

CHAPTER 24

PRIVATE SEWAGE SYSTEMS

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INTRODUCTION

24.01 Authority

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

24.02 Purpose

The purpose of this chapter is to protect the prosperity, aesthetics and general welfare of the people within Forest County. The general intent of this chapter is to:

1. Regulate the location, construction, installation, alteration, maintenance and use of onsite waste disposal systems in Forest County.
2. Protect the health of residents and transients and to secure safety from disease, nuisance and pestilence.
3. Develop a sanitary permit program that continues to ensure the public's health, safety and welfare.
4. Maintain and improve the inspection and enforcement process for new system installation.
5. Promote equipment and technology with fewer maintenance requirements.

24.03 Definitions

(1) General. 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 singular include the plural and words in the plural include the singular. The word "shall" is mandatory.

Buildings. See Structure.

Composting Toilet A Method that collects stores and converts by bacterial digestion non liquid-carried waste or organic

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kitchen wastes, or both, into humus.

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.

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 WI §59.70 and §145.04, .

County. The Forest County Zoning Department

Failing Private Sewage System. “Failing private sewage system” has the meaning specified under WI §145.245(4), A holding tank which discharges sewage to the ground, including intentional discharges and discharges caused by neglect, shall be considered a failing private sewage system.

Human Habitation. The act of occupying a structure as a dwelling or sleeping place, either intermittently or as a principal residence.

Incinerating Toilet. A self-contained device for the treatment of non-liquid carried wastes that deposit the wastes directly into a combustion chamber, reduces the solid portion to ash and evaporates the liquid portion.

Non-plumbing Sanitation System. Sanitation systems and devices within the scope of SPS 391 Wisconsin and drain systems; including, but not limited to , incinerating toilets, composting toilets and privies.

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.

Plumber. A person licensed by the State as a Master Plumber or Master Plumber Restricted Services.

Portable Restroom. A self-contained portable unit that includes fixtures incorporates holding tank facilities and is designed to contain human excrement.

Private Sewage System. Also referred to as a “Private Onsite Wastewater Treatment System” or “POWTS”, has the meaning given under WI §145.01 (12).

Privy.

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An enclosed non-portable toilet into which non-water-carried human wastes are deposited.

Privy-Pit.

A privy with a subsurface storage chamber which is not watertight.

Privy-Vault.

A privy with a subsurface storage chamber which is watertight.

Rebuilt.

The construction which takes place after a structure is demolished or damaged to the extent of fifty percent (50%) of its current equalized assessed value.

Sanitary Permit.

The term "Sanitary Permit", as used in this chapter shall mean a County Sanitary Permit, a State Sanitary Permit or both.

Septic Tank.

An anaerobic treatment tank.

Soil and Site Evaluation Application.

An application submitted for the purpose of requesting County verification of a Soil and Site Evaluation Report.

Structure.

Anything constructed or erected, premises, or any other attachment to something having a permanent location on the ground, which is intended for human habitation.

GENERAL REQUIREMENTS

24.05 Compliance

- (1) All structures or premises in Forest 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.

24.06 Repeal and Effective Date

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

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effective on the date of the enactment of this chapter.

24.07 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: WI. § 59.70(5), §144 and §145, §146.20 and §968.10. SPS 352.63, SPS 381, SPS 382, SPS 383, SPS 384, SPS 385, SPS 391, NR 113 and NR 116 Wisconsin Administrative Code. ANSI Z21.61, EPA 503, and NSF Standard 41. These rules, regulations, and laws shall apply until amended or renumbered and then shall apply as amended or renumbered.

24.08 Applicability

The requirements of this chapter shall apply to all areas of Forest County not served by a public sewer approved by the department of Natural resources.

