

WASHINGTON COUNTY CODE

CHAPTER 25

SANITARY CODE

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## CHAPTER 25

### SANITARY CODE

25.01 TITLE. This chapter shall be entitled and cited as the Washington County Sanitary and Private Sewage System Ordinance.

25.02 AUTHORITY AND PURPOSE. (AM 03-42) Recognizing that certain requirements are necessary and desirable for the proper protection of individual, public and community health and insofar as possible, to prevent the creation of nuisances, sources of filth, and conditions menacing the public health, to protect Wisconsin's drinking water and groundwater resources and to promote the health, safety, comfort and general welfare of the people of Washington County, these regulations and standards are adopted pursuant to the authority of the Wisconsin Statutes and rules promulgated as set forth in the Wisconsin Administrative Code.

25.03 INTENT. The general intent of this chapter is to regulate the location, construction, installation, alteration, design and use of all private sewage systems, of industrial, domestic, solid and other waste disposal systems and sites, so as to protect the health of residents and transients; to assure safety from disease and pestilence; to further the appropriate use and conservation of land and water resources; to provide for the regulation and dispersion of water disposal systems in shoreland and floodplain areas so as to assure proper operation of such systems near navigable water; to prevent and control further pollution of surface and subsurface waters; and to preserve and promote the beauty of Washington County and its communities. It is further intended to provide for the administration and enforcement of this chapter and to provide penalties for its violation.

25.04 JURISDICTION.(AM 00-3) (1) The provisions of this chapter shall apply to all lands and waters within Washington County except as otherwise provided by the Wisconsin Statutes and Administrative Code.

(2)(AM 00-3) The Washington County Sanitary Code is amended to include the new Wisconsin Administrative Code Comm 83, which will be effective on July 1, 2000. Pertinent sections of Comm 91 have also been incorporated into the code at this time. All aspects of the revised Comm 83 will be incorporated into the Washington County Sanitary Code, including the following options that continue existing County policy and are enumerated in Sections 25.08, 25.09, 25.13 and 25.14.

(3)(AM 00-3)(AM 00-6) Notwithstanding other provisions of this ordinance and Chapter 25 of the Washington County Code of Ordinances, sanitary permits shall be denied for those technologies, designs or methods listed in Table 83.04-1 of the Wisconsin Administrative Code, Comm 83.04 until January 1, 2003, to serve new development on parcels that had no habitable building on July 1, 2000, in the following Washington County municipalities: Town of Erin and Village of Germantown.

25.05 ABROGATION AND GREATER RESTRICTION. 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.

25.06 INTERPRETATION. In any case where a provision of this chapter is found to be in conflict with a provision of any other regulation of the Washington County, the provision which, in the judgment of the Administrative Officer, established the higher standard for the promotion and protection of the health and safety of the people shall prevail. These regulations shall be construed liberally in favor of the Washington County and for the utmost protection of the public health, and shall not be decreased to limit or repeal any of the power granted to Washington County by the Wisconsin Statutes and Administrative Code. References to State Statutes and Administrative Rules shall be construed to refer to the statute or rule in effect at the time of the violation or citation even if the statute or rule has been renumbered or repealed and recreated.

25.07 SEVERABILITY AND NON-LIABILITY. (1) Severability. If any provision or clause of this chapter or application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the chapter which can be given effect without the invalid provision or application, and to this end the provisions of this chapter are declared to be severable.

(2) Non-Liability. Washington County does not guarantee, warrant or represent the safe and proper operation of private sewage systems located, constructed and maintained in accordance with this chapter and hereby asserts that there is no liability on the part of the County Board of Supervisors, its agencies, or employees for any health hazards or damages that may occur as a result of reliance upon, and compliance with, this chapter.

25.08 ADMINISTRATION. (1)(AM 99-45) Authorized Personnel. The Washington County Planning and Parks Department Administrator and other departmental personnel so authorized by the administrator, shall have the duties and powers to administer this chapter hereinafter specified in sub. (2) and (3) below.

(2) Duties. It shall be the duty of these departmental personnel to enforce the provisions of this chapter, to comply with the applicable provisions of Wisconsin Administrative Code and to:

(a) Record all permits issued, inspections made, work approved and other official actions.

(b) Inspect existing and new private sewage systems and sites periodically and all new work shall be given a final inspection to determine that all components are in compliance with the Administrative Code.

(c) Investigate complaints made relative to private sewage systems; and complaints relative to contamination of surface and subsurface water where a private sewage system is a possible contaminant source.

(d) Review soil test data required for on site private sewage systems to assure compliance with the Administrative Code.

(e) Verify soil test data by on site investigation of soil profiles when deemed necessary by authorized department personnel.

(f) Order corrections to new installation, repairs and existing private sewage systems which do not comply with applicable standards contained in this chapter or Administrative Code. (See 25.10)

(3)(AM 00-3) Powers. The authorized personnel shall have all the powers necessary to enforce the provisions of this chapter without limitation by reason of enumeration, including the following:

(a) The department personnel may make such inspections at reasonable hours as deemed necessary to insure compliance with this chapter. However, upon refusal of their entry to any premises for inspection purposes, they shall, except in cases of emergency, obtain a special inspection warrant in accordance with the Wisconsin Statutes or Administrative Code.

