

CHAPTER 15
PRIVATE SEWAGE SYSTEMS

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INTRODUCTION

15.01 STATUTORY AUTHORITY

This chapter is adopted pursuant to the authorization in §59.70(1), §59.70(5), §145.04, §145.19, §145.20, §145.245 Wis. Stats.

15.02 PURPOSE

The purpose of this chapter is to protect and promote the health, safety, prosperity, aesthetics and general welfare of the people and communities within Marinette County. The general intent of this chapter is to regulate the location, construction, installation, alteration, maintenance and use of onsite waste disposal systems so as to protect the health of residents and transients and to secure safety from disease, nuisance and pestilence and for the protection of the groundwater resource.

15.03 DEFINITIONS

Except as specifically defined below, words and phrases used in this chapter are to be interpreted as having the same meaning as they have in the Wisconsin Statutes, Administrative Codes and Common Law. Words in the present tense include the future; words in the singular include the plural and words in the plural include the singular. The word “shall” is mandatory.

- (1) **Buildings.** See Structure.
- (2) **Conventional Private Sewage System.** A private sewage system consisting of a septic tank and an in-ground soil absorption component with gravity distribution of effluent.
- (3) **County Sanitary Permit.** A permit issued by the County for the reconnection of a private sewage system or for the installation of a non-plumbing sanitation system, pursuant to §59.70 and §145.04, Wis. Stats.
- (4) **County.** The Marinette County Land Information Department - Zoning Division
- (5) **Failing Private Sewage System.** “Failing private sewage system” has the meaning specified under §145.245(4), Wis. Stats. A holding tank which discharges sewage to the ground surface, including intentional discharges and discharges caused by neglect, shall be considered a failing private sewage system.
- (6) **Human Habitation.** The act of occupying a structure as a dwelling or sleeping place, whether intermittently or as a principal residence.
- (7) **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 to the system; and
 - (b) In dwellings, when there is an increase or decrease in the number of bedrooms.

- (8) **Nonplumbing Sanitation System.** Sanitation systems and devices within the scope of Comm. 91, Wisconsin Administrative Code, which are alternatives to water carried waste plumbing fixtures and drain systems; including, but not limited to, incinerating toilets, composting toilets and privies.
- (9) **Occupancy.** Pertains to and is the purpose for which a building is used or intended to be used. A change of occupancy is not intended to include a change of tenants or proprietors.
- (10) **Plumber.** A person licensed by the State as a Master Plumber or Master Plumber-Restricted Services.
- (11) **Portable Restroom.** A self-contained portable unit that includes fixtures, incorporating holding tank facilities, designed to contain human excrement.
- (12) **Private Sewage System.** Also referred to as a “Private Onsite Wastewater Treatment System” or “POWTS”, has the meaning given under §145.01(12), Wis. Stats.
- (13) **Privy.** An enclosed nonportable toilet into which nonwater-carried human wastes are deposited.
- (14) **Privy-Pit.** A privy with a subsurface storage chamber which is not watertight.
- (15) **Privy-Vault.** A privy with a subsurface storage chamber that is watertight.
- (16) **Rebuilt.** The construction which takes place after a structure is demolished or damaged to the extent of fifty (50%) percent of its current equalized assessed value.
- (17) **Sanitary Permit.** The term “sanitary permit”, as used in this chapter, shall mean a County Sanitary Permit, a State Sanitary Permit or both.
- (18) **Septic Tank.** An anaerobic treatment tank.
- (19) **Soil and Site Evaluation Application.** An application submitted for the purpose of requesting County verification of a Soil and Site Evaluation Report.
- (20) **State.** The Wisconsin Department of Commerce.
- (21) **State Sanitary Permit.** A permit issued by the County for the installation or modification of a private sewage system, pursuant to §145.135 and §145.19, Wis. Stats.
- (22) **Structure.** Anything constructed or erected, the use of which requires a location in or on the premises, or any other attachment to something having a permanent location on the ground, which includes, but is not limited to, objects such as buildings, factories, sheds and cabins, mobile homes, gas or liquid storage tanks, bridges, culverts, decks, satellite dishes or swimming pools. Also included are items or personal property that may have been designed as transportable or as a vehicle, but stand in a seasonal or permanent location for storage or intermittent human habitation. Such incidental structures may include (but are not limited to) truck campers, travel trailers, park or model units, buses, and motor homes.
- (23) **System.** Also referred to as Private Sewage System, Private Onsite Wastewater Treatment system or POWTS has the meaning given under §145.01(12), Wis. Stats.

