

Sanitary Ordinance

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**Chapter 35 WAUPACA COUNTY SANITARY ORDINANCE
(Reference to original Chapter 12)**

Section 1. INTENT AND INTERPRETATION:

The general intent of this chapter is to regulate the location, construction, installation, alteration, design, and use of all private sewage disposal systems so as to protect the health of residents and transients to secure safety from disease and pestilence; to further the appropriate use and conservation of land and water resources, and to preserve and promote the beauty of Waupaca County and its communities. It is further intended to provide for the administration and enforcement of this chapter and to provide penalties for violation of this chapter. Interpretation and application of the provisions of this chapter shall be held to be minimum requirements and shall be broadly and liberally construed in favor of Waupaca County and shall not be deemed a limitation or repeal of any other power granted by the Wisconsin Statutes, and is limited only by express language.

Section 2. ABROGATION AND UNIFORMITY WITH STATE REGULATIONS:

- (1) It is not intended by this chapter to repeal, abrogate, annul, impair, or interfere with any existing easements, covenants, deed restrictions, agreements, ordinances, rules, regulations or permits previously adopted or issued pursuant to law.
- (2) This ordinance shall not be interpreted to be more lenient nor stringent than the Wisconsin Administrative Code rules and regulations promulgated pursuant to Chapter 145, Wisconsin Statutes.
- (3) Incorporation of Provisions by Reference. This chapter incorporates by reference the following applicable 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: Chapters 145, 281, 283, and 59.70(5) of Wisconsin State Statutes, and Chapters NR 112, NR 113 and SPS 381, 382, 383, 384, 385, 387, 391 of the Wisconsin Administrative Code. These rules, regulations, and laws shall apply until amended or renumbered and then shall apply as amended or renumbered.

Section 3. DEFINITIONS:

Section 3.01 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 State Statutes and Administrative Codes and in 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.

- (1) **Department** means the Department of Safety and Professional Services (DSPS).

- (2) **Chemical Toilet** means chemical, organic (composting), electrical, gas, and other non-water using toilets with the exception of privies.
- (3) **County Sanitary Permit**. A permit issued by the Waupaca County Planning & Zoning Office for the reconnection of a private sewage system or for the installation of a vault privy, or septic tank only when more than one dwelling is connected to a single private sewage system.
- (4) **Issuing agent** means the county office, department, committee, position or employee assigned the duties of administering the private sewage system program by the county board.
- (5) **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 in dwellings, when there is an increase or decrease in the number of bedrooms, or a 25% increase in living space. Modified wastewater load in dwellings does not result from construction of garages, open air/enclosed decks, patios, or porches; re-roofing; painting; wiring; re-siding; or replacement of windows, floor coverings, equipment, appliances, or cabinets.
- (6) **POWTS (Private Onsite Wastewater Treatment Systems)** refers to any subsystem, subassembly or other system designed for use in or as a part of a private onsite wastewater treatment system which may include treatment, dispersal or holding and related piping and has the meaning given for “Private sewage system” under s. 145.01 (12), Stats.
- (7) **Privy, Pit Type** A Pit Privy is a Non-plumbing Sanitation System that is an enclosed non-portable toilet with a subsurface storage chamber that consists of earthen sides and/or bottom that is not watertight, into which non-water carried human wastes and/or excrement are deposited. Pit privies are prohibited per 13.01(1) (g).
- (8) **Privy, Vault Type** A Vault Privy is a Non-plumbing Sanitation System that is an enclosed non-portable toilet with a subsurface watertight storage chamber, into which non-water-carried human wastes and/or excrement are deposited and is not connected to any type of water plumbing system.
- (9) **Private Sewage System**”, also referred to as POWTS, means (according to State Statutes 145.01(12)) a sewage treatment and disposal system serving a single structure with a septic tank and soil absorption field located on the same parcel as the structure. This term also means an alternative sewage system approved by the

department including a substitute for the septic tank or soil absorption field, a holding tank, a system serving more than one structure or a system located on a different parcel than the structure. A private sewage system may be owned by the property owner or by a special purpose district.

- (10) **Sanitary Permit** means a county sanitary permit, a state sanitary permit, or both.
- (11) **State Sanitary Permit** means a permit issued by the office for installation or modification of a private on-site wastewater treatment system, pursuant to Wis. Stats. §§ 145.19 and 145.135.
- (12) **Tank Set** means one or more tanks serving a separate residence or group of residences. Each “set” can be maintained on a different schedule, therefore must be tracked individually.

Section 4. **GENERAL CONDITIONS:**

Section 4.01 **Applicability:** This ordinance applies to the entire unincorporated or unsewered area of Waupaca County.

Section 4.02 **Compliance:** All Buildings in Waupaca County that are permanently or intermittently intended for human habitation or occupancy which are not serviced by public sanitary sewer, shall have a system for holding or treatment and dispersal of sewage and wastewater which complies with the provisions of this Ordinance.

- (1) All plumbing fixtures shall be connected to a public sanitary sewer system where available. Where such a public sewer system is not available, a POWTS shall be used. After a public sewer system becomes available private sewage systems shall be discontinued and replaced within one year.
- (2) No POWTS or part thereof shall be located, installed, moved, reconstructed or substantially altered except as permitted by this ordinance. The owner of the property on which the system is located and the company or individual doing the work are both responsible for compliance with this ordinance.
- (3) The POWTS for newly constructed buildings shall be approved, installed, and inspected by the Planning & Zoning Office before the building can be occupied.
- (4) No sanitary permit will be issued until such time as adequate evidence is presented to show that the proposed construction would be in compliance with the Waupaca County Zoning Ordinance and Waupaca County Shoreland Ordinance where applicable.
- (5) The wastewater disposal system of each building shall be entirely separate from and independent of that of any other structure or building unless a common system is specifically approved. Approval for the use of a common system or a system on a different parcel than the structure will be subject to recorded deed restrictions or easements that specify the rights and obligations of the system

