

ORDINANCE AMENDING WAUSHARA COUNTY CODE CHAPTER 54

WHEREAS, Waushara County has enacted Chapter 54, Utilities, to promote and protect the public health, safety, comfort, convenience, prosperity, aesthetics, and other aspects of the general welfare and to affix reasonable standards as applicable thereto; and

WHEREAS, the Waushara County Planning and Zoning Committee has determined that it is in the interest of the public health, safety and welfare to enact certain amendments to such Chapter; then

NOW, THEREFORE BE IT RESOLVED the County Board of Waushara County, Wisconsin, do hereby ordain as follows:

FOLLOWING ARE AMENDMENTS PROPOSED TO THE WAUSHARA COUNTY CODE CHAPTER 54:

(amended sections are underlined)

~~(deleted sections are stricken)~~

SECTION 54-31 Definitions IS HEREBY AMENDED TO READ AS FOLLOWS:

County sanitary permit means a permit issued by the department for the ~~installation of a~~ reconnection of an existing private on-site wastewater treatment system or installation of a nonplumbing sanitation system.

Explanatory note: Corrects the definition of a county sanitary permit and states when a county permit is applicable as opposed to a state sanitary permit.

SECTION 54-66 Permits and Applications IS HEREBY AMENDED TO READ AS FOLLOWS:

(2) A ~~county~~ sanitary permit shall be obtained by the property owner, his agent or contractor, in the name of the property owner, prior to the construction of any structure which requires a private on-site wastewater treatment system or nonplumbing sanitation system. Any property owner, his agent or contractor who starts construction prior to obtaining a ~~county~~ sanitary permit is in violation and may be subject to the penalties provided for in this article.

(3) A ~~county~~ state sanitary permit shall be obtained by the property owner, his agent or contractor before any private on-site wastewater treatment system may be installed, enlarged or altered.

(4) A county sanitary permit shall be obtained prior to constructing or erecting a nonplumbing sanitation system, or performing a reconnection as defined in Section 54-31.

Explanatory note: This further delineates when a state or county sanitary permit is required.

SECTION 54-66 (c) Application Requirements IS HEREBY AMENDED TO READ AS FOLLOWS:

- (8) The department reserves the right to require floodplain, Ordinary High Water Mark, and/or wetland delineation for a building site or proposed private on-site wastewater treatment system area prior to sanitary permit issuance, to insure compliance with Wis. Admin. Code § 83.32 (3)(c), 83.45(6)(a) and (b), and Table 83.43-1, and Wis. Admin. Code chs. NR 811 and 812. The department may require elevations on plans to be tied to area floodplain elevation datum.

Explanatory note: Additions above note that we are not being more restrictive than the Administrative Codes, merely insuring compliance in those areas which are unstudied or undocumented.

SECTION 54-66 (i)(2)(a) Reconnection IS HEREBY AMENDED TO READ AS FOLLOWS:

- (2) Prior to issuing a reconnection permit, the existing private on-site wastewater treatment system must be examined to:
- a. Determine if the existing system is functioning properly. A ~~licensed plumber's or septic tank pumper's~~ properly credentialed individual as described in Wis. Admin. Code § 83.25 shall evaluate the POWTS components and provide a statement regarding the condition of the system and all its components to the department shall be provided.

Explanatory note: Does not limit who can perform septic evaluations different from what is allowed in the State Plumbing Code, Comm 83.

SECTION 54-66 (i)(3)(b) Reconnection IS HEREBY AMENDED TO READ AS FOLLOWS:

- (3) To demonstrate compliance with subsection (i)(2) of this section and the requirements of Wisconsin Administrative Codes and statutes, application for a county reconnection permit shall include the following:
- a. All items listed in subsection (c)(1)a--e of this section.
 - b. Soil boring data shall be provided that documents suitable soil conditions exist to depths listed in the Wisconsin Administrative Code at relative to the time that the system was installed ~~but at no time shall suitable soil conditions be less than three feet or 36 inches below the bottom of the system unless equivalent treatment of the wastewater generated is demonstrated, or treatment capability equivalent to current standards will be added.~~

Explanatory note: Current Administrative Code Regulations allow lesser separation distances for systems installed prior to December 1, 1969, and we cannot be more restrictive than the state code.