GENERAL REQUIREMENTS

15.05 COMPLIANCE

- (1) All structures or premises in Marinette County that are permanently or intermittently intended for human habitation or occupancy, which are not serviced 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 chapter.
- (2) The private sewage system or non-plumbing sanitation system for newly constructed structures or structures requiring a Reconnection Permit shall be installed, inspected, and approved before the structure may be occupied.

15.06 REPEAL AND EFFECTIVE DATE

This chapter shall be effective after public hearing, adoption by the Marinette County Board and publishing or posting as required by law. The existing sanitary provisions for Marinette County shall be repealed effective on the date of the enactment of this chapter.

15.07 INCORPORATION OF PROVISIONS BY REFERENCE

This chapter 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 private sewage systems: §59.70(5), Chapters 144 and 145, 146.20 and 968.10, Wis. Stats., Chapters Comm. 52.63, Comm. 81, Comm. 82, Comm. 83, Comm. 84, Comm. 85, Comm. 87, Comm. 91, NR 113, and NR 116 Wisconsin Administrative Code. These rules, regulations, and laws shall apply until amended or renumbered and then shall apply as further amended or renumbered in the future without need to amend this chapter.

15.08 APPLICABILITY

The requirements of this chapter shall apply to all area of Marinette County not served by a public sewer approved by the Department of Natural Resources.

15.09 LIMITATIONS

- (1) All domestic wastewater shall enter a private sewage system unless otherwise exempted by the State or this chapter.
- (2) A nonplumbing sanitation system may be permitted only when the structure or premises served by the nonplumbing sanitation system is not provided with an indoor plumbing system. If plumbing is installed in the structure or running water is supplied to the structure, an acceptable method of sewage disposal other than, or in addition to, a nonplumbing sanitation system must be provided.
- (3) Any private sewage system, or portion(s) thereof, installed within a floodplain shall comply with all applicable requirements of NR 116, Wisconsin

Administrative Code, and the Marinette County Zoning Code, Chapter 21 of the General Code of Ordinances for Marinette County.

- (4) Installation of a holding tank is prohibited if any private sewage system listed below is permitted by Comm. 83, Wisconsin Administrative Code.
- (a) Non-pressurized In-ground
 - (b) Mound
 - (c) In-Ground Pressure
 - (d) At-grade

A sanitary permit for the installation of a holding tank, or which designates a holding tank as a replacement system, shall not be issued unless a Soil and Site Evaluation determines that the property is unsuitable for the above listed systems, except as provided in (a) below.

- (a) A temporary holding tank may be installed when a public sewer, approved by the Department of Natural Resources, will be installed to serve the property within 2 years of the date of sanitary permit issuance. In addition to items required in Section 15.15, of this chapter, an application for a sanitary permit to install a temporary holding tank shall include written statements from:
- (1) The municipality or sanitary district, verifying the date that public sewer will be installed and available to serve the property;
 - (2) The Department of Natural Resources, verifying approval of the public sewer; and
 - (3) The property owner, agreeing to connect to public sewer when it becomes available and to abandon the temporary holding tank.
 - (4) If public sewer does not become available within two (2) years of the date of sanitary permit issuance, the holding tank shall be replaced with one of the POWTS listed above, if approved by Comm. 83, Wisconsin Administrative Code.
 - (5) When a failing private sewage system is identified, it shall be brought into compliance with current code requirements, replaced with a code compliant system or its use discontinued within a reasonable period of time required by County order.

15.10 ABANDONMENT OF PRIVATE SEWAGE SYSTEMS

- (1) When public sewers approved by the Department of Natural Resources become available to the structure or premises served, the private sewage system shall be disconnected within one (1) year and a connection made to the public sewer. Determination of whether sewer is available shall be made by the local sewer service entity.
- (2) Abandonment of the disconnected private sewage system shall be done in accordance with the provisions of Comm. 83, Wisconsin Administrative Code.
- (3) The components of an existing private sewage system that are not part of the approved design of a replacement system shall be abandoned at the time of the installation of the replacement system by the plumber installing the system.

The abandonment shall comply with Comm. 83, Wisconsin Administrative Code.