24.09 Limitations

- (1) All domestic wastewater shall enter a private sewage system unless otherwise permitted by the State or other provisions of this ordinance.
- (2) A non plumbing sanitation system may be permitted 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 domestic wastewater disposal other than, or in addition to, a non-plumbing sanitation system must be provided.
- (3) Any private sewage system, or portions thereof, installed within a floodplain shall comply with all applicable requirements of NR 116, Wisconsin Administrative Code, and Section 5.40 of the Forest County Zoning Ordinance.
- (4) Installation of a holding tank is prohibited if a Conventional gravity system can be installed as determined by a soil and site investigation. Installation of a holding tank is permitted as a system of choice if:

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- (a) The Soil and Site Evaluation determines that a Mound In-ground Pressure, or Dose system is necessary.

A change of resident status from part time recreational to full time occupancy will require the installation of a Mound, In-ground Pressure or Dose system as previously indicated by the Soil and Site Evaluation. Permanent residence status shall be determined through the evaluation of Pumping Reports.

- (5) A temporary holding tank may be installed in an emergency due to a failing system in which replacement is hampered by inclement weather.
- (6) A temporary holding tank may be installed if an approved public sewer will be installed to serve the property within two years of the date of sanitary permit issuance. In addition to items required in 24.15, an application for a sanitary permit to install a temporary holding tank shall include written statements from:
 - (a). The municipality or sanitary district verifying the date that public sewer will be installed and available to serve the property.
 - (b). The Department of Natural Resources verifying approval of the public sewer, and:
 - (c). The property owner agreeing to connect to public sewer when it becomes available and to abandon the temporary holding tank.

If public sewer does not become available within two years of the date of the permit issuance, then the holding tank permit becomes administered under all relevant portions of the Forest County Sanitary Ordinance.

- (7) 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 as required by County order.

A failing private sewage system is one which causes or results in any of the following conditions:

- (a) The discharge of sewage into surface water or groundwater

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- (b). The introduction of sewage into zones of saturation which adversely affects the operation of a private sewage system.
- (c) The discharge of sewage into 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 sewage system.

24.10 Abandonment of Private Sewage Systems

- (1) Abandonment of the disconnected private sewage system shall be done in accordance with the provisions of SPS 383.33, Wisconsin Administrative Code.
- (2) 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 SPS 383.33, Wisconsin Administrative Code.

24.11 Delayed Implementation

- (1) Delayed Implementation
 - (a) The issuance of sanitary permits for the construction or use of POWTS designs that utilize one or more of the technologies, designs or methods below may be limited to new development pursuant to WI § 83.04(2)(a) until a qualified County inspection program is approved but no later than January 1, 2003.
 - (2) Pressurized distribution component with less than 1/8 inch orifice diameter. (includes drip distribution)
 - (3) Mechanical Powts treatment component. (Includes an aerobic treatment tank or a complete treatment unit within a tank.)
 - (4) Disinfections unit. (Includes a chlorinator, ozonation unit, and ultraviolet light unit.)
 - (5) Sand, gravel or peat filter as a POWTS treatment component. (Does not include a mound system.)
- (b) The issuance of sanitary permits for the construction

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or use of POWTS designs that utilize a method or technology that is added to the list under SPS 383.61 after July 1st, 2000 may be prohibited for not more than 18 months, pursuant to Wisconsin Administrative code, SPS 383.04(3)(a), or as soon as the County's inspection program is capable.

24.12 Prohibition

- (1) The issuance of a sanitary permit for the construction or use of a POWTS design that utilizes the following technology, design or method below shall be prohibited on parcels of less than 1 acres.
 - (a) A constructed wetland as a POWTS treatment component.

24.13 Non Plumbing Sanitary Systems

Non-plumbing sanitary systems shall comply with the minimum requirements of Wisconsin Administrative Code SPS 391.

- (1) Pit Privies
 - (a) A privy may not be installed in a floodway.
 - (b) A privy may be installed in the flood fringe provided the area is filled to remove it from the flood fringe designation (NR 116) and it is vaulted and flood-proofed.
 - (c) A vaulted privy shall be installed in areas of unsuitable soils as indicated by a soil and site evaluation.
 - (d) Pit Privies may be erected temporarily during construction if;
 - (1) A soil and site evaluation has been performed and a sanitary permit has been issued.
 - (2) The privy is removed after the POWTS system has been connected, or two years, whichever is less.
 - (3) Privies shall have the following horizontal separation distances:
 - (a) 50 feet from a well unless a greater separation distance required by Wisconsin Adm. Code NR 812.
 - (b) 25 feet from a dwelling;

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- (c) 25 feet from a lot line;
- (d) 75 feet from the ordinary high water mark of any lake or stream
- (e) Privies shall Be provided with a suitable approach such as a concrete, gravel or cinder walk.
- (f) A pit privy shall be maintained in a clean and healthful manner as described in SPS 352.63, Wisconsin Adm. Code.

