

**ASHLAND COUNTY PRIVATE SEWAGE SYSTEM ORDINANCE**

**WHEREAS**, Ashland County's existing sanitary and private sewage system ordinance which was adopted November 12, 1980, is outdated by reason of the State of Wisconsin having revised Chapter Comm 83 of the Wisconsin Administrative Code, and

**WHEREAS**, after considering a new Ashland County private sewage system ordinance which would comply with the new state plumbing code, the Ashland County Zoning and Land Committee scheduled a public hearing on such proposed ordinance for February 6, 2001 at 10 a.m., and

**WHEREAS**, notice of such public hearing was given as per Wisconsin Statutes by publication in *The Daily Press* newspaper as a class 2 notice under Chapter 985, Wisconsin Statutes, on January 12 and 19, 2001, by mailing a copy of such notice by certified mail – return receipt requested, to the clerk of each town, city and village in the County with the exception of the Town of Sanborn, where the notice was hand-delivered to the Town of Sanborn Town Clerk who was present in the courthouse, by posting a copy of the notice in the Ashland County Courthouse and by providing a copy of the notice to the Zoning Committee members, the County Administrator, the County Board Chair, corporation counsel and County Clerk, and

**WHEREAS**, at the public hearing on this proposed ordinance on February 6, 2001 at 10 a.m., there was public input seeking the allowance of holding tanks as an option, and

**WHEREAS**, at its March 1, 2001 meeting, the Zoning and Land Committee of the Ashland County Board of Supervisors revised such proposed ordinance to allow holding tanks as an option as per the input provided at the public hearing and recommended that the Ashland County Board of Supervisors adopt such proposed ordinance as so revised,

**NOW, THEREFORE,**

The County Board of Supervisors of the County of Ashland does ordain as follows:

The Ashland County Private Sewage System Ordinance which is annexed hereto is hereby enacted. The Clerk shall immediately publish this notice as a class 1 notice under Chapter 985, Wisconsin Statutes, and shall procure and distribute copies of this ordinance to the several town clerks, who shall file the same in their respective offices.

Dated at the City of Ashland, Wisconsin, this 11<sup>th</sup> day of April, 2001.



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Mark S. M.  
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**ASHLAND COUNTY**  
**PRIVATE SEWAGE SYSTEM ORDINANCE**

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INTRODUCTION

15.01 STATUTORY AUTHORITY.

This ordinance is adopted pursuant to the authorization in §59.70(1), 59.70(5), 145.04, 145.19, .20, .245 Wisconsin Statutes.

15.02 PURPOSE.

This ordinance is adopted to promote and protect public health and safety by assuring the proper siting, design, installation, inspection and management of private sewage systems and non-plumbing sanitation systems.

15.03 REPEAL AND EFFECTIVE DATE.

After public hearing, adoption by the County Board and publishing or posting as required by law, this ordinance shall be effective on the effective date of revisions to Comm 81-91, Wisconsin Administrative Code, which were submitted to the Wisconsin Revisor of Statutes on February 3, 2000. The existing sanitary provisions for the County shall be repealed effective on the date of the enactment of this ordinance.

15.04 SEVERABILITY AND LIABILITY.

Should any section, clause, provision or portion of this ordinance be adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected thereby.

This ordinance shall not create a liability on the part of or a cause of action against the County or any employee thereof for any private sewage system which may not function as designed. There shall be no liability or warranty for any site

which is approved or denied. The issuance of a sanitary permit and the final inspection of such a system does not warrant the system's function, nor is there a guarantee that the system is free of defects or that all aspects of the system comply to Wisconsin Statute or Administrative Code requirements.

#### 15.05 INTERPRETATIONS.

The provisions of this ordinance shall be held to be minimum requirements and shall be liberally construed in favor of the County and shall not be deemed a limitation or repeal of any other power granted by the Wisconsin Statutes and related administrative codes.

#### 15.06 DEFINITIONS.

The following terms shall have the meanings indicated in this section.

Buildings. See Structure.

Conventional Private Sewage System. A private sewage system consisting of a septic tank and an in-ground soil absorption component with gravity distribution of effluent.

County. The County Authority; The Ashland County Zoning Administration.

County Sanitary Permit. A permit issued by the County for the reconnection of a private sewage system or for the installation of a non-plumbing sanitation system, pursuant to §59.70 and 145.04, Wisconsin Statutes.

