



## Planning and Parks Department

*Jamie Ludovic, Central Services Director*  
*Debra Sielski, Deputy Planning and Parks Administrator*  
*Paul Sebo, County Conservationist*  
*Phil Gaudet, Land Resources Manager*

Public Agency Center  
333 E. Washington Street, Suite 2300  
P.O. Box 2003  
West Bend, WI 53095-2003  
(262) 335-4445  
Fax: (262) 335-6868  
[webplan@co.washington.wi.us](mailto:webplan@co.washington.wi.us)  
[www.co.washington.wi.us/PPD](http://www.co.washington.wi.us/PPD)

# Private On-Site Wastewater Treatment System (POWTS) Maintenance Program Special Charge Tax Assessment Report June 2019

### Synopsis

In short, this report details the proposed special assessments intended to recover or defray Washington County's costs related to developing, maintaining and enforcing a POWTS inventory tracking system as required by §145.20 Wis. Stats. The assessment district includes all incorporated and unincorporated areas of Washington County within which POWTS are located. We continue to evaluate programs and costs in Washington County in order to best serve all County residents and ensure that we are mindful of the future. As such, the County has passed a preliminary resolution authorizing this report, a letter to homeowners and a public hearing because the cost of this program makes sense to be borne by users rather than taxpayers at large. Roughly 40% of properties within the County are serviced by POWTS (an estimated 20,313 parcels as of 6/13/2019) and the remaining properties are serviced by sewer. 25 other Counties throughout Wisconsin currently use fees to support POWTS system programming.

### Program Background

As part of its responsibilities to administer and enforce regulations of Private On-site Wastewater Treatment Systems (POWTS), the Planning and Parks Department is mandated by Wis. Admin. Code to develop and maintain an inventory of all POWTS in the County and to track required maintenance on each system.

In November 1979, the department began the POWTS maintenance program. This was required because the County started participating in the Wisconsin Fund Program which required all POWTS installed from then on to have maintenance inspections on a regular interval. No fee was assessed or charged by the County for the maintenance reporting to the County.

In 2000, the Wisconsin Department of Commerce adopted a revised Administrative Code, Comm 81-87. Within this revised code came the requirement that all counties within the State are to create a maintenance tracking program for all POWTS within their respective boundaries.

In order to have a POWTS maintenance program for all POWTS in the County an inventory of all systems was completed first. The inventory was completed by working with the County Geographic Information Systems Division which produced a list of all properties with a POWTS or potentially with a POWTS. Land Use Division staff reviewed the list to determine which properties with potential POWTS actually have one.



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The inventory showed the County has over 20,000 POWTS which by the end of 2019 will all be on the maintenance program. Adding all POWTS in the County increased the number of systems on the program by over 7,000 from 2017 to 2019 as systems on the program were phased in from 2017 to 2019.

The maintenance program involves sending a postcard to POWTS owners when their system is due for maintenance. If no maintenance report is filed by a properly licensed person then a second postcard is sent to the owner. With each postcard sent the owner has 30 days to have a maintenance report filed. If a maintenance report is not received 30 days after the second postcard is sent, then a “third letter” is mailed giving an additional 30 days to comply. If compliance is not obtained, then a Wisconsin Uniform Municipal Citation may be written and an appearance in court may be necessary. Other duties performed within the program include database management, analysis and quality control of the POWTS program, mailing and e-mailing information, reconciliation reports and general customer service duties.

According to Wis. Stats. 145.20(4):

SPECIAL ASSESSMENT FOR HOLDING AND SEPTIC TANK PUMPING. A governmental unit may assess the owner of a private on-site wastewater treatment system for costs related to the pumping of a septic or holding tank. The governmental unit shall make any assessment in the same manner that a city, village or town makes an assessment under s. 66.0703.

Some other counties have opted to pursue the ability granted by the State to enact a fee to offset the costs of this program as enabled above. These counties often stated that “the costs of developing and maintaining such an inventory tracking system should be borne by those who utilize such systems rather than County taxpayers as a whole.”

The Washington County budgeting process and priority based budgeting process in 2016 caused a significant amount of conversations with departments related to: *Is the program mandated? Does the program pay for itself? What are the appropriate programs for which user fees might be established?*

### **Program Benefits**

Land Resources programming in Washington County has a vision for “protected and improved land & water resources.” One of the primary reasons for POWTS regulations and properly maintaining POWTS is the health of families, communities and the environment. When septic systems fail, inadequately treated household wastewater is released into the environment and human contact can pose a significant risk to public health. Failing systems can contaminate nearby wells, groundwater, and drinking water sources. Failing systems can also cause property values to decline and be costly to repair. Washington County is the governmental entity responsible for regulating these systems pursuant to §145.20(5), Wis. Stats.



