

CHAPTER 25

PRIVATE ONSITE WASTEWATER TREATMENT SYSTEMS

25.001	Authority.	25.014	Sanitary permits.
25.002	Jurisdiction.	25.015	Private sewage systems.
25.003	Purpose.	25.016	Inspections.
25.004	Severability.	25.017	POWTS management and contingency.
25.005	Word usage.	25.018	Sludge disposal and POWTS maintenance.
25.006	Definitions.	25.019	Wisconsin Fund Grant Program.
25.007	Intent.	25.020	Subdivisions.
25.008	Cooperation with other units.	25.021	Camping.
25.009	Administration.	25.022	Sensitive area standards.
25.010	Basic principles of compliance.	25.023	Complaints.
25.011	Prohibitions.	25.024	Appeals to the board of adjustment.
25.012	Soils and site evaluation.	25.025	Enforcement and penalties.
25.013	Septic verification.		

25.001 Authority. This ordinance is adopted pursuant to the authority contained in Wis. Stat. §§ 59.70(1), 59.70(5), 145.04, 145.19, 145.20, 145.245 and Wis. Admin. Code ch. SPS 383.

25.002 Jurisdiction. This ordinance applies to all land located within Sauk County, including lands within corporate limits of cities and villages.

25.003 Purpose. The underlying principles of this ordinance are to promote and protect the public health, safety, general welfare and natural resources and to:

(a) Further the maintenance of safe and healthful conditions by regulating POWTS use, location, design installation, operation, management, inspection and repair.

(b) Prevent and control surface water and groundwater pollution through:

1. Requiring setbacks between POWTS components and water courses.
2. Regulating the use of POWTS to protect the public health, safety, general welfare and natural resources.
3. Requiring in-situ soils to be the preferred system.

25.004 Severability. It is the intention of the Sauk County Board of Supervisors that the provisions of this chapter are severable as follows:

(1) JUDGMENT OF ORDINANCE PROVISIONS. If any court of competent

jurisdiction shall adjudge any provision of this chapter to be invalid, the judgment shall not affect any other provision of this chapter not specifically included in the judgment.

(2) JUDGMENT OF ORDINANCE APPLICATION. If any court of competent jurisdiction shall adjudge invalid the application of any portion of this chapter to a particular property, building, use, or structure, the judgment shall not affect the application of the provision to any other property, building, use, or structure not specifically included in the judgment.

(3) JUDGMENT OF PERMIT. If any court of competent jurisdiction shall adjudge invalid any requirement or limitation contained in a permit given under this chapter the whole permit shall be void.

25.005 Word Usage. For the purposes of this chapter, certain words and terms are used as follows:

(1) Words used in the present tense include the future.

(2) Words in the singular include the plural.

(3) Words in the plural include the singular.

(4) The word “shall” is mandatory and not permissive.

25.006 Definitions. For the purposes of this chapter, certain words and terms are defined as follows:

(1) “Administrator” means The person who is authorized by the Sauk County Conservation, Planning, and Zoning Committee to oversee the implementation of this ordinance, or duly authorized representatives as POWTS administrators.

(2) “Absorption cell” means The soil absorption or dispersal component of a POWTS.

(3) “Acceptable mound sand” means the sand which complies with ASTM Specification C-33 for fine aggregate.

(4) “Bedrock” means rock that is exposed at the earth’s surface or underlies soil material and includes:

(a) Weathered, in-place, consolidated material, larger than 2 mm in size and greater than 50% by volume; and

(b) Weakly consolidated sandstone at the point of increased resistance to penetration of a knife blade.

(5) “Camping unit transfer container” means a type of stationary holding tank used to collect and hold wastewater discharges generated by an individual camping trailer or recreational vehicle.

(6) “Certified soil tester (CST)” means a person licensed as a certified soil tester, pursuant to Wis. Stat. § 145.045, by the State of Wisconsin, or other persons deemed qualified by the Wisconsin Department of Safety and Professional Services.

(7) “Commercial portable toilet” means A portable, water tight, toilet device owned or operated by a licensed supplier.

(8) “County sanitary permit” means a permit issued by Sauk County for the reconnection of a POWTS or for the installation of a privy.

(9) “Department” means Sauk County Department of Conservation, Planning, and Zoning.

(10) “DSPC” means the Wisconsin Department of Safety and Professional Services.

(11) “Dwelling” means a structure, or that part of a structure, which is used or intended to be used as a home, residence or sleeping place by one or more persons.

(12) “Effluent” means the untreated liquid discharged from a POWTS treatment tank component.

(13) “Failing private on-site wastewater system” means 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.

(b) The introduction of sewage into zones of saturation that adversely affects the operation of the private sewage system.

(c) The discharge of sewage to a drain tile or into zones of bedrock.

(d) The discharge of sewage to the surface of the ground.

(e) The failure to accept sewage discharges and back up of sewage into the structure served by the private sewage system.

(f) A holding tank that discharges sewage to the ground, including intentional discharges and discharges caused by neglect or failure to properly maintain said system.

(14) “Flood proofing” means a method of construction which will prevent flood waters from directly entering or damaging a POWTS or contaminating surface or ground waters.

(15) “Fixture” means a receptacle or device which is either permanently or temporarily connected to the water distribution system of the premises, and demands a supply of water from the system; discharges water-carried wastes or sewage either directly or indirectly to the drain system or the premises; or requires both a water supply connection and a discharge to the drain system of the premises.

(16) “Groundwater” means subsurface water or water identified by zones of seasonal saturation by a certified soils tester.

(17) “Holding tank” means a water tight reservoir, tank or vessel, which receives crude, raw or untreated sewage for the purpose of storage before it can be removed for treatment or disposal in method and location approved by law. The holding tank shall be constructed according to minimum guidelines established by law or regulation.

(18) “Human habitation” means the act of occupying a structure as a dwelling, living or sleeping place, whether infrequently, intermittently, or as a principal residence.

