinance, and shall be subject to the penalties provided in this ordinance.

- (3) A sanitary permit shall be obtained by the property owner, agent or contractor, before any POWTS or part thereof may be installed, replaced, or modified. A sanitary permit is not required for the addition of manhole risers or for the replacement of manhole covers, baffles or pumps.
- (4) A sanitary permit is required for a vault privy, and construction shall comply with SPS 391.
- (5) If any part of a POWTS, other than the tank, has failed or requires replacement, such new part shall meet the current code. For tank replacement, a soil evaluation shall be performed which shows drain field separation from groundwater meets the current code, unless such a report is already on file with the County. The sanitary permit application shall show specifications for replacement parts and drainage fields, if required.
- (6) A Zoning and Land Use Permit shall not be issued for construction of any structure requiring connection to a private on-site wastewater treatment system unless a private on-site wastewater treatment system satisfying all applicable regulations already exists to serve the proposed structure or all permits necessary to install a private on-site wastewater treatment system have been obtained § 145.195, Wisconsin Statutes.

### **12.13 SANITARY PERMIT APPLICATION REQUIREMENTS**

- (1) A sanitary permit application shall include the following information by the applicant on forms required by the state and/or County, as well as, all items expressed in SPS 383 and applicable fees. All information required on the sanitary permit application form shall be complete, legible and accurate:
  - (a) A clear and legible detailed plot plan dimensioned or drawn to scale on a minimum of 8 ½" x 11" quality paper, but not to exceed 11" x 17."
  - (b) Plot plan(s) shall be submitted and include all of the following and any other information as required by the County:
    1. lot size and location of all existing and proposed POWTS components
    2. building sewers
    3. sanitary and storm sewers
    4. wells
    5. water mains or water service
    6. streams and lakes and reference to ordinary high water mark
    7. Floodplain and/or wetland
    8. Structures and driveways
    9. lot lines or property lines
    10. adjoining property owner features that would impact the POWTS location with respect to SPS 383

11. benchmark as established on the soil and site evaluation report
  12. demonstrate compliance with all horizontal setback parameters established in SPS 383.43
  13. additional information that may be required by the County based on the unique characteristics of the structure or property
- (c) Plans and specifications for the proposed POWTS component shall be provided. The County may require additional information to ensure that all specifications have been provided as part of the application process.
- (d) Soil and site evaluation.
- (e) If required, state approved plans bearing the department's conditional approval and the approval letter issued by the department.
- (f) Contingency plan in the event that the proposed POWTS fails and cannot be repaired.
- (g) Maintenance Agreement, Holding Tank Agreement, Holding Tank Servicing Contract and/or ATU Agreement in recordable form as furnished by the County describing maintenance for the system consistent with SPS 383.
- (h) A Management Plan for the proposed design-reflecting conformance with SPS 383.
- (i) Payment of applicable fees as prescribed in the County fee schedule
- (2) The County reserves the right to refuse incomplete, incorrect or non-legible sanitary permit applications or to delay sanitary permit issuance over the time limits prescribed in Sec. 12.14 of this ordinance until a corrected or complete application is received.

#### **12.14 PERMIT APPROVAL OR DENIAL**

- (1) Permits shall be approved within 30 days of receiving a completed sanitary permit application that has provided all required information as prescribed in this ordinance and SPS 383.
- (2) **PERMIT DENIAL:** When applicable provisions of Wisconsin Statutes, Wisconsin Administrative Code or this ordinance have not been complied with when applying for a sanitary permit, the permit shall be denied. Reasons for denial shall be forwarded to the plumber, landowner, and, when appropriate, DSPS representatives and Corporation Counsel.

## **12.15 SANITARY PERMIT TRANSFER, REVISION AND REVOCATION/SUSPENSION, EXPIRATION AND RENEWAL**

- (1) Transfer: When there is a change of ownership, the state transfer form shall be submitted to the County with a set of new plans, if deemed necessary, and a fee as prescribed in the County fee schedule.
  - (a) The sanitary permit card shall be returned to the County so that a new transfer card may be issued.
  - (b) The sanitary permits for systems requiring state plan approval shall not be transferred to a different plumber unless the plan bears the stamp of an architect or engineer, plumbing designer or state level approval is obtained by the new plumber.
- (2) Revisions: Approval from the County is required whenever there is a change in the POWTS design as originally approved by the County as follows:
  - (a) Submission of detailed plans and specifications and submission of an application and application fee as prescribed in the County Fee Schedule.
  - (b) The County shall provide notice to the plumber in charge when a revision is required. The plumber shall submit the revision within 30 calendar days of the date of notice.
- (3) Revocations: The County may revoke any sanitary permit issued under this section for any false statements or misrepresentations of fact that served as the basis for issuance of the permit. The reasons for revocation shall be conveyed in writing to the owner of the property and plumber listed on the permit application. After revocation, no work shall be done on the POWTS until a new permit is approved by the County.
- (4) Suspensions: The County may suspend any sanitary permit issued under this section for any false statements or misrepresentations of fact that served as the basis for issuance of the permit. The reasons for suspension shall be conveyed in writing to the owner of the property and plumber listed on the permit application. After suspension of the permit, no work may be done on the POWTS until the conditions of permit suspension have been complied with, and the County has reinstated the sanitary permit.
- (5) Expiration and Renewal: The sanitary permit is valid for a period of two years from the date of issuance. A sanitary permit may be renewed for periods of up to two years if the POWTS has not been completely installed provided the renewal is obtained prior to the expiration of the sanitary permit and the appropriate fee