PERMITS AND APPLICATIONS

15.13 SOIL AND SITE EVALUATION

- (1) Soil and site evaluations shall be done prior to the issuance of permits as specified in Comm. 83 and 85, Wisconsin Administrative Code.
- (2) Soil test pits shall be constructed which allow adequate visual observation of the soil profile in place.
- (3) County verification of a Soil and Site Evaluation Report may be necessary to determine the suitability of a lot for a private sewage system. This verification will be made at the discretion of the Land Information Director and will be made prior to the issuance of the sanitary permit. This verification will result in one (1) of the following:
 - (a) Issuance of the permit, provided all information on the application is correct and complete.
 - (b) Establishment of a file indicating site suitability.
 - (c) Holding the application pending clarification of information or new information by the owner, the plumber, or the certified soil tester.
 - (d) Denial of the permit if the site does not meet all the provisions of this chapter and appropriate Wisconsin Statutes and Administrative Codes. If the permit application is denied, fifty (\$50) dollars of the fees will be retained by the County and the balance returned to the submitting party.
- (4) A certified soil tester may request County verification of a Soil and Site Evaluation Report before a complete sanitary permit application is submitted. Request for this verification shall include all information required in Section 15.15(1)(a-d), of this chapter.

15.14 SANITARY PERMITS

- (1) Every private sewage system shall require a separate application and sanitary permit.
- (2) A sanitary permit shall be obtained by the property owner, his agent or contractor, in the name of the property owner, prior to the installation, establishment or construction of any structure which requires a private sewage system or nonplumbing sanitation system. Any property owner, his agent or contractor, who starts construction prior to obtaining a sanitary permit is in violation and may be subject to the penalties provided in this chapter.
- (3) A sanitary permit shall be obtained by the property owner, his agent or contractor, before any private sewage system or part thereof may be installed, replaced, reconnected or modified. A sanitary permit is not required for the addition of manhole risers or for the replacement of manhole covers, manhole risers, baffles or pumps.
- (4) A county sanitary permit shall be obtained prior to constructing or installing a nonplumbing sanitation system.

- (5) If any part of a private sewage system has failed or requires replacement or modification, the system shall be evaluated to demonstrate that the system is not classified as a failing system prior to sanitary permit issuance. This shall include a soil and site evaluation for those components that utilize in situ soil for treatment or dispersal, unless a valid report is already on file with the County.
- (6) If any part of the system is found to be defective or not in conformance with the applicable provisions of this chapter, the sanitary permit application shall include specifications for the repair, renovation, replacement or removal of that part.

15.15 APPLICATION REQUIREMENTS

- (1) A sanitary permit application shall include the following information which shall be furnished by the applicant on forms required by the State and/or County along with all applicable fees:
 - (a) Names and addresses of the applicant (owner of the site) and the plumber employed (when applicable).
 - (b) Legal description of the subject site and the parcel identification or parcel number.
 - (c) All lot dimensions.
 - (d) Building use (single family, duplex, etc.).
 - (e) Soil and Site Evaluation Report.
 - (f) System plans (see Section 15.16, of this chapter).
 - (g) Appropriate agreements and contracts for system management and maintenance.
 - (h) Copies of any documents required in Section 15.15(4) of this chapter, and verification that they have been recorded.
 - (i) Notification of Wisconsin Fund and Maintenance Program Form.
 - (j) Any other information required by the County.
- (2) When any official State action is required prior to the issuance of a sanitary permit, an original copy of the official action shall accompany the application.
- (3) Pit privy permit applications shall be accompanied by soil data provided by a certified soil tester to determine compliance with Comm. 91, Wisconsin Administrative Code.
- (4) The following documents must be recorded with the Marinette County Register of Deeds prior to sanitary permit issuance (the recording fee to be paid by applicant):
 - (a) Maintenance agreements or contracts, when recording is required by Comm. 83, Wisconsin Administrative Code, or Section 15.38 of this chapter.
 - (b) When a private sewage system, or parts thereof, are located on a different parcel than the structure served, an appropriate easement or combination parcel request must be filed with the Property Lister.
 - (c) When a private sewage system serves more than one (1) structure under different ownership, a document identifying all parties that have

- ownership rights and are responsible for the operation and maintenance must be recorded.
- (d) When private sewage system is owned by a party other than the owner of the parcel on which it is installed, a document identifying who that party is must be recorded.
 - (e) When the design wastewater flow of a private sewage system for a dwelling is not based upon the number of bedrooms within the dwelling, a deed restriction limiting occupancy to that used in the design must be recorded.
- (5) The County reserves the right to require floodplain and/or wetland delineation for a building site or proposed private sewage system area prior to sanitary permit issuance. The County may require elevations on plans to be tied to floodplain elevation datum.
- (6) The County reserves the right to refuse incomplete or incorrect permit applications or to delay permit issuance until corrected or completed applications are received.