(19) “In situ soil” means soil that is naturally formed or deposited in its present location or position and includes soil material that has been plowed using normal tillage implements and depositional material resulting from erosion or flooding.

(20) “Limiting factor” means occurrence of zones of seasonal or periodic saturation, groundwater, weathered bedrock, bedrock, or disturbed soil that impact negatively upon a POWTS.

(21) “Maintenance” means the reporting of and the periodic or scheduled servicing, monitoring and maintaining of POWTS components, including the pumping or removal of accumulated solids or byproducts, and the metering, adjusting, sampling and monitoring of the POWTS. Maintenance also includes compliance with a management plan as required pursuant to, Wis. Admin. Code § SPS 383.54.

(22) “Occupancy” means the purpose for which a structure is used, or intended to be used. A change in occupancy includes a change of owners, tenants, proprietors or occupiers.

(23) “Ordinary high water mark (OHWM)” means the same as the definition contained in Wis. Admin. Code § NR 115.03(6).

(24) “POWTS” means a private on-site wastewater treatment system. See “Private sewage system”.

(25) “POWTS component” means any subsystem, subassembly or other system designed for use in, or as part of, a private on-site wastewater treatment system, which may include treatment, dispersal or holding and related piping.

(26) “Private sewage system” means 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.

(27) “Privy” means a structure used for the depositing of human excrement, which is an alternative to water-carried sanitation systems. Privies are not connected to a water supply or a plumbing system.

(28) “Sanitary district” means a town sanitary district created under this chapter and pursuant to Wis. Stat. § 60.70.

(29) “Sanitary permit” means State sanitary permit pursuant to Wis. Stat. § 145.19, which is issued by the State of Wisconsin or the

county allowing the installation of, or work on, a POWTS.

(30) “Septic tank” means a POWTS anaerobic treatment component that consists of a reservoir or water tight tank or appropriate material which receives raw sewage and by bacterial action and sedimentation effects a process of clarification and decomposition of solids.

(31) “Septic verification” means a required inspection of the drainfield and tank conducted by an individual approved by the County which verifies that the soils adjacent or below the drainfield provide the required separation between the limiting factor and system elevation.

(32) “Structure” means any construction or related activity which has form, shape and utility, including, buildings, mounding or excavating of earth.

(33) “Wetlands” means those areas where water is at, near or above the land surface long enough to be capable of supporting aquatic or hydrophytic vegetation, and which have soils indicative of wet conditions.

25.007 Intent. The intent of this ordinance is to regulate the location, maintenance, construction, installation, alteration, design, and use of all private sewage systems. To further provide for the maintenance of safe and healthy conditions, to secure safety from disease causing organisms, and to provide for pollution control of surface and subsurface waters. It is further intended to provide for the administration and enforcement of this ordinance and to establish penalties for its violation.

25.008 Cooperation with other units. Sauk County shall cooperate with all other governmental units and agencies thereof in the enforcement of all State and local laws and regulations pertaining to matters related to this chapter.

25.009 Administration. (1) Pursuant to Wis. Stat. § 145.20(1), there is hereby created the position of Sauk County POWTS Administrator, who shall have the following duties and powers:

(a) *Duties.* 1. Administer and enforce the provisions of this ordinance.

2. Pursuant to Wis. Stat. § 145.20(2)a, review soil and site evaluation reports for

proposed POWTS and verify the report at the proposed site, if necessary.

3. Pursuant to Wis. Stat. § 145.20(2)b, approve or disapprove applications for sanitary permits and assist applicants in preparing an acceptable application.

4. Pursuant to Wis. Stat. § 145.20(2)c, issue written notice to each applicant whose sanitary permit application is disapproved. Each notice shall state the specific reasons for disapproval and amendments to the application, if any, which could render the application approvable. Each notice shall also provide information regarding the applicant's right to appeal and the procedures for conducting an appeal under this ordinance.

5. Pursuant to Wis. Stat. § 145.20(2)d, inspect all POWTS after construction but before backfilling. Said inspection shall occur no later than the end of the next workday, excluding Saturdays, Sundays and holidays, from the scheduled time of inspection.

6. Maintain and record all permits issued, inspections made, work approved, orders issued, maintenance records received, and other official actions.

7. Pursuant to Wis. Stat. § 145.20(2)e, file reports and conduct surveys and inspections as required by Sauk County or the DSPS.

8. Pursuant to Wis. Stat. § 145.20(2)f, investigate complaints and violations of this ordinance and Wis. Stat § 254.59, issue orders to abate the violations and submit orders to the corporation counsel or district attorney for enforcement.

9. Maintain a current list of all persons active in Sauk County having valid State licenses as certified soil testers, master plumbers, master plumbers-restricted service, and POWTS maintainers.

10. Pursuant to Wis. Stat. § 145.20(2)g, perform other duties regarding POWTS as considered appropriate by Sauk County or as required by the rules of the WDOC or laws of the State of Wisconsin.

(b) *Powers.* The POWTS administrator shall have all the necessary powers necessary to enforce the provisions of this ordinance without limitation by reason of enumeration, including the following:

1. Access to any property at a reasonable time to perform their duties, provided that the owner or occupant is notified of the intent to

access the property, or if access to the property is denied by an owner or occupant, upon issuance of a special inspection warrant in accordance with Wis. Stat. § 66.0119.

2. Order any person owning, using, operating or installing a POWTS to modify, repair or place it in a safe or sanitary condition if such system is found to be in a failing, malfunctioning, non-permitted, illegal, defective, unsafe or unsanitary condition.

3. Request assistance and cooperation from appropriate agencies of the State of Wisconsin and other local health and police officials.

4. Condemn and prohibit the use of any POWTS which is found to be so constructed, operated or maintained as to be a human health hazard, or in violation of this ordinance.

