

# Chapter 3

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## PART I INTRODUCTION

### **16-3-1 Statutory Authority.**

- (a) This ordinance is adopted pursuant to the authorization in ss. 59.70(1), 59.70(5), 145.04, 145.19, 145.20, and 145.245 Wisconsin Statutes.

### **16-3-2 Purpose.**

- (a) This ordinance is adopted to promote and protect public health and safety by assuring the proper siting, design, installation, inspection and management of private sewage systems and non-plumbing sanitation systems.

### **16-3-3 Jurisdiction.**

- (a) Jurisdiction of this ordinance shall include all lands within Columbia County, including the lands within the corporate limits of the cities and villages of Columbia County.

### **16-3-4 Repeal and Effective Date.**

- (a) This ordinance shall become effective upon adoption by the Columbia County Board of Supervisors and publication as required by law. The existing Title 16, Chapter 3 shall be repealed in its entirety as of said effective date.

### **16-3-5 Severability and Liability.**

- (a) 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.
- (b) 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 or non-plumbing sanitation 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.

### **16-3-6 Interpretations.**

- (a) 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 the Wisconsin Statutes and related administrative codes.

## 16-3-7 Definitions.

- (a) The following terms shall have the meanings indicated in this section.
1. **Buildings.** See Structure.
  2. **Department.** The Columbia County Planning & Zoning Department.
  3. **Failing Non-plumbing Sanitation System.** A non-plumbing sanitation system is one which causes or results in the discharge of human wastes or excrement into surface water or groundwater, into zones of bedrock or on to the surface of the ground.
  4. **Failing Private Sewage System.** "Failing private sewage system" has the meaning specified under s. 145.245(4), Wisconsin Statutes. A holding tank which discharges sewage to the ground surface, including intentional discharges and discharges caused by neglect, shall be considered a failing system.
  5. **Human Habitation.** The act of occupying a structure as a dwelling or for the conduct of a business, whether intermittently or full time.
  6. **Inspector.** Employees of the Department having responsibility for the administration and enforcement of this ordinance and holding the necessary credentials as required by the State.
  7. **Maintenance Agreement.** A signed agreement entered into between the department and the applicant for a sanitary permit which states that the private sewage system shall be inspected and serviced in accordance with the terms set forth in that agreement.
  8. **Modification in Wastewater Flow or Contaminant Load.** A modification in wastewater flow or contaminant load shall be considered to occur when the habitable area of the structure increases by 25% or more, or as otherwise established by Comm 83, WAC.
  9. **Non-Plumbing Sanitation System.** Sanitation systems and devices within the scope of Comm 91, Wisconsin Administrative Code.
  10. **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.
  11. **Plumber.** A person licensed by the State of Wisconsin to perform plumbing services.
  12. **Portable Restroom** A temporary self-contained portable unit that includes fixtures, incorporating holding tank facilities, designed to contain human excrement.
  13. **Private Sewage System.** Also referred to as a "Private On-Site Wastewater Treatment System or "POWTS", has the meaning given under s. 145.01(12), Wisconsin Statutes.
  14. **Privy.** An enclosed non-portable toilet into which non-water-carried human wastes are deposited.
  15. **Pit Privy.** A privy with a subsurface storage chamber which is not watertight.
  16. **Vault Privy.** A privy with a subsurface storage chamber that is watertight.
  17. **Sanitary Permit.** As used in this ordinance shall mean a County Sanitary Permit, a State Sanitary Permit or both.
  18. **Sanitary Permit - County.** A permit issued by the Department for the reconnection of a private sewage system or for the installation of a non-plumbing sanitation system, pursuant to ss. 59.70 and 145.04, Wisconsin Statutes.

19. **Sanitary Permit - State.** A permit issued by the Department for the installation or modification of a private sewage system pursuant to ss, 145.135 and 145.19, Wisconsin Statutes.
20. **Septic Tank.** An anaerobic treatment tank.
21. **State.** The Wisconsin Department of Commerce.
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 of personal property that may have been designed as transportable or as a vehicle, but stand in a seasonal or permanent location for storage or intermittent human habitation. Such incidental structures may include (but are not limited to) truck campers, travel trailers, park or model units, buses, and motor homes.
23. **WAC.** Wisconsin Administrative Code.