15.16 PLANS

System plans shall be submitted for approval to the County or to the State in accordance with Comm. 83, Wisconsin Administrative Code. Plans shall comply with the requirements of Comm. 83, Wisconsin Administrative Code, and this chapter.

- (1) Plans submitted to the County shall include the original and two (2) copies.
- (2) When plans are reviewed and approved by the State, at least one (1) set of the plans submitted to the County shall bear an original State approval stamp or seal.
- (3) Plans submitted shall be clear, legible and permanent copies.
- (4) Plans submitted shall comply with Comm. 83, Wisconsin Administrative Code, and include the following:
 - (a) The name of the property owner and the legal description of the site.
 - (b) Estimated daily wastewater flow and design wastewater flow.
 - (c) A detailed plot plan (site plan), dimensioned or drawn to scale, on paper no smaller than eight and one-half (8 ½) inches by eleven (11) inches in size. The plot plan shall delineate the lot size and the location of all existing and proposed: private sewage system components; building sewers; private interceptor main sewers; wells; water mains or water services; buildings; lot lines; swimming pools; navigable waters; and the benchmark established on the Soil and Site Evaluation Report. Adjoining properties shall be checked to insure that the horizontal setback parameters in Comm. 83.43, Wisconsin Administrative Code, are complied with. All separating distances and dimensions shall be clearly shown on the plot plan.
 - (d) Details and configuration layouts depicting how the system is to be constructed.
 - (e) A description of a contingency plan in the event the proposed private sewage system fails and cannot be repaired. (See Section 15.09(4) of this chapter).

- (f) Sufficient supporting information to determine whether the proposed design, installation and management of the proposed private sewage system or modification to an existing system complies with this chapter.
- (5) Plans shall be signed or sealed as specified in Comm. 83, Wisconsin Administrative Code.
- (6) A copy of the approved plans shall be maintained at the construction site until the private sewage system installation is completed, inspected and accepted. The plans shall be made available to the County or the State upon request.
- (7) A modification to the design of a private sewage system which has been previously approved shall be submitted to the County or the state as specified in Comm. 83, Wisconsin Administrative Code. Plan revisions must be approved prior to system installation. A fee may be charged when submitting revised plans, see Section 15.25(5) of this chapter.

15.17 PERMIT CARDS

- (1) The permit card issued by the County to the property owner or his agent shall serve as the sanitary permit.
- (2) The permit card shall contain all the information required by §145.135, Wis. Stats.
- (3) The permit card shall be displayed at the site in such a manner that it will be visible from a road abutting the lot during all construction phases.
- (4) The permit card may not be removed until the private sewage system has been installed, inspected, and approved by the County.
- (5) Failure to display the permit card shall be considered a violation of this section and may subject the property owner, his agent or contractor, to penalty provisions of this chapter.

15.18 PERMIT EXPIRATION

- (1) A sanitary permit for a private sewage system or nonplumbing sanitation system which has not been installed, modified or reconnected and approved, shall expire two years after the date of issuance. Permits may be renewed following written application to the County by the property owner, his agent or contractor, prior to the expiration date of the original permit.
- (2) There shall be a fee for the renewal of a sanitary permit.
- (3) The renewal shall be based on chapter requirements in force at the time of renewal.
- (4) Changed chapter requirements may impede the renewal.
- (5) The property owner, his agent or contractor, shall return the original permit card and receive a new card when the permit is renewed.
- (6) All sanitary permits issued prior to the effective date of this chapter shall expire two years from the date of issuance unless renewed.
- (7) A new sanitary permit shall be obtained by the owner or his agent prior to beginning construction, if a sanitary permit has expired.

15.19 TRANSFER OF OWNERSHIP

Transfer of ownership of a property for which a valid sanitary permit exists shall be subject to the following:

- (1) The applicable transfer form shall be submitted to the County.
- (2) The original sanitary permit card shall be returned to the County so that a new permit card may be issued.
- (3) Transfer of ownership shall not affect the expiration date or renewal requirements.
- (4) There shall be a fee for transfer of a sanitary permit.

