

Chapter 74

UTILITIES*

* **Cross References:** Administration, ch. 2; buildings and building regulations, ch. 10; environment, ch. 18; floods, ch. 26; solid waste, ch. 54; streets, sidewalks and other public places, ch. 58; subdivisions, ch. 62.

Article I. Sanitary Systems

Sec. 74-1. Title.

Sec. 74-2. Authority.

Sec. 74-3. Purpose.

Sec. 74-4. Scope and Intent.

Sec. 74-5. Compliance.

Sec. 74-6. Jurisdiction.

Sec. 74-7. Effective Date.

Sec. 74-8. Abrogation and Greater Restrictions.

Sec. 74-9. Interpretation and Application.

Sec. 74-10. Severability.

Sec. 74-11. Warning and Disclaimer of Liability.

Sec. 74-12. Vesting of Rights.

Sec. 74-13. Headings.

Sec. 74-14. Definitions.

Secs. 74-15--74-16. Reserved.

Sec. 74-17. Prohibitions and Limitations.

Sec. 74-18. POWTS Abandonment.

Sec. 74-19. Soil and Site Evaluation.

Sec. 74-20. Sanitary Permits.

Sec. 74-21. Application Requirements.

Sec. 74-22. System Plans.

Sec. 74-23. Sanitary Permit Cards.

Sec. 74-24. Permit Renewal.

Sec. 74-25. Permit Denial.

Sec. 74-26. Transfer of Ownership.

Sec. 74-27. Change of Plumbers.

Sec. 74-28. Emergency Repairs and Installations.

Sec. 74-29. Reconnection.

Sec. 74-30. POWTS Evaluation.

Sec. 74-31. Inspections.

Sec. 74-32. Fees and Charges.

Sec. 74-33 – 74-34. Reserved.

Sec. 74-35. Construction Affecting Wastewater Flow or Contaminant Load.

Sec. 74-36. Construction Not Affecting Wastewater Flow or Contaminant Load.

Sec. 74-37. County Inventory and Maintenance Program.

Sec. 74-38. Septic Tank Maintenance.

Sec. 74-39. Holding Tank Maintenance.

Sec. 74-40. Pumping.

Sec. 74-41. Property Transfer and Land Division Requirements.

Sec. 74-42. Privies.

Sec. 74-43. Public Sewer.

Sec. 74-44. Discharges Prohibited.

Sec. 74-45 – 74-47. Reserved.

Sec. 74-48. Violations and Penalties.

Sec. 74-49. Administration, Powers and Duties.

Sec. 74-50. Appeals and Variances.

Sec. 74-51. Amendments.

Sec. 74-52 – 74-54. Reserved.

Article II. Private Water Systems

Division 1. In General

Sec. 74-55. Title.
Sec. 74-56. Purpose.
Sec. 74-57. Intent.
Sec. 74-58. Authority and Adoption.
Sec. 74-59. Jurisdiction of Article.
Sec. 74-60. Definitions.
Sec. 74-61. Reserved.

Division 2. County Administration

Sec. 74-62. County responsibilities for Level 5 - Well and Drill Hole Abandonment.
Sec. 74-63. Enforcement of State and Local Laws.
Sec. 74-64. Administrator.
Sec. 74-65. Violations.
Sec. 74-66. Administrator Directives and Orders.
Sec. 74-67. Enforcement actions.
Sec. 74-68 – 74-69. Reserved.

Division 3. Land Division and Property Transfer

Sec. 74-70. Land Division Well Test.
74-71 – 74-79. Reserved.

ARTICLE I.
SANITARY SYSTEMS

Sec. 74-1. Title.

This article shall also be known as the “Calumet County Sanitary Ordinance”, or hereinafter referred to as “this Ordinance”.

Sec. 74-2. Authority.

This Ordinance is adopted pursuant to the authority granted by s. 59.70(5), 145.01(5), 145.20, 145.245 Wis. Stats., and, Ch. ~~COMM-SPS~~ 383, 387 and 391 Wis. Admin. Code.

Sec. 74-3. Purpose.

The purpose of this Ordinance is to establish minimum standards and criteria for the design, installation, operation, inspection and management of private onsite wastewater treatment systems (‘POWTS’), so that each system is designed, installed and operated appropriately so public health and safety is protected, and, waters of the State, including drinking water, are safe from any potentially harmful effects of a POWTS.