(b) Prohibit the use of any new private sewage systems until such systems have been inspected and approved.

(c) Order any person, firm or corporation owning, using, operating or installing a private sewage system to modify it, repair it or place it in a safe or sanitary condition if found by department personnel to be defective, unsafe, in an unsanitary condition or creating a nuisance.

(d) Order any person, firm or corporation owning, using, operating or installing a private sewage system to test the system to determine functional status.

(e) Recommend to the Washington County Park and Planning Committee any additional sanitary measures as shall seem necessary.

(f) Request assistance and cooperation from State personnel, local sanitary district personnel and other local and County officials.

(g) Condemn and prohibit the use of any private sewage system which is found so constructed, operated or maintained as to be a menace to the health of the users, neighbors or community.

(h) Cooperate with the State, local and County personnel in County health programs and in the enforcement of local, County and State health regulations.

(i) Revoke sanitary permits issued on data which conflicts with data collected by department personnel on the subject premises or on surrounding properties.

(j) Enforce any or all of the rules or orders and amendments thereto of the State applicable to private sewage systems and the rules of the State applicable to solid, liquid and other wastes.

(k) Review Agent Status – the provisions of Wisconsin Administrative Code Comm 83.23 are incorporated by reference.

25.09 LICENSES AND PERMITS. (1) Licenses. All persons performing any work on private sewage systems shall obtain the required license from the State prior to commencing such work, and be supervised where required. Licensing and supervision shall be in accordance with Wisconsin Statutes and Administrative Code and pertinent sections of this chapter.

(2) Inspections. (a) All permits issued for private sewage systems, additions to private sewage systems, sanitary privies, outdoor toilet waste disposal installations and sanitary repairs are required to be inspected by this department before use.

(b) Random Inspections.

1. The department may make random inspections of all data received for sanitary permit applications before or after issuance; and may report errors found to the State agency in charge of licensing the person making the error. The department is also authorized to enter onto any premises during normal working hours for the purpose of ascertaining compliance with the requirements of this chapter and as otherwise authorized by law.

2. The department may, at its discretion, verify such data as is supplied on forms relating to soil tests for private sewage systems, including a request to reopen soil boring sites if deemed necessary.

(c) Inspection Procedure - Private Sewage Systems.

1. The plumber in charge shall immediately inform this department of new, replacement, repair or additions to private sewage system installations. The department shall then inspect such installation within the time limits specified in the Administrative Code. Department personnel may require additional inspections at any time during the construction process.

2. When the department has reason to believe work has commenced on a private sewage system without the proper sanitary permit; or when the department deems it necessary to determine whether a sanitary permit is required, the department may order an inspection of the private sewage system or portion thereof to the extent necessary to determine compliance with the County and State regulations.

3. When a private sewage system meets requirements of this chapter, the department personnel shall approve the system. The system may not be backfilled prior to approval by department personnel.

4. Upon inspection of a private sewage system, it is found not in compliance with the requirements of this chapter, the department personnel shall review the incomplete or noncompliant aspects with the plumber in charge at the site, make a written copy of the review and establish a deadline for completion or compliance. A copy of the review will be available to the plumber.

(d) At the time of inspection, either a master plumber, master plumber restricted, journeyman plumber or a journeyman plumber restricted shall be present at the site and furnish a level, tripod and rod to determine the elevation of the system and its components.

(3)(AM 00-3) Permits. (a) State Sanitary Permit. A permit is required pursuant to §§145.135 and 145.19, Wis. Stats., for the installation of a private sewage system, or major modification or addition to such systems.

A transfer from a plumber to a new plumber will require a revision to the State Sanitary Permit.

(b) County Sanitary Permit. A County sanitary permit shall be required for the reconnection of existing systems, placement of a vaulted or pit privy, for any device regulated under Chapter Comm 91, minor repairs to an existing private sewage system, system components or materials of a private sewage system not included in the State Sanitary Permit requirements or Comm 83.21.

(c) All sanitary permits shall expire 2 years from the date of issuance, except where revoked under sub. 25.09(3)(d).

(d) Sanitary permits may be revoked when the data submitted for the sanitary permit conflicts with the data collected by department personnel on the subject premises.

(e) No private sewage system or site or parts thereof shall be located, installed, moved, reconstructed, extended, enlarged, converted, substantially altered or their use changed without first obtaining a sanitary permit and complying with the provisions of this chapter and all other applicable local, County and State regulations except as otherwise provided in sub. 25.09(3)(f).

(f) Emergency repairs or the removal of stoppages may be performed before a sanitary permit is obtained, provided such work is reported to the department by the next working day so a determination can be made whether a sanitary permit is required. Excavations must be left open for this determination to be made and work completed must be exposed for inspection if deemed necessary by department personnel.