(2) Composting toilet System

- (a) The materials, design, construction and performance of a composting toilet system shall conform to NSF Standard 14.
- (b) All composting toilet system shall be listed by an acceptable testing agency which include the following:
American Gas Assoc.; Canadian NSF International; Underwriter's Laboratory; and Warnock Hersey.
- (c) Components for the storage or treatment of wastes shall be continuously vented in accordance with SPS 382.31(16)
- (d) Disposal of compost shall be in accordance with EPA part 503 and the disposal of any liquid from a composting toilet system shall be either to a public sanitary sewer or a licensed POWTS.

(3) Incinerating toilets

- (a) The design, construction and installation of a gas-fired incinerating toilet shall conform to ANSI Z21.61.
- (b) The materials, design, construction and performance of an electric-fired incinerating toilet shall conform to NSF standard 41.
- (c) All electric and gas-fired incinerating toilets shall be listed by an acceptable

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testing agency which include;
The American Gas Assoc.; Canadian
Standards assoc.; NSF International;
Underwriters Laboratories, and
Warnock Hersey.

- (d) The disposal of the end product shall be in accordance with 40CFR part 503, and the disposal of any liquid from an incinerating toilet shall be in a public sanitary sewer system or a licensed POWTS system.

(4). RV Transfer Tanks

- 1. RV Transfer (holding tanks) tanks are allowed on properties where a RV, Motorhome, or Camper trailer are permitted. The tank size shall meet the following criteria:
 - 1. Minimum size of 250 gallons
 - 2. Shall be above ground only
 - 3. Inspection, servicing and maintenance openings shall terminate with a means that prevent deleterious materials.
 - 4. Minimum setback as SPS 383.43-1
 - 5. Permit shall require a servicing contract.

PERMITS AND APPLICATIONS

24.14 Soil and Site Evaluations

- 1. Soil and site evaluations shall be done prior to the issuance of permits as specified in SPS 383, SPS 385, and SPS 391, Wisconsin Administrative code.
- 2. Soil test pits shall be constructed which allow adequate visual observation of the soil profile in place. A minimum of one (1) soil pit and two (2) borings shall be observed. Where primary and replacement sites are not contiguous, more pits may be required to adequately define all soil conditions.
- 3. County verification of a Soil and Site Evaluation Report shall be necessary to determine the suitability of a lot for a private sewage system. This verification will be made at the discretion of the Administrator and will be made prior to the issuance of the sanitary permit. This verification will result in one of the following:
 - (a) An application for a sanitary permit has been submitted, issuance of the permit, provided all information on the application is correct and complete.
 - (b) Filing of the approved report in the County's

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soil test file.

- (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 report or sanitary permit, if the site does not meet all the provisions of this ordinance and appropriate Wisconsin Statutes and Administrative Codes.
4. A soil tester may request County verification of soil and site conditions before a sanitary permit application is submitted.

24.15 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 of human habitation.
 - (a) Any property owner, his agents 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.
 - (b) No person shall sell a septic tank or holding tank for installation as specified in this chapter unless the purchaser holds a valid sanitary permit.
3. A sanitary permit shall be obtained before any private sewage system or part of may be installed, replaced, reconnected or modified.
 - (a) 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 sanitary permit shall be obtained prior to constructing or installing a non-plumbing sanitation system.
5. If any part of a private sewage system has failed or requires replacement or modification, the entire system shall be evaluated for compliance with rules in effect at the time of approval for installation of the existing system. This shall include a soil and site

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evaluation performed under Wisconsin Administrative Code SPS 385.