Sec. 74-4. Scope and Intent.

The scope and intent of this Ordinance is to regulate wastewater generation and the location, construction, installation, alteration, design and use of all POWTS as to protect the health of the residents and transients; to protect drinking water from harmful nitrates and bacteria; to secure safety from disease and pestilence; to further the appropriate use and conservation of land and water resources; and to preserve and promote the beauty of Calumet County and its communities. It is further intended to provide for the administration and enforcement of this Ordinance and to provide penalties for violation of this Ordinance.

Sec. 74-5. Compliance.

No POWTS or part thereof shall hereafter be located, installed, moved, reconstructed, reconnected, extended, enlarged, converted, substantially altered or their use changed without a sanitary permit and without full compliance with the provisions of this Ordinance and all other applicable County and State regulations. No person shall install, repair, add to or perform work on a POWTS 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.

Sec. 74-6. Jurisdiction.

The jurisdiction of this ordinance shall include all lands and waters within the incorporated and unincorporated areas of Calumet County that are not served by public sewer.

Sec. 74-7. Effective Date.

This Ordinance, upon enactment by the Calumet County Board of Supervisors, shall be effective the day after adoption and shall not require approval or be subject to disapproval by any town, village or city in Calumet County.

Sec. 74-8. Abrogation and Greater Restrictions.

(a) *Repeal.* The Calumet County Private Sewage Disposal Ordinance of 1980, and any amendments thereto, including the holding tank prohibition of February 25, 1986, are hereby repealed upon enactment of this Ordinance.

(b) *Greater Restrictions.* Wherever this Ordinance imposes greater restrictions than other similar regulations, the provisions of this Ordinance shall govern. This Ordinance shall not be more or less stringent than the governing rules established by the applicable sections of the Wis. Stats. or Wis. Admin. Code.

(c) *Deed Restrictions, Etc.* It is not intended by this Ordinance to repeal, abrogate, annul, impair, or interfere with any existing easement, covenant, deed restriction, or agreement. Calumet County shall not enforce any easement, covenant, deed restriction, or agreement to which it is not a party.

(d) *Prior Permits.* It is not intended by this Ordinance to repeal, abrogate, annul, impair, or interfere with any permit previously issued pursuant to law.

Sec. 74-9. Interpretation and Application.

The provisions of this Ordinance shall be construed to be the minimum requirements and shall be broadly and literally construed in favor of Calumet County, shall not be deemed a limitation or repeal of any other power granted by the Wis. Stats. and the Wis. Admin. Code, and, is limited only by express language. Further interpretation and application of the provisions of this Ordinance shall take into account the purposes of this Ordinance and any adverse affects that an interpretation may have upon such purposes.

Sec. 74-10. Severability.

If any section, paragraph, clause, provision, or portion of this Ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby. If any application of this Ordinance to a particular private onsite wastewater treatment system, part thereof, use, structure, land, or waters is adjudged unconstitutional or invalid by a court of competent jurisdiction, such judgment shall not be applicable to any other private onsite wastewater treatment system, part thereof, use, structure, land, or water, not specifically included in said judgment.

Sec. 74-11. Warning and Disclaimer of Liability.

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 Wis. Stats. or Wis. Admin. Code requirements.

Sec. 74-12. Vesting of Rights.

No rights to any particular system or use vest in any property owner simply because the system or use is permitted by this Ordinance. Such system or use may be prohibited by future amendments to this Ordinance. However, the approval and issuance of a permit shall vest in the property owner the right to use the system or use in the manner specifically approved by the permit, unless or until the permit expires. No amendment to this Ordinance which prohibits a particular system or use shall be applicable to any system or use developed under a previously issued permit, except to that extent that such system or use is rendered nonconforming.

Sec. 74-13. Headings.

Headings are used throughout this Ordinance to assist users of this Ordinance. If a heading should conflict with the text in interpreting this Ordinance, the text shall control.

Sec. 74-14. Definitions.

(b) *Word Usage.* In the interpretation of this Ordinance, the provisions and rules of this Ordinance shall be observed and applied, except when the context clearly requires otherwise:

- (6) *Tense.* Words used or defined in 1 tense or form shall include other tenses and derivative forms.
- (7) *Singular and Plural.* Words in the singular number shall include the plural number, and words in the plural number shall include the singular number.
- (8) *Gender.* The masculine gender shall include the feminine, and the feminine gender shall include the masculine.
- (9) *Shall.* The word “shall” is mandatory.
- (10) *May.* The word “may” is permissive.