5. Cooperate with and enforcement of local, county, and state health programs and regulations.

6. Place a stop work order on any building, structure, or sanitary system that is in violation of this ordinance.

(c) *Noncompliance with an order of the POWTS administrator.* Whenever an order of the POWTS administrator has not been complied with after written notice to the owner, resident, contractor, agent, or occupant of the premises, the POWTS administrator, or the county health officer may request the county corporation counsel to institute appropriate legal action or proceeding, which would prohibit any person from installing or using a POWTS until such order is complied with.

25.010 Basic principles of compliance. (1)

All structures or premises in the county that are permanently or intermittently used or 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 ordinance.

(2) All domestic or commercial wastewater shall enter a septic or treatment tank before discharge to a treatment or dispersal component unless specifically exempted by Wis. Admin. Code chs. SPS 383 and 384, or any provision of this Chapter.

(3) Every POWTS or non-plumbing sanitation system shall be located, designed, constructed or installed and maintained to prevent

the discharge of sewage, partially treated sewage, or effluent in drain tiles, on to the ground surface, into the structure served, into the surface or subsurface waters to include zones of seasonal saturation, or into bedrock.

(4) When a failing POWTS is identified, it shall be brought into compliance with current code requirements, replaced with a code compliant POWTS, or its use discontinued within the period of time required by order of the POWTS administrator.

(5) When an addition or alteration is proposed to an existing structure served by an existing POWTS that will result in a change that affects the wastewater flow or wastewater contaminant load beyond the maximum capabilities of the existing POWTS, the POWTS shall be modified to conform to the requirements of this Chapter and of Wis. Admin. Code chs. SPS 383 and 384.

(6) All soil and site evaluations conducted to meet the provisions of this chapter shall be performed in accordance with Wis. Admin. Code ch. SPS 385.

(7) All POWTS or non-plumbing sanitation systems for newly constructed buildings shall be installed, inspected, and approved before the structure is occupied.

25.011 Prohibitions. (1) The following are prohibited by this chapter.

(a) The discharge of sewage, wastewater or effluent to surface water, ground water or ground surface unless specifically licensed or approved to do so by the appropriate agencies.

(b) A holding tank for new construction, outside of a sanitary district. New construction is considered to be construction on a property where the owner does not have an existing habitable building.

(c) An existing POWTS installed with an infiltrative surface of a treatment and dispersal component that is located less than 3 feet above ground water or bedrock.

(d) Discharges of deleterious substances to a POWTS before interception, dilution, or treatment in accordance with Wis. Admin. Code § SPS 382.34(5)(b) and regulations of the Wisconsin Department of Natural Resources.

(e) Discharge to a POWTS, of storm and clear water waste, including contact cooling

water, condensate drainage from refrigeration and cooling, water used for equipment chilling and cooled condensate from steam heating systems unless the POWTS has been designed to accept the discharge or the discharge is 20 gallons or less per day.

(f) Industrial waste and wastewater shall not be discharged to a POWTS unless approved by the State of Wisconsin Department of Natural Resources.

(g) No person shall discharge or cause to be discharged into a POWTS any roof drain, drain tiles, fuel, oil, flammables, tar, explosives, or any other substance likely to cause an obstruction, nuisance or explosion or which will interfere with the effective treatment or disposal of wastes.

25.012 Soils and site evaluation. (1) Soil and site evaluations shall be done prior to the issuance of permits as specified in Wis. Admin. Code SPS 383, SPS 385 and SPS 393.

(2) Soil test borings shall be constructed pursuant to Wis. Adm Code SPS 385.

(3) Department verification of a Soil and Site Evaluation Report may be necessary to determine the suitability of a lot for a POWTS. The verification will be made at the discretion of the department and will be made prior to the issuance of a sanitary permit. This verification shall result in one of the following:

(a) Issuance of a permit provided all information on the application is correct and complete.

(b) Establishment of a file indicating site suitability.

(c) Holding the application pending clarification of information or new information by the owner, plumber, or certified soil tester.

(d) Determination of site suitability. In such cases, written notice of determination shall be provided to the certified soil tester and property owner.

(4) A certified soil tester may request department verification of a Soil and Site Evaluation Report before a complete sanitary permit application is submitted. An original copy of the Soil and Site Evaluation Report shall be filed with the department prior to such verification.

25.013 Septic verification. (1) Septic verification shall consist of two separate

inspections and be completed on the Sauk County Verification Form.

(a) The drainfield verification shall be evaluated by a CST to determine suitable soils and approved separation distances between the system and the soil limiting factor.

(b) The verification of the tank shall be performed by an individual designated under Wis. Admin. Code § SPS 383.04.

(2) Verification of the drainfield and tank are to be completed for the following:

(a) Additions of a bedroom or bedrooms.

(b) Any enclosed additions of 25% or more to the total livable space.

(c) Changes in use that affect the waste water flow per, Wis. Admin. Code ch. SPS 383.

(d) Replacement of structures for human habitation.

(e) Discharge of septic effluent to the ground surface or groundwater.

(3) All septic verifications shall be filed with the department.

(4) No person shall own, use, operate, or install a failing private sewage system. In cases where the department suspects a POWTS failure, the owner may be required to provide written verification that the POWTS is in compliance with all applicable code requirements. Such verification shall be made on forms provided by the department.

25.014 Sanitary permits. (1) PERMIT REQUIRED PRIOR TO CONSTRUCTION. No person shall construct, alter, change the use of, or place a structure or building designed for human habitation, which requires a POWTS until all appropriate permits have been issued by the department.

(a) *Reconnection permits.* Pursuant to Wis. Stat. § 145.195, a county reconnection permit shall be obtained when the county, town, village or city issues a building permit for any of the following:

1. Construction of a structure or building to be connected to an existing POWTS including mobile homes and manufactured homes intended for human occupancy.

2. Disconnection of a structure or building from an existing POWTS and connection of another structure or building to the POWTS.