- owner(s) and the property owner.
- (6) All water-carried wastes derived from ordinary living uses shall enter the septic or treatment tank unless otherwise specifically exempted by Wis. Admin. Code ch SPS 383 or this chapter.
 - (7) No well or water supply shall be connected to a building intended for human occupancy unless there is a sanitary sewer or an existing approved private sewage system serving the building, or unless the owner(s) possess a valid sanitary permit for the construction of an approved system.
 - (8) The use of a camping unit transfer container as a POWTS holding tank component shall be restricted to a campground permitted by the Department of Health and Human Services under Wis. Admin. Code Ch. DHS 178.
 - (9) When a failing private sewage system is identified, it shall be brought into compliance with current code requirements, replaced with a code compliant system authorized by a sanitary permit, or its use discontinued within 12 months or such other period of time required by order.

Section 5. **ADMINISTRATION AND ENFORCEMENT:**

Section 5.01 **Issuing Agent:** The Waupaca County Zoning Administrator or his designees shall administer this ordinance.

Section 5.02 **Powers and Duties:** The Issuing Agent shall have the responsibility and authority to:

- (1) Delegate duties to and supervise Zoning staff and others for administration and enforcement of this ordinance.
- (2) Explain the provisions of this ordinance to licensed professionals and interested persons and assist applicants in preparing permit applications. Review all applications and plans for private sewage systems submitted to the county.
- (3) Issue, deny, and rescind sanitary permits; maintain records of permits, inspections made, work approved and performed, and other information as appropriate.
- (4) The issuing agent shall review soil reports for the proposed private sewage systems and verify the report at the proposed site, if necessary. Approved soil reports will be filed.
- (5) Inspect all private sewage systems after construction, but before backfilling no later than the end of the next work day, excluding Saturdays and holidays, after receiving notice from plumber in charge.
- (6) Investigate all complaints relative to private sewage systems per 145.20 (2) (f). Order any person, firm or corporation owning, using, operating or installing a private sewage system to modify it, repair it, or replace it to a safe or code complying condition if the system is found to be defective, unsafe, unsanitary, malfunctioning or

otherwise in violation of this ordinance or applicable state regulations.

- (7) Report unresolved violations of this ordinance to the Corporation Counsel.
- (8) Enforce any or all of the rules or orders and amendments thereto of the Department of Safety & Professional Services applicable to private sewage systems.
- (9) Administer the Wisconsin Fund Grant Program and distribute grant monies to eligible applicants.
- (10) Any other duties relating to private sewage systems as assigned by the Planning & Zoning Committee or as required by State regulations.

Section 5.03 **Conflict of Interest.** No employee of the Planning & Zoning Office may use CST or POWTS Inspector Certifications for outside employment whether inside or outside of Waupaca County.

Section 6. **ABANDONMENT OF PRIVATE SEWAGE SYSTEMS**

Section 6.01 **Public sewer.** When public sewer becomes available to the structure or premises served, the private sewage system shall be disconnected within one year and a connection made to the public sewer. Abandonment shall be done according to section 6.02 (1) below.

Section 6.02 **Discontinued Use.** 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 be done according to the following:

- (1) Abandonment shall include:
 - (a) Disconnecting all piping to the tanks and pits.
 - (b) Sealing all disconnected piping to the tanks and pits.
 - (c) Pumping and disposing of the contents from all tanks and pits.
NOTE: The disposal of the contents from septic tanks, treatment tanks, distribution tanks, seepage pits and holding tanks is addressed in ch. NR 113 which is administered by the Department of Natural Resources.
 - (d) Removing all tanks or removing the covers of the tanks or pits, smashing or perforating the bottom for permeability and filling the tanks and pits with uncontaminated soil, gravel or an inert solid material.

Section 7. **SANITARY PERMIT:**

Section 7.01 **Validity**

- (1) No person may install or modify a private sewage system, or privy unless the owner of the property on which the private sewage system is to be installed holds a valid sanitary permit. Any property owner, his agent or contractor who starts construction prior to obtaining a Sanitary Permit is in violation and shall be subject to the penalties

- provided for in this Ordinance.
- (2) A sanitary permit must be issued to the owner of the parcel upon which the POWTS is to be installed.
 - (3) If any part of a private sewage system has failed, the entire system shall be evaluated for compliance with existing codes.
 - (4) No person may sell at retail a septic tank for installation unless the purchaser holds a valid sanitary permit.
 - (5) A sanitary permit or written approval by Issuing Agent shall be obtained by the property owner, his agent or contractor, before any private sewage system or privy may be installed, enlarged, reconnected or altered. A sanitary permit is not required for the addition of manhole risers or replacement of manhole covers, manhole risers.
 - (6) Every private sewage system shall require a separate application and sanitary permit.
 - (7) If multiple dwellings are connected to one drainfield with individual septic tanks, a County permit will be issued for each tank set.

Section 7.02 **Application:** Application for a sanitary permit for systems other than privies shall be made on forms specified by the Department. Completed application forms shall be submitted to the Waupaca County Planning & Zoning Office.

- (1) **Application requirements:** The sanitary permit shall include the following information:
 - (a) A completed sanitary permit application form provided by the Department
 - (b) A site plan
 - (c) An approved soil test on forms approved by the Department.
 - (d) The original approved state plans/forms for systems requiring Department approval. A set of plans bearing the department's conditional approval and the approval letter issued by the department, if required to be reviewed by the department under s. SPS 383.22(1).
 - (e) A pump chamber cross-section and pump information for systems that utilize a pump.
 - (f) Agreements and/or affidavits required
 - (g) Maintenance plan. Maintenance for a septic tank will be assumed to be the 3-year Wisconsin Fund Maintenance Program unless otherwise specified. (Tank size per number of bedrooms may dictate pumping/inspection more frequently.) All will be required to provide a Maintenance plan and contingency plan according to SPS 383.54.
 - (h) Required fee.
 - (i) The following documents must be recorded with the

Waupaca County Register of Deeds Office prior to the sanitary permit issuance:

- 1) Maintenance agreements or POWTS agreements, when recording is required by Wis. Admin. Code Ch. SPS 383 or this Ordinance.
- 2) When a private sewage system or parts thereof are located on a separate parcel of ownership than the structure served, an appropriate easement must be recorded.
- 3) When 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 of the private sewage system must be recorded.
- 4) 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.