Failing Private Sewage System. "Failing private sewage system" has the meaning specified under §145.245(4), Wisconsin Statutes.

A holding tank which discharges sewage to the ground surface, including intentional discharges and discharges caused by neglect, shall be considered a failing private sewage system.

Human Habitation. The act of occupying a structure as a dwelling or sleeping

place, whether intermittently or as a principal residence.

Modification in Wastewater Flow or Contaminant Load. A modification in wastewater flow or contaminant load shall be considered to occur:

In public buildings, facilities or places of employment, when there is a proposed change in occupancy of the structure; or the proposed modification affects either the type or number of plumbing appliances, fixtures or devices discharging to the system; and

In dwellings, when there is an increase or decrease in the number of bedrooms, or an increase in total square footage of enclosed living space of more than 25%.

Non-plumbing Sanitation System. Sanitation systems and devices within the scope of Comm 91, Wisconsin Administrative Code, which are alternatives to water carried waste plumbing fixtures and drain systems; including, but not limited to, incinerating toilets, composting toilets and privies.

Occupancy. Pertains to and is the purpose for which a building is used or intended to be used. A change of occupancy is not intended to include a change of tenants or proprietors.

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

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

Private Sewage System. Also referred to as a "Private On-Site Wastewater Treatment System" or "POWTS", has the meaning given under s. 145.01(12), Wis. Stats.

Privy. An enclosed nonportable toilet into which nonwater-carried human wastes are deposited.

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

Privy-Vault. A privy with a subsurface storage chamber that is watertight.

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

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

Septic Tank. An anaerobic treatment tank.

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

State. The Wisconsin Department of Commerce.

State Sanitary Permit. A permit issued by the County for the installation or modification of a private sewage system, pursuant to §145.135 and 145.19, Wisconsin Statutes.

Structure. Anything constructed or erected, the use of which requires a location in or on the premises, or any other attachment to something having a permanent location on the ground, which includes, but is not limited to, objects such as buildings, factories, sheds and cabins, mobile homes, gas or liquid storage tanks, bridges, culverts, decks, satellite dishes or swimming pools. Also included are items of personal property that may have been designed as transportable or as a vehicle, but stand in a seasonal or permanent location for storage or intermittent human habitation. Such incidental structures may include (but are not limited to) truck campers, semi-truck trailers, travel trailers, park or model units, buses, and motor homes.

## GENERAL REQUIREMENTS

### 15.07 COMPLIANCE.

- (1) All structures or premises in the County that are permanently or intermittently intended for human habitation or occupancy, which are not serviced by a public sewer, shall have a system for holding or treatment and dispersal of sewage and wastewater which complies with the

provisions of this ordinance.

- (2) The private sewage system or non-plumbing sanitation system for newly constructed structures or structures requiring a Reconnection Permit shall be installed, inspected, and approved before the structure may be occupied.

#### 15.08 INCORPORATION OF PROVISIONS BY REFERENCE.

This ordinance incorporates by reference the following rules, regulations, and laws, as set forth in the Wisconsin Statutes and the Wisconsin Administrative Code governing the location, construction, and use of private sewage systems: §59.70(5), Chs. 145, 281.48 and 968.10, Wisconsin Statutes; Chs. Comm 52.63, Comm 81, Comm 82, Comm 83, Comm 84, Comm 85, Comm 91, NR 113 and NR 116 Wisconsin Administrative Code. These rules, regulations, and laws shall apply until amended or renumbered and then shall apply as amended or renumbered.

#### 15.09 APPLICABILITY.

This ordinance applies to all geographic areas of Ashland County except for lands identified in Comm. 83.02(2), Wisconsin Administrative Code.

#### 15.10 LIMITATIONS

- (1) All domestic wastewater shall enter a private sewage system unless otherwise exempted by the State or this ordinance.
- (2) A non-plumbing sanitation system may be permitted only when the structure or premises served by the non-plumbing sanitation system is not provided with an indoor plumbing system. If plumbing is installed in the structure or water under pressure is supplied to the structure, an acceptable method of sewage disposal other than, or in addition to, a non-plumbing sanitation system must be provided.
- (3) Any private sewage system, or portion(s) thereof, installed within a floodplain shall comply with all applicable requirements of NR 116, Wisconsin Administrative Code, and the Ashland County Floodplain Zoning Ordinance.

