

CHAPTER 32 SANITARY CODE

32.01 GENERAL PROVISIONS.

(1) Pursuant to Section 59.70(5)(a) and (5)(b), Wisconsin Statutes, the Taylor County Board of Supervisors hereby adopts the Taylor County Private Sewage System Chapter.

(2) This chapter shall be subject to the provisions of Comm 81, 82, 83, 84, 85, 87 and 91, Wisconsin Administrative Code, Chapter 145, Wisconsin Statutes, and all subsequent rules and regulations promulgated thereunder regarding private sewage systems.

History: Amended, Ordinance 311, 3/92
Amended, Ordinance 521, 8/3/2005

(3) This chapter shall not be more lenient nor more stringent than the rules and regulations promulgated pursuant to Chapter 145 of the Wisconsin Statutes.

(4) Since State administrative codes regulate the design, sizing, and construction of a private sewage system, Taylor County has, by this chapter, adopted these standards. Any warranty, expressed or implied, as to the proper functioning of a private sewage system constructed under a permit issued by Taylor County, is between the property owner and the installing plumber and/or the Department.

(5) Any changes or revisions to Comm 83 are automatically in force unless specified.

32.02 DEFINITIONS. For the purpose of this chapter, certain terms or words herein shall be interpreted or defined as follows.

(1) "Department/Commerce (Comm.)." The State Department of Commerce, Safety & Buildings Division. State agency that regulates the State Sanitary Code.

History: Amended, Ordinance 521, 8/3/2005

(2) "Issuing Agent." The Taylor County office, department, committee, position, or employee assigned the duties of administering the private sewage system program by the Taylor County Board of Supervisors. The issuing agent can also be the deputies, assistants, and staff for the purpose of issuing sanitary permits.

History: Amended, Ordinance 311, 3/92

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

History: Created, Ordinance 521, 8/3/2005

(4) "Private Sewage System or Private Onsite Wastewater Treatment System (POWTS)." A sewage treatment and disposal system serving a single structure with a septic tank and soil absorption field located on the same parcel as the structure; an alternative sewage system approved by the Department including a substitute for the septic tank or soil absorption field; a holding tank; a mound system; a sand filter system; aerobic treatment units; a system serving more than one structure; a system located on a different parcel than the structure is on, which may be owned by the property owner or by a special purpose district; or any private sewage system that the Department may approve.

History: Amended, Ordinance 521, 8/3/2005

(5) "Privy." A structure which has no plumbing or water under pressure and the primary use is to contain human wastes.

History: Amended, Ordinance 521, 8/3/2005

(a) Vault privy. An enclosed nonportable toilet into which nonwater carried human wastes are deposited to a subsurface storage chamber that is watertight.

(b) Pit privy. An enclosed nonportable toilet into which nonwater carried human wastes are deposited to a subsurface storage chamber that is not watertight.

(6) "Sanitary Permit." A permit issued by the Department or the issuing agent for the installation of a private sewage system.

History: Amended, Ordinance 521, 8/3/2005

(7) "Wisconsin Fund." A state program to assist with reimbursement of failing POWTS if criteria is met.

History: Created, Ordinance 521, 8/3/2005

32.03 ISSUING AGENT. The Taylor County Zoning Administrator or Administrative Assistant shall act as the Taylor County issuing agent and is hereby assigned the duties of administering the Taylor County Private Sewage System Chapter.

Taylor County Zoning will do plan review for systems described in Table Comm 83.22-3, Wisconsin Administrative Code, as well as privies and other systems not requiring plan review by the Department of Commerce. Plan review fees will be per fee schedule for review.

History: Amended, Ordinance 557, 10/29/2008

32.04 SANITARY PERMIT.

(1) Validity.

(a) No person may install a private sewage system unless the owner of the property on which the private sewage system is to be installed holds a valid sanitary permit.

(b) No person may sell at retail a septic tank for installation unless the purchaser holds a valid sanitary permit.

(c) A sanitary permit is valid for 2 years from the date of issue and is renewable for similar periods thereafter.

History: Amended, Ordinance 311, 3/92

(d) A sanitary permit may be transferred from the holder to a subsequent owner of the land, except that the subsequent owner must obtain a new copy of the sanitary permit from the issuing agent. (Permits can only be transferred from one owner to the next).

(e) All standards for installation and inspections shall be in accordance with Comm 83 and appropriate departmental forms utilized for inspection.