15.20 CHANGE OF PLUMBER

- (1) When an owner wishes to change plumbers, it will be necessary for him to furnish the County with the applicable transfer form signed by the new plumber.
- (2) The submittal of the application to revise a sanitary permit due to a change of plumber shall take place prior to the installation of the private sewage system.
- (3) Sanitary permits for systems requiring State plan approval shall not be transferred to a different plumber unless the plan bears the stamp of an architect or engineer, plumbing designer, or a State level approval is obtained by the new plumber.
- (4) The original sanitary permit card shall be returned to the County so that a new permit card may be issued.
- (5) Change in plumber shall not effect the expiration date or renewal requirements.
- (6) There shall be a fee for a change of plumber.

15.21 PERMIT DENIAL

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, State representative(s) and Corporation Counsel. If the permit application is denied fifty (\$50) dollars of the fees will be retained by the County and the balance returned to the submitting party.

15.22 RECONNECTION

- (1) A County sanitary permit shall be obtained prior to:
 - (a) Construction of a structure to be connected to an existing private sewage system.
 - (b) Disconnection of a structure from an existing private sewage system and connection of another structure to the system, except as permitted in Section 15.22(4) of this chapter; or
 - (c) Rebuilding a structure that is connected to a private sewage system.
- (2) Prior to issuing a County sanitary permit, the existing private sewage system shall be examined to:
 - (a) Determine if it is functioning properly and whether it is a failing system.

- (b) Determine if it will be capable of handling the proposed wastewater flow and contaminant load from the building to be served.
- (c) Determine that all minimum setback requirements of Comm. 83, Wisconsin Administrative Code, will be maintained.
- (3) Application for a County sanitary permit shall include the following:
 - (a) All items in Section 15.15(1)(a-d) of this chapter.
 - (b) For all systems that utilize in situ soil for treatment or disposal, a Soil and Site Evaluation Report verifying that the infiltrative surface of the existing treatment or dispersal component is at least thirty-six (36) inches above the estimated high groundwater elevation and bedrock, unless a valid report meeting these criteria is on file with the County (Comm. 83, Wisconsin Administrative Code, may allow separation distances of less than thirty-six (36) inches;
 - (c) A report provided by a licensed plumber, certified septage servicing operator or a POWTS inspector relative to the condition, capacities, baffles and manhole covers for any existing treatment or holding tanks;
 - (d) A report provided by a licensed plumber or POWTS inspector relative to the condition and capacities of all other system components and verifying that the system is not a failing system;
 - (e) A plot plan prepared by a plumber including information specified in Section 15.16(4)(c) of this chapter; and
 - (f) Complete plans, as specified in Section 15.16 of this chapter, for any system components which will be modified or replaced.
 - (g) Reconnection to existing holding tanks may require a new servicing contract and an updated holding tank agreement which meets the requirements of this chapter.
 - (h) Reconnection to an existing system other than a holding tank may require a new maintenance agreement or contract.
- (4) Replacing a structure with a new or different structure within two (2) years of the date of permit issuance will only require a statement that the system has not been altered, a statement that a modification in wastewater flow or contaminant load will not occur, a plot plan that documents all setbacks between the structure and system components and a reinspection fee.
- (5) When reconnection to a system is permitted by Comm. 83 and 84, Wisconsin Administrative Code, based upon a per capita occupancy of usage of the dwelling or per function occurrence within the dwelling, an affidavit for the use of the system must be recorded in the Register of Deeds office.
- (6) All systems shall be inspected at the time of reconnection, prior to backfilling, to insure that proper materials and methods are being used.

15.23 CONSTRUCTION AFFECTING WASTEWATER FLOW OR CONTAMINANT LOAD

Prior to commencing the construction of an addition to or modification of a structure which will affect the wastewater flow and/or contaminant load to an existing private sewage system, the owner(s) of the property shall:

- (1) Possess a sanitary permit to construct a new private sewage system or modify an existing private sewage system to accommodate the modification in wastewater flow or contaminant load; or
- (2) Provide the following to the County:
 - (a) Documentation that a private sewage system of adequate capability and capacity to accommodate the wastewater flow and contaminant load already exists to serve the structure, as specified in Comm. 83, Wisconsin Administrative Code;
 - (b) Documentation showing that the location of the proposed structure conforms to the applicable setback distances to all of the existing private sewage system components; and
 - (c) Documentation specified in Section 15.22(3)(b, c & d) of this chapter.
- (3) If the existing private sewage system is found to be undersized based upon a code derived daily flow, construction of the building addition or modification shall be allowed only if based upon a per capita occupancy of usage of the dwelling or per function occurrence within the dwelling the system is appropriately sized, and an affidavit for the use of the system is recorded in the Register of Deeds office.
- (4) Any installation, addition or modification of a system must be completed and accepted before the addition or modified area of the structure may be occupied.

