

**FLORENCE COUNTY
CODE OF GENERAL ORDINANCES
CHAPTER 12**

Florence County Sanitary Ordinance

**Adopted
May 15, 2001
Revised
August 19, 2003
July 21, 2009
Amendment
December 16, 2014**

TABLE OF CONTENTS

1.0	TITLE, AUTHORIZATION, PURPOSE AND INTENT, AND SEVERABILITY AND LIABILITY.....	1
1.1	Title.....	1
1.2	Authorization and Incorporation of Provisions by Reference.....	1
1.3	Purpose and Intent.....	1
1.4	Severability and Liability.....	1
2.0	GENERAL REQUIREMENTS.....	2
2.1	Applicability.....	2
2.2	Compliance.....	2
2.3	Limitations.....	2
2.4	Public Sanitary Sewer Connection.....	3
2.5	Non-Plumbing Sanitation System.....	3
2.6	Abandoned Systems.....	3
3.0	SANITARY PERMITS.....	3
3.1	State Sanitary Permit.....	3
3.2	County Sanitary Permit.....	3
3.3	Application.....	3
3.4	Applications Requirements.....	4
3.5	Issuance.....	4
3.6	Permit Cards.....	4
3.7	Permit Validity.....	4
3.8	Permit Transfers.....	6
3.9	Fees.....	6
4.0	RECONNECTION OF EXISTING PRIVATE SEWAGE SYSTEM.....	6
4.1	Requirements.....	6
4.2	Evaluation.....	6
4.3	Undersized Systems.....	7
4.4	Nonconforming Systems.....	7
4.5	Holding Tank Reconnection.....	7
4.6	Inspection of Reconnections.....	8
5.0	EXISTING SYSTEMS EVALUATIONS FOR BUILDING ADDITIONS/CHANGE OF USE.....	8
5.1	When there is a proposed addition, remodeling or change of use to an existing structure, the sanitary system must be evaluated for:.....	8
6.0	SOIL TEST REPORTS AND SITE EVALUATIONS.....	9
6.1	Soil Test Reports.....	9
6.2	Verification.....	9
7.0	PRIVATE SEWAGE SYSTEM MAINTENANCE AND MANAGEMENT.....	9
7.1	Maintenance and Management.....	9
7.2	Septic Tanks.....	10
7.3	Postponements.....	10
7.4	Disposal.....	10
7.5	Reports.....	10
7.6	Inspections.....	11

8.0	HOLDING TANKS	11
8.1	Holding Tank Pumping Agreements.....	11
8.2	Holding Tank Service Contract	11
8.3	Pumping Report Forms	11
8.4	Locks and High Water Alarm	11
8.5	Inspections	12
8.6	Existing Holding Tanks	12
9.0	NON-PLUMBING SANITATION SYSTEMS.....	12
9.1	Non-Plumbing Sanitation Systems Installation Agreement.....	12
10.0	INSPECTIONS	12
10.1	Inspections; General	12
10.2	Inspections; Non-Plumbing Sanitation Systems	12
10.3	Inspections; Conventional, Mound, At-Grade and In-Ground Pressure Systems.....	13
10.4	Inspections; Sand Filters	13
10.5	Inspections; Other Systems Recognized by SPS 383	13
10.6	Reinspections	13
10.7	Testing	14
11.0	ADMINISTRATION	14
11.1	Zoning Administrator.....	14
11.2	Powers and Duties	14
12.0	ENFORCEMENT	15
12.1	Violations.....	15
12.2	Notification	15
12.3	Penalties	15
12.4	Remedial Action	15
12.5	Appeals	15
13.0	FEES	16
13.1	All persons, firms or corporations performing any work on any private sewage disposal system shall pay a fee for the following:.....	16
13.2	All fees shall be established by separate resolution by the Florence County Board from time-to-time as deemed appropriate.	16
13.3	Sanitary permit fees are due at the time of application. After any sanitary permit has been issued, the fee(s) will not be refunded.	16
14.0	DEFINITIONS.....	17
14.1	General.....	17
15.0	VALIDITY, ADOPTION, AND EFFECTIVE DATE.....	19
15.1	Validity	19
15.2	Adoption and Effective Date	19

**CHAPTER 12
FLORENCE COUNTY SANITARY ORDINANCE**

The Florence County Board of Supervisors does hereby ordain as follows:

FLORENCE COUNTY SANITARY ORDINANCE

1.0 TITLE, AUTHORIZATION, PURPOSE AND INTENT, AND SEVERABILITY AND LIABILITY

1.1 Title

This chapter shall be known as, referred to or cited as the "Florence County Sanitary Ordinance."