(c) *Definitions.* Definitions provided in ~~COMMSPS~~ 381, 382, 383, 384, 385, 387, and 391, and NR 113, 811, and 812 of the Wis. Admin. Code, the Calumet County Land Division Code (Chapter 62) and the Zoning Code (Chapter 82) of this Code of Ordinances, are hereby adopted by reference. When used in this Ordinance, the following terms shall have the meanings herein assigned to them. Words used in this Ordinance, but not defined herein or in any of the Wisconsin Administrative Code Chapters adopted by reference, shall carry the meanings as defined in Webster’s Unabridged Third International Dictionary, or a dictionary based on it. For purposes of easy reference within this section, the following terms will appear in italicized print.

A+4 Mound POWTS. A mound system that is installed on soils that consist of the “A” horizon plus 4 inches of soil above a limiting factor.

Bedrock. The rocks that underlie soil material or are at the earth's surface. Bedrock is encountered when the weathered-in place consolidated material, larger than 2mm in size, is greater than 50% by volume.

Building. A structure for support, shelter or enclosure of persons or property.

Cesspool. An excavation which receives domestic wastewater by means of a drain system without pretreatment of the wastewater and retains the organic matter and solids permitting the liquids to seep from the excavation.

Certified Soil Tester. A person licensed by the State as a Certified Soil Tester.

Code Administrator. An authorized representative of the Resource Management Department hired by Calumet County for the purposes of carrying out the terms of this Ordinance. A designee appointed by the Calumet County Board of Supervisors to enforce the provisions of this Ordinance shall also be considered a Code Administrator and shall be held responsible for all the duties of a Code Administrator, as determined by this Ordinance. The Code Administrator shall be specifically trained or experienced in performing those tests necessary to determine the feasibility of the safe disposal of sanitary works on proposed building sites and so certified by the department.

Community. A town, village, city or group of adjacent towns, villages or cities, or portions thereof, having common social, economic or physical interests.

Conventional POWTS. A POWTS consisting of a treatment tank and an in-ground soil absorption component with gravity distribution of effluent.

County. The Calumet County Resource Management Department or staff thereof which also serves as the Issuing Agent and has the authority to sign documents necessary to carry out the intent of this Chapter.-

Department. The State of Wisconsin Department of Commerce.

DNR. The State of Wisconsin Department of Natural Resources.

Dwelling. A structure or that part of a structure, which is used or intended to be used as a home, residence or sleeping place by 1 person or by 2 or more persons maintaining a common household, to the exclusion of others.

Effluent. Any untreated or partially treated domestic wastewater constituent, which includes the untreated discharge from any treatment tank or soil dispersal component.

Failing POWTS. A failing POWTS is one which causes or results in any of the following conditions:

- (1) The discharge of sewage into surface water or groundwater.
- (2) The introduction of sewage into zones of saturation which adversely affects the operation of a POWTS.
- (3) The discharge of sewage to a drain tile or into zones of bedrock.
- (4) The discharge of sewage to the surface of the ground.
- (5) The failure to accept sewage discharges and backup of sewage into the structure served by the POWTS.

Fee Schedule. The fee schedule established by the Planning, Zoning, Land and Water Conservation Committee on file in and implemented by the Resource Management Department. The fee schedule may also include fees established by the Planning, Zoning, Land and Water Conservation Committee which are placed on the landowner's tax bill to cover the expense of a maintenance program.

Field Verification. An evaluation of a soil profile conducted by a licensed County staff member at a site that was tested by a certified soil tester.

Flood Plain. The land adjacent to a body of water which has been or may be covered by flood water.

High Groundwater. Zones of soil saturation, which include: perched water tables, shallow regional groundwater tables or aquifers, or zones that are seasonally, periodically or permanently saturated.

Holding Tank. A watertight receptacle for the collection and holding of wastewater.

Human Habitation. The act of occupying a structure as a dwelling or sleeping place, whether intermittently or as a principal residence.

Infiltrative Surface (System Elevation). The plane within a treatment or dispersal component at which effluent is applied to in situ (native) soil or engineered soil.