- (4) When a failing private sewage system is identified, it shall be brought into compliance with current code requirements, replaced with a code compliant system or its use discontinued within that period of time required by County order.
- (5) Building sewers for new construction shall exit the building such that a minimum of 18 inches of soil cover above the sewer can be provided without placing soil within 8 inches of building materials not approved for ground contact. (Note: if untreated lumber is used for framing and sheeting, the top of the building sewer must exit at least 26 inches below the top of the foundation.)

#### 15.11 ABANDONMENT OF PRIVATE SEWAGE SYSTEMS

- (1) When public sewers approved by the Department of Natural Resources become available to the structure or premises served, the private sewage system shall be disconnected within one year and a connection made to the public sewer. Determination of whether sewer is available shall be made by the local sewer service entity.

Abandonment of the disconnected private sewage system shall be done in accordance with the provisions of Comm 83, Wisconsin Administrative Code.

- (2) The components of an existing private sewage system that are not part of the approved design of a replacement system shall be abandoned at the time of the installation of the replacement system by the plumber installing the system. The abandonment shall comply with Comm 83, Wisconsin Administrative Code.

### **PERMITS AND APPLICATIONS**

#### 15.13 SOIL AND SITE EVALUATION.

- (1) Soil and site evaluations shall be done prior to the issuance of permits as

specified in Comm 83, Comm 85 and Comm 91, Wisconsin Administrative Code.

- (2) Soil test pits shall be constructed which allow adequate visual observation of the soil profile in place. This is best accomplished by the excavation of backhoe pits.
- (3) County verification of a Soil and Site Evaluation Report may be necessary to determine the suitability of a lot for a private sewage system. This verification will be made at the discretion of the Zoning Administrator and will be made prior to the issuance of the sanitary permit. This verification will result in one of the following:
  - (a) Issuance of the 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, the plumber, or the certified soil tester.
  - (d) Denial of the permit if the site does not meet all the provisions of this ordinance and appropriate Wisconsin Statutes and Administrative Codes
- (4) A certified soil tester may request County verification of a Soil and Site Evaluation Report before a complete sanitary permit application is submitted. Application for this verification shall include all information required in §15.15(1)(a - e) on forms provided by the County, the original copy of the Soil and Site Evaluation Report and as many copies as are required by the County.

#### 15.14 SANITARY PERMITS.

- (1) Every private sewage system shall require a separate application and sanitary permit.

- (2) A sanitary permit shall be obtained by the property owner, prior to the installation, establishment or construction of any structure which requires a private sewage system or non-plumbing sanitation system. Any property owner, his agent or contractor, who starts construction prior to obtaining a sanitary permit is in violation and may be subject to citation or other enforcement action.
- (3) A sanitary permit shall be obtained by the property owner, before any private sewage system or part thereof may be installed, replaced, reconnected or modified. A sanitary permit is not required for the addition of manhole risers or for the replacement of manhole covers, manhole risers, baffles, filters or pumps.
- (4) A County Sanitary Permit shall be obtained prior to constructing or installing a non-plumbing sanitation system.
- (5) If any part of a private sewage system has failed or requires replacement or modification, the entire system shall be evaluated for compliance with existing codes prior to sanitary permit issuance. This shall include a soil and site evaluation for those components that utilize in situ soil for treatment or dispersal, unless a valid report is already on file with the County.

If any part of the system is found to be defective or not in conformance with the applicable provisions of this ordinance, the sanitary permit application shall include specifications for the repair, renovation, replacement or removal of that part.

#### 15.15 APPLICATION REQUIREMENTS.

- (1) A sanitary permit application shall include the following information which shall be furnished by the applicant on forms required by the State and/or the County along with all applicable fees:
  - (a) Names and addresses of the applicant (owner of the site) and the plumber employed (when applicable).
  - (b) Legal description of the subject site and the parcel identification or parcel number.