1.2 Authorization and Incorporation of Provisions by Reference

This ordinance is adopted under the authority and responsibility granted to Florence County in Sections 59.70(1), 59.70(5), 145.04, 145.19, 145.20, 145.245, and 968.10 Wisconsin Statutes. This ordinance incorporates by reference the following rules, regulations, and laws as set forth in Wisconsin Statutes and the Wisconsin Administrative Code governing the location, construction and use of Private Onsite Wastewater Treatment Systems (POWTS): Chapters 145 and 146, Wisconsin Statutes; Chapters NR 112 and NR 113, and SPS381, 383, 385, 387, and 391 of the Wisconsin Administrative Code. These rules, regulations, and laws shall apply until amended or renumbered and then shall apply as amended and renumbered.

1.3 Purpose and Intent

The purpose of this ordinance is to protect and promote the health, safety, prosperity, aesthetics, and general welfare of the people and communities within Florence County. The general intent of this ordinance is to regulate the location, design, construction, installation, alteration, maintenance, inspection, management, and use of POWTS and non-plumbing sanitation systems so as to protect the health of residents and transients and to secure safety from disease, nuisance, and pestilence.

1.4 Severability and Liability

If any section, provision or portion of this ordinance is judged 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 POWTS 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.

2.0 GENERAL REQUIREMENTS

2.1 Applicability

The requirements of this ordinance shall apply to all geographic areas within Florence County.

2.2 Compliance

- (1) All buildings, or other sources of domestic wastewater, in Florence County that are permanently or intermittently intended for human habitation or occupancy which are not serviced by a public sanitary sewer, shall have an approved system for holding or treatment and dispersal of sewage and wastewater which complies with the provisions of this ordinance.
- (2) No private sewage system or part thereof shall be located, installed, moved, reconstructed or substantially altered except as permitted by this ordinance. The owner of the property on which the system is located and the company or individual doing the work are both responsible for compliance with this ordinance.
- (3) The private sewage system for newly constructed buildings shall be approved, installed, and inspected before the building can be occupied.
- (4) No well, storage tank, drains, silo, water service or other similar use may be installed in any manner that will adversely affect an approved sanitary permit.

2.3 Limitations

- (1) Except as provided in Section 2.3(3), a sanitary permit for the installation of a holding tank shall not be issued unless a soil and site evaluation determines that the property is unsuitable for any of the methods and technologies currently recognized as approved products per SPS 383.60 and SPS 384.10(3) Wis. Adm. Code.

Installation of a holding tank for condominium, multifamily, or other non-residential buildings shall be approved at the discretion of the Zoning Administrator and Florence County Zoning Committee.

- (2) Any private sewage system, or portions thereof, installed within a floodplain shall comply with all applicable requirements of NR 116, Wisconsin Administrative Code, and the Florence County Shoreland/Floodplain Zoning Ordinance.
- (3) The Florence County Zoning Administrator may approve holding tanks for single family seasonal residences, provided that if such residence becomes a year-round residence, a POWTS must be installed within one year of the date that the residence became a year-round residence unless a soil and site evaluation determines that the property is unsuitable for any of the methods and technologies currently recognized as approved products per SPS 383.60 and SPS 384.10(3) Wis. Adm. Code.

2.4 Public Sanitary Sewer Connection

All buildings served by plumbing fixtures shall be connected to a public sanitary sewer system where available. Where such a public sewer is not available, a private sewage system may be used. When a public sewer becomes available to the building, the private sewage system shall be disconnected within one year and a connection made to the public sewer. The disconnected private sewage system shall be properly abandoned according to the provisions of SPS 383 of the Wisconsin Administrative Code.

2.5 Non-Plumbing Sanitation System

A non-plumbing sanitation system may be permitted only when the building served is not provided with water service or plumbing. If plumbing is installed in the structure or running water 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. Non-plumbing sanitation systems are prohibited on lands adjacent to or on back lots of lakes except on public lands and parks, private campgrounds, and group camps and except in remote locations without electrical service available.

2.6 Abandoned Systems

Private sewage systems which have not been used for five years or longer shall be abandoned by complying with all of the required specifications per s. SPS 383.33 Wis. Adm. Code.

In order to be used again, the abandoned system must be brought into full compliance with this ordinance in accordance with Section 4.0. Completion of abandonment shall be reported to the Florence County Zoning Administrator.

3.0 SANITARY PERMITS

3.1 State Sanitary Permit

No person shall install, modify or perform work to a private sewage system unless the owner of the property on which the system is located holds a valid state sanitary permit. No person shall sell a septic tank or holding tank for installation unless the purchaser holds a valid state sanitary permit.