(f) Management and maintenance of all systems shall be in accordance with Comm 83.

(2) Application.

(a) The issuing agent shall use the sanitary permit application and permit forms provided by the Department.

History: Amended, Ordinance 521, 8/3/2005

(b) The applicant shall submit the completed sanitary permit application to the issuing agent.

(c) The issuing agent shall review the certified soil tester's reports for the proposed private sewage system and verify the reports at the proposed site, if necessary.

(d) The issuing agent shall approve or disapprove applications for sanitary permits and assist applicants in preparing an approvable application.

(e) The issuing agent shall issue written notice to each applicant whose sanitary permit application is disapproved. Each notice shall:

1. State the specific reasons for disapproval, and amendments to the application, if any, which would render the application approvable;

2. Inform the applicant of the right to appeal and the procedures for conducting an appeal under Chapter 68 of the Wisconsin Statutes. The appeal will be forwarded to the Zoning Committee for review and evaluation. If sufficient evidence is available, the Committee may overturn the non-issuance of the permit.

History: Amended, Ordinance 521, 8/3/2005

(f) Any alteration to an existing structure which are at or exceed 25% of assessed valuation of the improvements, shall require an inspection or documentation to be made of the sanitary system to determine if it is code compliant.

History: Amended, Ordinance 521, 8/3/2005

(3) Reconnection. Existing systems may be approved and utilized for a new structure if:

History: Amended, Ordinance 557, 10/29/2008

(a) an inspection is done by a master plumber, master plumber-restricted service architect, engineer, designer of private sewage systems or certified POWTS Inspector indicating that the system is properly sized for the intended use, is not failing as defined in Section 145.245(4), Wisconsin State Statutes, and a copy of the report is furnished to Zoning Office; and

History: Amended, Ordinance 557, 10/29/2008

(b) a soil boring is constructed to at least 3 feet below the bottom of the infiltrative surface of the system to ensure the system is installed in compliant soils and a report is filed by a certified soil tester; and

History: Created, Ordinance 521, 8/3/2005
Amended, Ordinance 557, 10/29/2008

(c) a plot plan is submitted and approved for the reconnection with the appropriate fee as stated in fee schedule.

History: Amended, Ordinance 557, 10/29/2008

32.05 FEES. Since the cost of inspections and other administrative and enforcement measures will vary according to the availability of personnel and current salary levels, fees shall be determined by the Zoning Committee.

History: Amended, Ordinance 521, 8/3/2005

32.06 MAINTENANCE. All systems shall be maintained per Comm 83. County will monitor all septic tank systems on a 3-year cycle. Holding tanks will be serviced as needed by commercial pumper unless owner holds a private pumping permit. If system requires maintenance more frequently than once every 3 years, system will be tracked by Zoning to comply with manufactures recommendation.

Failure to properly maintain holding tanks will be subject to legal prosecution per holding tank agreement conditions and the County Nuisance Ordinance.

History: Created, Ordinance 521, 8/3/2005

32.07 INSPECTIONS.

History: Amended, Ordinance 521, 8/3/2005

(1) The issuing agent shall inspect, or cause the inspection of, all private sewage systems after construction, but before backfilling, no later than the end of the next work day, excluding Saturdays, Sundays and holidays, after receiving notice from the plumber in charge.

(2) The issuing agent shall file reports and conduct, or cause to be conducted, surveys and inspections as required by the Taylor County Board of Supervisors.

(3) Notification. As work progresses under a sanitary permit, the holder thereof or their agent shall cause the County Zoning Administrator to be notified at the following stages.

(a) Prior to construction and after staking the proposed private sewage system.

History: Amended, Ordinance 521, 8/3/2005

(b) Upon installation of any private sewage system components and before covering is applied.

History: Amended, Ordinance 521, 8/3/2005

(4) Inspections and approvals. Inspections of new, replacement, or modified private sewage systems shall be made by the end of the next work day. All other inspections shall be made within 7 days following receipt of notification. At the first inspection, the County Zoning Administrator shall determine to the best of his/her ability that the building and sanitary facilities have been located in accordance with the site maps and approved plans, and other relevant provisions of this chapter.