- (c) All lot dimensions.
  - (d) Driving directions to the site, or provide the unique building identification number.
  - (e) Building use (single family, duplex, etc.).
  - (f) Soil and Site Evaluation report.
  - (g) System plans (see §15.16).
  - (h) Appropriate agreements and contracts for system management and maintenance.
  - (i) Verification that any existing private sewage systems on the same parcel of land are not failing private sewage systems.
  - (j) Copies of any documents required in §15.15(4) and verification that they have been recorded.
  - (k) Any other information required by the County, including verification of compliance with §15.40(11) of this ordinance.
- (2) When any official State action is required prior to the issuance of a sanitary permit, an original copy of the official action shall accompany the application.
- (3) Pit privy permit applications shall be accompanied by soil data provided by a Certified Soil Tester to determine compliance with Comm 91, Wisconsin Administrative Code.
- (4) The following documents must be recorded with the Ashland County Register of Deeds prior to sanitary permit issuance:
- (a) Maintenance agreements or contracts, if recording is required by Comm 83, Wisconsin Administrative Code, or §15.37 of this ordinance.
  - (b) If a private sewage system, or parts thereof, are located on a different parcel than the structure served, an appropriate easement or combined parcel affidavit must be recorded.

- (c) If a private sewage system serves more than one structure under different ownership, a document identifying all parties that have ownership rights and are responsible for the operation and maintenance must be recorded.
  - (d) If a private sewage system is owned by a party other than the owner of the parcel on which it is installed, a document identifying the owner of the system, the structures to be served by the system, and the party responsible for operation and maintenance must be recorded.
  - (e) If the design wastewater flow of a private sewage system for a dwelling is not based upon the number of bedrooms within the dwelling, a deed restriction limiting occupancy to that used in the design must be recorded.
- (5) The County reserves the right to require Floodplain and/or Wetland delineation for a building site or proposed private sewage system area prior to sanitary permit issuance. The County may require elevations on plans to be tied to floodplain elevation datum.
  - (6) The County reserves the right to refuse incomplete or incorrect permit applications or to delay permit issuance until corrected or completed applications are received.

#### 15.16 PLANS

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

- (1) Plans submitted to the County shall include the original and as many copies as are required by the County.
- (2) If plans are reviewed and approved by the State, at least one set of the plans submitted to the County shall bear an original State approval stamp or seal.
- (3) Plans submitted shall be clear, legible and permanent copies.

- (4) Plans submitted shall comply with Comm 83, Wisconsin Administrative Code, and include the following:
  - (a) The name of the property owner and the legal description of the site;
  - (b) Estimated daily wastewater flow and design wastewater flow.
  - (c) A detailed plot plan (site plan), dimensioned or drawn to scale, on paper no smaller than 8½ inches by 11 inches in size. The plot plan shall delineate the lot size and the location of all existing and proposed: private sewage system components; building sewers; private interceptor main sewers; wells; water mains or water services; buildings; lot lines; swimming pools; navigable waters; and the benchmark established on the Soil and Site Evaluation Report. Adjoining properties shall be checked to insure that the horizontal setback parameters in Comm 83.43, Wisconsin Administrative Code, are complied with. All separating distances and dimensions shall be clearly shown on the plot plan.
  - (d) Details and configuration layouts depicting how the system is to be constructed.
  - (e) A description of a contingency plan in the event the proposed private sewage system fails and cannot be repaired. (see §15.10(4)); or an alternate area may be provided.
  - (f) Sufficient supporting information to determine whether the proposed design, installation and management of the proposed private sewage system or modification to an existing system complies with this ordinance.
- (5) Plans shall be signed or sealed as specified in Comm 83, Wisconsin Administrative Code.
- (6) A copy of the approved plans shall be maintained at the construction site until the private sewage system installation is completed, inspected and accepted. The plans shall be made available to the County or the State upon request.
- (7) A modification to the design of a private sewage system which has been

previously approved shall be submitted to the County or the State as specified in Comm 83, Wisconsin Administrative Code. Plan revisions must be approved prior to system installation. A fee may be charged when submitting revised plans, see §15.25.

#### 15.17 PERMIT CARDS.

- (1) The permit card issued by the County to the property owner or his agent shall serve as the sanitary permit.
- (2) The permit card shall contain all the information required by §145.135, Wisconsin Statutes.
- (3) The permit card shall be displayed at the site in such a manner that it will be visible from a road abutting the lot during all construction phases.
- (4) The permit card may not be removed until the private sewage system has been installed, inspected, and approved by the County.
- (5) Failure to display the permit card shall be considered a violation of this section and may subject the property owner, his agent or contractor, to citation or other enforcement action.