15.24 CONSTRUCTION NOT AFFECTING WASTEWATER FLOW OR CONTAMINANT LOAD

Prior to commencing construction of any structure or addition to a structure on a site where there exists a private sewage system, the owner or his agent shall determine that the proposed structure conforms with applicable setback limitations of Comm. 83, Wisconsin Administrative Code.

15.25 PERMIT FEES

- (1) The Land Information Committee, with approval of the Marinette County Board, shall establish fees for the following:
 - (a) Sanitary Permits.
 - (1) Non-pressurized In-ground
 - (2) In-ground Pressure System
 - (3) Mound System
 - (4) At-grade System
 - (5) Other Private Sewage Systems not listed
 - (6) Holding Tank
 - (7) Replacement of treatment or pump tank only
 - (8) Replacement or repair of dispersal unit
 - (b) Transfer of Owner or Change of Plumber.
 - (c) Sanitary Permit Renewal.
 - (d) Sanitary Permit Reconnection.
 - (e) Non-Plumbing Sanitation System Permit,
 - (f) Re-inspection.

- (g) Triple permit fee shall be charged for after-the-fact permits or plan reviews.
 - (h) Application fee for Private Sewage System Replacement and Rehabilitation Grant Program (Wisconsin Fund).
 - (i) County Agent Status Plan Review.
 - (j) When a change in the system type results after a sanitary permit is issued, the difference between the permit fee already paid and the new permit fee will be charged or reimbursed.
- (2) The issuing agent may not charge more than one (1) fee for a sanitary permit, the renewal of a sanitary permit or a privy permit in any twelve (12) month period.
 - (3) The issuing agent shall forward a copy of each valid sanitary permit with the proper fees to Department of Commerce within ninety (90) days after permit issuance.
 - (4) Fees are due at the time of application, however, after the sanitary permit has been issued or the plan review in the case of agent status has been completed, the fees shall not be refunded.

INSPECTIONS

15.27 INSPECTIONS; GENERAL

- (1) Notice for final inspection shall be given to the County for all private sewage systems installed, modified or reconnected.
- (2) These private sewage systems shall be inspected by the County for compliance with Comm. 82, Comm. 83, Comm. 84, and Comm. 91, Wisconsin Administrative Codes, other appropriate Wisconsin Statutes and Administrative Codes and this chapter.
- (3) Notification for final inspection shall be given in accordance with the requirements of Comm. 83, Wisconsin Administrative Code. All notifications for private sewage system installations shall be provided to the County a minimum of one (1) working day prior to the installation, excluding Saturdays, Sundays and holidays.
- (4) The entire system shall be left completely open until it has been inspected and accepted, unless the requirements of Comm. 83, Wisconsin Administrative Code, are not met by the County or the County authorizes the system or portions of the system to be covered.
- (5) When a private sewage system is ready for inspection, the plumber in charge shall make arrangements to enable the inspector to inspect all parts of the system. The plumber shall provide the proper apparatus, equipment and necessary assistance to make a proper inspection.
- (6) Private sewage systems may be inspected periodically, after the initial installation inspection(s) and/or after the system is operative, as deemed necessary by the Land Information Director.

15.28 INSPECTIONS; INGOUND NON-PRESSURIZED AND INGROUND PRESSURE

- (1) The plumber installing one (1) of the above systems shall notify the County the working day prior to the installation, excluding Saturdays, Sundays and holidays.
- (2) The above systems shall be inspected after the tank, aggregate and distribution piping installation has been completed and prior to backfilling.

15.29 INSPECTIONS; SITE CONSTRUCTED HOLDING TANK

- (1) All site constructed holding tanks shall be inspected after the floor is poured and the keyway and water stop are installed or after the forms for the tank walls have been set, but in all instances, before any concrete for the walls has been poured.
- (2) Concrete walls may be poured only after it has been determined that the tank, as formed, complies with the approved plans.
- (3) This inspection shall not eliminate the need for an inspection after the installation has been completed.

15.30 INSPECTIONS; NONPLUMBING SANITATION SYSTEMS

- (1) All nonplumbing sanitation systems installed may be inspected for compliance with Comm. 91, Wisconsin Administrative Code, or as amended, and this chapter. Nonplumbing sanitation systems serving uses other than one and two family dwellings may also be inspected for compliance with Comm. 52.63, Wisconsin Administrative Code.
- (2) The property owner shall notify the County for inspection immediately after the nonplumbing sanitation system has been constructed or installed.
- (3) Nonplumbing sanitation systems may be inspected periodically after the initial inspection.