## **PART II GENERAL REQUIREMENTS**

### **16-3-8 Compliance.**

- (a) All structures or premises in the County that are permanently or intermittently intended for human habitation or 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.
- (b) 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.

### **16-3-9 Incorporation of Provisions by Reference.**

- (a) The following rules, regulations and laws governing the location, construction, and use of private sewage systems are incorporated by reference:
  - (1) Wisconsin Statutes: Chapter 145 and ss. 59.70 (5), 254.59, 281.48 and 968.10.
  - (2) Wisconsin Administrative Code: Chapters Comm 81 through 85, Comm 91, Comm 52.63, Chapters NR 113 and NR 116.
- (b) These provisions shall apply until amended or renumbered and then shall apply as amended or renumbered.

### **16-3-10 Limitations.**

- (a) All domestic wastewater shall enter a private sewage system unless otherwise exempted by the State or this ordinance.
- (b) A non-plumbing sanitation system may be permitted only when the structure or premises served by the non-plumbing sanitation system is not provided with an indoor plumbing system. If plumbing is installed in the structure or running water is supplied to the structure, an acceptable method of sewage disposal other than, or in addition to, a non-plumbing sanitation system must be provided.
- (c) Any private sewage system, or portion(s) thereof, installed within a floodplain shall comply with all applicable requirements of NR 116 and Comm 83, WAC, and the applicable Columbia County ordinances.
- (d) The installation of holding tanks shall be limited as follows:
  - (1) Holding tanks shall not be permitted for new development except on lots or parcels of record as of January 1, 2001.
    - (a) Contiguous lots or parcels under common ownership shall be considered as one for the purposes of this section.
  - (2) Holding tanks shall not be permitted in any case unless the site is found unsuitable for other systems permitted by Comm 83, WAC, including non-pressurized in-ground, in-ground pressure, at-grade or mound systems.

- (3) 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 sanitary permit issuance.
  - (a) In addition to items required in s. 16-3-14, an application for a sanitary permit to install a temporary holding tank shall include written agreements 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.
    - (3) The property owner, agreeing to connect to public sewer when it becomes available and to abandon the temporary holding tank.
  - (b) 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 Comm 83, WAC.
- (4) A holding tank may be installed to serve a use with a Design Wastewater Flow of less than 150 gallons per day. In addition to items required in s. 16-3-14, an application for a sanitary permit to install a holding tank to serve a use with less than 150 gallons per day shall include a written agreement from the property owner, agreeing to install another type of system if any change of occupancy or use occurs which results in a Design Wastewater Flow which equals or exceeds 150 gallons per day.
- (e) When a failing private sewage system or non-plumbing sanitation system 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 order.
- (f) Unlawfully modified private sewage systems, a private sewage system that has sewage bypassed or a holding tank which is discharging untreated or partially treated sewage to the ground surface, ground water or surface waters may be ordered by the Department to be corrected or replaced with a code compliant system.
- (g) Building sewers for new construction shall exit the building such that a minimum of 18 inches of soil cover above the sewer can be provided without placing soil within 8 inches of unapproved building materials. (Note: if untreated lumber is used for framing and sheeting, the top of the building sewer must exit at least 26 inches below the top of the foundation.)

### **16-3-11 Abandonment of Private Sewage Systems.**

- (a) 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 and a connection made to the public sewer in accordance with the local sewer service entity.
- (b) Abandonment of the disconnected private sewage system shall be done in accordance with the provisions of Comm 83, WAC.
  - (1) 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. Abandonment shall comply with Comm 83, WAC.