3. Reconstruction or rebuilding of a structure or building that is connected to an existing POWTS.

(b) *Failed POWTS.* If an existing septic or treatment tank component has failed, collapsed, or if an existing absorption area component has failed, the complete POWTS must be evaluated for compliance with this ordinance and applicable state regulations prior to issuance of a sanitary permit or construction or reconstruction on the property served by the POWTS.

(c) *Undersized POWTS.* The department may not issue a land use permit to commence construction of any addition or alteration to an existing structure when the proposed construction will modify the design wastewater flow or contaminant load, or both, to an existing POWTS, unless the owner of the property:

1. Possesses a sanitary permit to either modify the existing POWTS or construct a POWTS to accommodate the modification in wastewater flow or contaminant load, or both; or,

2. Provides documentation that the design of the POWTS is not based on the number of bedrooms in the dwelling, but rather shall be accompanied by information documenting that design condition on the deed for the property, per Wis. Admin. Code § SPS 383.22(2)(b)3.

(2) No person shall install, extend, enlarge, convert, structurally alter or change the use of a POWTS or a POWTS component without appropriate sanitary permits and without full compliance with the provisions of this ordinance. No sanitary permit shall be required for servicing treatment or holding tanks, or cleaning clogged sewer or effluent line pipes provided the work is performed in accordance with statutory requirements of the State of Wisconsin.

(3) SANITARY PERMIT PROCEDURE APPLICATION. An application for a sanitary permit shall be made on forms provided by the and DSPS. Every private sewage system shall require a separate application. A complete sanitary permit application shall contain the following items:

(a) A dated and complete application form prescribed by the department.

(b) A completed maintenance form.

(c) A completed POWTS management plan.

(d) A completed holding tank agreement and servicing contract if the system is a holding tank.

(e) A completed DSPTS Sanitary Permit Application.

(f) One original and one copy of DSPTS approved plans when required by order or regulation.

(g) One original and one copy of an approved soil test report.

(h) Applicable sanitary permit fees.

(i) Two copies of a completed plot plan.

(j) A cross-section of the tank and pump chamber, filters and placement depth.

(k) A cross-section of the dispersal cell.

(l) Floodplain elevations are required in or near mapped or suspected floodplain.

(m) A wetland delineation when required by the department for the building site or proposed private sewage system area.

(n) Driveway approval when required by the Town for new construction.

(o) Agreements or affidavits required to install or utilize an existing system, or service holding tanks if required by the department.

(p) A sanitary permit card issued by the POWTS administrator.

(q) The department reserves the right to impose other conditions reasonable necessary to protect the public health, safety and welfare.

(4) The following documents must be recorded with the Sauk County Register of Deeds prior to the issuance of a sanitary permit:

(a) An easement where any component of the planned septic system is on a different lot than the home.

(b) A certified survey map when combining lots or creating a new lot.

(c) A document identifying all parties that have ownership rights and are responsible for the operation and maintenance if a POWTS is to serve more than one structure under different ownership.

(d) A document identifying a utility or sanitary district ownership of a POWTS if the property owner does not own the POWTS.

(e) A deed restriction limiting occupancy to that figure used in the design if the design wastewater flow of a POWTS serving a dwelling is not based upon the number of bedrooms within the dwelling.

(f) A privy agreement.

(g) A holding tank agreement.

(h) Other related agreements as required by the POWTS administrator.

(5) Within 30 days of receipt of a complete application, the agency shall review the plans for completeness, accuracy and suitability, and may issue the sanitary permit if all determinations are favorable.

(6) The department reserves the right to refuse incomplete or incorrect permit applications or delay permit issuance until corrected or completed applications are received.

(7) Denial shall be made in writing to the applicant along with an explanation describing an alternate course of action available to the applicant, if any, including the right to appeal pursuant to s. 7.149 Sauk Co. Code.

(8) ISSUANCE OF A PERMIT. (a) A preliminary field inspection shall be made before a permit is issued when it is deemed necessary by the POWTS administrator or designee.

(b) A sanitary permit shall be issued by the POWTS administrator only if a completed application has been made and the appropriate fee paid, and if it is found that such application and the proposed installation will be in conformity with this ordinance and other rules of the state, county or applicable township.

(c) Upon issuance of a sanitary permit the assigned plumber shall be presented with a "Sanitary Permit" card that shall be posted on the property for which the sanitary permit was issued, and in plain view from the nearest public roadway. Said card shall be posted by the plumber prior to commencement of any construction on the property and shall remain posted until construction is completed and the site is stabilized. Failure to post the permit card shall be considered a violation of this section and may subject the owner, agent or contractor, to the penalty provisions of this ordinance.

(d) Noncompliance with conditions of approval shall be considered a violation of this ordinance.

(9) PERMIT EXPIRATION. The installation of a POWTS, and all permit conditions required under a sanitary permit, shall be completed within two years from the date of issuance, unless the permit has been renewed and a renewal fee paid prior to the expiration of the permit. Only one renewal, which shall be based on requirements in force at the time of the renewal application, shall be granted for a period of 2 years based upon the original date of issuance. A new sanitary permit

shall be required if a previously issued permit expires without being renewed.

(10) **SANITARY PERMIT TRANSFERS.** An issued sanitary permit may be transferred from the holder to a subsequent owner of the land, provided that the subsequent owner obtain a new copy of the sanitary permit from the POWTS administrator requested by the installing plumber listed on the permit and upon payment of the required transfer fee.

(11) **PERMIT REVOCATION.** Pursuant to Wis. Admin. Code § SPS 383.21(7)(b), the POWTS administrator may revoke a sanitary permit that was issued on the basis of any incorrect or false statements or misrepresentations of facts.

(12) **OCCUPANCY.** Occupancy of a new residence cannot occur until the POWTS is installed and fully functional.