History: Amended, Ordinance 521, 8/3/2005

32.08 VIOLATIONS. The issuing agent shall investigate, or cause to be investigated, violations of the Private Sewage System Chapter, County Nuisance Chapter, Chapter 145, Wisconsin Statutes, and Chapter 254, Wisconsin Statutes, issue orders to abate the violations and submit orders to the district attorney, corporation counsel, or attorney general for enforcement.

History: Amended, Ordinance 521, 8/3/2005

(1) Violations and Cancellations.

(a) Should the County Zoning Administrator determine that the construction, modification or alteration is not proceeding according to the approved plan or is in violation of any provision of this chapter, he/she shall so notify the permit holder. Further construction shall be stayed until plan revisions have been made and approved by the County Zoning Administrator.

History: Amended, Ordinance 521, 8/3/2005

(b) Should the permit holder fail to comply with the requirements at any stage of construction, the County Zoning Administrator is hereby empowered to revoke the permit issued and shall cause notice of such revocation to be securely posted upon said construction. Posting of such notice shall be considered sufficient notification to the permit holder of revocation thereof. No further work shall be undertaken or permitted upon such construction until a valid sanitary permit shall thereafter have been issued.

History: Amended, Ordinance 521, 8/3/2005

32.09 HOLDING TANKS.

History: Amended, Ordinance 521, 8/3/2005

(1) Holding tanks shall be the system of last resort. If an in-ground soil absorption component, mound, at-grade, or any approved system other than an experimental system can be placed on the site, that system will be utilized. Only if soils, slopes, or setbacks prohibit the use of an onsite soil treatment system may holding tanks be utilized. Exemptions may be considered by the Zoning Administrator on lake lots (within 1000' of the ordinary highwater mark of the lake or within 300' of a navigable stream) to allow holding tanks to be a system of choice.

History: Amended, Ordinance 521, 8/3/2005

(2) A Soil test will not be required for holding tanks in a shoreland area. The lake must be at least 5 acres or more to qualify for a Shoreland area.

History: Created, Ordinance 521, 8/3/2005

(3) Water meters do not have to be installed on holding tank systems. If owner requests, meters may be installed.

History: Created, Ordinance 521, 8/3/2005

32.10 PRIVIES AND PORTABLE RESTROOMS.

History: Amended, Ordinance 521, 8/3/2005

(1) The regulation of privies and portable restrooms shall be subject to the provisions of Chapter Comm 91 and this Chapter.

History: Amended, Ordinance 311, 3/92
Amended, Ordinance 521, 8/3/2005

(2) Privies and portable restrooms shall be constructed and maintained in a clean condition so that insects and rodents cannot enter the vault.

History: Amended, Ordinance 521, 8/3/2005

(3) Privies and portable restrooms shall be located at the minimum horizontal distance of 25 feet from dwellings, 25 feet from a lot line, 50 feet from water supply wells, 75 feet from a stream, lake, or other water course, and 25 feet from the edge of a 20 percent slope. A Privy Pit shall be 3 feet above bedrock and the high groundwater level. A Certified Soil Tester shall perform a soil evaluation of the site for a pit privy. Soil must be suitable with at least 3' of suitable soil present for waste treatment.

History: Amended, Ordinance 521, 8/3/2005

(4) Privy and portable restroom application forms, to include composting and incinerator type toilets are available and shall be filled out and returned with appropriate fees per the fee schedule to the Taylor County Zoning Office for filing and inspection, if necessary.

History: Amended, Ordinance 521, 8/3/2005
Amended, Ordinance 557, 10/29/2008

32.11 WISCONSIN FUND.

(1) Applicants who meet criteria of Comm 87 can apply to the Zoning office for the Wisconsin Fund program. This program pays part of the installation costs to replace a failing system constructed prior to July 1, 1978.

(2) Income limits apply to this program (see Comm 87). If applicant is eligible, paperwork will be furnished to the Zoning office with a fee set by the Zoning Office. Paperwork will be processed by the Zoning Office and forwarded to Commerce for eligibility and payment.

(3) Zoning office will reject any application not meeting eligibility requirements per Comm 87. Applicant will be furnished letter stating reason of denial.

(4) If Zoning office rejects application, applicant can appeal to the Zoning Committee for further consideration. The appeal will be submitted to the Zoning Administrator who will forward the request to the Chairman of the Zoning Committee for action.

(5) A valid application must be complete with necessary Comm paperwork and supporting data before being processed.