(2) **Denial:** The issuing agent reserves the right to refuse incomplete or incorrect permit applications, and/or delay permit issuance until corrected and/or completed applications are received. He/she may also deny a permit to any person who has not yet complied with enforcement orders issued under this ordinance. The issuing agent shall issue written notice to each applicant whose sanitary permit application is disapproved. Each notice shall:

- (a) State the specific reasons for disapproval and amendments to the application, if any, which would render the application approvable.
- (b) Inform the applicant of the right to appeal and the procedures for conducting an appeal under Chapter 68.08, Wis. Stats.

Section 7.03 Expiration and Renewal

- (1) All installations or modifications to a septic system shall be completed within two (2) years from the date the Planning & Zoning Office issues the sanitary permit. The Planning & Zoning Office will renew a sanitary permit upon a property owner or his or her agent's submittal of a new sanitary permit application, signed and completed by the plumber, together with the fee, to the Planning & Zoning Office prior to the expiration date.
- (2) The approval of a sanitary permit is based on the rules in effect on the date of the permit issuance or renewal
- (3) Changed regulations may impede or prevent the renewal.
- (4) A new sanitary permit shall be obtained by the owner or their agent

prior to beginning construction if a sanitary permit has expired.

Section 7.04 **Validity:** A sanitary permit is valid for 2 years from the date of issuance and renewable for similar periods thereafter. Permits may be renewed following written application to the Waupaca County Planning & Zoning Office by the property owner, his agent, or contractor, provided that the proposed site and system comply with applicable codes at the time the renewal is requested. The Waupaca County Planning & Zoning Office will make an effort to warn applicants of impending expiration dates, however, failure to receive a notice for renewal of a permit shall not be considered as an excuse or good cause for failure to renew a permit prior to the expiration of the permit. If a permit has expired and the owner wants to continue with the project, a new sanitary permit must be obtained.

Section 7.05 Transfers:

- (1) **Owner:** A sanitary permit may be transferred from the holder to a subsequent owner of the property, except that a new copy of the sanitary permit must be obtained from the issuing agent. When there is a transfer of ownership, a permit transfer form shall be submitted the Planning & Zoning Office for approval prior to the installation of a private sewage system. Failure to submit transfer forms shall invalidate the sanitary permit in accordance with s.145.19(8) Wis. Stats.
- (2) **Plumber:** When there is a change of master plumber, the appropriate fee, a new site plan and permit application with plumber signature shall be submitted to the issuing agent for approval prior to the installation of a private sewage system. Any work on a POWTS system that requires a plumber revision without first obtaining such approval from the issuing agent is prohibited.
- (3) Transfer of ownership or plumber shall not affect the expiration date or renewal requirements.
- (4) Permits issued for systems requiring state approval shall not be transferred to another plumber unless the plan bears the stamp of an architect or engineer, plumbing designer or until new state approval is obtained by the new plumber. The request for transfer shall be made in writing on forms provided by the department.

Section 7.06 **Revisions:** Every installer of a private sewage system who modifies or changes the design of a system must submit a revised plan to DSPS or to the designated approval agency. A copy of the approved revision must be submitted to the issuing agent within 5 working days after approval is obtained. All changes or modifications must be approved by the issuing agent prior to installation

Section 7.07 **Limitations.** In granting approval of plans, specifications, products, devices or materials, Waupaca County assumes no liability for any defects in design or construction, nor for any damages that may result from specific

installation.

Section 7.08 **Fees:** Fees shall be set by the Planning & Zoning Committee and may be amended from time to time.

Section 8. **EMERGENCY REPAIRS AND INSTALLATIONS:**

- (1) Emergency tank installations may be performed provided the licensed plumber provides the sanitary permit application, site plan and permit fee to the Planning & Zoning Office prior to installation. If a soil boring is required per section 15.02, it shall be provided within 30 days of installation. If department plan review is required, this shall be provided within 30 days of tank installation. If this is not possible, it is the owner's responsibility to make acceptable and expeditious arrangements with the Waupaca County Planning & Zoning Office to have a permit issued. This may include a scheduled plan review date and number.
- (2) Should the soil boring or system evaluation show the existing system is not in compliance, the sanitary must be revised accordingly and a code complying septic system installed within 30 days.
- (3) The installer must notify the Planning & Zoning Office prior to performing any work.

Section 9. **INSPECTION:**

- (1) The issuing agent shall inspect or cause the inspection of all private sewage systems 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.
- (2) The issuing agent shall file reports and conduct inspections as required by the county or the Department.
- (3) Inspections shall be done pursuant to the approved plans/package requirements and as deemed necessary by the Planning & Zoning Office to assure compliance with appropriate codes and the approval/package.
- (4) No inspection will be scheduled for the same day as permit issuance. Permits shall be obtained prior to the start of construction of the septic system.
- (5) The plumber in charge or an authorized journeyman plumber must be present during the inspection.

Section 10. **SOIL REPORTS AND SITE EVALUATIONS:**

Section 10.01 **Soil test reports:** A sanitary permit shall not be issued until a soil and site evaluation report has been reviewed and approved by the issuing agent. At least one pit must be done for each system area set aside. The report and evaluation must be in accordance with SPS 385.