## PART III PERMITS AND APPLICATIONS

### 16-3-12 Soil and Site Evaluation.

- (a) Soil and site evaluations shall be done prior to the issuance of permits as specified in Comm 83, Comm 85 and Comm 91, WAC.
- (b) Soil test borings shall be constructed in accordance with Comm 85, WAC. This is best accomplished by the construction of backhoe pits.
- (c) Department 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 inspector and will be made prior to the issuance of the sanitary permit. This verification shall result in one of the following:
  - (1) Issuance of the permit, provided all information on the application is correct and complete.
  - (2) Establishment of a file indicating site suitability.
  - (3) Holding the application pending clarification of information or new information by the owner, the plumber, or the certified soil tester.
  - (4) Determination of site unsuitability. In such cases, written notice of the determination shall be provided to the certified soil tester and property owner.
- (d) A certified soil tester may request Department verification of a Soil and Site Evaluation Report before a complete sanitary permit application is submitted. An original copy of the Soil and Site Evaluation Report shall be filed with the Department prior to such verification.

### 16-3-13 Sanitary Permits.

- (a) Every private sewage system shall require a separate application and sanitary permit.
- (b) A sanitary permit shall be obtained by the property owner, or by agent in the name of the property owner prior to the installation, establishment or construction of any structure which requires a private sewage system or non-plumbing 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 ordinance.
- (c) 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.
- (d) A County Sanitary Permit shall be obtained prior to constructing or installing a non-plumbing sanitation system.
- (e) If any part of a private sewage system has failed or requires replacement or modification, the entire system shall be evaluated for compliance with existing codes prior to sanitary permit issuance. This shall include a soil and site evaluation for those components that utilize in situ soil for treatment or dispersal, unless a valid report is already on file with the Department.
- (f) If any part of the system is found to be defective or not in conformance with the applicable provisions of this ordinance, the sanitary permit application shall include specifications for the repair, renovation, replacement or removal of that part.
- (g) Written denial of the permit shall be provided to the plumber and property owner if the site does not meet all the provisions of this ordinance and appropriate Wisconsin Statutes and Administrative Codes.

## **16-3-14 Application Requirements.**

- (a) A sanitary permit application shall include the following information, which shall be furnished by the applicant on forms required by the State and/or the Department along with all applicable fees.
  - (1) Names and addresses of the applicant (owner of the site) and the plumber employed (when applicable).
  - (2) Legal description of the subject site and the parcel identification or parcel number
  - (3) All lot dimensions.
  - (4) Building use (single family, duplex, etc.).
  - (5) Soil and Site Evaluation report.
  - (6) System plans (see s. 16-3-15).
  - (7) Appropriate agreements and contracts for system management and maintenance.
  - (8) Verification that all existing private sewage systems serving the same structure are not failing private sewage systems.
  - (9) Copies of any documents required in s. 16-3-14 (d) and verification that they have been recorded.
  - (10) Any other information required by the Department, including verification of compliance with s. 16-3-37 (a)(11) of this ordinance.
- (b) When any official State action is required prior to the issuance of a sanitary permit, an original copy of the official action shall accompany the application.
- (c) Pit privy permit applications shall be accompanied by soil data provided by a Certified Soil Tester to determine compliance with Comm 91, WAC.
- (d) The following documents must be recorded with the Columbia County Register of Deeds prior to sanitary permit issuance:
  - (1) Maintenance agreements or contracts, if recording is required by Comm 83 WAC, or s.16-3-35 of this ordinance.
  - (2) If a private sewage system, or parts thereof, are located on a different parcel than the structure served, an appropriate easement must be recorded.
  - (3) If a private sewage system serves more than one structure under different ownership, a document identifying all parties that have ownership rights and are responsible for the operation and maintenance must be recorded.
  - (4) If a private sewage system is owned by a party other than the owner of the parcel on which it is installed, a document identifying the owner of the system, the structures to be served by the system, and the party responsible for operation and maintenance must be recorded.
  - (5) If 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.
- (e) The Department 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 Department may require elevations on plans to be tied to floodplain elevation datum by a Registered Land Surveyor.
- (f) The Department reserves the right to refuse incomplete or incorrect permit applications or to delay permit issuance until corrected or completed applications are received.