3.2 County Sanitary Permit

A county sanitary permit shall be obtained by the property owner, his agent or contractor, before any private sewage system or part thereof may be reconnected or repaired. A county sanitary permit is not required for the addition of manhole risers or for the replacement of manhole covers, manhole risers, baffles or pumps. A county sanitary permit shall be obtained prior to constructing or erecting a non-plumbing sanitation system.

3.3 Application

Application for a sanitary permit shall be made on forms specified by the Florence County Zoning Department.

3.4 Applications Requirements

The sanitary permit application shall include the following information:

- (1) A completed sanitary permit application form.
- (2) A site plan.
- (3) An approved soil test on a form acceptable to the Department of Safety and Professional Services.
- (4) A copy of approved plans for systems requiring plan review by the Department of Safety and Professional Services.
- (5) A pump chamber cross section and pump information for systems that utilize a pump.
- (6) Agreements and/or affidavits required to install and/or utilize an existing system or for servicing holding tanks.
- (7) A Maintenance Plan and Contingency Plan for all private sewage systems in accordance with section 7 of this ordinance.
- (8) Required fee.

3.5 Issuance

After review and verification of the information submitted in the application, the Zoning Administrator shall approve or deny applications for sanitary permits. When an application for a sanitary permit is denied, the Zoning Administrator shall issue a written notice to the unsuccessful applicant, stating specifically the reasons for disapproval and whether an amendment to the application could be made which would render the application approvable. The Zoning Administrator shall also inform the applicant of his/her right to appeal the denial pursuant to Section 12.5 of this Code of Ordinance and Chapter 68 of the Wisconsin Statutes. The Zoning Administrator reserves the right to refuse incomplete or incorrect permit applications, and/or delay permit issuance until corrected and/or completed applications are received.

3.6 Permit Cards

When the application for sanitary permit is approved, the Zoning Administrator shall issue a permit card to the property owner. The permit card shall be posted in plain view, visible from the road fronting the lot during construction. The permit card shall not be removed from the site until the private sewage system has been installed, inspected and approved by the Zoning Administrator.

3.7 Permit Validity

- (1) A sanitary permit is valid for two years from date of issuance. Permits may be renewed following written application to the Zoning Administrator by the property owner, his/her agent, or contractor, prior to the expiration date of the original permit provided that the

proposed site and system comply with applicable codes in effect at the time the renewal is requested. If a permit has expired and the owner wants to build on the site, a new sanitary permit must be obtained before a building permit can be issued.

- (2) If the soil test is older than four years, the soil test must be verified by the Zoning Administrator prior to the issuance of a sanitary permit or renewal of a sanitary permit. The soil test shall be examined to determine reliability and the soil test report and soils at the proposed site verified in accordance with section 6.1 of this ordinance.

3.8 Permit Transfers

When there is a change of ownership, the state transfer form shall be submitted to the Florence County Zoning Department with a set of new plans if necessary, and a fee as prescribed by this ordinance.

- (1) Plans associated with a transferred sanitary permit cannot be utilized by a different licensed plumber unless the plan bears the stamp of an architect, engineer, or a designer of private sewage systems. Otherwise, a new set of plans must be submitted by the new plumber and approved by the appropriate agency.

3.9 Fees

A sanitary permit shall not be issued until the fees required by this ordinance have been received.

4.0 RECONNECTION OF EXISTING PRIVATE SEWAGE SYSTEM

4.1 Requirements

A county sanitary permit shall be required when an existing private sewage system is to be connected to a structure that has been rebuilt or where an existing structure has been replaced with a new or different structure.

4.2 Evaluation

Prior to issuing the sanitary permit for the reconnection to the new structure, an evaluation of the existing private sewage system must be made. The following is the procedure that must be followed in evaluating the private sewage system:

- (1) Existing sanitary permits and soil test information on file shall be examined to determine reliability.
- (2) If there is not adequate or reliable soils information, a soil boring(s) shall be examined by a Certified Soil Tester to determine if there are suitable soils for the system in use and to identify a replacement area if there is not one available. This information shall be reported to the department which may verify the report and conduct on-site study when considered appropriate.
- (3) The existing septic tank shall be pumped and inspected by a licensed pumper or plumber to determine the condition and size of the tank and whether it is in good repair. A pumping report signed by the pumper or plumber shall be submitted to the department.
- (4) The existing private sewage system should be examined to:
 - (a) Determine the location of the septic and/or dose tank and soil absorption system to determine that all minimum setbacks of SPS 383 will be maintained.
 - (b) Determine, where possible, the size of the soil absorption system, if it corresponds to the county's files (if available), and whether it is capable of handling the proposed wastewater load.