#### 15.18 PERMIT EXPIRATION.

- (1) A sanitary permit for a private sewage system or non-plumbing sanitation system which has not been installed, modified or reconnected and approved shall expire two years after the date of issuance. Permits may be renewed following written application to the County by the property owner, his agent or contractor, prior to the expiration date of the original permit.
- (2) There shall be a fee for the renewal of a sanitary permit.
- (3) The renewal shall be based on ordinance requirements in force at the time of renewal.
- (4) Changed ordinance requirements may impede the renewal.
- (5) The property owner shall return the original permit card and receive a new

card when the permit is renewed.

- (6) All sanitary permits issued prior to the effective date of this ordinance shall expire two years from the date of issuance unless renewed.
- (7) A new sanitary permit shall be obtained by the owner or his agent prior to beginning construction if a sanitary permit has expired.

#### 15.19 TRANSFER OF OWNERSHIP.

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

- (1) The applicable State transfer form submitted to the County.
- (2) The sanitary permit card shall be returned to the County so that a new permit card may be issued.
- (3) Transfer of ownership shall not affect the expiration date unless a renewal is also requested.
- (4) There may be a filing fee. (See § 15.25).

#### 15.20 CHANGE OF PLUMBERS.

- (1) When an owner wishes to change plumbers, it will be necessary for him to furnish the County with the applicable transfer form signed by the new plumber. New plans must also be submitted by the plumber.
- (2) The transfer of sanitary permits shall take place prior to the installation of the private sewage system.
- (3) Sanitary permits for systems requiring State plan approval shall not be transferred to a different plumber unless the plan bears the stamp of an architect or engineer, plumbing designer, or a State level approval is obtained by the new plumber.
- (4) There may be a filing fee. (See § 15.25).

#### 15.21 PERMIT DENIAL.

When applicable provisions of Wisconsin Statutes, Wisconsin Administrative Code or this Ordinance have not been complied with when applying for a sanitary permit, the permit shall be denied. Reasons for the denial shall be forwarded to the plumber, landowner and when appropriate State representative(s) and Corporation Counsel.

15.22      RECONNECTION.

- (1) A County reconnection permit shall be obtained prior to:
  - (a) Construction of a structure to be connected to an existing private sewage system;
  - (b) Disconnection of a structure from an existing private sewage system and connection of another structure to the system, except as permitted in §15.22(4); or
  - (c) Rebuilding a structure that is connected to a private sewage system.
  
- (2) Prior to issuing a reconnection permit, the existing private sewage system shall be examined to:
  - (a) Determine if it is functioning properly and whether it is a failing system
  - (b) Determine if it will be capable of handling the proposed wastewater flow and contaminant load from the building to be served.
  - (c) Determine that all minimum setback requirements of Comm 83, Wisconsin Administrative Code, will be maintained.
  
- (3) Application for a County reconnection permit shall include the following:
  - (a) All items in §15.15(1)(a - e) and §15.15(1)(i-k);
  - (b) For all systems that utilize in situ soil for treatment or disposal, a Soil and Site Evaluation report verifying that the vertical separation distance between the infiltrative surface of the existing treatment or dispersal component and estimated high groundwater elevation and bedrock complies with Comm 83, Wisconsin Administrative Code,

unless a valid report meeting these criteria is on file with the County;

- (c) A report provided by a licensed plumber, certified septage servicing operator or a POWTS inspector relative to the condition, capacities, baffles and manhole covers for any existing treatment or holding tanks;
  - (d) A report provided by a licensed plumber or POWTS inspector relative to the condition and capacities of all other system components and verifying that the system is not a failing system;
  - (e) A plot plan prepared by a plumber including information specified in §15.16(4)(c); and
  - (f) Complete plans, as specified in §15.16, for any system components which will be modified or replaced.
  - (g) Reconnection to existing holding tanks may require a new servicing contract and an updated holding tank agreement which meets the requirements of this ordinance
  - (h) Reconnection to an existing system other than a holding tank may require a new maintenance agreement or contract.
- (4) Replacing a structure with a new or different structure within two years of the date of permit issuance will only require a statement that the system has not been altered, a statement that a modification in wastewater flow or contaminant load will not occur, a plot plan that documents all setbacks between the structure and system components.
- (5) When reconnection to an undersized system is permitted by Comm 83 and 84, Wisconsin Administrative Code, an affidavit for the use of the undersized system must be recorded in the Register of Deeds office.
- (6) Systems may be inspected at the time of reconnection, prior to backfilling, at the discretion of the County to insure that proper materials and methods are being used.