Issuing Agent. The Calumet County Code Administrator shall act as the Issuing Agent and is hereby assigned the duties of administering the POWTS program.

Licensed Pumper. A person or firm licensed by the State of Wisconsin to pump, haul and dispose of sewage and septage (also known as a 'certified septage servicing operator').

Licensed Staff Member. Any member of the Calumet County Resource Management Department who is licensed by the State of Wisconsin as a Certified Soil Tester and/or POWTS Inspector, depending on the type of inspection.

Limiting Factor. Estimated depth to seasonal saturation, bedrock, or high groundwater.

Mottling. Spots or streaks of contrasting soil colors usually caused by soil saturation for some period of a normal year.

Non-plumbing Sanitation System. Sanitation systems and devices within the scope of ~~COMMSPS~~ 391, Wis. Admin. 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. 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.

Owner. The person or persons indicated as the property owner on the *Calumet County Land Records System*, unless a signed warranty deed has been submitted to indicate otherwise.

Parties-of-Interest. All property owners within 300 feet of the applicant's affected premises.

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

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

Private Onsite Wastewater Treatment System (POWTS). A sewage treatment and disposal system serving a single structure with a treatment tank, pre-treatment component, and/or soil dispersal component located on the same parcel as the structure; an alternative sewage system approved by the County including a substitute for the septic tank or soil absorption field, a holding tank, a system serving more than 1 structure or a system located on a different parcel than the structure, and may be owned by the property owner or by a special purpose district. For purposes of this Ordinance, a private onsite wastewater treatment system is also referenced as a 'POWTS'.

Privy. An enclosed non-portable toilet into which non-water carried human wastes are deposited.

- (1) *Pit Privy.* Constructed in soils which pass a soil evaluation for a conventional POWTS.
- (2) *Vault Privy.* Designed to retain contents in a water proof vault or holding tank.

Register of Deeds. The Office of the Calumet County Register of Deeds.

Sanitary Permit. A permit issued by the Department or County for the installation of an approved POWTS.

- (1) *State Sanitary Permit.* A permit issued by the Department for the installation or modification of a POWTS.
- (2) *County Sanitary Permit.* A permit issued by the County for the reconnection of a POWTS or for the installation of a privy.

Septic Tank. An anaerobic treatment tank which receives and partially treats sewage through processes of sedimentation, oxygenation, flotation and bacterial action so as to separate solids from the liquid in the sewage and discharges the liquid to a soil absorption system.

Sewage. The water carried wastes (organic) created in and to be conducted away from residences, private accessory buildings, commercial or industrial establishments, and public buildings.

Soil Absorption System. This definition shall include conventional (in-ground gravity), in-ground pressure, at-grade and mound components. This definition shall also include systems previously authorized as seepage bed or seepage trench systems.

Soil and Site Evaluation. The procedure specified in ~~COMM-SPS~~ [385](#), Wis. Admin. Code, conducted by a Certified Soil Tester used for the purposes of specifying, designing, and installing a POWTS to serve a structure.

Soil Pit. An excavation large enough for a person to stand in for the purpose of evaluating a soil profile.

Soil Profile. A vertical section of the soil containing 1 or more soil horizons.

Structure. Anything constructed, erected, or relocated from another premises, that is either permanently or temporarily attached to or resting on or in the ground, stream, lake bed, or another structure. ‘Structures’ shall include, but not limited to, buildings (regardless of size or use), mobile homes, manufactured homes, dwellings, gazebos, and swimming pools.

Suitable Soil Material. Any natural soil, sand, or gravel not containing any debris such as wood, plastic, metal, glass, paper, rubber, or any other similar materials.

Wash Water. Water which has been contaminated by soap, detergent, or any other cleaning agent.

Waters of the State. Includes all lakes, bays, rivers, streams, springs, ponds, wells, impounding reservoirs, marshes, watercourses, drainage systems, and other surface or groundwater, natural or artificial, public or private, within the State or its jurisdiction.

Wis. Admin. Code: The Wisconsin Administrative Code.

Wis. Stats.: The Wisconsin State Statutes.

Zone of Seasonal Saturation. The zone in which all soil pores are filled with water during some period of a year as determined by mottling.

Sec. 74-15.—74-16. Reserved.

Sec. 74-17. Prohibitions and Limitations.