Section 10.02 **Verification:** The issuing agent will verify the report and soils for all sites with less than 24 inches of suitable soil and other sites at the proposed

site if deemed necessary. Pits are required whenever the County verifies soil boring data. The soil test pits shall be left in such a manner that will permit access to them for the evaluation of the soil profile. All pits must be covered or fenced. Unattended pits are the liability of the Certified Soil Tester or property owner.

Section 11. **HOLDING TANKS:**

Section 11.01 **General:** Holding tanks for private sewage are hereby prohibited, with the following exceptions:

- (1) As a last resort to replace an existing septic system which has failed according to State Statutes 145.245(4).
 - (a) In order to replace an existing holding tank, a suitable soil test must be on file that illustrates that no other system would be possible on the parcel. If Wisconsin Plumbing Codes and this chapter allow another type of septic system, it must be installed in lieu of another holding tank.
 - (b) If the Soil Evaluation Report determines a site is suitable for the installation of a private sewage system that provides onsite treatment and disposal of domestic wastewater only with the aid of a pre-treatment device or through soil interpretive review or individual site design, a holding tank may be installed to replace an existing failed septic system.
- (2) The installation and use of holding tanks as a private sewage system for public (non-residential), commercial, or agricultural buildings are permitted regardless of whether there is a suitable site that allows for the installation of a private sewage system that provides onsite treatment and disposal of domestic wastewater.

Section 11.02 **Temporary Holding Tank** 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. 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(s).
- (4) If public sewer does not become available within 2 years of the date of sanitary permit issuance, the holding tank must be replaced with another type of system recognized by SPS 383, Wisconsin Administrative Code and allowed by this ordinance.

Section 11.03 **Holding Tank Forms:**

- (1) **Holding Tank Agreement:** In cases where holding tanks are allowed, the applicant for a holding tank shall be required to enter

into a Holding Tank Agreement with the county before the sanitary permit is issued. The agreement shall be signed on forms provided by Waupaca County. A Certified Plumbing Inspector with the Waupaca County Planning & Zoning Office shall sign the agreement on behalf of Waupaca County, as the governmental agent.

- (2) **Holding Tank Servicing Contract:** All holding tank users/owners shall enter into a contract within 6 months after the effective date of this ordinance with a state licensed pumper to service and pump his/her holding tank. Exceptions to this are those users/owners who can comply with NR 113 as an exempt farmer. In these cases, the owner/user will provide the Planning & Zoning office with pumping reports as required by SPS 383.55(2).

Section 11.04 Maintenance:

The governmental unit or County may enter upon the property to investigate the condition of the holding tank when pumping reports may indicate that the holding tank is not being properly maintained. The County may also order an evaluation of the holding tank by a licensed plumber to certify that the holding tank is still water tight. If the holding tank is found to no longer be water tight, the holding tank must be replaced with a code complying system.

(1) **Pumping:**

- (a) All persons who remove effluent from holding tanks shall be licensed/registered by the State of Wisconsin.
- (b) **Field spreading.** Any holding tank wastes to be field-spread shall be limited to those sites that have been inspected and approved by written permit from the Wisconsin Department of Natural Resources. Effluent from a septic tank or holding tank must be disposed of in accordance with NR 113 of the Wisconsin Administrative Code.
- (c) **Pumping Reports:** All holding tank pumpers who pump one or more holding tanks in Waupaca County shall submit reports to the office of the Waupaca County Zoning Administrator per SPS 383.55 (2)(b).

- (2) **Locks And High Water Alarm:** All holding tanks shall be equipped with functional locking devices and high water alarms. The high water warning device shall be installed so that it activates 1 foot below the inlet pipe. This device shall either be an audible or illuminated alarm. If the latter, it shall be conspicuously mounted. Electrical junction box, including warning equipment junctions, shall be located outside the holding tank unless they are housed in waterproof, explosion-proof enclosures. Electrical relays or controls shall be located outside the holding tank. In cases where the Zoning Administrator or his designee finds the locking devices and/or high water alarms missing or not functioning properly, he shall order them replaced.

(3) **Water meters:**

- (a) Pursuant to SPS 383.54(2)(c), any owners of holding tanks found to be in violation of this ordinance may be required to install a water meter to measure the inflows of the water supplies to buildings and structures to allow comparisons to the holding tank pumping activity.
- (b) Prior to installation the Waupaca County Planning and Zoning Office must approve the type and make of meter which shall include a remote reading device.
- (c) The water meter shall be installed by a licensed plumber.

Section 12. PERFORMANCE STANDARDS

Section 12.01 **Management Responsibility.** The owner of a POWTS shall operate and maintain the system in compliance with the approved system design and maintenance provisions that were submitted with the permit application.

- (1) Any POWTS that is not maintained in accordance with the approved management plans shall be considered a failing private sewage system. The use, maintenance or operation of a failed private sewage system is prohibited.
- (2) Each POWTS design shall include a management plan for maintaining the designed performance and operational standards required by Wisconsin Administrative Code. The management plan shall be a part of the sanitary permit application. The plans shall include all necessary information, which may include:
 - (a) Accumulated solids or byproduct removal. Formulas provided by Department of Safety and Professional Services can be used to determine pumping frequency other than the standard 3-year cycle, but must remain within the rules of the Wisconsin Fund Program.

Section 12.02 **Contingency Plan.**

All applications for sanitary permit shall include a contingency plan that describes the procedures that must be followed at any time when the POWTS is not operating in accordance with the approved design. The plan must include specifics about the system characteristics or other safeguards that will assure that the system will not discharge untreated or partially treated effluent during any component malfunction.

Section 12.03 **SERVICE REPORTS.**

- (1) Reports of system servicing or maintenance shall be submitted to the county:
 - (a) As required by SPS 383.55(2).
 - (b) By the owner or the owner's agent
- (2) Reports shall include, but are not limited to, the following information:
 - (a) The system owner's name, address, and legal

- (b) description/parcel number;
- (b) The name and certification number of licensed individuals performing the service or repair;
- (c) Information of any malfunction of system components and any repairs that were made;
- (d) Meter readings;
- (e) Pumping information;
- (f) Results of analysis of any effluent sampling;
- (g) Tank condition;
- (h) General observations of overall system condition and performance.