- (c) Determine whether the system is surfacing or has had an outfall pipe connected to it thereby creating a nuisance of surface discharge.
- (d) Determine by examining through the vent whether or not the system is ponded, and to what degree it is ponded and whether the ponding represents a failing or nonfunctioning soil absorption system.
- (e) Confirm based on file information, landscape position and vegetation that suitable soils should be present below the system installation.
- (f) Ensure that if any tank covers are installed above grade that they are installed with locks and warning labels visible.

4.3 System Capacity

- (1) Where a POWTS is intended for connection to a dwelling and does not appear to meet the capacity of the estimated flow based upon the number of bedrooms per SPS 383.43(3)(a) or 383.43(4)(a) Wis. Adm. Code, a detailed estimate of wastewater flow may be performed by a person holding an appropriate credential per SPS 383.43(3)(b) or 383.43(4)(b) Wis. Adm. Code. Flow estimation for dwellings that is not based upon the number of bedrooms must have this design condition recorded on the deed for the property.
- (2) Where a POWTS is intended for connection to a public building and/or a place of employment, adequate capacity shall be established by a person holding an appropriate credential by the methods for estimating wastewater flow and load provided by SPS 383.43(6) and 383.43(7) Wis. Adm. Code.
- (3) The Florence County Zoning Administrator may require that a contingency plan and a management plan be submitted to the Florence County Zoning Department and approved prior to issuing a county reconnection permit if the facility is considered to be at risk of producing wastewater exceeding the POWTS capacity.

4.4 Nonconforming Systems

If during the evaluation of the existing private sewage system it is determined that the POWTS is failing or does not conform to the siting, design, construction, and maintenance rules in effect at the time the original permit was issued, the building permit shall not be issued until the noncompliance is rectified or a sanitary permit has been issued for a new POWTS. The new system must be installed before the facility can be occupied.

4.5 Holding Tank Reconnection

Reconnection to an existing holding tank may require an inspection of the location of the tank to determine if the minimum setback requirements of SPS 383 will be maintained and to ensure that the tank covers, locking devices, warning labels, and alarm systems are functioning properly. An updated holding tank agreement and holding tank servicing agreement which meets the current requirements of SPS 383 must be submitted as part of the application for the sanitary permit for reconnection.

4.6 Inspection of Reconnections

All systems may be inspected at the time of reconnection to ensure that proper materials and methods are being used.

5.0 EXISTING SYSTEMS EVALUATIONS FOR BUILDING ADDITIONS/CHANGE OF USE

5.1 When there is a proposed addition, remodeling or change of use to an existing structure, the proposal shall be evaluated for the following and the results provided to the Florence County Zoning Administrator:

- (1) That the proposed construction will conform to all applicable setback limitations of SPS 383.43 Wis. Adm. Code.”
- (2) The proposed construction will not result in an increase in wastewater flow or contaminant load as determined per SPS 383.25 Wis. Adm. Code.
- (3) That the existing POWTS is not a failing system and conforms to the siting, design, construction, and maintenance rules in effect at the time the original permit was issued. Documentation and/or evaluation shall be performed by procedures and methods acceptable to the Florence County Zoning Administrator.
- (4) A determination that the above conditions are met must be made by the Florence County Zoning Administrator before a building permit can be issued for the proposed construction.

5.2 Where it has been determined that the POWTS is failing or does not conform to the siting, design, construction, and maintenance rules in effect at the time the original permit was issued, the building permit shall not be issued until the noncompliance is rectified or a sanitary permit has been issued for a new POWTS

5.3 Increase in wastewater flow or contaminant load

- (1) Where it has been determined that the proposed construction will result in an increase in wastewater flow or contaminant load, then a building permit cannot be issued unless the owner:
 - (a) Possesses a sanitary permit to either modify the existing private sewage system or construct a new private sewage system to accommodate the increased wastewater flow and/or contaminant load; or
 - (b) Provides documentation to verify that the existing private sewage system has sufficient size and soil conditions to accommodate the increased wastewater load.”
- (2) Where it has been determined that the proposed addition to a dwelling will result in an increase in wastewater flow and does not appear to meet the capacity of the estimated flow based upon the number of bedrooms per SPS 383.43(3)(a) or 383.43(4)(a) Wis.

Adm. Code, a detailed estimate of wastewater flow maybe performed by a person holding an appropriate credential per SPS 383.43(3)(b) or 383.43(4)(b) Wis. Adm. Code. Flow estimation for dwellings that is not based upon the number of bedrooms must have this design condition recorded on the deed for the property.