15.23 CONSTRUCTION AFFECTING WASTEWATER FLOW OR CONTAMINANT LOAD.

Prior to commencing the construction of an addition to or modification of a structure which will affect the wastewater flow and/or contaminant load to an existing private sewage system, the owner(s) of the property shall:

- (1) Possess a sanitary permit to construct a new private sewage system or modify an existing private sewage system to accommodate the modification in wastewater flow or contaminant load; or
- (2) Provide the following to the County:
  - (a) Documentation that a Private Sewage System of adequate capability and capacity to accommodate the wastewater flow and contaminant load already exists to serve the structure, as specified in Comm 83, Wisconsin Administrative Code;
  - (b) Documentation showing that the location of the proposed structure conforms to the applicable setback distances to all of the existing private sewage system components; and
  - (c) Documentation specified in §15.22(3)(b, c & d).
- (3) If the existing private sewage system is found to be undersized, construction of the building addition or modification shall be allowed only if permitted by Comm 83 and Comm 84, Wisconsin Administrative Code, and an affidavit for the use of the undersized system is recorded in the Register of Deeds Office.
- (4) Any installation, addition or modification of a system must be completed and accepted before the addition or modified area of the structure may be occupied.

#### 15.24 CONSTRUCTION NOT AFFECTING WASTEWATER FLOW OR CONTAMINANT LOAD

Prior to commencing construction of any structure or addition to a structure on a site where there exists a private sewage system the owner or his agent shall determine that the proposed structure conforms with applicable setback limitations of Comm 83, Wisconsin Administrative Code. Documentation shall

be submitted as required in Comm 83, Wisconsin Administrative Code.

#### 15.25 PERMIT FEES.

Permit fees shall be set and amended from time to time by the Zoning Committee and approved by the County Board. Failure to obtain a permit results in a double permit fee.

### INSPECTIONS

#### 15.27 INSPECTIONS: GENERAL.

- (1) Notice for final inspection shall be given to the County for all private sewage systems installed, modified or reconnected.
- (2) These private sewage systems shall be inspected by the County for compliance with Comm 82, Comm 83, Comm 84, and Comm 91, Wisconsin Administrative Code, other appropriate Wisconsin Statutes and Administrative Codes and this ordinance.
- (3) Notification for final inspection shall be given in accordance with the requirements of Comm 83, Wisconsin Administrative Code.
- (4) When a private sewage system is ready for inspection, the plumber in charge shall make arrangements to enable the inspector to inspect all parts of the system. The plumber shall provide the proper apparatus, equipment and necessary assistance to make a proper inspection.
- (5) Private sewage systems may be inspected periodically, after the initial installation inspection(s) and/or after the system is operative, as deemed necessary by the County.

#### 15.28 INSPECTIONS: SITE CONSTRUCTED HOLDING TANKS.

- (1) All site constructed holding tanks shall be inspected after the floor is poured and the keyway and water stop are installed or after the forms for the tank walls have been set but in all instances before any concrete for the walls has been poured.
- (2) Concrete walls may be poured only after it has been determined that the tank, as formed, complies with the approved plans.
- (3) This inspection shall not eliminate the need for an inspection after the installation has been completed.

15.29 INSPECTIONS: NON-PLUMBING SANITARY SYSTEMS.

- (1) All non-plumbing sanitary systems installed shall be inspected for compliance with Comm 91, Wisconsin Administrative Code, or as amended, and this ordinance. Non-plumbing sanitary systems serving uses other than one and two family dwellings shall also be inspected for compliance with Comm 52.63, Wisconsin Administrative Code.
- (2) The property owner shall notify the County for inspection immediately after the non-plumbing sanitary system has been constructed or installed.

15.30 INSPECTIONS: MOUNDS.

- (1) The plumber installing the mound shall notify the County the working day prior to the installation, excluding Saturdays, Sundays and holidays.
- (2) Mound systems may be inspected at the time the ground surface is plowed, before aggregate is placed in the distribution cell, at the time the distribution piping installation has been completed and after all work has been completed. At least one inspection prior to completion is required.