Section 13. **PRIVIES:**

Section 13.01 Permitting:

- (a) A privy may be permitted only when the structure of premises served by the privy 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 privy must be provided. Privies that remain must be evaluated per section 15.04(2).

Section 13.02 Privies shall be:

(1) Construction:

- (a) The storage chamber of a vault privy shall conform with the requirements of s. SPS 384.25 relating to holding or treatment components, shall not be site constructed, and shall have a minimum storage capacity of 200 gallons or one cubic yard.
- (b) Located on ground that is well drained, and where there is no possibility of contaminating any drinking water supply.
- (c) Provided with suitable approach, such as concrete, gravel or cinder walk.
- (d) The foundations shall be of concrete or other masonry.
- (e) The vault shall extend at least 6 inches above ground, be as dark as possible and be proof against entrance by flies, rats, or other vermin. The upper portion shall be of concrete, or of brick or stone laid in cement mortar; in poorly drained soil, the entire vault shall be of concrete, or brick or PVC or fiberglass.
- (f) The entire installation shall be kept clean and sanitary. Milk of lime (freshly slaked lime) or other equally effective disinfectant shall be used in the vault and in the urinal trough in sufficient quantities, and at frequent intervals. The floors, seats and urinals shall be scrubbed as often as necessary. The vault shall be cleaned out at proper

- intervals.
- (g) A water-tight vault shall be required for the privy. Privies without a water-tight vault (including pit privies) will not be permitted.
 - (h) All doors shall be self-closing.
- (2) **Venting:** The storage chamber of the privy shall be provided with a vent for the purpose of relieving explosive gases.
- (a) At least 3 inches in diameter;
 - (b) Installed in accordance with s. SPS 382.31 (16)(a) to (f); and
 - (c) Fabricated or provided with screening to prevent insects from entering the storage chamber.
 - (d) A separate vent shall be provided for the vault and shall extend from the vault to not less than one foot above the roof and be provided with an effective ventilating hood.
- (3) **Setbacks:** All vaults shall be located so as to provide the minimum horizontal setback distances listed below as safety factors for public health, waters of the state and structures in the event of component failure.
- (a) Privies shall meet all applicable structural setbacks and shall meet well setbacks per NR 812.08.
 - (b) Structural setbacks from roads, lot lines, wetlands, rivers, and lakes as established in the Waupaca County Ordinances.
- (4) **Inspection:** All privies shall be inspected after installation for compliance with applicable codes. The property owner shall notify the Waupaca County Planning & Zoning Office for inspection immediately after the privy has been constructed and prior to any use.
- (5) **Servicing:** The servicing of a vault privy relative to the pumping, transporting and disposal of the contents shall be in accordance with ch. NR 113
- (6) **Abandonment:**
- (a) **Vault:** The abandonment of a vault privy shall be accomplished by:
 - 1) Having the contents of the storage chamber pumped and disposed of in accordance with ch. NR 113;
 - 2) Removing the entire top of the chamber and smashing or perforating the chamber; and
 - 3) Filling the remaining portion of the emptied storage chamber with soil or other inert material to an elevation equal to or above the surrounding grade.
 - (b) **Pit:** The abandonment of a pit privy shall be accomplished by:
 - 1) Having the contents of the storage chamber

pumped and disposed of in accordance with ch. NR 113; and

- 2) Filling the storage chamber with soil or other inert material to an elevation equal to the surrounding grade.

(7) Floodplain:

- (a) A privy may not be installed in a floodway.
- (b) A privy may be installed in the floodfringe provided that the area is filled to remove it from the floodfringe designation or the vault is floodproofed.

Note: The Department of Natural Resources determines if filling or flood-proofing is in accordance with current rules in effect for development in a floodfringe area.

Section 14. CHEMICAL TOILETS:

Section 14.01 **General:** Chemical, organic (composting), electrical, gas, and other non-water using toilets are prohibited.

Section 15. RECONNECTION OF EXISTING PRIVATE SEWAGE SYSTEM:

Section 15.01 **Within 2 years of installation:** 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 the wastewater load will not increase and a plot plan that documents all setbacks between the structure and system component.

Section 15.02 **Tank Collapse or Repair:** If a septic tank has failed or collapsed, or if an absorption area has failed, the complete disposal system must be evaluated for compliance with this ordinance and Wisconsin Administrative Codes prior to permit issuance and reconstruction. Evaluation of drainfields or seepage pits older than 1986, or using a percolation test for original design, will require a soil boring be done to verify compliance with setback to limiting factors.

Section 15.03 **Requirements:** Written approval from this office shall be required when a privy is on the property where a structure has been rebuilt or where an existing structure has been replaced with a new or different structure, or an existing private sewage system is to be connected to a structure that has been rebuilt, or where an existing structure has been replaced with a new or different structure. This approval must be obtained before issuance of a Land Use Permit.

Section 15.04 **Evaluation:** Prior to issuing the approval for the reconnection to the existing structure, an evaluation of the existing private sewage system must be made. The following is the procedure that must be followed in evaluating the private sewage system:

- (1) Existing sanitary permits and soil test information on file shall be examined for reliability.
- (2) If there is not adequate or reliable soils information, for all POWTS systems installed prior to 1986, or where a percolation test was used

for original design, and all pit privies, a soil boring(s) shall be completed by a Certified Soil Tester to determine if there are suitable soils for the system in use and to identify a replacement area if there is not one available. This information shall be reported to the issuing agent, which shall review the report and verify the soils, when considered appropriate.