(4) Sanitary Permit Applications. Applications for a sanitary permit shall be made by the property owner or agent pursuant to the Wisconsin Administrative Code to the department on forms furnished by the department prior to issuance of any building or zoning permit by the County administrator or municipality prior to the purchase or installation of or addition to any private sewage system.

(5)(AM 99-25)(AM 00-3) Fee Schedule. (a) As authorized by sec. 21.02(1)(f) of this Code, the Park and Planning Committee may adopt fees for the following:

- Sewage Disposal Field or Seepage Pit Additions or Repairs
- Septic Tank Repairs
- Septic Tank or Field Replacement
- Sanitary Permit (New Installations-Tank and Field)
- Sanitary Privy
- State Tank or Other State Fee - As Required by State Code

Holding Tank Installations – new  
 Holding Tank Installations - replacement  
 Experimental and Alternate Septic Systems  
 Inground Pressure System  
 Soil Investigations by Department Personnel  
 Soil Test Evaluation Letters  
 PLB 67T Installer/Owner Transfer Form  
 Administrative Fee-Wisconsin Fund Septic System Rehabilitation  
 Sanitary Permit Renewals

(b) Double Fee. A double fee shall be charged by the department if work is started before permit is applied for and issued, except for emergency repairs authorized in sub. 25.09(3)(e). The double fee does not relieve the applicant of full compliance with this chapter nor from prosecution for violating this chapter.

(c) Subsequent Inspections. Each inspection after the 1st that is necessary to enforce ordered corrections shall require a fee established under sec. 21.02(1)(f) of this Code.

(d) Appeal or Variance Fee; Private Sewage System. There shall be paid to the County Planning and Parks Department by each appellant who proceeds under sec. 25.11 of this chapter, a filing fee established under sec. 21.02(1)(f) of this Code. Fees collected pursuant to this section shall be used to partially defray the expenses of conducting such appeals.

(e) Approval of Sanitary Permits. Sanitary permits shall be approved or disapproved within 5 working days by authorized department personnel. Such approval or disapproval shall be based upon the submittal of the information and fees required by this chapter, verification of test data if deemed necessary by department personnel, and compliance with all other provisions of this chapter and rules relating to private sewage systems. If subsequent data is obtained, as required by this chapter, demonstrating non-compliance with these regulations, said sanitary permit can be revoked immediately as provided in sub. 25.08(3)(i) of this chapter. The applicant for any sanitary permit which has been disapproved shall be informed in writing of the reasons for such disapproval by department personnel.

(f) Agent Plan Review. County plan review fees for any system listed in Table 83.22-2, Wisconsin Administrative Code, approved by the Department as a designated agent of the State shall be the same as those fees set by the State in Comm 2 Wisconsin Administrative Code.

25.10 ENFORCEMENT ORDERS. (1) Stop Work Orders. (a) When the department finds that any construction or alteration of any private sewage system is in progress without a sanitary permit having been issued, or any other violation of this chapter, the department may post in a conspicuous place on the premises a stop work order which shall cause all work to cease on the premises immediately.

(b) Failure to discontinue work immediately while the stop work order is in effect will be considered a violation of the Washington County Sanitary and Wisconsin Administrative Codes.

(c) When a stop work order is posted, the owner of the premises shall be notified and informed in writing of the Washington County Sanitary and Wisconsin Administrative Codes violation, and that corrective measures must be taken to bring the violation into compliance with the aforementioned codes.

(d) A stop work order can only be rescinded by the written permission of the department.

(2) Thirty Day Orders. (a) When the department finds that any private sewage system is malfunctioning, needs repair or is in violation of this chapter, a 30 day correction order will be issued.

(b) When a 30 day order is issued, the owner of the premises, and the plumber where applicable, shall be notified and informed in writing of the Washington County Sanitary and Wisconsin Administrative Codes and that corrective measures must be taken to bring the violation into compliance with the aforementioned codes.

(c) Failure to comply with the 30 day order will be considered a violation of the Washington County Sanitary and Wisconsin Administrative Codes.

(d) Extensions to 30 day orders may be granted at the discretion of the department, providing good faith efforts are being made to correct the problem.

(3) Complaints. The department shall investigate all complaints regarding private sewage systems, and shall keep a written record of all such complaints, except that the names of any complaining individual shall not be noted if such individual requests anonymity.

25.11 APPEALS. (1)(AM 01-8) Individuals Rights. Any person aggrieved by any order, requirement, interpretation or determination made by the department personnel, may appeal the same to the Washington County Planning, Conservation and Parks Committee.

(2)(AM 01-8) Procedure. Appeals to the Washington County Planning, Conservation and Parks Committee may be taken by any person aggrieved or by any officer, department, board or bureau of the municipality affected by any decision of the department personnel. Such appeal shall be taken within 30 days of the decision or as otherwise provided by the rules of the Washington County Planning, Conservation and Parks Committee by filing with the officer from whom the appeal is taken and with the Washington County Planning, Conservation and Parks Committee, a notice of appeal specifying the grounds thereof. The officer from whom the appeal is taken shall forthwith transmit to the Washington County Planning, Conservation and Parks Committee all the papers constituting the record upon which the action appealed from was taken.