**16-3-15 Plans. (Updated 04/26/05.)**

- (a) System plans shall be submitted for approval to the Department or to the State in accordance with Comm 83, WAC. Plans shall comply with the requirements of Comm 83, WAC and this ordinance.
  - (1) Plans submitted to the Department shall include the original and as many copies as are required by the Department.
  - (2) For plans reviewed and approved by the State, at least one set of the plans submitted to the Department shall bear an original State approval stamp or seal.
  - (3) Plans submitted shall be clear, legible and permanent copies.
  - (4) Plans submitted shall comply with Comm 83, WAC and include the following:
    - (a) The name of the property owner and the legal description of the site, and Parcel Number.
    - (b) Estimated daily wastewater flow and design wastewater flow.
    - (c) A clear and legible detailed plot plan (site plan) dimensioned or drawn to scale, on paper no smaller than 8 1/2 inches by 11 inches in size, but not to exceed 11 1/2 inches by 17 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, existing buildings and proposed buildings that will be hooked to a sewer system or impact a sewer system, 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, WAC 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 including appropriate component cross sections.
    - (e) A description of a contingency plan in the event the proposed private sewage system fails and cannot be repaired.
    - (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 ordinance.
  - (5) Plans shall be signed or sealed as specified in Comm 83, WAC.
  - (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 Department 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 Department or the State as specified in Comm 83, WAC. Plan revisions must be approved prior to system installation.

**16-3-16 Permit Cards.**

- (a) The permit card issued by the inspector to the property owner or his agent shall serve as the sanitary permit.
- (b) The permit card shall contain all the information required by s. 145.135, Wisconsin Statutes.
- (c) 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.
- (d) The permit card may not be removed until the private sewage system has been installed, inspected, and approved by the inspector.

### **16-3-17 Permit Expiration.**

- (a) A sanitary permit for a private sewage system or non-plumbing sanitation system which has not been installed, modified or reconnected and approved shall expire two years after the date of issuance. Permits may be renewed following written application to the Department by the property owner, his agent or contractor, prior to the expiration date of the original permit.
- (b) There shall be a fee for the renewal of a sanitary permit.
- (c) The renewal shall be based on ordinance requirements in force at the time of renewal.
- (d) Changed ordinance requirements may impede the renewal.
- (e) All sanitary permits issued prior to the effective date of this ordinance shall expire two years from the date of issuance unless renewed.
- (f) A new sanitary permit shall be obtained by the owner or his agent prior to beginning construction if a sanitary permit has expired.

### **16-3-18 Transfer of Ownership.**

- (a) Transfer of ownership of a property for which a valid sanitary permit exists shall be subject to the following:
  - (1) The applicable State transfer form shall be submitted to the Department.
  - (2) Transfer of ownership shall not affect the expiration date or renewal requirements.

### **16-3-19 Change of Plumbers.**

- (a) When an owner wishes to change plumbers, it will be necessary for him to furnish the Department with the applicable form signed by the new plumber, signed as a revision.
- (b) The revision of sanitary permits shall take place prior to the installation of the private sewage system.
- (c) Sanitary permits for systems requiring State plan approval shall not be revised or transferred to a different plumber unless the plan bears the stamp of an architect, engineer or plumbing designer, or a State level approval is obtained by the new plumber.

### **16-3-20 Permit Denial.**

- (a) 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. Written reasons for the denial shall be forwarded to the plumber, landowner and, when appropriate, State agency representative(s) and Corporation Counsel.

### **16-3-21 Reconnection.**

- (a) A County reconnection permit shall be obtained prior to any of the following:
  - (1) Construction of a structure to be connected to an existing private sewage system.
  - (2) Disconnection of a structure from an existing private sewage system and connection of another structure to the system, except as permitted in s. 16-3-21 (f).
  - (3) Rebuilding a structure that is connected to a private sewage system.