- (3) Where it has been determined that the proposed construction or change of use of a public building and/or a place of employment will result in an increase in wastewater flow or contaminant load, adequate capacity shall be established by a person holding an appropriate credential by the methods for estimating wastewater flow and load provided by SPS 383.43(6) and 383.43(7) Wis. Adm. Code.
- (4) The Florence County Zoning Administrator may require that a contingency plan and a management plan for the existing POWTS to be submitted to the Florence County Zoning Department and approved prior to allowing the issuing of a building permit if the facility is considered by the Florence County Zoning Administrator to be at risk of producing wastewater exceeding the POWTS capacity.

6.0 SOIL TEST REPORTS AND SITE EVALUATIONS

6.1 Soil Test Reports

A sanitary permit shall not be issued until a soil and site report has been approved by the zoning administrator. The report and evaluation must be in accordance with SPS 385, Wisconsin Administrative Code and submitted to the county upon completion of the observations/tests.

6.2 Verification

The county may verify the report and soils at the proposed site as deemed necessary by the zoning administrator. Backhoe pits are required whenever the county verifies soil boring data. The soil test pits shall be left in such a manner that will permit access to them for the evaluation of the soil profile. All backhoe pits must be covered or fenced within one week after inspection. Unattended backhoe pits are the liability of the Certified Soil Tester and/or property owner.

7.0 PRIVATE SEWAGE SYSTEM MAINTENANCE AND MANAGEMENT

7.1 Maintenance and Management

- (1) All private sewage systems shall be managed and maintained in accordance with SPS 383 and 384, Wisconsin Administrative Code, and this ordinance.
- (2) The property owner shall report to the Florence County Zoning Administrator each inspection, maintenance or servicing event, in accordance with SPS 383, 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 Florence County Zoning Administrator prior to sanitary permit issuance.

- (4) The property owner shall submit a new or revised maintenance agreement and/or servicing contract to the Florence County Zoning Administrator 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 Florence County Zoning Administrator prior to expiration of any existing maintenance agreement and/or servicing contract.

7.2 Septic Tanks

All POWTS shall be visually inspected and have the septic tank pumped every three (3) years, unless upon inspection by a properly certified person, the tank is found to have less than one-third (1/3) of the volume occupied by sludge and scum. More frequent maintenance intervals may be required as part of a management plan for the POWTS. Pumping of a septic tank shall be done by a certified septage servicing operator in accordance with NR 113, Wisconsin Administrative Code. EXCEPTION: The Planning and Zoning office may extend the required three year visual inspection interval to a maximum period of five (5) years for a POWTS serving an occasionally occupied/used structure or facility, providing the owner of a POWTS makes the request in writing. The request must be significant enough to demonstrate the occasionally occupied/used structure or facility.

7.3 Postponements

Circumstances such as inclement weather, road weight restrictions and site limitations may necessitate a delay in the maintenance until conditions permit at the discretion of the Florence County Zoning Administrator.

7.4 Disposal

Sludge, scum or sewage pumped from a septic tank, must be disposed of in accordance with NR 113 of the Wisconsin Administrative Code.

7.5 Reports

- (1) The owner of a private sewage system or the owner's agent shall submit to Florence County Zoning Department at the completion of each inspection, evaluation, maintenance or servicing event specified in the approved management plan, a report signed by the licensed pumper verifying the condition of the tank, whether wastewater or effluent from the private sewage system is ponding, and certifying that the owner's septic tank has been pumped and properly maintained or is less than one-third full.
- (2) The owner of a private sewage system existing prior to July 1, 2000 or the owner's agent shall submit to Florence County Zoning Department at the completion of each inspection, evaluation, maintenance or servicing event required under s. SPS 383.54 (4), a report signed by the licensed pumper verifying the condition of the tank, whether wastewater or effluent from the private sewage system is ponding, and certifying that the owner's septic tank has been pumped and properly maintained or is less than one-third full.

- (3) Reports shall be furnished to the County within 10 days of the inspection and pumping. Reports shall include all information required in SPS 383.55, Wisconsin Administrative Code. Other maintenance or management reports required by SPS 383 or SPS 384, Wisconsin Administrative Code, should be included with this report.

7.6 Inspections

The Florence County Zoning Administrator shall make or cause to be made by staff inspectors, or an approved licensed inspector, necessary inspections to determine the condition of the tank and whether wastewater or effluent from the private sewage system is ponding, and to insure an effective program of maintenance of private sewage systems.

8.0 HOLDING TANKS

8.1 Holding Tank Pumping Agreements

In cases where holding tanks are allowed, the applicant for a holding tank shall enter into a Holding Tank Pumping Agreement with Florence County Zoning Department before the sanitary permit is issued. The agreement shall be signed on forms provided by the Zoning Administrator. The agreement shall require the applicant to conform to state regulations regarding the maintenance and pumping of the holding tank. If the tank is not maintained and pumped in conformance with state regulations, the Zoning Administrator shall order it to be maintained or pumped by a private pumper, at county expense. The county shall then invoice the property owner for all such costs incurred. If the invoice is not paid within 30 days, the county may place the amount on the tax roll as a special assessment against the property in question.