15.31 INSPECTIONS; AT-GRADE SYSTEMS AND MOUNDS

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

15.32 INSPECTIONS; SAND FILTERS

- (1) The plumber installing the sand filter shall notify the County the working day prior to the installation, excluding Saturdays, Sundays and holidays.
- (2) Sand filters shall be inspected at the time the liner or tank and underdrain are in place, before placement of aggregate or sand, at the time the distribution piping installation has been completed and after all work has been completed.

15.33 OTHER SYSTEMS NOT SPECIFICALLY STATED ABOVE

- (1) The plumber installing the system shall coordinate any required preconstruction meeting(s).

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

15.34 REINSPECTION

- (1) A reinspection fee may be assessed when a reinspection of a private sewage system is required because the initial inspection disclosed that the installation is incomplete at the scheduled inspection time or does not comply with applicable Wisconsin Statutes, Administrative Codes, the approved plans or this chapter. Each additional reinspection required at the site will require a fee.
- (2) The reinspection fee shall be due within ten (10) working days of written notification by the County. Failure to pay this fee within that period shall constitute a violation of this chapter.

15.35 TESTING

- (1) When testing of new systems or new system components is required by Comm. 82, 83 or 84, Wisconsin Administrative Code, or as a condition of plan approval, notice shall be given to the County as specified in Section 15.27(3) of this chapter, so that the County may make an inspection during the test.
- (2) The County shall verify that required testing has been completed by:
 - (a) Performing an inspection during the test,
 - (b) Requiring written verification from the responsible person, or
 - (c) Both a and b.

SYSTEM MANAGEMENT AND MAINTENANCE

15.36 MAINTENANCE AND MANAGEMENT

- (1) All private sewage systems shall be managed and maintained in accordance with Comm. 83 and Comm.84, Wisconsin Administrative Code, and this chapter.
- (2) The property owner shall report to the County each inspection, maintenance or servicing event, in accordance with Comm. 83, Wisconsin Administrative Code, and this chapter
- (3) The property owner shall submit a new or revised maintenance agreement and/or servicing contract to the County prior to sanitary permit issuance,
- (4) The property owner shall submit a new or revised maintenance agreement and/or servicing contract to the County whenever there is a change to such document(s).

- (5) The property owner shall submit a new maintenance agreement and/or servicing contract to the County prior to expiration of any existing maintenance agreement and/or servicing contract.

15.37 SEPTIC TANK MAINTENANCE PROGRAM

- (1) All Private Onsite Wastewater Treatment Systems shall be visually inspected and pumped every three (3) years after installation, unless upon inspection the tank is found to have less than one-third (1/3) of the volume occupied by sludge and scum. More frequent maintenance intervals may be required as part of a management plan for the Private Onsite Wastewater Treatment System.
- (2) Pumping of a septic tank shall be done by a certified septage servicing operator in accordance with NR 113, Wisconsin Administrative Code.
- (3) Visual inspection of a private sewage system shall be performed by a master plumber, master plumber restricted service, certified POWTS inspector, certified septage service operator under Chapter NR114, or by an authorized County or State employee to determine the condition of the tank and whether wastewater or effluent from the POWTS is ponding on the ground surface.
- (4) The owner of such septic tank shall furnish the County with a copy of the inspection report verifying the condition of the tank, whether wastewater or effluent from the POWTS is ponding on the ground surface and the date of pumping within thirty (30) days of the date of inspection and pumping. Reports shall include all information required in Comm. 83.55, Wisconsin Administrative Code, and be signed by the person(s) inspecting and pumping the private sewage system. Other maintenance or management reports required by Comm. 83 or Comm. 84, Wisconsin Administrative Code, should be included with this report.

15.38 HOLDING TANK AGREEMENTS

- (1) **Holding Tank Agreements.** Prior to the issuance of a sanitary permit for a holding tank, the property owner shall sign an agreement with the municipality in which the tank will be located stating that the owner agrees to have the tank pumped and, if the owner does not, the municipality will have the tank pumped at the owner's expense. Any property owner who signed a previous holding tank agreement that required quarterly pumping reports has the option of signing a new holding tank agreement to allow for semi-annual reporting of pumping. The holding tank agreement must be recorded in the Register of Deeds office prior to sanitary permit issuance. Such agreement shall be binding upon the owner, the heirs of the owner and assignees of the owner.
- (2) **Holding Tank Servicing Agreement.** Prior to the issuance of a sanitary permit for a holding tank, a holding tank servicing agreement signed by the property owner and a licensed pumper must be submitted to the County and municipality where the tank is located. The licensed pumper agrees to pump the holding tank as needed and submit semi-annual reports to the municipality and County. In the event the owner decides to change licensed pumpers, a

new service contract must be filed with the municipality and the County within ten (10) business days from the date of change.