15.31 INSPECTIONS: AT-GRADE SYSTEMS.

- (1) The plumber installing the at-grade shall notify the County the working day prior to the installation, excluding Saturdays, Sundays and holidays.
- (2) At-grade systems may be inspected at the time the ground surface is plowed, at the time the distribution piping installation has been completed

and after all work has been completed. At least one inspection prior to completion is required.

#### 15.32 INSPECTIONS: SAND FILTERS.

- (1) The plumber installing the sand filter shall notify the County the working day prior to the installation, excluding Saturdays, Sundays and holidays.
- (2) Sand filters shall be inspected at the time the liner or tank and underdrain are in place, before placement of any treatment media, at the time the distribution piping installation has been completed and after all work has been completed.

#### 15.33 EXPERIMENTAL SYSTEMS AND SYSTEMS NOT RECOGNIZED BY COMM 83.61

- (1) The plumber installing the system shall coordinate any required preconstruction meeting(s).
- (2) The plumber installing the system shall notify the County at least two (2) workdays prior to beginning the installation of the system to schedule the inspection(s) and shall notify the State as may be required by the approved plans.
- (3) Inspections shall be done pursuant to the approved plan requirements and as deemed necessary by the County to assure compliance with appropriate codes and the plan approval.

#### 15.34 REINSPECTION.

- (1) A reinspection fee may be assessed when a reinspection of a private sewage system is required because the initial inspection disclosed that the installation is incomplete at the scheduled inspection time or does not comply with applicable Wisconsin Statutes, Administrative Codes, the approved plans or this ordinance. Each additional reinspection required at the site will require a fee.
- (2) The reinspection fee shall be due within ten working days of written notification by the County. Failure to pay this fee within that period shall

constitute a violation of this ordinance.

#### 15.35 TESTING

- (1) If testing of new systems or new system components is required by Comm 82, 83 or 84, Wisconsin Administrative Code, or as a condition of plan approval, notice shall be given to the County as specified in §15.27(3), so that the County may make an inspection during the test.
- (2) The County shall verify that required testing has been completed, by:
  - (a) Performing an inspection during the test,
  - (b) Requiring written verification from the responsible person, or
  - (c) Both a and b.

### **SYSTEM MANAGEMENT AND MAINTENANCE**

#### 15.36 MAINTENANCE AND MANAGEMENT

- (1) All private sewage systems shall be managed and maintained in accordance with Comm 83 and 84, Wisconsin Administrative Code, and this ordinance.
- (2) The property owner shall report to the County each inspection, maintenance or servicing event, in accordance with Comm 83, Wisconsin Administrative Code, and this ordinance.
- (3) The property owner shall submit a copy of an appropriate maintenance agreement and/or servicing contract to the County prior to sanitary permit issuance.
- (4) The property owner shall submit a new or revised maintenance agreement and/or servicing contract to the County whenever there is a change to such document(s).
- (5) The property owner shall submit a new maintenance agreement and/or

servicing contract to the County prior to expiration of any existing maintenance agreement and/or servicing contract.

15.37 HOLDING TANK MAINTENANCE AGREEMENT

- (1) The owner of the holding tank shall enter into a Maintenance Agreement with the appropriate city, village or town guaranteeing that the local governmental unit which signed the agreement will service the holding tank, if the owner fails to have the holding tank properly serviced in response to orders issued by the County. The Maintenance Agreement shall be binding upon the owner, the heirs of the owner and assignees of the owner. The Maintenance Agreement shall be filed with the register of deeds and shall be recorded in a manner which will permit the existence of the agreement to be determined by reference to the property where the holding tank is installed.
- (2) The owner or agent shall submit a copy of the holding tank Maintenance Agreement when plans are submitted to the County for review.

**ADMINISTRATION AND ENFORCEMENT**

15.38 ADMINISTRATION.

The Zoning Administrator shall be responsible for the administration of this ordinance. The Zoning Administrator may delegate his responsibilities to personnel employed by the Zoning Department and in the case of issuing abatement orders, to the County Health Department or Corporation Counsel.

15.39 POWERS AND DUTIES.

In the administration of this ordinance, the Zoning Administrator shall have the following powers and duties:

- (1) Delegate duties to and supervise clerical staff and other employees to assure full and complete compliance with this ordinance and related Wisconsin Statutes and the Administrative Code.
- (2) Advise applicants concerning the provisions of this ordinance and assist them in preparing permit applications.