8.2 Holding Tank Service Contract

The owners of all existing and future tanks are required to enter into an agreement with a licensed pumper to service the holding tank on a regular basis. The applicant shall file a copy of the Holding Tank Service Contract with the Zoning Administrator before the sanitary permit may be issued. The contract must be written in accordance with SPS 383.54, Wisconsin Administrative Code.

8.3 Pumping Report Forms

The owners of all existing and future holding tanks are required to submit pumping reports to the Florence County Zoning Administrator. The pumping reports shall be submitted on forms provided by the county, and shall certify that the holding tank was pumped according to the terms of the Holding Tank Pumping Agreement and of the Service Contract, and that each time the tank was pumped in the subject period, it was pumped by a licensed pumper. The licensed pumper shall also fill out and submit a Pumping Report Form for each holding tank serviced.

8.4 Locks and High Water Alarm

All holding tanks shall be equipped with functional locking devices and high water alarms. In cases where the Zoning Administrator finds the locking devices and/or high water alarms missing or not functioning properly, the Administrator shall order them replaced or repaired.

8.5 Inspections

The Zoning Administrator shall cause to be conducted, inspections of at least 5 percent of all existing holding tanks each year.

8.6 Existing Holding Tanks

Holding tanks installed before the effective date of this ordinance with existing Holding Tank Pumping Agreements and Holding Tank Servicing Contract shall be administered in the same manner as Section 8.1 through 8.6. Holding Tank Pumping Agreements and Holding Tank Servicing Contracts in effect within each Ttown, shall hereby be assigned to Florence County Zoning Department.

9.0 NON-PLUMBING SANITATION SYSTEMS

9.1 Non-Plumbing Sanitation Systems Installation Agreement

Prior to the issuance of a sanitary permit for a non-plumbing sanitation system, the property owner must sign a non-plumbing sanitation system installation agreement and have it recorded in the Register of Deeds Office.

10.0 INSPECTIONS

10.1 Inspections; General

- (1) Notice for final inspection shall be given to the Zoning Administrator for all private sewage systems installed, modified or reconnected.
- (2) Installation or modification of a POWTS system shall be inspected by the Zoning Administrator for compliance with SPS 382, SPS 383, and SPS 384, 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 SPS 383, Wisconsin Administrative Code or as specified in this ordinance.
- (4) The entire system shall be left completely open until it has been inspected and accepted, in accordance with the requirements of SPS 383, Wisconsin Administrative Code.
- (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 Zoning Administrator.

10.2 Inspections; Non-Plumbing Sanitation Systems

- (1) All non-plumbing sanitation systems installed shall be inspected for compliance with SPS 391, Wisconsin Administrative Code, or as amended, and this ordinance. Non-plumbing sanitation systems serving uses other than one and two family dwellings shall also be inspected for compliance with SPS 391, Wisconsin Administrative Code.

- (2) The property owner shall notify the Zoning Administrator for inspection immediately after the non-plumbing sanitation system has been constructed or installed.

10.3 Inspections; Mounds, At-Grade and All In-Ground Systems

All conventional, mound, at-grade and in-ground pressure systems shall be inspected at the time the distribution piping installation has been completed, prior to backfilling, and after all work has been completed. Other inspections may be necessary depending upon site conditions or as required by SPS 383. The plumber installing these systems shall notify the Zoning Administrator two working days in advance of the installation. The Zoning Administrator shall inspect these systems regularly as specified by the Department of Safety and Professional Services.

10.4 Inspections; Sand Filters

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. The plumber installing these systems shall notify the Zoning Administrator two working days in advance of the installation. The Zoning Administrator shall inspect these systems regularly as specified by the Department of Safety and Professional Services.

10.5 Inspections; Other Systems Recognized by SPS 383

- (1) The plumber installing the system shall coordinate any required preconstruction meeting(s).
- (2) The plumber installing the system shall notify the Zoning Administrator at least five workdays prior to beginning the installation of the system to schedule the inspection(s) and shall notify the Department of Safety and Professional Services or State as may be required by the approved plans.

10.6 Reinspections

When a reinspection of a private sewage system is required because the initial inspection disclosed that the installation was incomplete or does not comply with applicable Wisconsin Statutes, Wisconsin Administrative codes, the approved plans, or this ordinance, a reinspection fee may be required. Additional reinspections required at the site may require a new fee. The reinspection fee will be due within 10 working days of written notification by the county. Failure to pay the fee within the period shall constitute a violation of this ordinance.