- (3) **Pumping Report Forms.** Pumping reports shall be submitted to the County on forms approved by the County on a semi-annual basis.

ADMINISTRATION AND ENFORCEMENT

15.39 ADMINISTRATION

The Land Information Director shall be responsible for the administration of this chapter. The Land Information Director may delegate his responsibilities to personnel employed by the Zoning Department and in the case of issuing abatement orders, to the Marinette County Health Department.

15.40 POWERS AND DUTIES

In the administration of this chapter, the Land Information Director shall have the following powers and duties:

- (1) Delegate duties to and supervise clerical staff and other employees to assure full and complete compliance with this chapter and related Wisconsin Statutes and the Administrative Code.
- (2) Advise applicants concerning the provisions of this chapter and assist them in preparing permit applications.
- (3) Review and approve plans for private sewage systems for one (1) and two (2) family residences or as approved through agent status by the State.
- (4) Issue sanitary permits and inspect properties for compliance with this chapter and related Wisconsin Statutes and the Administrative Code.
- (5) Keep records of all sanitary permits issued, inspections made, work approved, and other official actions.
- (6) Report violations of this chapter to the Corporation Counsel or issue citations for violations of this chapter.
- (7) Have access to any premises for the purpose of performing official duties between seven (7) a.m. and seven (7) p.m. or at other times set by mutual agreement between the property owner or his agent and the Land Information Director or upon the issuance of a special inspection warrant in accordance with §66.122, Wis. Stats. Applications for a sanitary permit is considered, for the purposes of this chapter, as the owner's consent to enter the premises.
- (8) Upon reasonable cause or question as to proper compliance, revoke or suspend any sanitary permit and issue cease and desist orders requiring the cessation of any construction, alteration or use of a building which is in violation of the provisions of this chapter, until compliance with this chapter or applicable Wisconsin Statutes and the Administrative Code is obtained.
- (9) Issue and enforce orders to plumbers, pumpers, property owners, their agents or contractors or the responsible party, to assure proper compliance with all provisions of this chapter or delegate this authority to the Marinette County Health Department.
- (10) Apply for and distribute grants obtained through the Wisconsin Fund Grant Program.

- (11) Perform other duties regarding private sewage systems as considered appropriate by the County or the State.

15.41 APPEALS

Persons seeking to appeal a decision of the Land Information Director under this chapter shall file written letters of appeal with the Land Information Director. The Land Information Director shall place the appeal on the agenda of the Land Information Committee and the appeal shall be given a due process proceeding in accord with Chapter 68, Wisconsin Statutes. The Land Information Committee shall decide whether to uphold, uphold with modifications or reverse the Land Information Director's decision based upon the terms and intent of this chapter and of relevant state laws and administrative rules. No appellate decision of the Committee shall have the effect of approving an existing or proposed condition that would violate this chapter or State law or administrative rule. Land Information Committee appellate decisions shall be made in writing and shall be filed in the Land Information Director's office. Appeals of decisions made by authorized agents on behalf of the Land Information Director shall be made first to the Land Information Director and then be appealable as provided herein.

15.42 WAIVER OF LIABILITY

This chapter shall not create a liability on the part of or a cause of action against Marinette 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 to Wisconsin Statute or Administrative Code requirements.

15.43 VIOLATIONS AND PENALTIES

- (1) Any person who fails to comply with the provisions of this chapter, or any order of Marinette County issued in accordance with this chapter, or resists enforcement, shall be subject to a penalty as provided in Section 25.04 of the General Code of Ordinances.
- (2) Any construction which is in violation of this chapter shall cease upon written orders from the Land Information Director or the placement of a notification of violation at the site.
- (3) All construction shall remain stopped until the order is released by the Land Information Director.
- (4) Violations of this chapter shall be prosecuted by the Corporation Counsel.
- (5) Compliance therewith may also be enforced by injunctive order at the suit of Marinette County or the owners of real estate within the area of jurisdiction of this chapter.
(Ord #112 4/21/92, Ord #135 6/14/94, Ord #221 6/27/00, Ord #321 12/16/08)