(13) A sanitary permit is not required for the addition of manhole risers or for the replacement of manhole covers, manhole risers, baffles or pumps.

(14) **FEE SCHEDULE.** Permit fees shall be set and amended as needed by the department.

(15) Once a permit has been issued the fees are nonrefundable.

25.015 Private sewage systems. (1) GENERAL. The standards, requirements and specifications required herein are declared to represent the minimum protection afforded by this ordinance.

(a) *Sewage disposal required.* All plumbing fixtures used or intended for use to collect, discharge or transmit wastes shall be connected to a POWTS in conformity with the provisions of this ordinance and Wis. Admin. Code ch. SPS 383. No person shall permit the discharge, by any means whatsoever, of liquid wastes onto the ground surface, into the groundwater or zones of seasonal saturation, into a road-side ditch, dry run, or any surface waters including lakes, streams, flowages, ponds and any other natural water courses, subject to the provisions of appropriate Wisconsin Statutes. Except as allowed by Wis. Admin. Code ch. NR 113, no person shall pump, discharge or in any way allow the removal of any waste material from a septic tank, privy seepage pit or holding tank anywhere other than an approved disposal site.

(b) *Industrial waste disposal.* Industrial waste disposal systems shall be subject to

approval by the appropriate state, county and local agency prior to construction.

(2) **POWTS TREATMENT TANK COMPONENTS.** All septic or treatment tank components, their design, installation, repair and service shall conform to Wis. Admin. Code ch. SPS 383, Wis. Stat. § 145.06, and the requirements stated herein.

(a) *Type.* Only septic or treatment tank components, approved by the WDOC shall be installed or constructed.

(b) *Size.* The size and capacity of septic or treatment tank components shall be determined using the formula in Wis. Admin. Code ch. SPS 383.

(c) *Location.* Wis. Admin. Code ch. SPS 383, shall be used to determine the minimum horizontal setbacks between a POWTS component and the following: wells, water mains or water services, buildings, lot lines, swimming pools, and navigable waters. Such tank components located in floodplain areas shall be made and maintained watertight to prevent infiltration. It is recommended treatment tanks set in groundwater shall have a waterproof coating on all external walls and risers.

(d) *Bedding.* Shall conform per Wis. Admin. Code § SPS 383.45(5).

(e) *Tank filters.* All filters shall be easily accessible as provided under Wis. Admin. Code ch. SPS 383.

(f) *Maintenance and management.* The owner of a POWTS shall be responsible for operating and maintaining the POWTS in accordance with an approved management plan under Wis. Admin. Code ch. SPS 383, and this ordinance.

(g) *Accessibility.* Septic tanks and other treatment tanks shall be located so as to not exceed 25 feet of vertical separation between the bottom of any treatment tank and the access point for the septage hauling vehicle. If the system design cannot accommodate this requirement, the applicant must submit an alternative plan that shows how servicing, as may be necessary due to anticipated, as well as unanticipated causes, can be achieved at any time of year.

(h) *Tank abandonment.* When a tank is no longer used as a POWTS component, it shall be abandoned pursuant to the requirements of Wis. Admin. Code ch. SPS 383.

(i) *Tank covers.* If covered, shall be within 6 inches of the surface of the ground. Pump chamber covers shall be above grade and installed with locks and warning labels visible.

(3) DRAINFIELD COMPONENTS. (a) *Mounds, A+4 Mounds.*

1. Sites having multiple system choices shall favor in situ soils over those areas requiring additional sand.

2. May be inspected at the time the ground surface is plowed, at the time the distribution piping has been installed, and after all grading work is complete.

3. Shall comply with Wis. Admin. Code ch. SPS 383.

(b) *At-grades.* 1. May be inspected at the time the ground surface is plowed, at the time the distribution piping has been installed, after all grading work is complete.

2. Shall comply with Wis. Admin. Code ch. SPS 383 component manuals.

(c) *IGP and conventional systems.*

1. Inspection before backfilling.

2. Shall comply with Wis. Admin. Code ch. SPS 383 component manuals.

(d) Sand filters and pretreatment systems may be inspected at the time the liner and tank are in place, before placement of aggregate or sand, at the time the distribution piping installation has been completed. Shall comply with Wis. Admin. Code ch. SPS 383 component manuals.

(e) *Experimental systems.* 1. A pre-construction meeting with the POWTS administrator and DSPS is required and shall be coordinated by the plumber.

2. Shall comply with Wis. Admin. Code ch. SPS 383.

(f) *Fill systems.* The installing plumber listed on the permit shall notify the county when the site has been prepared for inspection. Fill systems shall be inspected after the site has been prepared, but before the placement of the fill. This inspection does not eliminate the need for an inspection after the installation has been completed.

(g) Other DSPS approved systems shall require a pre-construction meeting and comply with Wis. Admin. Code ch. SPS 383.

(4) HOLDING TANKS. The type, size, installation, and location shall conform to Wis. Admin. Code chs. SPS 383 and 384, and Wis.

Stat. § 145.06, and the requirements as stated herein.

(a) Holding tanks shall not be allowed for new construction unless in those areas with an approved Sanitary District. In those districts allowing holding tanks, the in situ soils must not be suitable for any absorption cells, including A+4 mounds. Pretreatment would not be required.

(b) *Sanitary Districts.* The county will recognize all sanitary districts established by local governments. However, in those districts allowing holding tanks, the in situ soils must not be suitable for any absorption cell, including A+4 mounds. Pretreatment would not be required.

(c) Shall be allowed as a system of last resort to replace an existing permitted POWTS system which has failed according to Wis. Stat. § 145.245(4). Pretreatment would not be required.

(d) In all cases where the use of a holding tank is proposed or allowed, prior to any sanitary permit application, a suitable and approved Soil and Site Evaluation Report must be on file with the department that illustrates that no other system would be possible on the parcel, excluding pre-treatment. If Wisconsin plumbing codes and this code allow another type of POWTS system, it must be installed in lieu of a holding tank.