24.16 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 or this Department along with all applicable fees.
 - (a) Names and addresses of the applicant (owner) 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) Floodplain or wetland delineation
2. The County reserves the right to refuse incomplete or incorrect permit applications or to delay permit issuance until corrected or completed applications are received.

24.17 Plans

System plans shall be submitted for approval to the County or to the State in accordance with SPS 3 83, Wisconsin Administrative Code. Plans shall comply with the requirements of SPS 383, Wisconsin Administrative Code, and this ordinance.

1. System plans submitted to the County shall include the original and two copies.
2. If plans are reviewed and approved by the State, a least one 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, including property identification numbers.
 - (b) Estimated daily wastewater flow and design

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wastewater flow.

- (c) A detailed plot plan, dimensioned or drawn to scale, on paper no smaller than 8 1/2 inches by 11 inches in size.
 - (1) The plot plan shall delineate the lot size and lot lines.
 - (2) The location of all existing and proposed private sewage system components.
 - (3) Wells, water mains or water services.
 - (4) Buildings
 - (5) Navigable waters and the benchmark established on the Soil and Site Evaluation Report.
 - (6) All separating distances shall be clearly shown.

Adjoining properties shall be checked to insure that the horizontal setback parameters in SPS 384.43, Wisconsin Administrative Code, are complied with.

- (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.
- (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.

24.17 Specific requirements for approval

- 1. When Portions of a private sewage systems are proposed to cross Town roads or encroach on a town road right-of-way.
 - (a) Permission shall be obtained by the town board of that town through an approved motion, granting permission to cross the road.

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- (b) Through an easement granted by the Town board, certified copies of the minutes or the original easement shall be submitted with the sanitary permit application.

24.18 Permit cards

1. The permit card issued by the Zoning Administrator to the property owner shall serve as indication that a sanitary permit has been issued.
2. The permit card shall contain all the information required by §145.135.
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 Zoning administrator or an agent.
5. Failure to display the permit card shall be considered violation of this section and may subject the property owner, his agent or contractor, to the penalty provisions of this chapter.

24.19 Permit Expiration

1. A sanitary permit for a private sewage system or non-plumbing sanitary system which has not been installed, modified or reconnected and approved shall expire two years after the date of issuance. Permits may be renewed prior to the expiration date of the original permit.
2. There shall be a fee for the renewal of a sanitary permit.
3. Changed ordinance requirements may impede the renewal process.
4. The property owner, his agent or contractor shall return the original permit card and receive a new card when the permit is renewed.

24.20 Transfer of ownership

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

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- (a) The applicable State transfer form shall be submitted to the County.
 - (b) The sanitary permit card shall be returned to the County so a new permit card may be issued.
 - (c) Transfer of ownership shall not affect the expiration date.
2. Expiration
The owner or his agent prior to beginning construction shall obtain a new sanitary permit if a sanitary permit has expired.

24.21 Change of plumbers

1. When an owner wishes to change plumbers it will be necessary for him to furnish the Department with the applicable revised application signed by the new plumber.
2. The transfer of a sanitary permit to a different 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. There shall be a fee for the revision of a sanitary permit.

24.22 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 the denial shall be forwarded to the plumber, landowner and when appropriate, the Corporation Counsel. Each denial shall:

1. State the specific reason for disapproval or amendments to the application which would render the application approved.
2. Inform the applicant of the right to appeal and the procedures for conducting an appeal under the provision of §68.10. The County Board of Adjustment shall conduct the appeal.

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24.23 Reconnection

1. A County reconnection permit shall be obtained prior to:
 - (a) Disconnection from a structure with an existing private sewage system and connection of another structure to the system, except as permitted in 24.13 (4)
 - (b) Rebuilding a structure that is connected to a private sewage system.
2. Prior to issuing a reconnection permit, the existing private sewage system shall be examined to:
 - (a) Determine whether it is functioning properly and or if it is a failing system.
 - (b) Determine whether it is capable of handling the proposed wastewater flow and contaminant load from the building to be served.
 - (c) Determine that all minimum setback requirements of SPS 3 83 will be maintained.
3. Application for a County reconnection permit shall include the following:
 - (a) All items in 24.14 and 24.15.
 - (b) 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 complies with SPS 383.
 - (c) A report provided by a licensed plumber, certified septage servicing operator or 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 including information specified in 24.25.