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## Estimated Annual Program Costs

Land Resources - Sanitation and Zoning			
Description	2019 Budget	Proposed 2020 Budget	Amount to be Allocated to POWTS Fee / Program Costs
Salary & Wages	305,213.00	\$315,925.00	\$126,370.00
Overtime	1,000.00	\$1,000.00	\$400.00
Social Security	22,175.00	\$23,606.00	\$9,442.40
Retirement	19,798.00	\$21,167.00	\$8,466.80
Health Insurance	59,511.00	\$55,943.00	\$22,377.20
Life Insurance	131.00	\$131.00	\$52.40
Workers Compensation	10,536.00	\$10,798.00	\$4,319.20
Long Term Disability	128.00	\$129.00	\$51.60
Short Term Disability	1,055.00	\$978.00	\$391.20
Contra Wages-Vacancy	(8,000.00)	(\$8,000.00)	(\$3,200.00)
Other Professional Servi	1,080.00	\$2,000.00	\$800.00
Telephone	450.00	\$450.00	\$180.00
Telephone-VOIP	396.00	\$396.00	\$158.40
Other Repairs & Maintener	0.00	\$0.00	\$0.00
Vehicle Maintenance	1,750.00	\$1,750.00	\$700.00
Vehicle Reserve - Capital		\$14,000.00	\$5,600.00
Advertising & Legal Noti	750.00	\$750.00	\$300.00
Printing	400.00	\$500.00	\$200.00
Membership Dues	550.00	\$700.00	\$280.00
Postage	300.00	\$0.00	\$0.00
Office Supplies	550.00	\$1,500.00	\$600.00
Fuel	85.00	\$100.00	\$40.00
Conference Fees & Trair	3,050.00	\$3,500.00	\$1,400.00
Travel, Meals & Lodging	850.00	\$1,000.00	\$400.00
Training Certification	700.00	\$1,000.00	\$400.00
Printing	600.00	\$600.00	\$240.00
Copying	400.00	\$400.00	\$160.00
Postage	4,200.00	\$4,500.00	\$1,800.00
Information Systems - D	7,790.00	\$23,990.00	\$16,793.00
Property & Liability Ins	3,700.00	\$4,000.00	\$1,600.00
Central Fuel	3,129.00	\$4,067.70	\$1,627.08
Cost Alloc - Planning & P	51,156.00	\$63,945.00	\$25,578.00
REVENUES			
Sanitary Fees	(208,700.00)	(\$208,700.00)	
Zoning Fees	(35,000.00)	(\$35,000.00)	
Powts Fee Revenue		(\$227,527.00)	
Total	249,733.00	\$79,598.70	\$227,527.28

**Total annual program costs**



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### *Program Cost Highlights*

#### Staffing Summary of Positions Included Above

- 40% of 20% of the County's Central Services Director
- 40% of 36% of the Planning and Parks Department Accounting Coordinator, Administrative Secretary and Land Use and Planning Analyst
- 40% of 100% of the County's Land Resources Manager, Inspector In Charge and Land Use Inspector

Technology costs in the program summary above include costs for an online application module and new mobile technology for the program.

### **Estimate for Parcels Affected**

The number of parcels serviced by POWTS in Washington County continues to change and we continue to refine the inventory of systems. As of June 13, 2019, staff estimates 20,313 parcels are served by POWTS throughout the County. Staff is recommending program costs be assessed at \$11 per parcel annually served by POWTS or \$11 per system, whichever is greater based on the above cost estimate. Approximately 20,209 parcels (99.5%) would be assessed an \$11 fee ( $\$11 \times 20,209 = \$222,299$ ). The remaining roughly 103 parcels would be assessed between \$22-\$66 depending on the number of POWTS systems on the property as follows:

- 4 parcels at \$66 annually
- 6 parcels at \$55 annually
- 4 parcels at \$44 annually
- 10 parcels at \$33 annually
- 80 parcels at \$22 annually

These totals in addition to 20,209 parcels at \$11 annually would collect roughly \$225,159 annually. The total collected is estimated to initially be slightly less than the estimate for total program costs on the previous page.

Interested parcels with multiple POWTS systems can call 262-335-4445 to obtain the specific fee estimate for their property.

Beginning for 2019 and each year after, a report of active POWTS parcels will be provided to the County Treasurer on or around November 1<sup>st</sup> during the preparation of tax bills. A system will be considered active for special assessment in the year if it has a final inspection by November 1, 2019. Fees will not be prorated.