submitted as prescribed in the County Fee Schedule. Renewals may be approved only if the plan meets the code in effect at the time the renewal is sought.

#### **12.16 SANITARY PERMIT FEES**

- (1) Sanitary permit fees must be paid before a sanitary permit will be issued. The fees charged by the County for issuing a sanitary permit, sanitary permit revision, transfer, or renewal are identified in the Jefferson County Planning and Zoning Fee Schedule approved by County Board action and posted at the County Planning and Zoning Department.
- (2) Fees may also be assigned for other activities associated with this ordinance, and shall be as identified in the Jefferson County Fee Schedule approved by County Board action and posted at the County Planning and Zoning Department.
- (3) The county may adjust fees annually with County Board approval to reflect changes in cost and/or level of service provided.

#### **12.17 PRIVATE ON-SITE WASTEWATER TREATMENT SYSTEM INSPECTIONS**

- (1) Final Installation Inspections: The county shall inspect all POWTS as required by SPS 383 after construction, but before backfilling and no later than the end of the next workday, excluding Saturdays, Sundays, and holidays, after receiving notice from the plumber in charge. Inspections shall be reported on forms furnished by the department. The plumber in charge must be present during the inspection and must provide all necessary equipment and assistance to the inspector as requested.
- (2) Mound and at-grade system inspections: Mound and at-grade systems shall be inspected before the ground surface is plowed and in accordance with SPS 383. The plumber shall evaluate the ground surface prior to County inspection. Upon County approval, the plumber has up to 48 hours to plow the ground surface. If rainfall occurs after County approval, the approval is null and void, and shall be reinspected. After the system is installed, the system shall be inspected in accordance with (1).
- (3) Other Inspections: Additional inspections of a POWTS may be necessary based on the POWTS type, complexity or unforeseen circumstances. POWTS may be inspected periodically, after the initial installation inspection(s) and/or after the system is operative, as deemed necessary by the County.
- (4) Covering of Work: No part of the POWTS may be backfilled until it has been inspected and approved. If any part is covered before being inspected and approved, it shall be uncovered at the discretion of the County inspector.

- (5) POWTS Use: No new or replacement POWTS shall be used until an inspection report is completed indicating compliance with all terms of this ordinance. Backfilling and/or use of the system shall not occur prior to express verification by the inspector or authorized agent that conditions are in compliance.
- (6) Effect of Report: The inspection report shall apply only to the date of issuance as it relates to the POWTS. It does not imply the continued compliance of this system with state and local regulations. The inspection report, and the approval it signifies, shall extend only to the property usage as indicated on the approved application. A change in usage, that requires modification of the POWTS, shall necessitate a new application, permit and inspection.

## **12.18 POWTS MAINTENANCE AND MANAGEMENT**

- (1) General Provisions
  - (a) All POWTS shall be managed and maintained in accordance with SPS 383 and SPS384 Wisconsin Administrative Code and this ordinance.
  - (b) The property owner shall report to the County each inspection, maintenance, or servicing event in accordance with SPS 383, Wisconsin Administrative Code and this ordinance.
  - (c) The property owner shall submit a maintenance agreement and/or servicing contract or Holding Tank Agreement as prescribed by the County, to the County as part of the sanitary permit. The agreement or contract shall be recorded with the register of deeds. It is the responsibility of the owner to provide written notice of the maintenance program to a buyer. A revised agreement shall be submitted by the owner whenever there is a change to such document.
  - (d) The County may require verification of any information contained in an inspection, evaluation, maintenance, and servicing report. The County may investigate any report of a failed system, in which potential requirements may include, but are not limited to:
    - 1. Requiring an inspection by a licensed plumber
    - 2. Requiring a soil boring to determine groundwater separation
    - 3. Performing on-site inspections with the property owner
- (2) POWTS Maintenance Program (Except Holding Tanks)
  - (a) All septic tanks permitted and/or installed prior to July 1, 2000 shall be pumped and visually inspected by a licensed individual in accordance with SPS 383.54 for ponding of wastewater or effluent on ground surface. The POWTS system shall be pumped and inspected at least once every three years, unless upon inspection the tank is found to have less than 1/3 of the volume occupied by sludge and scum.