10.7 Testing

- (1) If testing of new systems or new system components is required by SPS 382, 383 or 384, Wisconsin Administrative Code, or as a condition of plan approval, notice shall be given to the Zoning Administrator so that an inspection can be made during the test.
- (2) Zoning Administrator 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.

11.0 ADMINISTRATION

11.1 Zoning Administrator

The Florence County Zoning Administrator shall be responsible for administering this ordinance.

11.2 Powers and Duties

The Zoning Administrator shall have the following responsibilities and authority in the administration of this ordinance:

- (1) Delegate duties to and supervise the County Zoning Staff and other employees to assure full and complete compliance with this ordinance and related Wisconsin Statutes and the Administrative Code.
- (2) Explain the provisions of this ordinance to licensed professionals and interested persons and assist applicants in preparing permit applications. Review all applications and plans submitted to the county.
- (3) Issue, deny, and rescind permits; maintain records of permits, inspections made, work approved and performed, and other information as appropriate.
- (4) Investigate all complaints relative to this ordinance. Order any person, farm, firm, or corporation not in compliance with these provisions or otherwise in violation of this ordinance or applicable state regulations to comply with same.
- (5) Have access to any structure, land or water between the hours of 8:00 a.m. and 6:00 p.m. for the purpose of performing said duties or at other times set by mutual agreement by the property owner or his/her agent and the administrator. Access may be at any time upon determination that an emergency exists.
- (6) Enforce any or all of the rules or orders and amendments thereto of the Department of Commerce applicable to private sewage systems. Enforce any or all of the rules or orders and amendments thereto of the Department of Natural Resources applicable to the

Septage and Sludge programs. Enforce any order of the Health Officer applicable to Nuisances.

- (7) Refer all unresolved violations of this ordinance to the Corporation Counsel or their designee for appropriate legal or other action.
- (8) Any other duties relating to these programs as assigned by the Planning and Zoning Committee or as required by state regulations or law.

12.0 ENFORCEMENT

12.1 Violations

No person shall construct, repair, maintain, alter or use a private sewage system, dispose of septage or sludge, or create any nuisance in violation of any provisions of this ordinance. No person shall resist, obstruct or interfere in any way with the Zoning Administrator or Health Officer in the lawful enforcement of this ordinance. No person shall fail to obey the Zoning Administrator or Health Officer's enforcement orders.

12.2 Notification

Persons in violation of this ordinance shall be notified by the Zoning Administrator or Health Officer of said violation and corrective actions needed to abate the violation, if any. If the violation is not corrected by the specified deadline, the Zoning Administrator or Health Officer shall refer the violation to the Corporation Counsel or their designee.

12.3 Penalties

Any persons, firm, or corporation who fails to comply with the provisions of this ordinance shall, upon conviction thereof, forfeit not less than \$25.00 nor more than \$500.00 and the cost of prosecution as set by the Wisconsin Statutes for each violation and in default of payment of such forfeitures and costs, shall be imprisoned by the county jail until payment thereof, but not exceeding 30 days. Each day a violation occurs or continues shall constitute a separate offense. As appropriate, the Florence County Uniform Citation Ordinance shall apply to the enforcement of this ordinance. Further, the County has the right to seek injunctions restraining order any other order of the court that may be necessary in addition to fines to ensure the enforcement of this Ordinance.

12.4 Remedial Action

Whenever an order of the Zoning Administrator or Health Officer has not been complied within the time specified, the Corporation Counsel or their designee shall institute appropriate legal action or proceedings to resolve the violation, prevent the use of premises, lands or waters until such order is complied with and to seek appropriate penalties.

12.5 Appeals

Persons seeking to appeal decision of the Zoning Administrator under this ordinance shall file written letters of appeal with the Zoning Administrator. The Zoning Administrator shall place the appeal on the agenda of the Zoning Board of Adjustment and the appeal shall be given a due

process proceeding in accord with chapter 68, Wisconsin Statutes. The Zoning Board of Adjustment shall decide whether to uphold, uphold with modifications or reverse the Zoning Administrator's decision based upon the terms and intent of this ordinance and of relevant state laws and administrative rules. No appellate decision of the board shall have the effect of approving an existing or proposed condition that would violate this ordinance or state law or administrative rule. Zoning Board of Adjustment appellate decisions shall be made in writing and shall be filed in the Zoning Administrator's office. Appeals of decisions made by authorized agents on the behalf of the administrator shall be made first to the administrator and then be appealable as provided herein.