**SECTION 54-66 (l)(1) Wisconsin Fund septic tank maintenance program IS
HEREBY AMENDED TO READ AS FOLLOWS:**

- (l) *Wisconsin Fund septic tank maintenance program.*
- (1) The applicant for a land use permit that involves construction or remodeling such that there will be an increase in wastewater load, or where the structure is to be rebuilt, or is to be replaced with a new or different use or structure, and the construction will be served by an existing POWTS that has been determined to meet the requirements of this code and Wis. Admin. Code ch. Comm 83; or any applicant for a state sanitary permit shall be provided written notice of the septic tank maintenance program at the time the land use permit or state sanitary permit is issued. The records of this notification shall be maintained by the department. The owner shall be required to execute a verified affidavit and restrictive covenant running with the land which verifies that the POWTS serving the property is under such maintenance program. Upon sale of the property, the owner shall also provide written notification of the maintenance program to the buyer.

Explanatory note: Commerce has repeatedly notified us of the code language pertaining to Inventory and maintenance of existing POWTS, including the record keeping of the mandatory three year status checks that are required of the landowner by Comm 83.54(4) and has asked how we plan to address this matter. This is one way to put more POWTS that have been recently evaluated by this office into the Wisconsin Fund three year tracking system.

**SECTION 54-66(k) Permit Fees IS HEREBY AMENDED TO READ AS
FOLLOWS:**

- ~~(k) *Permit fees.* Fees may be assessed to defray the costs of administering this article. Permit fees shall be set by the zoning committee and shall be available at the department's office. Periodic review and readjustment of fees shall be undertaken by the zoning committee as it deems necessary, and shall take effect following a public hearing and subsequent approvals by the county board.~~
- (k) *Permit fees:* The Zoning Committee shall establish fees to defray the costs of administration, investigation, advertising, and processing of permits and reports. These fees shall be kept on file at the zoning office and may be modified from time to time by the Zoning Committee.

Explanatory note: Language modified to more closely match that of the other sections of the code, and to allow for adjustments to fees as circumstances dictate and the Committee sees fit.

SECTION 54-92(a) Prohibited Installations IS HEREBY AMENDED TO READ AS FOLLOWS:

a) Installation of a holding tank is prohibited if any other type of private on-site wastewater treatment system described as an A+4” mound system or better is permitted by Wis. Admin. Code ch. Comm 83, ~~may be utilized except for those treatment components enumerated as 1., 2., 3., and 5., of Wis. Admin. Code table Comm 83.04-2, or as~~ unless a holding tank is required by the Environmental Protection Agency or the state department of natural resources for collection of hazardous wastewater. A sanitary permit ~~for the installation of any system, which designates a holding tank as a replacement system~~ that designates a holding tank as the alternate system, shall not be issued unless a soil and site evaluation determines that the property is unsuitable for any other type of replacement system permitted by Wis. Admin. Code ch. Comm 83, except as provided in subsection (c)(3)d of this section, and as excepted in this subsection.

Explanatory note: The table previously referenced has been removed from the Administrative Code, so the language needed to be changed.

SECTION 54-93 Installations in floodplain IS HEREBY AMENDED TO READ AS FOLLOWS:

Any POWTS, or portions thereof, installed within a floodplain shall comply with all applicable requirements of Wis. Admin. Code chs. Comm 83 and NR 116, ~~chapter 18 of this Code, floods and chapter 58 of this Code,~~ zoning.

Explanatory note: Additions above note that we are not being more restrictive than the Administrative Codes, merely insuring compliance in those areas which are unstudied or undocumented. See also amendments to Section 54-66(c).

SECTION 54-95 (c)(5) IS HEREBY AMENDED TO READ AS FOLLOWS:

(5) Creation of new lots that would allow for the installation of a POWTS other than a holding tank, but that do not meet the soils criteria known as A+4” or better, ~~can only be served by those treatment components enumerated as 1., 2., 3., and 5., of Wis. Admin. Code table Comm 83.04-2~~ shall be considered on a case-by-case basis, and are left to the discretion of the department.

Explanatory note: Again the table has been deleted from the Administrative Code and language needs to delineate the systems formerly described in that table.

EFFECTIVE DATE

Upon passage by the County Board of Supervisors, the amendments will be in full force and effect, as provided for in Section 59.97(5)(e), Wis. Stats.

Ordinance _____

Ayes _____ Nays _____ Abstain _____ () Voice Vote

Approved and adopted this _____ day of _____, 20____

Approved:

Submitted by:

Ruth Zouski,
Corporation Counsel

Richard Reese, Chairman
Planning & Zoning Committee

Attest:

Signed by:

John Benz,
Waushara County Clerk

Norman Weiss, Chairman
Waushara Co. Board of Supervisors