(3)(AM 01-8)(AM 03-42) Stay of Proceedings. An appeal shall stay all proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken shall certify to the Washington County Planning, Conservation and Parks Committee, after the notice of appeal shall have been filed with him or her, that by reason of facts stated in the certificate, a stay would cause imminent peril to life, health or property. In such case, the proceedings shall not be stayed otherwise than by a restraining order, which may be granted by the Washington



County Planning, Conservation and Parks Committee or by a court of record on application or notice to the officer from whom the appeal is taken and on due cause shown.

(4)(AM 01-8)(AM 03-42) Rules of Planning, Conservation and Parks Committee on Appeals. With respect to the administration and enforcement of this chapter the following rules shall govern the Washington County Planning, Conservation and Parks Committee:

(a) Membership and organization of the Committee for purposes of this chapter shall be the same as set forth in sec. 21.01 of this Code.

(b) Meetings shall be at the call of the Chairperson of the Washington County Planning, Conservation and Parks Committee or at such times as the Committee may determine, at a fixed time and place. All meetings of the Committee shall be open to the public, except for portions held in closed session according to law.

(c) The Committee shall keep minutes of its proceedings showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be filed in the department office and shall be public record.

(d) The Committee shall fix a reasonable time and place for a public meeting, give written notice thereof and give at least 5 days notice by mail to the parties in interest.

(e) Notice of an appeal shall be given to the officers of the local municipality whenever the Committee shall have under consideration an appeal affecting such municipality; and the officers of such municipality shall have the opportunity to meet with the Committee and make such recommendations as they deem proper.

(f) The Committee shall have power to call on any other County departments for assistance in the performance of its duties, and it shall be the duty of such other departments to render all such assistance as shall be required.

(g) Meetings of the Committee shall be conducted in accordance with the above rules and such other rules as may be adopted by the County Board, pursuant to Wisconsin Statutes.

(5)(AM 01-8) Powers of the Planning, Conservation and Parks Committee. The Washington County Planning, Conservation and Parks Committee shall, with respect to the administration and enforcement of this chapter, have the following powers:

(a) To hear and decide appeals where it is alleged there is an error in any order, requirement, decision or determination made by the department personnel.

(b) To reverse or affirm, wholly or in part or modify any order, requirement, decision or determination appealed from and shall make such order, requirement, decision or determination as in its opinion ought to be made in the premises and to that end shall have all the powers of the department personnel.

(c) The Committee shall interpret the provisions of this chapter in such a way as to carry out the intent and purposes of this chapter, and the requirements of the applicable State regulations.

(d) In exercising the foregoing powers, the Committee may in appropriate cases, establish suitable conditions and safeguards in harmony with the general purpose and intent of this chapter.

25.12 VARIANCE. (1)(AM 01-8) Private Sewage Systems. Any deviation from the standards of this chapter, for which a permit has been denied by the administrator, may be allowed only upon written request for a variance submitted to the administrator, after a public hearing and the issuance of a variance by the Planning, Conservation and Parks Committee. The Committee may authorize in specific cases such variance from the terms of the chapter as will not be contrary to the public interest where, owing to special conditions affecting a particular property. A variance shall:

(a) Be consistent with the spirit and purpose of this chapter.

(b) Not be granted because of conditions that are common to a group of adjacent lots or premises. (In such a case, the chapter would have to be amended following proper procedures.)

(c) Not be granted unless it is shown that the variance will not be contrary to the public interest and will not be damaging to the right of other persons or property values in the area.

(d) Not be granted for actions which require an amendment to this chapter.

(e) Not be granted solely on the basis of economic gain or loss.

(f) Not be granted for a self-created hardship.

(2) When a variance is granted, the applicant shall be notified in writing by the Chairperson or Secretary of the Committee. A copy of this notification shall be maintained with the variance appeal record.

25.13 PRIVATE SEWAGE SYSTEMS. (1) This section is adopted pursuant to the authority of Wisconsin Statutes.

(2) Effluents. All domestic wastes shall be discharged to an approved private sewage system.

(3) Other Substances. No coarse garbage, gas, fuel oil inflammables, waste oil, tar, explosives, sump pump discharges, rain water, surface water, groundwater, chemicals, grease, gasoline, rags, whey, milk wastes or any other substances shall be discharged into any private sewage system if the same causes an obstruction, nuisance or other condition which may interfere with the system's performance or function.

(4) Location. All private sewage systems shall be located in accordance with Wisconsin Administrative Code except where a written variance is granted by the State Department of Commerce.

(5) Components. All components and materials used in a private sewage system shall be of an approved type except where a written variance is granted by the State Department of Commerce.

(6) Design. All designs for private sewage systems shall be in accordance with Wisconsin Administrative Code except where written variance is granted or a design for an alternate waste system that has been approved by the State Department of Commerce.