- (b) Every three (3) years after the installation of a POWTS, the owner shall be provided a certification form by the County at least 30 days prior to its due date, which is required to be provided to the County as a completed report within 30 calendar days of the service event. The certification form shall be completed by the licensed individual servicing the POWTS. Pumping shall be conducted by a certified septage servicing operator in accordance with NR113, Wisconsin Administrative Code.
- (c) The certification form shall state that the POWTS does not have wastewater or effluent ponding on the surface of the ground, and that the septic tank was recently pumped by a certified septage servicing operator, or it was inspected and was less than 1/3 full of sludge and scum. The certificate shall also include the address of the property, owner name, service provider, date of service, and type of service.
- (d) All septic tanks shall be serviced when sludge or scum occupies 1/3 or more of the volume of the septic tank.
- (e) All reports of service events shall be submitted to the County within 30 calendar days from the service event as prescribed in SPS 383. The report shall include the type and result of the service event, owner's name, address of service event, name of licensed service provider, license number, and date of service.
- (f) A delay in required POWTS maintenance may be approved by the County inspector based on circumstances such as, but not limited to, inclement weather, road weight restrictions and site limitations.

### **12.19 HOLDING TANK MAINTENANCE PROGRAM**

- (1) The owner of the holding tank shall enter into a Holding Tank Agreement with the county authorizing the County to enter upon the property and service the holding tank if the owner fails to have the holding tank properly serviced in response to orders issued by the County. The Maintenance Agreement shall be filed with the Register of Deeds and be recorded in a manner identifying the property on which the holding tank exists and to which the agreement applies.
- (2) A holding tank shall be serviced in accordance with SPS 383.54(3)(c) and the management plan and service agreement. The tank shall be serviced when the wastewater in the tank reaches a level of one foot below the inlet invert of the tank.
- (3) The owner is responsible to report all service events to the County within 30 calendar days from the service event. The report shall include owner's name, address of

service event, name of licensed septage servicing operator, license number, gallons pumped, and date of service.

## **12.20 CONSTRUCTION AFFECTING WASTEWATER FLOW OR CONTAMINATION LOAD**

- (1) Prior to commencing an addition or modification to a dwelling that increases or decreases the number of bedrooms or contaminant load to a structure that is served by a POWTS, a code-compliant POWTS shall exist for that structure.

Documentation shall be provided to the County demonstrating that a POWTS of adequate capability and capacity to accommodate the wastewater flow and contaminant load already exists to serve the structure as specified in SPS 383, Wisconsin Administrative Code or a code compliant system will be installed. Documentation shall include the following:

- (a) Sanitary permit demonstrating existing compliance or plans for the installation of a new code-compliant system, or
  - (b) Soil test demonstrating proper distance above groundwater indicators and other limiting factors as per SPS 383, as well as certification by a service provider that the system and septic tank have been inspected and found to be code compliant. If the existing system is not sized properly as designated in SPS 383, an affidavit in the format prescribed by the County, shall be recorded in the Register of Deeds demonstrating use of an undersized system. The County may waive the requirement for a soil test, if the inspector has reason to believe proper separation to groundwater and other limiting factors exists.
- (2) All setbacks for the proposed addition from the POWTS must be compliant.
  - (3) Any installation, addition or modification of the POWTS shall be completed and accepted by the County within one year of issuance of the land use permit.

## **12.21 CONSTRUCTION NOT AFFECTING WASTEWATER FLOW OR CONTAMINANT LOAD**

- (1) Prior to commencing construction of any structure or addition to a structure on a site where there exists a POWTS, the owner, or his agent, shall determine that the proposed structure conforms with the applicable setbacks of SPS 383, Wisconsin Administrative Code. Documentation in the form of a site plan shall be submitted to the County as part of the Zoning and Land Use Permit process for review.