- (b) Prior to issuing a reconnection permit, the existing private sewage system shall be examined to:
  - (1) Determine if it is a failing system.
  - (2) Determine if it will be capable of handling the proposed wastewater flow and contaminant load from the building to be served.
  - (3) Determine that all minimum setback requirements of Comm 83, WAC will be maintained.
- (c) Application for a County reconnection permit shall include the following:
  - (1) All items in s. 16-3-14 (a)(1-4) and s. 16-3-14 (a)(8-10).
  - (2) For all systems that utilize in situ soil for treatment or disposal, a Soil and Site Evaluation report verifying that the vertical separation distance between the infiltrative surface of the existing treatment or dispersal component and estimated high groundwater elevation and/or bedrock complies with Comm 83, WAC unless a valid report meeting these criteria is on file with the department.
  - (3) 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.
  - (4) 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.
  - (5) A plot plan prepared by a plumber including information specified in s. 16-3-15 (a)(4)(c).
  - (6) Complete plans, as specified in s. 16-3-15 for any system components which will be modified or replaced.
- (d) Reconnection to existing holding tanks may require a new servicing contract and an updated holding tank agreement which meets the requirements of this ordinance.
- (e) Reconnection to an existing system other than a holding tank may require a new maintenance agreement or contract.
- (f) Replacing a structure with a new or different structure within two years of the date of permit issuance will only require a statement that the system has not been altered, a statement that a modification in wastewater flow or contaminant load will not occur, a plot plan that documents all setbacks between the structure and system components, and a reconnection fee.
- (g) When reconnection to an undersized system is permitted, an affidavit for the use of the undersized system must be recorded in the Register of Deeds office. Continued use of an undersized system is limited to no more than a one-bedroom increase.
- (h) All systems shall be inspected at the time of reconnection prior to backfilling, to insure that proper materials and methods are being used.

**16-3-22 Construction Affecting Wastewater Flow or Contaminant Load.**

- (a) 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) Follow the requirements of Comm 83, WAC including the submission of documentation that the existing system is code compliant.
  - (2) An increase of 25% or more of living area shall require a full evaluation of the septic system.
- (b) For a system which is undersized but otherwise code compliant, an affidavit for a undersized system (No more than one bedroom increase) shall be recorded at the Register of Deeds.

**16-3-23 Permit Fees.**

- (a) Fees required under this chapter shall be established and amended from time to time by the Columbia Board of Supervisors as specified in the fee schedule in Title 9 of the Columbia County Code of Ordinances.

**PART IV INSPECTIONS**

**16-3-24 Inspections: General. (Updated 04/26/05.)**

- (a) The county shall inspect all private sewage systems as required by state code after construction but before backfilling no later than the end of the next workday, excluding Saturdays, Sundays and holidays after receiving notice from the plumber in charge if notice from the plumber in charge is made to the County by 9:00 a.m. on the previous day. Inspections shall be reported on forms furnished by the department. The plumber in charge or an authorized journeyman plumber must be present during the inspection and must provide all necessary equipment and assistance to the inspector as requested.
- (b) Other Inspections: Additional inspections of a private sewage system may be necessary based on private sewage system type, complexity or due to unforeseen circumstances. 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 County.

**16-3-25 Inspections: Site Constructed Tanks. (Updated 04/26/05.)**

- (a) All site constructed treatment tanks may be inspected after the floor is poured and the key way and water stop are installed or after the forms for the tank walls have been set but in all instances before any concrete for the walls has been poured.
- (b) Concrete walls may be poured only after it has been determined that the tank, as formed complies with the approved plans.

**16-3-26 Inspections: Non-Plumbing Sanitary Systems.**

- (a) All non-plumbing sanitary systems installed shall be inspected for compliance with Comm 91, WAC or as amended, and this ordinance. Non-plumbing sanitary systems serving uses other than one and two family dwellings shall also be inspected for compliance with Comm 52.63, WAC.
- (b) The property owner shall notify the Department for inspection immediately after the non-

plumbing sanitary system has been constructed or installed.

**16-3-27 Inspections: Mounds and At-Grade Systems.**  
(Updated 04/26/05.)

- (a) Mound systems may 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.

**16-3-28 Inspections: Sand Filters.** (Updated 04/26/05.)

- (a) Sand filters may be inspected at the time the liner or tank and under drain are in place, before placement of any treatment media, at the time the distribution piping installation has been completed and after all work has been completed.