(e) Licensed campgrounds in possession of all required permits may be allowed to utilize state approved transfer containers, if used as part of a collection system incidental to a code-compliant sewage disposal system on the premises.

(f) *Management, maintenance and reporting.* 1. The owner of a property served by a holding tank shall be responsible for operating and maintaining the holding tank pursuant to this ordinance.

2. No person shall backfill, cover or put into use any holding tank until such holding tank has been inspected and approved by the POWTS administrator.

3. A management and reporting program for all holding tanks shall be conducted by the POWTS administrator or a private firm duly designated by the county to conduct such a program. Any modification of the management and reporting program approved by the county shall be pursuant to Wis. Admin. Code ch. SPS

383, and shall be applicable to all new and existing holding tank systems installed in the county. The POWTS owner or owner's agent shall provide the POWTS administrator, in a manner specified by the department, a certified report of any inspection, maintenance or servicing required pursuant to Wis. Admin. Code § SPS 383.55.

(g) The applicant for a sanitary permit for a holding tank system shall sign a holding tank agreement with the county, in addition to a servicing contract with a licensed pumper, in accordance with Wis. Admin. Code ch. SPS 383.

(h) All holding tanks shall be equipped with functional locking devices and high water alarms. In cases where the zoning administrator or designee finds the locking devices or high water alarms missing or not functioning properly, they shall order them replaced.

(i) *Modifications.* No person shall remove, alter, disconnect, damage, or otherwise render unworkable, any part of a holding tank system.

(j) *Water meters.* 1. Pursuant to Wis. Admin. Code § SPS 383.54(2)(c), all sanitary permit applications for holding tanks shall include the installation of a water meter to measure the inflows of the water supplies to buildings and structures to allow comparisons to the holding tank pumping activity.

2. The water meter shall be installed by a licensed plumber and the reading shall be reported when tank is pumped.

3. No person shall utilize any new building or structure that requires connection to a holding tank system until the water meter has been correctly installed. The water meter must not be disconnected or damaged for as long as the holding tank system services the building or structure.

(k) It is recommended that holding tanks set in groundwater shall have waterproof coating on all exterior walls and risers.

(l) *Temporary holding tanks.* A temporary holding tank, including the water meter, or a POWTS, may be installed when a public sewer, approved by the department of natural resources, will be installed to serve the property within 2 years of the date of the 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 property owner, agreeing to connect public sewer when it becomes available and to abandon the temporary holding tank. If public sewer does not become available within 2 years of the date of the sanitary permit issuance, each temporary holding tank system will be evaluated to determine if it must be replaced with another type of system as determined by the results of a soil and site evaluation report of the property conducted by a certified soil tester.

3. A septic tank may be used as a temporary holding tank provided the POWTS administrator has reviewed and approved such request.

(m) *Emergency tanks.* When a treatment tank becomes non-compliant to the extent that it creates a safety or health hazard, a new treatment tank may be installed without prior evaluation of the existing POWTS as required by this ordinance, provided the following conditions are met:

1. The county determines that an emergency exists, and;

2. A county sanitary permit application or system verification is completed within 30 days of the emergency tank set, and;

3. "Affidavit for emergency." An affidavit for emergency tank is signed and filed with the county prior to the installation of the new tank.

(n) *Tank abandonment.* A tank that is no longer used as a POWTS component shall be abandoned pursuant to the requirements of Wis. Admin. Code ch. SPS 383.

(5) PRIVIES. (a) Any person constructing a privy in the county must hold a valid permit from POWTS administrator for such privy.

(b) Privies may be used for a primary residence when such residence is not served by running water.

(c) Privies shall not be located within 75 feet of any stream, lake or any other body of water, not within 50 feet of a well, nor within 5 feet of any habitable structure, nor within 10 feet of any lot line, nor within 150 feet from any building used for human habitation on adjoining properties. If a privy is constructed in a flood fringe area, the base of the privy shall be located 2 feet above the regional flood elevation. A privy may not be installed in a floodway.

(d) Privies shall not be allowed within any platted lands, except for public boat landings sites.

(e) No water-carried wastes shall discharge to a privy.

(f) Pit privies shall have 36 inches of suitable soil from the bottom of the pit to any limiting factor. Those areas with less than 36 inches of suitable soil shall be acceptable only for the installation of a water tight vaulted privy.

(g) Vaulted privies may not require a soil test. Vaulted privies shall be water-tight and have a capacity of at least 200 gallons. Vaulted privies shall be pumped as needed by a certified septage service operator.

(h) Privies shall not be used in conjunction with any building serviced by running water.

(i) Privies shall not be constructed in areas serviced by a public sewage disposal system.

(j) Construction shall comply with this chapter and Wisconsin Administrative Code.

1. Privies shall be fly-tight and vermin proof.

2. Exterior doors shall open outward and be self-closing.

3. Seats shall be provided with hinged lids.

4. All windows, vents and other openings shall be screened with 16 mesh screen or finer.

5. The outer base of the entire privy structure shall be banked in order to drain surface waters away from the privy.

6. All privies shall be inspected by a POWTS administrator to determine conformance with this ordinance prior to usage.

7. When abandoning or moving a privy site, the vault shall be filled level to the ground with soil. When moving a privy, a new permit will be required and all aspects of this ordinance shall apply.

8. Multiple privies can be permitted for schools, churches, town halls, educational facilities and sport clubs.

9. A Privy Installation Agreement shall be recorded with the Sauk County Register of Deeds.

10. When replacing a privy with a POWTS, pretreatment shall be considered when necessary.

11. Composting, chemical, incinerating toilets are allowed as a backup to any POWTS.

12. Privies are not recognized as qualifying for Wisconsin Fund Grant.

(6) COMMERCIAL PORTABLE TOILETS. Shall not be used to serve a primary residence or dwelling. In the event that a POWTS fails, a commercial portable toilet may serve the primary residence while action is taken to correct the failing POWTS.