## **12.22 ADMINISTRATION AND ENFORCEMENT**

- (1) Duties and Authority:



- (a) The Planning and Zoning Director, or assigned agent, shall administer and enforce all provisions of this chapter and all other state and county provisions relating to the construction, installation, alteration, repair, maintenance and management of all POWTS within the county and shall make such inspections, perform such tests and issue such orders as may be necessary for such enforcement.
- (b) Authority to Enter Premises:
  - 1. In the discharge of his/her duties, the Planning and Zoning Director or his authorized agent may enter any building, upon presentation of the proper credentials and with permission of the owner, during reasonable hours for the purpose of inspection and may require the production of any permit or license required hereunder. No person shall interfere with the authorized personnel in the performance of their duties; and any person so interfering shall be in violation of this chapter and subject to a penalty described in this ordinance.
  - 2. If consent to entry to and property has been denied, the Planning and Zoning Director shall obtain a special inspection warrant under Sec. 66.12 and 66.123, Wisconsin Statutes.
- (c) Stop Orders: If the Planning and Zoning Director or his/her authorized agent determines that construction or installation of a POWTS on a premise does not comply with this ordinance, the Planning and Zoning Director or his/her agent shall post in a conspicuous place upon the premises a stop order which order shall demand that all work cease until the construction or the installation is in compliance with this ordinance. The posted order shall describe the non-compliance and the nature of the work to be stopped. The order shall identify the location and the name of the issuing officer and appeal procedures. It shall be a violation of this ordinance to engage in work in contravention of the terms of such order or to make an unauthorized removal of such a posted order. Work may recommence on the site only under the express direction of the Planning and Zoning Director or authorized agent.
- (d) Records and Reports: The Planning and Zoning Director shall keep in his or her office a daily record of all the transactions of his or her office, including permits issued and fees received, and shall make such reports thereon to the supervising committee, County Board or state agencies as they may require.
- (e) Issuing Agent: The Planning and Zoning Director or authorized agent shall act as the Jefferson County issuing agent and is hereby assigned the duties of administering the POWTS program and ordinance.

- (f) Appeals: Persons seeking to appeal decisions of the Planning and Zoning Director shall file written letters of appeal with the county Planning and Zoning Director. Appeals are required to be filed within 30 days of the decision. The Planning and Zoning Director shall place the appeal on the agenda of the County Board of Adjustment and the appeal shall be given a due process proceeding in accord with Wisconsin Statutes, Sec. 68.10-.12. The Board of Adjustment shall decide whether to uphold, uphold with modifications, or reverse the Planning and Zoning Director's decision based upon the terms and intent of this ordinance and of relevant state laws and administrative rules. No appellate decision of the Board of Adjustment shall have the effect of approving an existing or proposed condition that would violate this ordinance or state law or rule. Appeals that can only be approved by the granting of an exception or variance to the State Plumbing Code shall be referred to the Department of Safety and Professional Services pursuant to Wisconsin Administrative Code. Appeals made to the Board of Adjustment shall be made in writing and shall be filed in the Planning and Zoning Director's office. Appeals of decisions of authorized agents of the Planning and Zoning Director shall be made first to the Planning and Zoning Director and the initial appeal decision shall then be appealable as provided herein.
- (g) Variances: Variances are determined by the Wisconsin Department of Safety and Professional Services.
- (h) Fees: An applicant, upon filing an application or making request for inspections or changes to applications, shall pay a fee to the Planning and Zoning Department in accordance with the fee schedule adopted by the Jefferson County Board of Supervisors.

### **12.23 ENFORCEMENT**

- (1) Prohibitions. The following shall be deemed violations of the ordinance:
  - (a) To install, alter, modify, repair or enlarge a POWTS without prior County approval or in a manner not in compliance with an approved County permit.
  - (b) To materially change the use of a premises so as to render the approved POWTS no longer in compliance with applicable standards.
  - (c) To fail to report soil tests fully and accurately.
  - (d) To fail to satisfy maintenance or operational standards.
  - (e) To contract to conduct tank pumping or waste hauling or disposal and to do such activities in violation of state law, rule or ordinance.

- (f) To operate a failing POWTS as defined in s. 145.245(4), Wisconsin Statutes.
  - (g) To fail to obey orders lawfully issued by state or county officials.
  - (h) To operate a system that constitutes a nuisance or that emits a prohibited discharge.
  - (i) To install, alter, modify, repair, enlarge or service a POWTS by an individual without the proper licensing as defined in s. 145.06 Wisconsin Statutes.
  - (j) Failure to follow rules, regulations, and laws as set forth in the Wisconsin Statutes, Wisconsin Administrative Code, and this ordinance.
- (2) Penalties. Any person who shall violate any provision of this chapter or any regulation, rule or order made hereunder shall be subject to a penalty as provided below:
- (a) Payment of the assigned deposit on a citation issued pursuant to Jefferson County Citation Ordinance No. 84-10 and any amendments thereto.
  - (b) Payment of a forfeiture assessed by a court upon an enforcement lawsuit initiated by the county for violation of this ordinance. The amount of such forfeiture shall be not less than \$100.00 nor more than \$500.00 for each violation. Each day of violation shall be a separate offense.
  - (c) Injunctive remedies may also be ordered by the court.

Adopted by the Jefferson County Board of Supervisors