**16-3-29 Inspections: Experimental Systems.**

- (a) The plumber installing the system shall co-ordinate any required pre-construction meeting(s).
- (b) The plumber installing the system shall notify the Department at least two (2) workdays prior to beginning the installation of the system to schedule the inspection(s) and shall notify the State as may be required by the approved plans.
- (c) Inspections shall be done pursuant to the approved plan requirements and as deemed necessary by the Department to assure compliance with appropriate codes and the plan approve.
- (d) This section shall apply all systems not recognized by Comm 83.61, WAC.

**16-3-30 Re-Inspection.** (Updated 04/26/05.)

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

**16-3-31 Testing.**

- (a) If testing of new systems or new system components is required by Comm 82, 83 or 84, WAC, or as a condition of plan approval notice shall be given to the Department as specified in s. 16-3-25 (c), so that the Department may make an inspection during the test.
- (b) The Department shall verify that required testing has been completed by one of the following:
  - (1) Performing an inspection during the test.
  - (2) Requiring written verification from the responsible person.

## **PART V SYSTEM MANAGEMENT AND MAINTENANCE**

### **16-3-32 Management and Maintenance.**

- (a) All private onsite wastewater treatment systems (POWTS) shall be managed and maintained in accordance with State Statutes, Administrative Code and this Ordinance.
- (b) The property owner shall report to the Department each inspection, maintenance or servicing event, in accordance with State Statutes, Administrative Code and this Ordinance.
- (c) The property owner shall submit a copy of an appropriate management plan, maintenance or servicing contract to the Department prior to sanitary permit issuance.
- (d) The property owner shall submit a new or revised management plan, maintenance or servicing contract to the Department whenever there is a change to such document(s). Upon sale of the property, the seller shall provide written notice to the buyer of the management plan or maintenance contract for the property.
- (e) The POWTS owner or the owners agent shall report to the County after the completion of each inspection, evaluation, pumping, maintenance or servicing in accordance with State Statutes, Administrative Code and this Ordinance within 30 days of the service.

### **16-3-33 POWTS Maintenance Program.**

- (a) As required by State of Wisconsin Statutes and Administrative Codes Columbia County hereby establishes a POWTS maintenance program for the purpose of inventorying and monitoring the location and maintenance events of all POWTS located in Columbia County.
- (b) The owner of the property served by the POWTS and those licensed to service a POWTS are hereby required to comply with the following maintenance program.
  - (1) All septic tanks shall be visually inspected and pumped within three years of the date of installation or inclusion into the POWTS maintenance program and at least once every three years thereafter, unless upon inspection the tank is found to have less than 1/3 of the volume occupied by sludge and scum.
  - (2) Pumping of a septic tank shall be done by a certified septage servicing operator in accordance with State Statutes, Administrative Code and this Ordinance.
  - (3) Visual inspection of a private sewage system to determine the condition of the tank and whether wastewater or effluent from the POWTS is ponding on the ground surface shall be performed by one of the following service providers:
    - a. A licensed master plumber.
    - b. A licensed master plumber-restricted service.
    - c. A certified POWTS inspector.
    - d. A certified septage servicing operator under State Statutes or Administrative Code.
    - e. A registered POWTS maintainer.
  - (4) If a POWTS has not been inspected or pumped within 3 years of the last reported inspection or pumping the Department shall mail a POWTS Maintenance Program Form to the property owner. The form shall contain the maintenance program information required by State Statutes, Administrative Code and this Ordinance. The form shall be completed and returned to the Department by a service provider or the POWTS owner.

**16-3-34 Holding Tank Maintenance Agreement.**

- (a) The owner of the holding tank shall enter into a Maintenance Agreement with the appropriate city, village or town guaranteeing that the local governmental unit which signed the agreement will service the holding tank, if the owner fails to have the holding tank properly serviced in response to orders issued by the Department. The Maintenance Agreement shall be binding upon the owner, the heirs of the owner and assignees of the owner. The Maintenance Agreement shall be filed with the register of deeds and shall be recorded in a manner which will permit the existence of the agreement to be determined by reference to the property where the holding tank is installed.
- (b) The owner or agent shall submit a copy of the holding tank Maintenance Agreement when plans are submitted to the Department for review.