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- (f) Reconnection to existing holding tanks may require a new servicing contract and an updated holding tank agreement, which meets the requirements of this ordinance.
 - (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 years of the date of permit issuance will require a statement that the system has not been altered or that a modification in wastewater flow will not occur, a plot plan that documents all setbacks between the structure and system components and a re-inspection fee.
 5. If a modification affecting wastewater flow or load exceeds the sizing criteria of the applicable past rule, then the system must come into compliance with the standards of the current code.
 6. The County may verify and accept per capita sizing based upon occupancy. Per capita sizing shall be noted on the sanitary application and recorded in the register of deeds office.
 7. All systems shall be inspected at the time of reconnection, prior to backfilling, to insure that proper materials and methods are being used.

24.24 Construction affecting wastewater flow or contaminant load.

Construction that is considered to be a modification of wastewater flow or contaminant load is defined as:

1. 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.
2. In dwellings when there is an increase or decrease in the number of bedrooms, fixtures discharging into the system, or from any addition, alteration or remodeling that exceeds 25% of the total gross area of the existing dwelling unit. Modified wastewater load in dwellings does not result from construction of decks, patios, garages, porches, re-roofing, painting,

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wiring, residing, window replacements or replacement of equipment or appliances.

Prior to commencing the construction of an addition to or modification of a structure which will affect the wastewater flow or contaminant load to an existing private sewage system the owner 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.
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 SPS 383, 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.
 - (c) Documentation specified in 24.23(3) b,c,d.

24.25 Construction not affecting wastewater flow or contaminant load

Prior to construction of any addition to a structure where wastewater flow or contaminant load is not affected the owner or his agent shall determine that the proposed structure conforms with applicable setbacks limitations of SPS 383.43-1, Wisconsin Administrative Code.

24.26 Permit Fees

1. **Permit Fees are moved to the master list of Fees**
2. Plan Revision
 - (a) A fee will be charged for any plan revision, which is not submitted approved by the County before inspection of the system has commenced.
 - (b) If a plan revision results in a change to a system type or size for which a higher sanitary permit or plan review fee is required, the difference between the fee already paid and the fee for the system installed will be charged.

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3. After the sanitary permit has been issued there shall be no refunds.

24.27 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 SPS 382, SPS 384 and SPS 391, Wisconsin Administrative Codes, Other appropriate Wisconsin Statutes and Administrative Codes and this ordinance.
3. Notification for final inspection shall be given in accordance with the requirements of SPS 383 Wisconsin Administrative Code.
 - (a) If an inspection is not made by the end of the next workday, excluding Saturdays, Sundays and holidays, after the requested inspection day, the master plumber or the master plumber restricted service may proceed with the installation of the POWTS, including backfilling and covering.
4. The entire system shall be left completely open until it has been inspected and accepted unless the requirements of 24.25(3) are not met by the County.
 - (a) Systems in confined areas may be partially backfilled before inspection to accommodate equipment.
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 and after the system is operative as deemed necessary by the Administrator.
7. A complete evaluation of an existing private onsite waste treatment system is required on any system 10 years old or older prior to transfer of the property. These inspections can be performed by a licensed Master Plumber, licensed Master Plumber Restricted Service, or a Certified POWTS Inspector.
8. Any POWTS having no permits or supporting documentation on file with

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Forest County shall have a soil evaluation consisting of one pit or boring to verify the minimum required vertical separation between the bottom of the system and any limiting factor and a plot plan delineating location of the system.

(a). A soil boring or pit will not be required during inspection for a holding tank installed prior to 2000.