(7) Soil Analysis and Criteria. Certain soil types lying in Washington County, as shown on the Operational Soil Survey Maps prepared by the USDA Soil Conservation Service, in cooperation with the Southeastern Wisconsin Regional Planning Commission which are on file with the department personnel and are to be published as Soil Survey, Washington County USDA Soil Conservation Service G.P.O., Washington, D.C., 1965, and Table 8, Soils in Southeastern Wisconsin Planning Report No. 8 SEWRPC, 1966, have severe or very severe limitations for soil absorption sewage disposal systems, because of 1 or more of the following reasons: high or fluctuating water table, flooding, groundwater contamination, silting, slow permeability, steep slopes or proximity to bedrock. Other soils because of genesis and morphology have been the source of some difficulty during evaluation for high groundwater. Parcels having soils with very severe and severe limitations must have the soil borings inspected by the department personnel before a sanitary permit is issued. Soils with lesser limitations may be inspected at the discretion of the department personnel.

(8)(AM 00-3) Holding Tanks. In situations where no other method of sewage effluent disposal exists which conforms to the regulations of the State and this chapter, a holding tank may be allowed by County variance and consistent with the regulations of the State concerning size, location and other matters. However, a holding tank will be prohibited hereafter to serve sewage effluent disposal needs and requirements for any proposed new structure except for the following:

(a) A written public sewer service commitment to service property within 3 years by a public sewer authority is presented with the permit application for a new residence.

(b) Applications for the use of a holding tank for new residences after January 1, 2000 will not be approved. No variance to this section will be allowed except as provided for in sub. 25.13(8)(a).

(c) A holding tank application for agricultural, commercial or industrial uses may be permitted if the owner agrees in writing to have the parcel monitored for groundwater levels for a minimum of 1 year in which there has been sufficient rainfall pursuant to Wisconsin Administrative Code after the holding tank installation or if groundwater is observed at a depth of

less than that required for the installation of an alternate private sewage system at the time the soil borings were observed by department personnel.

(9)(AM 01-8) **Outdoor Toilets.** Outdoor toilets and privies are permitted pursuant to the following conditions and regulations:

(a) Location. The location and elevation of vault privies shall be in accordance with Wisconsin Administrative Code locational requirements for holding tanks, except for all weather road requirement. The location and elevation of soil pit privies shall be in accordance with Wisconsin Administrative Code for site requirements and specific limitations for floodplain development.

(b) Prohibitions. Construction, installation or continued use of permanent outdoor toilets and privies is prohibited where a public sewer system is available. Existing outdoor toilets and privies shall be replaced with water-flush toilets and hooked up to the sewer system within 30 days after the structure is served by public sewer system or where it does not meet the requirements of this chapter.

(c) Portable Outdoor Toilets. Portable self contained outdoor toilets may be used at construction and agricultural work sites.

(d) Parks. Outdoor toilets and privies may be permitted in public or private parks by the Washington County Planning, Conservation and Parks Committee provided such privies are constructed in accordance with the Wisconsin Administrative Code and this chapter.

(e) Servicing. Servicing of outdoor toilets and privies shall be in accordance with Wisconsin Administrative Code.

(f) Soil suitability for privies shall be determined by the department based on 1 soil boring submitted on the State authorized form and compliance with Wisconsin Administrative Code pertaining to separation below the bottom of the proposed system, soil maps, soil absorption site location relative to floodplain, and slope, filled areas and depth to bedrock and high groundwater.

(g) The vault beneath a vault privy shall be constructed to the materials standards listed in Wisconsin Administrative Code for septic tanks.

(10) **Additional Discharge to Existing Systems.** If additional discharge, based on Wisconsin Administrative Code, will be created as a result of an addition or remodeling or change of use, an addition to the existing system or replacement of the existing system will be necessary. Additions may only proceed in conformance with the following:

(a) The department personnel must determine whether the existing system complies with the high groundwater and bedrock requirements in Wisconsin Administrative Code. This determination will be made on the basis of the Washington County Soil Survey and on the basis of a soil boring or borings.

(b) The department personnel must determine whether the existing system is in operating condition and the owner of the system must show proof of the system capacity.

(c) The system must be designed and installed in accordance with Wisconsin Administrative Code, sizing of the addition will be based on the Wisconsin Administrative Code.

(11) Extensive Changes to Existing Structures. When the department personnel determines an extensive change in living area and increased discharge will occur, the entire system shall be replaced in accordance with Wisconsin Administrative Code including, but not limited to the following:

(a) Conversion from seasonal use to year round use shall be considered an extensive change.

(b) Conversion of single family homes to 2 family homes shall be considered an extensive change.

(12)(AM 99-2) Sewer Availability. Once sewer has become available to a property with a condemned private sewage system discharging effluent to the surface, surface waters, backing up into the structure or discharging to a zone of seasonal saturation, the owner must sign an agreement with the department that they will hook up to the sewer within 6 months of its availability. If the system is not condemned based on other criteria, the structure must be hooked up to the sewer system within 12 months of its availability.

25.14 MAINTENANCE OF NEW AND EXISTING PRIVATE SEWAGE SYSTEMS. (1)(AM 00-3) Pumping of Private Sewage Systems. All persons owning, occupying or using a new or existing private sewage system installed since November, 1979 are required to have these systems pumped or inspected, and such persons shall maintain a permanent record of all pumping and inspection visits by the Wisconsin Sanitary Licensee or licensee's employee.