- (a) All domestic wastewater shall enter a POWTS unless otherwise exempted by the State or this Ordinance.
- (b) Every building intended for human habitation or occupancy shall be provided with public sewer, a properly functioning POWTS or where there is no plumbing in the structure, a non-plumbing sanitation system that complies with ~~COMM-SPS~~ 391.
- (c) Portable restrooms shall be permitted for recreational or temporary use only. A sanitary permit is not required for a portable restroom.
- (d) Travel trailers and recreational vehicles connected to a self contained unit dumped at an approved sanitary dump station are excluded from this section.
- (e) Any POWTS or portions(s) thereof installed within a floodplain shall comply with all applicable requirements of NR 116, Wis. Admin. Code, the Floodplain Ordinance (Chapter 51) of this Code of Ordinances.
- (f) Holding Tanks.

- (1) The installation and use of a holding tank for new residential construction is prohibited.
 - (2) The installation and use of a holding tank shall only be permitted when there is no possibility of installing a POWTS, approved by ~~COMMS~~SPS 383, Wis. Admin. Code, that provides onsite treatment and disposal of domestic wastewater. In the event that a site cannot support an A+4 Mound system, a holding tank may be installed for the following situations:
 - A. As a replacement system; or
 - B. To serve a lot which was approved for creation by the County Planning, Zoning, Land and Water Conservation Committee or which is part of a recorded subdivision prior to February 25, 1986.
 - (3) A holding tank may be installed to serve public recreational facilities located in County, City, Village or Town parks.
 - (4) A holding tank may be installed to serve a use, other than a dwelling, with a design wastewater flow of 150 gallons per day or less.
 - (5) The installation and use of a holding tank for a non-residential use with a design wastewater flow of greater than 150 gallons per day may be considered on an individual basis by the Calumet County Planning, Zoning, Land and Water Conservation Committee.
- (g) Failing Systems.
- (1) When a failing POWTS 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 specified by the Code Administrator.
 - (2) An unlawfully modified POWTS which is discharging untreated or partially treated sewage into the ground, onto ground surface, or into surface waters may be ordered by the County to be corrected or replaced with a compliant system.

Sec. 74-18. POWTS Abandonment.

- (a) The components of an existing POWTS 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 ~~COMMS~~SPS 383, Wis. Admin. Code.

Sec. 74-19. Soil and Site Evaluation.

- (a) Soil and site evaluations shall be done prior to the issuance of permits as specified in ~~COMMS~~SPS 383 and 385 of the Wis. Admin. Code.
- (b) County verification of a soil evaluation report may be necessary to determine the suitability of a lot for a POWTS. This verification will be made at the discretion of the County and will be made prior to the issuance of the sanitary permit.
 - (1) To ensure that accurate soil interpretations can be made, field verifications will be

performed when weather and lighting conditions are suitable.

- (2) All field verifications for soil tests shall be done by evaluating a soil profile. 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.

(c) A certified soil tester may request County verification of a soil evaluation report before a complete sanitary permit application is submitted.

Sec. 74-20. Sanitary Permits.

(a) Every POWTS shall require a separate application and State sanitary permit.

(b) A State sanitary permit shall be obtained by the property owner, his agent or contractor, in the name of the property owner, before any POWTS or part thereof may be installed, replaced, reconnected, or modified. A State sanitary permit is not required for minor repairs (e.g. addition of manhole risers, replacement of manhole covers, risers, baffles, pumps).

(c) A State sanitary permit shall be obtained by the property owner, his agent or contractor, in the name of the property owner, prior to the issuance of a building permit for the construction of any structure which requires a POWTS.

(d) A County sanitary permit shall be obtained prior to constructing or installing a privy.

(e) Any property owner, his agent or contractor, who starts construction prior to obtaining a sanitary permit is in violation and may be subject to the penalties provided in this Ordinance.

(f) A sanitary permit shall be valid for 2 years from the original date of issuance.

(g) If any part of an existing POWTS has failed or requires replacement or modification, a new State sanitary permit shall be obtained for the modification, replacement, alteration or addition of the POWTS. Prior to the issuance of the new State sanitary permit:

- (1) The remainder of the system shall be evaluated for compliance with codes in effect at the time the system was originally installed.
- (2) A soil and site evaluation report shall be submitted for those components that utilize soil for treatment or dispersal, unless a report acceptable to the County is already on file with the County.
- (3) If any part of a POWTS is found to be defective or not in conformance with the applicable provisions of this Ordinance, the State sanitary permit application shall include specifications for the repair, renovation, replacement or removal of that part.