- (3) Review and approve plans for private sewage systems for one and two family residences or as approved through agent status by the State
- (4) Issue sanitary permits and inspect properties for compliance with this ordinance and related Wisconsin Statutes and the Administrative Code.
- (5) Keep records of all sanitary permits issued, inspections made, work approved, and other official actions.
- (6) Report violations of this ordinance to the Zoning Committee and Corporation Counsel.
- (7) Have access to any premises for the purpose of performing official duties between 8 a.m. and 8 p.m. or at other times set by mutual agreement between the property owner or his agent and the Zoning Administrator or upon issuance of a special inspection warrant in accordance with §66.122, Wisconsin Statutes. Application for a sanitary permit is considered for the purposes of this ordinance as the owner's consent to enter the premises.
- (8) Upon reasonable cause or question as to proper compliance, revoke or suspend any sanitary permit and issue cease and desist orders requiring the cessation of any construction, alteration or use of a building which is in violation of the provisions of this ordinance, until compliance with this ordinance or applicable Wisconsin Statutes and the Administrative Code is obtained.
- (9) Issue and enforce orders to plumbers, pumpers, property owners, their agents or contractors or the responsible party, to assure proper compliance with all provisions of this ordinance or delegate this authority to the County Health Department.
- (10) Withhold permit(s) or approval(s) pursuant to this ordinance where the applicant, owner or licensed contractor is in violation of this or any ordinance administered by the County and for any parcel(s) of land which have an outstanding violation until the violation(s) have been corrected. A request for waiver of these provisions may be made, to grant or deny a permit or approval on the merits of the application, to the Corporation Counsel and the Zoning Committee.
- (11) Issue citations and/or commence actions on behalf of Ashland County to enforce this ordinance. Such actions may seek legal and/or equitable relief.
- (12) Perform other duties regarding private sewage systems as considered appropriate by the County or the State.

15.40 ZONING COMMITTEE

- (1) Any person who alleges that there is an error in any order, requirement or decision made in the enforcement of this ordinance may appeal to the Zoning Committee. Any appeal shall be made on forms furnished by the County within 30 days of the date of that administrative action. Other substantiating evidence will be accepted.

15.41 VIOLATIONS AND PENALTIES.

- (1) Any person who fails to comply with the provisions of this ordinance, or any order of the County issued in accordance with this ordinance, or resists enforcement, shall be subject to a citation or other enforcement action.
- (2) Any construction which is in violation of this ordinance shall cease upon written orders from the County or the placement of a notification of violation at the site.
- (3) All construction shall remain stopped until the order is released by the County.
- (4) Violations of this ordinance shall be prosecuted by the Corporation Counsel.

## CHAPTER 25

## CONSTRUCTION AND EFFECT OF ORDINANCES

25.04 PENALTY PROVISIONS

## (1) General Penalty

Except as otherwise provided, any person who shall violate any of the provisions of this Code shall, upon conviction of such violation, be subject to a penalty, which shall be as follows:

- (a) First Offense. Any person who shall violate any provision of this Code shall, upon conviction thereof, forfeit not less than \$5 nor more than \$500, together with the costs of prosecution, and in default of payment of such forfeiture and costs of prosecution, shall be imprisoned in the County Jail until such forfeiture and costs are paid, but not exceeding 90 days.
- (b) Second Offense. Any person found guilty of violating any ordinance or part of an ordinance of this Code, who has previously been convicted of a violation of the same ordinance within one year, shall, upon conviction thereof, forfeit not less than \$10 nor more than \$500 for each such offense, together with the costs of prosecution, and in default of payment of such forfeiture and costs shall be imprisoned in the County Jail until such forfeiture and costs are paid, but not exceeding 6 months.

## (2) Continued Violations

Each violation, and each day a violation continues or occurs, shall constitute a separate offense. Nothing in this Code shall preclude the County from maintaining any appropriate action to prevent or remove a violation of any provision of this Code.

## (3) Execution Against Defendant's Property

Whenever any person fails to pay any forfeiture and costs of prosecution upon the order of any court for violation of any ordinance of the County, the court may, in lieu of ordering imprisonment of the defendant, or after the defendant has been released from custody, issue an execution against the property of the defendant for such forfeiture and costs.