9. The County will waive the requirement for evaluation of an existing private onsite waste treatment system pursuant to this section if department records confirm any of the following:
 - A. A valid sanitary permit exists for a private onsite wastewater treatment system to replace the existing system.
 - B. An existing POWTS Evaluation report for property transfer was accepted by the Department five (5) or less years prior to the transfer of the property and was performed by a Licensed Master Plumber, Licensed Master Plumber Restricted Service, or a certified POWTS Inspector.
 - C. Winter inspections for a property transfer that cannot be properly performed due to adverse conditions may be delayed by signed agreement on forms provided by the department to the effect that the inspection will be completed as soon as weather permits.
10. Any POWTS found failing per state statute WI Stat.145.245 (4) may be given up to one (1) year to replace.

24.28 Site Constructed holding tanks

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.

24.29 Inspections: non-plumbing sanitary systems

1. All non-plumbing sanitary systems installed shall be inspected for compliance with SPS 391, Wisconsin Administrative Code, 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 SPS 352.63, Wisconsin Administrative Code.

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2. The property owner shall notify the County for inspection immediately after the non-plumbing sanitary system has been constructed or installed.

24.30 Inspections: At Grade Systems and Mounds

1. The plumber installing the mound or At Grade system shall notify the County the working day prior to the installation, excluding Saturdays, Sundays and holidays.
2. These systems shall be inspected at the time the distribution piping installation is complete and after all the work has been completed.

24.31 Inspections: Sand Filters

1. The plumber installing the sand filter shall notify the Department the working day prior to the installation, excluding Saturday, Sunday and holidays.
2. Sand filters shall be inspected at the time the liner or tank and under drain are in place, before placement of any treatment media, and at the time the distribution piping installation has been completed.

24.32 Individual site designs not specifically stated above not Recognized by SPS 383.61

1. The plumber installing the system shall coordinate any required pre-construction meeting(s).
2. The plumber installing the system shall notify the County at least two workdays prior to beginning the installation of the system to schedule the inspection and shall notify the State as may be required by the plan approvals.
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.
4. Prior to the approval of a POWTS treatment unit, a detailed management plan shall be submitted to the County.
 - (a) This plan shall provide a list of all

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replacement equipment.

- (b) The location as to where the replacement equipment can be obtained.
 - (c) A minimum list of approved maintainers that includes full names, addresses and phone numbers.
5. The applicant shall provide a detailed contingency plan outlining the steps that will be taken upon failure of the experimental system. The County may require surety bonds to insure that if the experimental system fails, necessary funds are available to restore the site and to protect the health of all residents.

24.33 Re-inspection

- 1. 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 time of inspection or does not comply with applicable Wisconsin Statutes or Administrative Codes, the approved plans or this ordinance.
- 2. The re-inspection fee shall be due within ten working days of written notification by the Department. Failure to pay within that period shall constitute a violation of this ordinance and be subject to fines.

24.34 Testing

- 1. If testing of new systems or new system components is required by SPS 382, 383, 384, Wisconsin Administrative Codes, or as a condition of plan approval, notice shall be given to the Department as specified in WI §83.26 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
 - (c) Both a and b

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Systems Management and Maintenance

24.35 Maintenance and Management

1. All private sewage systems and Non-plumbing sanitation systems shall be managed and maintained in accordance with Comm. 83, 84, 91, Wisconsin Administrative Codes and this ordinance.
2. The property owner or their agent shall report to the County each inspection, Maintenance or servicing event, in accordance with comm. 83, Wisconsin administrative Code and this ordinance. All inspections shall be performed by the rules of inspection as described in Section 24.36.1 (c) (1) to (4).
3. The property owner or their agent shall submit a copy of an appropriate maintenance agreement and or servicing contract to the County prior to sanitary permit issuance.
4. The property owner or their agent shall submit a new or revised maintenance agreement or servicing contract to the County whenever there is a change to such documents.
5. The property owner or their agent shall submit a new maintenance agreement or servicing contract to the County prior to expiration of any existing maintenance agreement or servicing contract.