(7) SETBACKS. All holding tanks, treatment tanks, privies and drainfield components shall maintain all setbacks established by interested regulating agencies. The property owner shall provide accurate property line locations before installing any private septic system. The department can require a survey, at the owner's expense, to locate any property line in dispute.

25.016 Inspections. (1) POWTS INSPECTIONS. The installing plumber whose name appears on the sanitary permit shall allow the POWTS administrator to make a field inspection of the POWTS installation, modification or reconnection after construction, but before backfilling, no later than the end of the next work day, excluding Saturdays, Sundays and holidays, after receiving notice from the installing plumber that the POWTS has been installed. The installing plumber will be held in violation of this section when any POWTS is backfilled and covered before it has been inspected and approved by the POWTS administrator, unless the inspection requirements of Wis. Admin. Code ch. SPS 383 are not met by the county.

(2) RETURN INSPECTIONS. A return inspection of a installed POWTS shall be required when an initial inspection discloses that the installation is incomplete or does not comply with Wis. Admin. Code ch. SPS 383, or the provisions of this ordinance. A fee will be assessed to the Plumber or CST for not notifying the department of changes to scheduled inspections. Permits will not be issued and field work will not be scheduled until the fee is paid.

(3) PERIODIC INSPECTIONS. If deemed necessary by the department, the POWTS administrator may conduct periodic inspections of any POWTS after the initial installation inspection or after the POWTS is operative. The affected POWTS owners shall be notified in advance of any inspection program.

(4) The county shall maintain a written record of each inspection conducted.

25.017 POWTS Management and contingency. (1) MAINTENANCE PROGRAM. The applicant for a sanitary permit shall be provided written notice of the maintenance program requirements by the POWTS administrator at the time the sanitary permit is issued. The department shall ensure that POWTS are maintained in accordance with Wis. Admin. Code § SPS 383.54(4).

(a) *Management.* 1. “Responsibility.” The owner of POWTS shall operate and maintain the system in compliance with the approved system design and maintenance provision that were submitted with the permit application.

2. 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.

3. Each POWTS design shall include a management plan for maintaining the designed performance and operational standards required by this ordinance. The management plan shall be a part of the sanitary permit application. The plans shall include all necessary information, including but not limited to:

- a. Accumulated solids or byproduct removal.
- b. Influent and effluent volume and characteristics.
- c. Groundwater monitoring well locations.
- d. Monitoring well construction requirements and sampling procedures.
- e. Monitoring and sampling locations.
- f. Metering, sampling and monitoring schedules.
- g. Site vegetative cover maintenance.
- h. Load and rest schedules.
- i. Contingency plans for events involving component or operational failure.
- j. Alarms or other systems to alert owner when system is not operating properly.
- k. Odor and nuisance control.
- l. All maintenance requirements in terms of processes and their frequency.
- m. Reporting frequency, and designated reporting agent.
- n. The location of a replacement system area and the means for protecting this area.
- o. Other pertinent information as deemed necessary, per Wis. Admin. Code ch. SPS 383.

(b) *Contingency plan.* 1. 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.

2. The plan must include information on whether or not the soil test has sufficient area for a future replacement site. A holding tank shall not be designated as a replacement system if any other soil-based treatment area is available to the property.

25.018 Sludge disposal and POWTS maintenance. (1) GENERAL REQUIREMENTS. The maintenance and sludge disposal of POWTS tank components, seepage pits, grease traps, privies, holding tanks, camping unit transfer containers and other disposal facilities shall be serviced in accordance with Wis. Admin. Code ch. NR 113, relevant provisions of the Wisconsin Statutes, and the requirements of this ordinance.

(2) SLUDGE DISPOSAL. Sludge, scum and effluent from POWTS tank components and holding tanks and any other material removed from sewage disposal units, all herein referred to as sludge, shall be disposed of in such a manner as not to create a nuisance or human hazard. Unless otherwise authorized by the appropriate state agency, such sludge shall be disposed of in accordance with Wis. Admin. Code ch. NR 113.

(a) All POWTS that utilize a treatment or dispersal component shall be visibly inspected and pumped, as necessary, 2 years after the system is initially installed and at least once every 3 years thereafter, to determine whether wastewater or effluent from the POWTS is ponding on the surface of the ground. The inspection shall be performed by one of the following:

1. A licensed master plumber.
2. A licensed master plumber-restricted service.
3. A certified POWTS inspector.
4. A certified septage servicing operator under Wis. Admin. Code ch. NR 113.

(b) All POWTS owners shall have the treatment tank components inspected and

pumped by a licensed servicing operator at 3-year intervals after the installation of the POWTS. If, upon inspection, the tank for a POWTS has a combined sludge and scum volume equal to or greater than 1/3 of the tank volume, it shall be pumped. If the volume is unknown the tank shall be cleaned when the sludge and scum reaches a combined depth of 18 inches.

(c) The POWTS owner or owner's agent, shall provide the POWTS administrator in a manner specified by the county, a certified report of any inspection, maintenance or servicing required pursuant to Wis. Admin. Code § SPS 383.55. The report shall state the current operating condition of the POWTS, if the treatment tank component was recently pumped by a certified septage servicing operator or that the tank component was inspected and is less than 1/3 full of sludge and scum, and the name and license number of the individual completing the report.

(d) The owner of the property where the POWTS is installed shall be responsible for submitting the report certification to the POWTS administrator when due.

(e) The licensed servicing operator shall record and file the pumping or servicing of every treatment, holding and vaulted privy tank with the department. Pumping reports shall be filed with the department within 90 days of servicing.