(a) All private sewage systems shall be managed and maintained in accordance with Comm 83 and 84, Wisconsin Administrative Code and this ordinance.

(b) The property owner shall report to the department each inspection, maintenance or servicing event, in accordance with Comm 83, Wisconsin Administrative Code and this ordinance.

(c) The property owner shall submit a copy of an appropriate maintenance agreement and/or servicing contract to the Department prior to sanitary permit issuance.

(d) The property owner shall submit a new or revised maintenance agreement and/or servicing contract to the Department whenever there is a change to such document(s).

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

(f) All existing and new septic tanks associated with a conventional seepage field or seepage pit shall either be:

1. Pumped in accordance with Wisconsin Administrative Code at a minimum of every 3 years.

2. Inspected by a Wisconsin Sanitary Licensee or an employee under Wisconsin Administrative Code to determine need for pumping in accordance with Wisconsin Administrative Code at a minimum of every 3 years.

(g) All new and existing experimental or alternate private sewage systems including at-grade systems, mound systems, in-ground pressure systems installed since November, 1979 shall either be:

1. Pumped in accordance with Wisconsin Administrative Code at a minimum of every 2 years.

2. Inspected by a Wisconsin Sanitary Licensee or an employee under Wisconsin Administrative Code to determine need for pumping in accordance with Wisconsin Administrative Code at a minimum of every 2 years.

(h) All new and existing holding tanks shall be pumped in accordance with Wisconsin Administrative Code. The permanent record should establish continuity of the pumping schedule in year round residences. Permanent records for seasonal residences should establish continuity of the pumping schedule during the portion of the year the residence is occupied.

(i) No existing structure shall be permitted to use a nonconforming private sewage system unless an affidavit containing an agreement to correct any system problems which may arise is recorded with the County Register of Deeds. The affidavit shall contain the legal description of the property which the system serves. Persons allowed to use such systems shall be required to maintain such system in accordance with sub. 25.14(4).

(2) Permanent Record of Pumping. Required permanent record of pumping or inspection shall include where applicable:

- (a) Name of licensed individual or employee conducting work.
- (b) Date of pumping or inspection.
- (c) Approximate number of gallons pumped or a bill with pumping rate indicated.
- (d) Statement indicating pumping of the tank was not necessary.
- (e) Signature of Wisconsin Sanitary Licensee or employee conducting work.
- (f) Tax key or parcel number.

(3) Produce Records upon Request. All persons owning, occupying or using properties with private sewage systems installed since November, 1979 shall produce at the request of the department, the permanent record indicating compliance with sub. 25.14(1) and (2). Failure to produce such records shall constitute a violation of this chapter punishable by penalties described by this chapter.

(4) Private Sewage Systems Maintenance Report. All persons obtaining a sanitary permit for a private sewage system shall obtain a report to submit information required by sec. 25.14. Said report shall be properly filled out and returned to the Washington County Planning and Parks Department as required in sub. 25.14(1) and (2) of this chapter. Failure to return this report in compliance with the foregoing shall constitute a violation of this chapter, punishable by penalties as described by this chapter.

(5) Violations of Maintenance Report. Submission of incorrect or incomplete records shall constitute a violation of this chapter. Submission of inaccurate or incorrect information to the person completing such records shall also constitute a violation of this chapter.

25.15 MALFUNCTIONING PRIVATE SEWAGE SYSTEMS. (1) Compliance with County and State Regulations. The department shall order any person owning, using, operating or installing any private sewage system to repair, modify, replace or abandon usage of any or all parts of the system in a manner the department deems in accordance with County and State regulations.

(2) Conditions of Malfunctioning Private Sewage System. A malfunctioning private sewage system is one that consists of 1 or more of the following conditions:

(a) Fails to accept discharge and creates a backup of sewage in the residence or building served.

(b) Discharges or leaches sewage or effluent to the ground surface.

(c) Discharges sewage or effluent to wells, aquifers, groundwater, zone of seasonal saturation, mottled soil, wetlands or surface waters in any manner.

(d) Discharges sewage or effluent to an outfall such as a drainage ditch, drainway or tile.

(3) Malfunction of Components of Private Sewage Systems. (a) Any malfunction caused by collapse of building sewer, septic tank cover, manhole cover or riser; failure of septic tank baffles; and mechanical or electrical failure of pumps may be corrected by replacement of that inoperative component. The department reserves the right to determine the nature of any malfunction where repair or replacement of the above components is involved.

(b) Any malfunction caused by the failure of the septic tank, dosing chamber, tile, solid or perforated pipe between the septic tank and the end of the system, seepage field or seepage pit to provide sufficient percolation or renovation of sewage shall be corrected by installation of new seepage field, seepage pit or holding tank, or other system approved by the State under the provisions of the Wisconsin Administrative Code.