**PART VI ADMINISTRATION AND ENFORCEMENT**

**16-3-35 Administration.**

- (a) The inspector shall be responsible for the administration of this ordinance. The inspector may delegate his responsibilities to personnel employed by the Planning & Zoning Department.

**16-3-36 Powers and Duties.**

- (a) In the administration of this ordinance, the inspector shall have the following powers and duties:
  - (1) Delegate duties to and supervise clerical staff and other employees to assure full and complete compliance with this ordinance and related Wisconsin Statutes and the Administrative Code.
  - (2) Advise applicants concerning the provisions of this ordinance and assist them in preparing permit applications.
  - (3) Review and approve plans for private sewage systems for one and two family residences or as approved through agent status by the State.
  - (4) Issue sanitary permits and inspect properties for compliance with this ordinance 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 ordinance to the Corporation Counsel.
  - (7) Have access to the premises for the purpose of performing official duties between 8 A.M. and 8 P.M. or at other times set by mutual agreement between the property owner or his agent and the Land Use Administrator or upon issuance of a special inspection warrant in accordance with s. 66.122, Wisconsin Statutes. Application for a sanitary permit is considered for the purposes of this ordinance 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 ordinance, until compliance with this ordinance 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 any other responsible party, to assure proper compliance with all provisions of this ordinance.
- (10) Apply for and distribute grants obtained through the Wisconsin Fund Grant Program.
- (11) Withhold permit(s) or approval(s) pursuant to this ordinance where the applicant, owner or licensed contractor is in violation of this or any ordinance administered by the Department and said violation exists on the same property for which the permit or approval is sought, until the violation(s) have been corrected. A written request for waiver of these provisions may be made to the inspector to grant or deny a permit or approval solely on the merits of the application. Determinations under this section may be appealed to the Board of Adjustment as provided for by s. 16-3-37 of this ordinance.
  
- (12) Consider and approve or deny requests for a waiver to s. 16-3-10 (d) of this ordinance (holding tanks). Approval of such requests shall be based upon conditions or circumstances unique to the parcel of land or structure served. In granting such a waiver, the inspector may require recording of affidavits, the identification and preservation of a replacement system area or other conditions as deemed necessary.
- (13) Perform other duties regarding private sewage systems as considered appropriate by the County or the State.

### **16-3-37 Board of Adjustment.**

- (a) Any person who alleges that there is an error in any order, requirement or decision made in the enforcement of this ordinance may appeal to the Board of Adjustment as provided in Chapter 16-1 (Zoning Ordinance) of the Columbia County Code. Any appeal shall be made on forms furnished by the Planning & Zoning Department within 30 days of the date of that administrative action. Other substantiating evidence will be accepted.

### **16-3-38 Violations and Penalties.**

- (a) Any person, firm, company or corporation who fails to comply with the provisions of this ordinance or any order of the Department issued in accordance with this ordinance or resists enforcement, may be subject to a penalty as provided in Title 1, Chapter 2 of the General Code of Ordinances for Columbia County.
- (b) Any construction which is in violation of this ordinance shall cease upon written orders from the inspector or the placement of a notification of violation at the site.
- (c) All construction shall remain stopped until the order is released by the inspector.
- (d) Violations of this ordinance shall be prosecuted by the Corporation Counsel.
- (e) Each violation, and each day a violation continues or occurs, shall constitute a separate offence. Nothing in this Code shall preclude the County from maintaining any appropriate

action to prevent or remove a violation of any provision of this Code.

- (f) Execution against defendant's property. Whenever any person fails to pay any forfeiture and costs of prosecution upon the order of any court for violation of any ordinance of the County, the court may, in lieu of ordering imprisonment of the defendant, or after the defendant has been released from custody issue an execution against the property of the defendant for such forfeiture and costs.