13.0 FEES

13.1 All persons, firms or corporations performing any work on any private sewage disposal system shall pay a fee for the following:

- (1) New POWTS
Conventional System
Holding Tank
At-Grade System
In-Ground Pressure System
System in Fill
Mound System
- (2) New POWTS (Other Systems Recognized by SPS 383)
- (3) Reconnection of Existing System
- (4) Non-Plumbing Sanitation System
- (5) Transfer Fee
- (6) Renewal Fee
- (7) Reinspection Fee
- (8) Reserved
- (9) Appeals

13.2 All fees shall be established by separate resolution by the Florence County Board from time-to-time as deemed appropriate.

13.3 Sanitary permit fees are due at the time of application. After any sanitary permit has been issued, the fee(s) will not be refunded.

14.0 DEFINITIONS

14.1 General

Except as specifically defined below, words and phrases used in this ordinance are to be interpreted as having the same meaning as they have in the State Statutes and Administrative Codes and in Common Law. Words in the present tense include the future; words in singular include the plural and words in the plural include the singular. The word "shall" is mandatory.

- (1) **“Approved Inspector”** is defined as a person or firm licensed by the State of Wisconsin to perform the inspection.
- (2) **"SPS"** shall mean the State of Wisconsin Department of Safety and Professional Services.
- (3) **“Conventional POWTS”** is defined as a private sewage system consisting of a septic tank and in-ground soil absorption component with gravity distribution of effluent.
- (4) **“County Sanitary Permit”** is defined as a permit issued by the Florence County Zoning Administrator for the reconnection and repair of a private sewage system or for the installation of a non-plumbing sanitation system, pursuant to Wisconsin Statutes 50.70 and 145.04. Renewals and transfers also require a county sanitary permit.
- (5) **“Failing POWTS”** has the meaning specified under Wisconsin Statute 145.245(4).
- (6) **“Human Habitation”** is defined as the act of occupying a structure as a dwelling or sleeping place, whether intermittently or as a principal residence.
- (7) **"In-ground Pressure System"** is defined as a pressurized system placed entirely within the natural soil and based on the mound system design.
- (8) **"Florence County Zoning Administrator"** is defined as a person appointed by the Florence County Board of Supervisors to administer and enforce this ordinance, or any of his/her assistants or employees.
- (9) **"Licensed Pumper"** is defined as a person or firm licensed by the State of Wisconsin to pump, haul and dispose of sewage and septage.
- (10) **“Non-plumbing sanitation system”** shall mean sanitation systems and devices within the scope of SPS391, 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.
- (11) **"Plumber"** is defined as a person licensed by the State of Wisconsin as a Master Plumber or Master Plumber Restricted Sewer Services.
- (12) **"Plumbing"** shall have the meaning as given under Wisconsin Statute 145.01(10)

- (13) **“Ponding”** is defined as an increase in water surface elevation upstream of a blockage or an obstruction.
- (14) **"Private On-site Wastewater Treatment System (POWTS)"** shall have the meaning as given under Wisconsin Statute 145.01(12).
- (15) **“Privy”** is defined as an enclosed nonportable toilet into which nonwater-carried human wastes are deposited.
- (16) **"Privy-pit"** is defined as a privy with earthen sidewalls and/or bottom. The privy shall be so constructed so as to be insect and rodent proof per SPS 391, Wisconsin Administrative Code.
- (17) **"Privy-vault"** is defined as a privy with a watertight vault consisting of:
- (a) Concrete sidewalls and bottom (poured in place).
 - (b) A prefabricated concrete tank.
 - (c) An asphalt-coated steel tank.
 - (d) The privy shall be constructed insect and rodent proof per SPS 391, Wisconsin Administrative Code.
- (18) **"Sanitary Permit"** is defined as a permit issued by the Zoning Administrator or designated issuing agent for the installation of a private sewage system or for the installation of a non-plumbing sanitation system, pursuant to Wisconsin Statutes 59.70 and 145.04.
- (19) **“Seasonal Residence”** is defined as a dwelling unit to be used only for part-time occupancy during certain periods of the year, and not intended for permanent year-around use or occupancy as a domicile.
- (20) **"Septic Tank"** is defined as a tank which is part of a soil absorption system and receives and partially treats sewage before discharging the partially treated sewage to a drainfield.
- (21) **"Structure"** is defined as anything constructed or erected, the use of which requires a more or less permanent location in or on a premise, or any other attachment to something having a permanent location on the ground and which encloses a space with walls and roof. Structure includes any underground construction within this definition.

15.0 VALIDITY, ADOPTION, AND EFFECTIVE DATE

15.1 Validity

All other ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

15.2 Adoption and Effective Date

This ordinance shall be effective after public hearing, adoption by the County Board of Supervisors and publication as required by law.

Adopted this____. day of_____, 2009 by the Florence County Board of Supervisors.

Approved:

Jeannette Bomberg,
County Board Chairperson

Attest:

Geraldine Meyer
County Clerk