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# WASHINGTON COUNTY, WISCONSIN

Date of enactment: \_\_\_\_\_

Date of publication: \_\_\_\_\_

## 2019 RESOLUTION 23

### **Resolution Declaring the Intent of Washington County to Exercise the Powers Under §§145.20(4) and 66.0703, Wis. Stats., to Make Special Assessments for Costs Related to the Inspection and Pumping of Private On-site Wastewater Treatment Systems (POWTS) Required Under §145.20, Wis. Stats.**

**WHEREAS**, Washington County Code Chapter 25 provides for the maintenance of new and existing POWTS and the enforcement thereof, pursuant to the authority of Wisconsin Statutes and rules promulgated as set forth in the Wisconsin Administrative Code; and

**WHEREAS**, the Washington County Planning and Parks Department is the governmental unit responsible for the regulation of POWTS in Washington County pursuant to §145.20(5), Wis. Stats.; and

**WHEREAS**, the required POWTS maintenance program established pursuant to §145.20(5), Wis. Stats., requires that POWTS be inspected or pumped at least once every three years, depending upon the size of the system; and

**WHEREAS**, as part of the required POWTS maintenance program under §145.20(5), Wis. Stats., the Washington County Planning and Parks Department shall conduct and maintain an inventory of all the POWTS in Washington County pursuant to §145.20(5)(am), Wis. Stats.; and

**WHEREAS**, §145.20(4), Wis. Stats., authorizes a local governmental unit to assess the owner of a POWTS for costs related to the pumping of a septic or holding tank in the same manner that a city, village or town makes an assessment under §66.0703, Wis. Stats.; and

**WHEREAS**, Washington County desires that the costs of developing, maintaining and enforcing such an inventory tracking system should be borne by those who utilize such systems rather than taxpayers as a whole; and

**WHEREAS**, §66.0703(4), Wis. Stats., requires that before exercising any powers conferred by §66.0703, Wis. Stats., the governing body shall declare by preliminary resolution its intention to exercise the powers for a stated municipal purpose; state the contemplated purpose of the special assessments, state the limits of the proposed assessment district and direct the proper municipal officer or employee to make a report on the proposal;

**NOW, THEREFORE, BE IT RESOLVED** by the Washington County Board of Supervisors that this Board declares its intention to exercise the powers conferred by §145.20(4) and §66.0703, Wis. Stats., to recover or defray costs related to the inspection, maintenance and pumping of a septic or holding tank in a POWTS.

**BE IT FURTHER RESOLVED** that the contemplated purpose of the special assessments is to recover or defray Washington County's costs related to developing, maintaining and enforcing a POWTS inventory tracking system as required by §145.20 Wis. Stats.

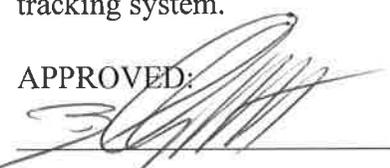
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2 **BE IT FURTHER RESOLVED** that the limits of the proposed assessment district shall  
3 be comprised of all of the incorporated and unincorporated areas of Washington County within  
4 which POWTS are located and each and every POWTS located in said areas which is required to  
5 be maintained under §145.20, Wis. Stats.

6  
7 **BE IT FURTHER RESOLVED** that this Board directs the Washington County Central  
8 Services Director or designee to make a report on the proposal as required pursuant to §145.20(5),  
9 Wis. Stats., and to file said report with the Washington County Clerk for public inspection pursuant  
10 to §66.0703 Wis. Stats.

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12 \_\_\_\_\_  
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14 VOTE REQUIREMENT FOR PASSAGE: Majority

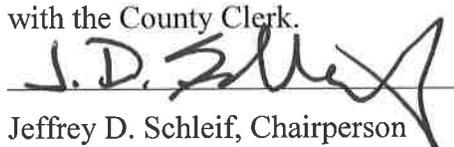
15  
16 RESOLUTION SUMMARY: Resolution announcing the County's intent to make special  
17 assessments for costs related to developing, maintaining and enforcing a POWTS inventory  
18 tracking system.

19 APPROVED:

20   
21 \_\_\_\_\_  
22 Bradley S. Stern, County Attorney

23 Dated 6/17/19

Introduced by members of the LAND USE and  
PLANNING COMMITTEE as filed  
with the County Clerk.

24   
25 \_\_\_\_\_  
26 Jeffrey D. Schleif, Chairperson

27 Considered 6/12/19

28 Adopted 6/12/19

29 Ayes 20 Noes 6 Absent 0

30 Voice Vote \_\_\_\_\_  
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(The fiscal impact is indeterminate at this time, but could include additional revenues for the  
County. Actual fiscal impact will be determined at a later date based on the fee  
established/proposed.)