- (3) Information provided by a licensed master plumber or master plumber-restricted sewer, septic hauler or POWTS Inspector relative to the construction, structural condition, capacities, filters or baffles and manhole covers for the existing treatment (No treatment or holding tank should be entered without proper life support equipment.);
- (4) The existing private sewage system should be examined by a licensed master plumber or master plumber restricted sewer, certified soil tester or POWTS inspector to:
 - (a) Show that the system is not causing backup of sewage into the structure served, nor discharge of sewage to the surface of the ground or to a drain tile, nor discharge of sewage to any surface waters of the state.
 - (b) Determine the location of the septic and/or dosing tank and soil absorption system
 - (c) Set forth the dimensions of the existing soil absorption area, tank location
 - (d) Determine that all minimum setbacks of SPS 383 will be maintained. If setbacks cannot be met, variances must be obtained by appropriate agency prior to approval of evaluation by the Planning & Zoning Office.
 - (e) Determine, where possible, if the private sewage system corresponds to the county's files (when available), and whether it is capable of handling the proposed wastewater load.
 - (f) Determine whether the system is surfacing or has an outfall pipe connected to it thereby creating a nuisance or surface discharge.
 - (g) Determine by examining through the vent whether or not the system is ponded, and to what degree it is ponded and whether the ponding represents a failing or nonfunctioning soil absorption system.
 - (h) Ensure that if any tank covers are installed above grade (holding tank manholes, and pump chamber manholes shall always be above grade) that they are installed with locks and warning labels visible or will be covered with soil according to SPS 383.
 - (i) If it is not possible, due to inclement weather, frozen soil profiles, or snow cover, to evaluate a system intended for

reconnection, an affidavit may be filed with the Administrator until such time as the site can be evaluated. This affidavit will serve as a substitute for a soil test for a period specified by the Administrator, not to exceed 120 days. Subsequent failure to obtain a full evaluation will constitute violation of this Ordinance.

Section 15.05 **Nonconforming Systems:** If during the evaluation of the existing private sewage system or privy it is determined that it does not conform to the applicable codes and regulations in effect at the time of the inspection, or is greatly undersized, the zoning permit shall not be issued until a sanitary permit has been issued for a new private sewage system, or privy, that meets the codes and regulations. The code complying system must be installed before the completion of the project.

Section 15.06 **Holding Tank Reconnection:** Reconnection to an existing holding tank will require an inspection of the location of the tank to determine if the minimum setback requirements of SPS 383 will be maintained and to ensure that the entire holding tank is watertight, tank covers, locking devices, warning labels, and alarm systems are functioning properly. A holding tank service contract, which meets the requirements of SPS 383, must be submitted as part of the application for the reconnection, if a current one is not on file.

Section 16. **EXISTING SYSTEM EVALUATIONS FOR BUILDING ADDITIONS/CHANGE OF USE**

Section 16.01 **Addition/Change of Structure:** When there is a proposed addition, remodeling or change of use of an existing structure would increase the number of bedrooms or exceeds 25% of the total gross area of the existing dwelling unit, the private sewage system, or privy, must be evaluated. The same steps and procedures outlined in “Reconnection of Existing Private Sewage System” above will be followed.

Section 17. **MAINTENANCE PROGRAM:**

Section 17.01 **Maintenance and Management.**

- (1) Upon sale of the property the owner shall provide written notification of the maintenance program to the buyer.
- (2) All private sewage systems shall be managed and maintained in accordance with SPS 383 and 384, Wisconsin Administrative Code, and this ordinance.
- (3) The property owner or their agent shall report to the Planning & Zoning Office each inspection, maintenance or servicing event, in accordance with SPS 383, Wisconsin Administrative Code, and this ordinance.

Section 17.02 **Maintenance Program:** The Planning & Zoning Office shall place all septic tanks and holding tanks on a three-year maintenance program, unless the maintenance plan provided with sanitary permit stipulates more

frequently.

- (1) Private sewage systems shall be visually inspected within three (3) years of the date of installation and at least once every three (3) years thereafter. If the inspection reveals combined sludge and scum volume greater than or equal to one-third (1/3) of the volume of each tank, the tanks associated with the private sewage system shall be pumped.
 - (a) Servicing of holding tanks shall occur at least when the wastewater in the tank reaches a level of one foot (1') below the inlet invert of the tank(s).
- (2) The inspection, evaluation, or maintenance of private sewage systems that utilize pre-treatment components which require maintenance at intervals of 12 months or less shall be conducted in accordance with the requirements specified by the manufacturer or designer of the component.
- (3) The owner of a private sewage system shall contract with a licensed individual to complete the maintenance of the septic system. Within thirty (30) days of completion of the maintenance, and prior to the deadline given by the Planning & Zoning Office, the licensed individual shall file the maintenance report with the Planning & Zoning Office through the Waupaca County online reporting system. It shall be the property owner's responsibility to verify the online report has been filed prior to the deadline established for maintenance of the septic system.
- (4) Visual inspection of the private sewage system may be conducted by any licensed plumber, pumper or POWTS Inspector to verify the condition of the septic system components, determine if the pumping of the tank components is necessary, and whether wastewater or effluent from the private sewage system is discharging on the ground surface.
- (5) Pumping of tanks associated with a private sewage system shall be done by a certified septage servicing operator in accordance with Wis. Admin. Code. Within thirty (30) days of completing said inspection or service event, the service provider, on behalf of the owner of the holding tank or septic tank, shall submit the completed inspection report online.
- (6) Any tank or drainfield which discharges sewage to the ground surface, including intentional discharges and discharges caused by neglect, shall be considered a failing private sewage system which will need to be remediated to remain in compliance with the requirement of the State Code and this Ordinance. This may include, by order, the installation of a water meter with remote reading device to monitor pumping compliance.
- (7) **Delays:** Circumstances such as inclement weather, road weight restrictions and site limitations may necessitate a delay in septic tank

maintenance until conditions permit. To be determined by Issuing Agent.