25.16 PROHIBITED PRACTICES. It shall be unlawful for any person owning or occupying a structure to engage in or allow any of the following:

(1) Attachment of Devices. To attach any pump, siphon device, hose, tile, piping or similar device to the vent pipe, septic tank clean out, septic tank manhole cover, distribution piping of a private sewage system including holding tanks except as provided in Wisconsin Administrative Code.

(2) Discharge Infectious or Noxious Matter. To discharge infectious or noxious matter into highway and surface waters as described under Wisconsin Statutes.

(3) Create a Nuisance. To create a nuisance, source of filth or cause of sickness as described under Wisconsin Statutes.

(4) Discharge Sewage or Effluent. To discharge sewage or effluent to wells, aquifers, groundwater, wetlands, drainage ditch, drainway, ground surface, surface water or building served.

(5) To accept the delivery of a septic tank for use in conjunction with a private sewage system on their property unless the owner has obtained a valid sanitary permit and a notice thereof is displayed conspicuously and is visible from the road fronting the lot during construction.

(6) No person or corporation may sell or deliver at the retail level, as defined under Wisconsin Statutes, a septic tank for use in conjunction with a private sewage system unless the purchaser holds a valid sanitary permit.

25.17 ENFORCEMENT. (1) Violations. It shall be unlawful to construct or reconstruct any private sewage disposal system or use any system land or water, in violation of any of the provisions of this chapter. In addition, it shall be unlawful to resist, obstruct or interfere with department personnel in the discharge of their duties or to neglect, refuse or fail to obey department personnel orders pertaining to their duties.

(2) Injunctions. In case of any violation, department personnel, the local government agencies, or any property owner who would be specifically damaged by such violation may institute appropriate legal action or proceeding to enjoin a violation of this chapter.

(3) Nuisances. Every waste disposal system placed or maintained in floodplains in violation of this chapter is a public nuisance and the creation thereof may be enjoined and maintenance thereof may be abated by action at suit of the State, the County, a municipality or any citizen thereof.

(4) Prosecution. All violations of this chapter shall be reported by department personnel to the District Attorney or County Attorney who shall then prosecute such violations on behalf of Washington County.

(5) Citations. Department personnel authorized by the Washington County Code may issue citations for violations of this chapter in conformity with the provisions of the code.



25.18 PENALTIES. (1) General. Any person who fails to comply with the provisions of this chapter or who permits the use of any private sewage waste disposal system or site in violation of this chapter may, upon conviction thereof, forfeit not less than \$10 nor more than \$200 and costs of prosecution for each violation and in default of payment of such forfeiture and costs, may be imprisoned in the County Jail until payment thereof, but not exceeding 30 days. Each day a violation exists or continues may constitute a separate offense.

(2) Floodplain Violations. Any person who places or maintains any waste disposal system in any floodplain in violation of this chapter may be fined not more than \$50 for each offense. Each day a violation exists or continues may constitute a separate offense.

(3) Remedial Action. Whenever an order of department personnel has not been complied with within 30 days after written notice has been mailed to the owner, resident agent or occupant of the premises, department personnel may institute appropriate legal action or proceedings to prohibit the owner, resident agent or occupant of the premises from the use of such private sewage disposal system or site until such order is complied with.

Such legal action shall be prepared by the District Attorney or County Attorney in the prosecution of all such actions. The cost of abatement of nuisances may be recovered from the land owner in accordance with the Wisconsin Statutes.

25.19 DEFINITIONS. Terms used in this chapter mean as follows:  
 Words used in the present tense include the future; the singular number includes the plural; the plural number includes the singular number; and the word "shall" is mandatory and not directory.  
 Terms used in this chapter mean as follows:

(1) "Aquifer." Any previous soil and rock strata that contains groundwater.

(2) "Cesspool." A covered excavation in the ground which receives sewage or other organic wastes from a drainage system and so designed as to retain the organic matter and solids, permitting the liquids to seep into the soil cavities. CURRENTLY PROHIBITED IN WISCONSIN.

(3) "Cleanout." Means a plug or cover made of material approved by the department joined by means of a screw thread to an opening in a pipe, which can be removed for the purpose of cleaning or examining the interior of the pipe.

(4)(AM 99-45) "Department Personnel". Employees of the Washington Planning and Parks Department.

(5) "Domestic Wastes." The water-carried wastes derived from ordinary living process. See Sewage.

(6) "Effluent." Means liquid discharged from a septic or other treatment tank.

(7) "Floodplains." Those lands including general floodplains, floodways, flood fringe areas, and channels subject to inundation by the 100 year regional flood or where such data is not available, the maximum flood of record.

(8) "Garbage." Garbage means discarded materials resulting from handling, processing, storage and consumption of food.

(9) "Groundwater." A continuous body of underground water in the soil voids that is free to move under the influence of gravity.

(10) "High Groundwater." Means zones of soil saturation which include: Perched water tables, shallow regional groundwater tables or aquifers, or zones that are seasonally, periodically or permanently saturated.

(11) "Holding Tank." Means an approved watertight receptacle for the collection and holding of sewage.

(12) "Liquid Industrial Wastes." Means industrial wastes, including suspended solids, which are in a nongaseous fluid or semifluid state and which are biodegradable and of animal or plant origin.