History: Created, Ordinance 521, 8/3/2005

32.12 COUNTY ZONING ADMINISTRATOR AND INSPECTIONS.

History: Amended, Ordinance 521, 8/3/2005

(1) The County Board shall appoint a County Zoning Administrator, who shall have the power and duty to enforce the provisions of this chapter and all other ordinances, laws, and order of Taylor County and the State of Wisconsin, which relate to the construction, alteration, or installation of sanitary facilities.

History: Amended, Ordinance 521, 8/3/2005

(2) The Taylor County Health Department will enforce above activities mentioned per Memorandum of Understanding signed June 16, 2003 between Health Department/Chair and Zoning Office/Chair. The Health Department is also responsible for abatement of any nuisance caused by malfunctioning sanitary system, non-permitted system, or any system discharging to ground or surface water.

History: Created, Ordinance 521, 8/3/2005

(3) Duties. It shall be the duty of the County Zoning Administrator to enforce the provisions of this chapter and to:

History: Amended, Ordinance 521, 8/3/2005

(a) Record all permits, fees, inspections, and other official actions, and to make an annual report thereon to the County Board of Supervisors.

(b) Inspect all existing and new private sewage systems periodically and all new work shall be given a final inspection before it is covered.

(c) Verify that all new private sewage systems have been tested upon completion of the work in accordance with standard testing methods.

(d) Investigate all complaints made relative to private sewage systems in cooperation with County Health Department.

History: Amended, Ordinance 521, 8/3/2005

(e) The issuing agent shall perform other duties regarding private sewage systems as considered appropriate by the Taylor County Board of Supervisors.

(f) Pursuant to Chapter 145.195, Wisconsin Statutes, prior to issuance of building or land use permits make determinations and inspect as necessary that proposed building construction does not interfere with a functioning private sewage system.

History: Created, Ordinance 521, 8/3/2005

(4) Powers. The County Zoning Administrator shall have all the powers necessary to enforce the provisions of this chapter including the following:

History: Amended, Ordinance 521, 8/3/2005

(a) Access to any structure or premise, when permit is issued or pending or upon issuance of a special inspection warrant, between 8 a.m. and 8 p.m. for the purpose of performing his/her duties.

History: Amended, Ordinance 521, 8/3/2005

(b) Prohibit the use of any private sewage system until such system has been inspected, tested, and approved.

(c) Order any person, firm, or corporation owning, using, operating, or installing a private sewage system to modify it, repair it, or place it in a safe or sanitary condition if he/she finds such system to be in a defective, unsafe, or unsanitary condition.

(d) Recommend to the Zoning Committee any additional sanitary measures as shall seem to him/her necessary.

(e) Prohibit the use of any private sewage system that he/she finds is so constructed, operated, or maintained as to be a menace to the health of the users, neighbors, or community.

(f) Appoint deputy Zoning Administrators for assistance in processing applications for sanitary permits upon the consent of the Zoning Committee. Compensation for deputy Zoning Administrators shall be determined by the County Board.

(g) Enforce any or all of the rules or orders and amendments thereto of the state agencies applicable to private water supply or private sewage systems.

History: Amended, Ordinance 521, 8/3/2005

(5) Qualifications of County Zoning Administrator. To be eligible for appointment as County Zoning Administrator such person shall be generally informed on the principles and practices of good building construction, proper construction and installation of sanitary facilities, subdivision control, and zoning regulations. He/She shall be in good health and physically capable of making the necessary inspections of buildings, facilities, and sites in the course of construction or alteration. In case he/she has a personal interest in the construction or alteration of any building or use subject to the provisions of this chapter or other County ordinances, the County Board shall designate some other person to examine the plans, to make the necessary inspections, and to issue the necessary permits, approvals, and certificates.

The Zoning Administrator or Deputy shall possess a Plumbing Inspector License to inspect any POWTS. Additionally, evaluation of a soil test requires administrator to possess a Certified Soil Testers License.

History: Amended, Ordinance 521, 8/3/2005

(6) Severability and Non-Liability. If any sections of this chapter are found to be unconstitutional or invalid by a court of competent jurisdiction, the remainder of the chapter shall remain in full force.

History: Amended, Ordinance 521, 8/3/2005

History: Unnumbered Ordinance, 4/17/68

Repealed and Recreated, Ordinance 108, 7/80

THE COMPLETE CHAPTER 32 WAS REPEALED AND RECREATED 8/31/2000
ORDINANCE 453