Rev 08/11/09

24.36 POWTS (Private Onsite Wastewater Treatment System) Maintenance Program

1. For all new sanitary permits issued, the applicant shall be provided with written notice of the maintenance program at the time the permit is issued. The issuing agent (Forest County) shall maintain the records of this notification.
2. Upon sale or transfer of any Forest County property with a private sanitary system, the seller or the seller's agent shall provide written notification of the county maintenance program to the buyer.
3. All sanitary systems permitted and installed in Forest County, when required, and as set forth herein, shall be visually inspected or 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 intervals may be required as part of a management plan for specific Private Onsite Wastewater Treatment Systems (POWTS).
4. Pumping of a septic tank shall be done by a certified septage servicing operator in accordance with NR 113 Wisconsin Administrative Code.

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5. 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 licensed under State Statute Wis. Stat. sec. 281.48, 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 surface of the ground.
6. A soil evaluation consisting of one pit or boring to verify the minimum required vertical separation between the bottom of the system and any limiting factor shall be required for sanitary systems having no permits or supporting documentation on file with Forest County. Thereafter, a properly operating sanitary system will be placed on the regular maintenance roster for inspection. Property owners with those systems failing per State Statute Wis. Stat. sec. 145.245(4) may be given up to one (1) year to replace the failing system.
7. The owner of a POWTS or the owner's agent shall report to the governmental unit or designated agent at the completion of each inspection, evaluation, maintenance or servicing event as required in Wis. Admin. Code SPS 383.55.
8. Failure to comply with any of the above provisions in this section by a property owner to which any of the above provisions apply may result in a citation and forfeiture as described in Section 24.42 of the Forest County Sanitary Ordinance. The zoning Administrator shall have the discretion to voluntarily dismiss any citation that has been issued if compliance is achieved after the citation is issued and upon payment of a \$50 administration fee.

REV 06/19/12

24.37 Holding Tank Maintenance Agreement

1. The owner of the holding tank shall enter into a contingency Maintenance agreement with the County guaranteeing the holding tank will be properly serviced.
 - (a) In the event the owner fails to have the holding tank properly serviced in response to orders issued by the County. The County will do so at the owner's expense.
2. The agreement shall be binding upon the owner, the heirs of the owner and assignees of the owner.
3. The 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.
4. The owner or agent shall submit a copy of the holding tank maintenance agreement when plans are submitted to the County for review.

24.38 Administration

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1. The issuing agent shall be responsible for the administration of this ordinance. The issuing agent may delegate the responsibilities to personnel employed by the Forest County Zoning Office.

24.39 Powers and duties.

In the administration of this ordinance, the issuing agent 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.
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 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 Issuing Agent or upon issuance of a special inspection warrant in accordance with WI §. 66.122.
 - (a) Application for a sanitary permit is considered for the purposed 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.
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 ordinance.

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10. Apply for and distribute grants obtained through the Wisconsin Fund Grant Program.
11. Withhold permits pursuant to this ordinance where the applicant owner or licensed contractor is in violation of this or any ordinance administered by the County for any parcel of land which has an outstanding violation until correction.
 - (a) A request for waiver of these provisions may be made, to grant or deny a permit or approval on the merits of the applications to the Zoning Committee.
12. Perform other duties regarding private sewage systems as considered appropriate by the County or the State.

24.40 Board of Adjustment

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 Forest County Board of Adjustment as provided in Section 21 of the Forest County Ordinances. Any appeal shall be made on forms furnished by the Zoning Department within 30 days of the date of that administrative action. Other substantiating evidence will be accepted.

24.41 Violations and Penalties

The provisions of this ordinance shall be administered and enforced by and under the direction of the County Zoning Committee.

1. Investigation and Compliance; Notice of violation;
 - (a) The County is responsible for conducting the necessary inspection and investigation to insure compliance with this ordinance, through field notes, photographs and other means, documenting the presence of violations.
 - (b) If upon investigation, the department becomes aware of a violation of this ordinance, it shall immediately notify responsible parties and those potentially liable. Such notice shall include:
 - (1) A demand that the condition that is alleged to constitute a violation be halted or remedied.
 - (2) Notice that a complaint will be filed

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with corporation counsel if the violation is not abated within ten days.