(13) "Manhole." Means an opening of sufficient size to permit a person to gain access to a sewer or any portion of a plumbing system.

(14) "Nuisance." Any source of filth or probable cause of sickness.

(15) "Parties-in-Interest." All abutting property owners and all property owners within 200 feet of the subject site.

(16) "Permanent Outdoor Toilets." A non-transportable structure incorporating holding facilities designed to receive human body wastes directly from the user.

(17) "Portable Outdoor Toilets." A transportable watertight structure incorporating holding facilities designed to receive human body wastes directly from the user.

(18) "Private Sewage System." 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 system approved by the department including a substitute for the septic tank or soil absorption field, a holding tank, a system serving more than 1 structure or a system located on a different parcel than the structure. A private sewage system may be owned by the property owner or a special purpose district.

(19) "Privy." A structure that is not connected to a plumbing system which is used by persons for the deposition of human body wastes.

(20) "Privy, Soil Pit." A structure used by the public for the deposition of human body wastes and the associated cavity in the ground constructed for toilet uses which receives human body wastes either to be partially absorbed directly by the surrounding soil or storage for decomposition and periodic removal.

(21) "Privy, Vault." A privy incorporating watertight vault facilities designed to receive human body wastes directly from the user.

(22) "Refuse." Refuse means combustible and non combustible rubbish, including, but not limited to paper, wood, metal, glass, cloth and products thereof; litter and street rubbish, ashes; and lumber, concrete and other debris resulting from the construction or demolition of structures.

(23) "Retailer." For the purposes of this chapter, the septic tank retailer shall be deemed to be the installer.

(24) "Regional Flood." Means a flood determined by the department to be representative of large floods known to have generally occurred in Wisconsin and which may be expected to occur on a particular stream because of like physical characteristics. The regional flood generally has an average frequency of the 100 year recurrence interval flood.

(25) "Salvageable Material." Salvageable material is material which is of further usefulness only as raw material for reprocessing or as imperfect stock from which replacement or spare parts can be extracted.

(26) "Seepage Bed." An excavated area larger than 5 feet in width which contains a bedding of aggregate and has more than 1 distribution line.

(27) "Seepage Pit." An underground receptacle so constructed as to permit disposal of effluent or clear water wastes by soil absorption through its floors and walls.

(28) "Seepage Trench." An area excavated 1 to 5 feet in width which contains a bedding of aggregate and a single distribution line.

(29) "Septic Tank." A tank which receives and partially treats sewage through processes of sedimentation, oxygenation, flotation and bacterial action so as to separate solids from the liquid in the sewage and discharges the liquid to a soil absorption system.

(30) "Servicing." Means the cleaning, removing, hauling and disposing of the scum, liquid, sludge or other wastes from any septic tank, holding tank, seepage pit, grease trap, mobile public toilet or permanent or portable privy.

(31) "Sewage." The liquid and water carried wastes created in and to be conducted away from residences, industrial establishments and public buildings.

(32) "Shorelands." Those lands lying within the following distances: 1,000 feet from the high water elevation of navigable lakes, ponds and flowages; 300 feet from the high water elevation of navigable streams or to the landward side of the floodplain, whichever is greater.

(33) "Soil Mapping Unit." Soil types, slopes and erosion factors delineated on operational soil survey maps prepared by the USDA Soil Conservation Service for the County in cooperation with the Southeastern Wisconsin Regional Planning Commission.

(34) "Solid Waste." Solid waste means garbage, refuse and all other discarded or salvageable solid materials, including solid waste materials resulting from industrial, commercial and agricultural operations and from domestic use and public services activities, but does not include solids or dissolved material in waste and agricultural operations and from domestic use and public services activities, but does not include solids or dissolved material in waste water effluents or other common water pollutants.

(35) "Toxic or Hazardous Wastes." Toxic or hazardous wastes are solid wastes such as pesticides, acids, caustics, pathological wastes, radioactive materials, flammable or explosive materials and similar chemicals and harmful wastes which require special handling and disposal to protect and conserve the environment.

(36) "Wastes." Any materials such as explosives, fuel, litter, paper, garbage, sewage, gas, inflammables, oil, refuse, rubbish, tar, wood ashes or other solid or liquid materials that may cause or contribute to health hazards or a reduction in surface or subsurface water quality.

(37) "Well." Means an excavation or opening into the ground made by digging, boring, drilling, driving or other methods for the purpose of obtaining groundwater for human consumption.

(38) "Wetlands." Wetlands are land areas characterized by surface flooding and/or saturated soils during at least part of the growing season such that only moist soil vegetation or shallow water plants can thrive.

(39) "Wisconsin Administrative Code." The rules of administrative agencies having rule-making authority in Wisconsin published in a loose-leaf, continual revision system as directed by the Wisconsin Statutes including subsequent amendments to those rules.

(40) "Wisconsin Sanitary License." Means a license to service septic tanks, holding tanks, seepage pits, grease traps, mobile public toilets or permanent or portable privies, issued by the department pursuant to Wisconsin Statutes.