25.019 Wisconsin Fund Grant Program.

(1) **APPLICATION.** Applications for Wisconsin Fund grants shall be made to the POWTS administrator on forms that meet the minimum requirements of Wis. Admin. Code ch. SPS 387. All completed applications that qualify for a grant shall be filed with the POWTS administrator by December 31 of each year to qualify for a grant payment in that same year.

(2) **ELIGIBILITY.** The eligibility for each applicant shall be determined by the POWTS administrator pursuant to the eligibility requirements of Wis. Stat. § 145.245, and Wis. Admin. Code ch. SPS 387.

(3) **DETERMINATION OF FAILURE.** A determination of failure, as defined in Wis. Stat. § 145.245(4), of an existing POWTS shall be made by the POWTS administrator prior to accepting any application for a grant. The determination of failure shall specify the type of

failure pursuant to Wis. Stat. § 245.245(4), and establish a deadline for correcting the failure.

(4) **APPLICATION FEE.** For each Wisconsin Fund application, the applicant shall pay a fee. The fee shall be assessed only to qualifying grants, and shall be paid prior to receipt of the grant award by the applicant.

(5) **VARIANCES.** All variance REQUESTS for Wisconsin Fund applications shall be filed with the DSPS in a manner described in Wis. Admin. Code § SPS 387.90.

(6) **PROCESS OF APPEAL.** When a decision by a participating governmental unit is denial of a grant award, the owner may appeal the decision in accordance with Wis. Stat. ch. 68 to the Sauk County Conservation, Planning and Zoning Committee.

25.020 Subdivisions. The purpose of this section is to identify primary and replacement soils absorption areas necessary for proper on-site wastewater treatment for all lots in subdivisions not served by a public sewer. (1) The county will conduct a preliminary soils evaluation of the proposed development with a CST. The county will verify the depth to bedrock, observed groundwater, soil mottling, and surface drainage. Other concerns may be identified at the discretion of the POWTS administrator.

(2) The Sauk County Conservation, Planning and Zoning Committee shall review the preliminary soils data as part of a development plan or preliminary plat for a major subdivision as defined in Sauk Co. Code ch. 22 to consider the human and environmental impacts to ground and surface water resources both on-site and surrounding the proposed development. The committee may request of the developer any additional information as part of the submitted plan, as to how POWTS systems may impact ground and surface water resources. Lot size, lot density, and lot location shall be as such to protect ground and surface water resources and to further protect human health, safety and welfare to the greatest extent possible.

(3) Where concerns arise over the protection of ground and surface water resources and human health, safety and welfare, the developer shall consider larger lot size, pretreatment, municipal sewer, community treatment systems, community wells or other identified proactive measures.

25.021 Camping. Anyone camping outside a designated campground shall comply with approved state and county sanitary provisions.

25.022 Sensitive Area Standards. The county recognizes that the "A plus 4" mound technology will allow POWTS in areas historically not approved for septic systems. These areas include shoreline, flood fringe and shallow bedrock sites. Any site determined to be wetland shall be prohibited from installing a POWTS. Any POWTS located in a flood plain shall be flood proofed and shall require pretreatment of all treatment tank effluent if groundwater is within 3 feet of the system elevation. POWTS shall not be allowed in the floodway for new construction.

25.023 Complaints. (1) The department shall inspect and verify complaints concerning improper or inappropriate installation, operation or maintenance of a POWTS, lack of approved methods of treating and dispersing wastewater, and failure of an existing POWTS.

(2) The inspection must verify any violations of this ordinance or related state regulations.

(3) The owner of the property shall be notified in writing of the violations found and the options available for correcting the violation.

(4) If the property owner does not respond or take corrective action in a timely fashion, the county shall begin enforcement actions.

25.024 Appeals to the board of adjustment. Any person, firm, corporation, board, office or department aggrieved by an order, requirement, interpretation or determination made by the POWTS administrator may, within 15 days of the date of the decision, appeal such decision pursuant to Sauk Co. Code ch. 33.

25.025 Enforcement and Penalties. (1) The provisions of this chapter shall be enforced by employees of the department, the Sauk County Sheriff's Department, the Sauk County Health Department, or other persons authorized by the Sauk County Board of Supervisors.

(a) The Sauk County Corporation Counsel's Office is authorized to prosecute violations of this ordinance.

(b) Compliance herewith may be enforced by injunctive order at suit of the county or the occupancy of real estate within the district affected by the regulations of this ordinance. It is not necessary to prosecute for forfeiture prior to resorting to injunctive proceedings.

(c) Any person, business, corporation, property owner or other entity in violation this ordinance may be issued a citation in which punishment shall occur by forfeiture provided in Chapter 20, Sauk Co. Code. Any person who has the ability to pay any forfeiture entered against him or her under this ordinance but refuses to do so may be confined in the Sauk County Jail until such forfeiture is paid, but in no event for more than 30 days.

(d) The penalty for violation of any section of this ordinance shall be a forfeiture of not less than \$50.00 nor more than \$200.00. Each day of violation shall constitute a separate offense.

(2) Malfunctioning POWTS, or parts thereof, are declared to be a human health hazard pursuant to Wis. Admin. Code ch. SPS 383 and a violation of this ordinance. Malfunctioning POWTS shall be subject to the enforcement provisions of this ordinance, and Wis. Stat. §§ 145.20 and 254.59.

Ordinance adopted June 24, 1980. Published July 25, 1980. Section 25.09(2)(e)3 created by County Board of Supervisors on March 17, 1981. Section 25.08(3)(g)(2) repealed and recreated by County Board of Supervisors on March 17, 1981. Sections 25.01-25.15 repealed and recreated by Sauk County Board of Supervisors on July 23, 1996. Repealed and recreated by the Sauk County Board of Supervisors on March 18, 2003 - Ordinance No. 30-03. Amended by the Sauk County Board of Supervisors on October 16, 2007 - Ordinance No. 125-07. Amended by the Sauk County Board of Supervisors on August 21, 2018 - Ordinance No. 15-18.