- (8) **Notice Fee:** In lieu of commencing a civil action for any violation of this section, the Waupaca County Zoning Administrator, or their designee, may impose a notice fee for such violation. The amount of this notice fee is to be determined by the Waupaca County Planning & Zoning Committee and kept on file in the Waupaca County Planning & Zoning Office. If this notice fee is not paid and required forms and fees received, the matter shall be referred to the Corporation Counsel for prosecution without further notice to the owner. Instructions for paying notice fees are provided at the time the notice fee is issued.

Section 18. **FEES** (including state fees and groundwater surcharge):

Section 18.01 **For County-Owned Buildings:** Only the state fees and groundwater surcharge fees will be collected for other Waupaca County offices obtaining sanitary permits – the County portion of the fee shall be waived.

- (1) Fees may be changed by Resolution of the County Board or by action of the Planning and Zoning Committee. Any such change of fees is effective upon posting of the new fees in the Office of the Zoning Administrator after action by the County Board or the Planning and Zoning Committee.
- (2) Waupaca County shall not charge more than one fee for a sanitary permit or the renewal of a sanitary permit in any twelve-(12) month period unless transferring owners or plumbers.
- (3) A copy of each valid sanitary permit and the amount required by the Department of Safety and Professional Services shall be forwarded within 90 days after the permit is issued, along with the required Department of Natural Resources groundwater surcharge fee.
- (4) In addition to the foregoing fees as allowed by Wis. Stat. 145.20(4) each owner of a private sewage system shall annually be charged a fee of five dollars (\$5) per septic tank set for the recordkeeping attributable to the inventory and tracking of the pumping and maintenance of each system, said fee to be recovered in the same manner as municipalities may make special charges pursuant to Wis. Stat 66.0703.

Section 19. **SEVERABILITY and Non-Liability:**

- (1) If any section, provision or portion of this chapter is judged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this chapter shall not be affected thereby.
- (2) The county does not guarantee, warrant, represent or hold itself liable for any defects in plans or any omissions, examination oversight, construction or any damage that may result in or after installation and reserves the right to order changes or additions should conditions arise making this necessary.

- (3) The county asserts that there is no liability on the part of the County, its agencies or Zoning Administrator's office for sanitary problems or structural damages that may occur as a result of reliance upon, and conformance with, this chapter.

Section 20. **VIOLATIONS:** The issuing agent shall investigate violations of the private sewage system ordinance and 254.59(2), stats., issue orders to abate the violations and submit orders to the corporation counsel for enforcement.

Section 20.01 **Procedures:** The following procedures shall be followed to aid and allow an owner of a failing POWTS to bring the POWTS into compliance.

- (1) **First Notice.** In the case of an existing POWTS deemed failing by the Zoning Administrator or his agent, a first notice of violation shall be given mailed to the owner of the failing POWTS. Failure by the owner to abate the violation within the timeframe allowed will result in immediate submittal to Corporation Counsel for legal action.
 - (a) Upon initial notice of violation from the Planning & Zoning Office, the owner will be required to obtain a soil test for replacement of the failing POWTS. The soil test must be on file at the Planning & Zoning Office within 30 days upon first notice of violation.
 - (b) Upon initial notice of violation from the Planning & Zoning Office, the owner of the failing POWTS will be required to obtain a valid sanitary permit for replacement of the failing POWTS. The sanitary permit must be issued within 30 days upon first notice of violation. If this is not possible, it is the owner's responsibility to contact the Planning & Zoning Office to arrange a reasonable date by which time the sanitary permit must be obtained.
 - (c) Upon initial notice of violation from the Planning & Zoning Office, the owner of a failing POWTS will be required to replace the failing POWTS with a code compliant POWTS within one year of first notice of violation.
 - (d) If the failing POWTS must be replaced by a holding tank system, the code compliant holding tank installation must be complete within six months upon the first notice of violation.
- (2) **Second Notice.** A second notice of violation will be sent regular mail thirty days after the owner receives the first notice of violation if orders specified in the first notice of violation have not been complied with.
 - (a) If a soil test is not received within thirty days from the date the owner received the first notice of violation, the owner shall receive a second notice of violation by regular mail. The second notice of violation will allow ten working days to obtain a soil test or contact the Planning & Zoning Office

to arrange a reasonable date by which the soil test must be on file.

- (b) If a valid sanitary permit has not been issued within thirty days from the date the owner received the first notice of violation, the owner will receive a second notice of violation by regular mail. The second notice of violation will allow ten working days for the owner to obtain a valid sanitary permit or contact the Planning & Zoning Office to arrange an acceptable date by which a valid sanitary permit will be obtained.
 - (c) The owner of a failing POWTS must have a code compliant replacement system installed within one year of first notice of violation regardless of when the Planning & Zoning Office receives a soil test or sanitary permit.
- (3) **Final Action:** If a code compliant system has not been installed to replace a failing POWTS after one year, or six months in the case of a holding tank, from the date of first notice of violation, the matter will immediately be submitted to Corporation Counsel for enforcement action.
 - (4) If, by finding of the Zoning Administrator, there is reason to believe there is a direct danger to the health or welfare of any person, the use of a failing POWTS may be required to immediately cease, or the violation be abated in such time less than specified in section 20.01.

Section 21. **Penalty:** Any person, firm, or corporation who fails to comply with the provisions of this Ordinance or who permits the use of any private water supply or sewage disposal system in violation of this ordinance shall, upon conviction thereof, forfeit not less than \$10.00 nor more than \$500.00 and costs of prosecution for each violation and in default of payment of such forfeiture and costs shall be imprisoned 30 days. Each day a violation exists or continues shall constitute a separate offense. 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.

Section 22. **Remedial Action:** Whenever an order of the Zoning Administrator or issuing agent has not been complied with within the time specified, the Corporation Counsel shall institute appropriate legal action or proceedings to resolve the violation, prevent the use of premises, lands or waters until such order is complied with and to seek appropriate penalties.