2. Prosecution, Injunctions, fines and Forfeitures.
 - (a) It shall be the duty of the corporation counsel to expeditiously review all violations of this ordinance reported by the County and take action as appropriate.
 - (b) A forfeiture of not less than 25.00, nor more than 300.00, plus costs, shall be imposed for each violation of this ordinance.
 - (c) Compliance with this ordinance may be enforced pursuant to WI. §145.

3. Any person who has applied for and received a permit and begins work on the project authorized by the permit acknowledges that they have read, understands and agrees to follow all conditions and requirements of the permit.

4. Revocation of Permits

The Forest County Zoning committee shall retain continuing jurisdiction over all activities authorized by the permit for the purpose of assuring compliance with this ordinance.

- (a) Upon written complaint by any citizen, the Zoning Administrator or any other official, the Zoning Committee shall hold a hearing to consider amending, suspending or revoking the permit.
 - (1) A class 2 notice shall contain the date, time and place of the hearing.
 - (2) A description of the activity authorized by the permit.
 - (3) A statement of the alleged violation(s).
- (c) Any person may appear at such hearing and testify in person or be represented by an agent or attorney.
- (d) If the Zoning Committee finds after the hearing that the permit holder is not in compliance with the terms of the permit, it may amend, suspend or revoke the permit.
- (e) The decision of the Committee shall be furnished to the permit holder in writing.

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5. Any construction which is in violation of this ordinance shall cease upon written orders from the issuing agent or the placement of a notification of violation at the site. A notification of violation shall state the following
 - (a) POWTS Inspectors name and Telephone number
 - (b) Time and Date of violation notice
 - (c) List of code section within Chapter 24 or Wisconsin Administrative Code, SPS 382.85 that was violated.
6. All construction shall remain stopped until the order is released by the Issuing Agent.

24.42 Citation Enforcement

1. The adoption herein of the citation method of enforcement shall not preclude the county, or its officers authorized to issue citations hereunder, from proceeding under any other enforcement procedure that pertains to the subject matter addressed in the citation. Payment of a citation by a violator does not relieve the violator of the obligation to conform to the Ordinance, not the obligation to remove what has been illegally installed. New citations may be issued for violations which are not corrected within one hundred twenty (120) days of the date of the previous citation.
2. that any and all amendments to this ordinance which take place after the adoption of this section shall, unless otherwise specified in the adopting amendment, also be enforced by the citation method and any separate deposits sent within said amendment shall be incorporated hereunder.
3. The form of any citation shall conform to the criteria set of Section 66.0113.1 (b).
4. The citations duly issued shall have the legal affect specified in Section 66.0113 Wis. Stats., and shall confer subject matter jurisdiction upon the Circuit Court for Forest County.
5. Any person issued a citation is hereby required to remit the amount provided therein in cash, certified check, bank money order, or credit or debit card: ACCEPTABLE TO THE COUTY TREASURER, to the forest County Courthouse, atten: Clerk of Court, Courthouse, 200 E. Madison Street, Crandon, WI. 54520, in mail or in person.
Said Clerk shall provide the person with a receipt for each such deposit received with a copy to the Zoning Administrator. Upon Order of the Zoning Committee cash deposits penalty assessment and late payment forfeitures owing more than one hundred fifty (150) days may be placed as a lien upon the real estate in which the illegal act occurred.
6. Required cash deposit and penalty assessment for citation issued.

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Subject Matter	Amount	Assessment
Failure to Obtain Permit	300.00	75.00
Any Other violation	200.00	50.00

*Pursuant 757.05 Wis. Stats.

7. That following the issuance of a citation, the options and procedures available to the violator, including procedure on default, shall be as more fully set forth in Section 66.0113 (3) Wis. Stats.

8. The fine upon a guilty finding or default, as well as assessment, shall be as follows:

Subject Matter	Amount	Assessment
Failure to Obtain Permit	300.00	75.00
Any Other violation	200.00	50.00

9. Late Payment Schedule

Subject Matter	30	60	90	120
Failure to Obtain Permit	300	400	500	600
Any Other Violation	200	300	400	500

Revised February 19, 2002