Section 23. **Appeals:** Any person, firm or corporation, or any office, Department or Board of the County aggrieved by any order requirement, interpretation or determination by the County Planning & Zoning Office may appeal to the Board of Adjustment within thirty (30) days of the notification of the Decision or order. The Board shall fix a reasonable time and place for a public hearing on the appeal, give

a class 1 notice thereof and give notice by mail abutting property owners, Township officials and Department of Natural Resources or Corp of Engineers staff as applicable. On a Finding of Fact the Board may affirm, modify or reverse the Decision appealed except that their Decision must conform to the provisions of this Ordinance, the Statutes of the State of Wisconsin and the appropriate Administrative Codes. A written Decision shall be issued as soon as is practical.

Section 23.01 Wisconsin Fund Appeal

- (1) **Request for Review of Determination.** Per ss. 68.08 Any person in disagreement with the denial of a Wisconsin Fund application may have a written or oral determination reviewed by written request mailed or delivered to the Planning & Zoning Office within 30 days of notice to such person of such determination. The request for review shall state the ground or grounds upon which the person aggrieved contends that the decision should be modified or reversed. A request for review shall be made to the employee who made the determination.
- (2) **Hearing on Administrative Appeal.** Per ss. 68.11 a hearing shall be provided within 15 days of receipt of the notice of appeal of the Review of Determination and applicable fee. The appellant shall be notified by mail at least 10 days before such hearing. For purposes of this hearing, Waupaca County Corporation Counsel or his/her designee/agent shall conduct the hearing and report to the decision maker.

Section 24. **Variances:** Upon appeal by the applicant, the Board of Adjustment may grant variances from the sanitary provisions of this chapter in the manner provided in Section 14.04(5) of the Waupaca County Zoning Ordinance where, owing to special conditions, a literal enforcement of the provisions of this chapter will result in unnecessary hardship and so that the spirit of this chapter shall be observed and substantial justice done. No variance shall be permitted which does not meet minimum Department of Safety and Professional Services or other state requirements or which will threaten health or safety or cause nuisances.

EFFECTIVE DATE

Upon adoption of the County Board of Supervisors, the amendment will be in full force and effect within Waupaca County and each Town as provided in Section 59.69(5)e, Wis. Stats.

Date of Adoption: November 8, 1967

Amendment to Ordinance No. 2 and approved by the Waupaca County Board on February 10, 1970 and published on February 19, 1970.

Ordinance No. 3, the creation of the Waupaca County Private Sewage System Ordinance and approved by the Waupaca County Board on June 17, 1980.

Amendment to Chapter 12, Sanitary Code Private Sewage Systems, amend Section 12.205 to increase the fees. Approved by the Waupaca County Board on July 19, 1983 and published on July 28, 1983.

Amendment to Chapter 12, Sanitary Code Private Sewage Systems, amend Section 12.205 to increase the fees. Approved by the Waupaca County Board on October 27, 1987 and published on November 5, 1987.

Ordinance No. 90-01-310 to revise the Waupaca County Sanitary Ordinance, Chapter 12, Section 6(12.205) to include fees for At-Grade Systems and System in Fill and was unanimously approved the by Waupaca County Board on July 17, 1990, and published on August 23, 1990.

Ordinance No. 90-01-313 revising selected parts of the text of the Waupaca County Sanitary Ordinance, Chapter 12, General Code of Ordinances to add Section 5A(12.204) Wisconsin Fund Maintenance Program and to add Wisconsin Fund application fee to Section 6(12.205). Approved by the Waupaca County Board on October 16, 1990 and published on October 25, 1990.

Ordinance No. 92-01-345 revising selected parts of the text of the Waupaca County Sanitary Ordinance, Chapter 12, General Code of Ordinances to amend Section 12.205 to increase fees. Approved by the Waupaca County Board on June 16, 1992 and published on June 25, 1992.

Amendment to Chapter 35 (reference to original Chapter 12) for a complete rewrite of the Sanitary Ordinance and to increase fees. Approved by the Waupaca County Board on March 21, 2000 and published on March 30, 2000.

Amend Chapter 35 to revise selected parts of the text of the Waupaca County Sanitary Ordinance. Amended and enacted by the Waupaca County Board of Supervisors on March 19, 2002.

Amend Chapter 35, Waupaca County Sanitary Ordinance to revise Section 18.01 to include the maintenance program. Amended and enacted by the Waupaca County Board of Supervisors on January 21, 2003.

Amend Chapter 35, Waupaca County Sanitary Ordinance to revise Section 18.01 to increase fees. Amended by the Waupaca County Planning and Zoning Committee on April 5, 2007 and enacted on April 16, 2007.

Amend Chapter 35, Waupaca County Sanitary Ordinance to revise references to the Dept. of Commerce to the Dept of Safety & Professional Services and their administrative code numbers, revise to Planning & Zoning Office, remove certified letter requirement for enforcement and add the Maintenance Violation Fee. Amended and enacted by the Waupaca County Planning & Zoning Committee on August 2, 2012 and enacted by the County Board on August 21, 2012

Amend Chapter 35, Waupaca County Sanitary Ordinance to remove the water meter requirements and update definitions of privy. Amended and enacted by the Waupaca County Planning & Zoning Committee on April 7, 2016 and enacted by the County Board on April 20, 2016

Amend Chapter 35, Waupaca County Sanitary Ordinance. Amended and enacted by the Waupaca County Planning & Zoning Committee on May 4, 2021, enacted by the County Board on May 18, 2021. Effective upon publication on May 27, 2021.

Repeal and create Chapter 35, Waupaca County Sanitary Ordinance. Amended and enacted by the Planning & Zoning Committee on August 31, 2021, enacted by the County Board on September 21, 2021. Effective upon publication on September 30, 2021.