(h) Any sanitary permit provisions, stipulations or conditions of approval shall have the same authority as any provision of this Ordinance.

Sec. 74-21. Application Requirements.

(a) 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:

- (1) Names and addresses of the applicant (owner of the site) and the plumber employed (when applicable).
- (2) Legal description of the subject site and the tax identification or parcel number.
- (3) All lot dimensions.
- (4) Building use (single family, duplex, etc.).
- (5) Soil evaluation report.
- (6) System plans (Sec. 74-22, *System Plans*).
- (7) Appropriate agreements and contracts for system management and maintenance.
- (8) Copies of any documents required in Sec. 74-21(e), *Application Requirements*, and verification that they have been recorded.
- (9) Any other information required by the County.

(b) When any official State action is required prior to the issuance of a State sanitary permit, an original copy of the official action shall accompany the application.

(c) A State sanitary permit for the installation of a holding tank shall be granted only if the owner enters into a holding tank agreement and servicing contract.

(d) A State 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 other type of system permitted by COMMSPS 383, Wis. Admin. Code.

- (1) The County may waive the soil testing requirement on a case by case basis if lot size and/or topography would prevent the installation of a soil absorption system.

(e) The following documents must be recorded with the Register of Deeds prior to sanitary permit issuance:

- (1) Maintenance agreements or other POWTS documents, when recording is required by COMMSPS 383, Wis. Admin. Code or this Ordinance.
- (2) When a POWTS, or part thereof, are located on a different parcel than the structure served, an appropriate easement or combined parcel affidavit must be recorded.
- (3) When a POWTS serves more than 1 structure under different ownership, a document identifying all parties that have ownership rights and are responsible for the operation and maintenance must be recorded.
- (4) When the design wastewater flow of a POWTS 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) If a holding tank is installed in lieu of another type of POWTS for a use with a design wastewater flow of 150 gallons per day or less, the property owner shall record an affidavit agreeing to install a POWTS, approved under ~~COMMS~~SPS 383, Wis. Admin. Code, that provides onsite treatment and disposal of domestic wastewater if any change of occupancy or use occurs which results in a design wastewater flow which exceeds 150 gallons per day.
- (f) The County reserves the right to require floodplain delineation for a proposed POWTS area prior to State sanitary permit issuance. The County may require elevations on plans to be tied to floodplain elevation datum by a registered land surveyor.
- (g) The County reserves the right to refuse incomplete or incorrect permit applications or to delay permit issuance until corrected or completed applications are received.

Sec. 74-22. System Plans.

- (a) System plans shall be submitted for approval to the County or to the State in accordance with ~~COMMS~~SPS 383, Wis. Admin. Code. Plans shall comply with the requirements of ~~COMMS~~SPS 383, Wis. Admin. Code, and this Ordinance.
- (b) Plans submitted to the County shall include the original plan and 2 copies.
- (c) When plans are reviewed and approved by the State, at least 1 set of the plans submitted to the County shall bear an original State approval stamp or seal.
- (d) Plans submitted shall be clear, legible, and permanent copies.
- (e) Plans submitted shall comply with ~~COMMS~~SPS 383, Wis. Admin. Code and include the following:
 - (1) The name of the property owner and the legal description of the site.
 - (2) Estimated daily wastewater flow and design wastewater flow.
 - (3) A detailed plot plan (site plan), dimensioned or drawn to scale, on paper no smaller than 8 ½ inches by 11 inches in size. The plot plan shall delineate the lot size and the location of all existing and proposed: POWTS components; building sewers; private interceptor main sewers; active and unused or abandoned wells or well drillholes; water mains or water services; buildings; lot lines; swimming pools; navigable waters; known sinkholes; and the benchmark established on the soil evaluation report. Adjoining properties shall be checked to ensure that the horizontal setback parameters in ~~COMMS~~SPS 383.43, Wis. Admin. Code, are complied with. All separating distances and dimensions shall be clearly shown on the plot plan.
 - (4) Details and configuration layouts depicting how the system is to be constructed.
 - (5) A management plan for the proposed POWTS.
 - (6) A description of a contingency plan in the event the proposed POWTS fails and cannot be repaired.

- (7) Sufficient supporting information to determine whether the proposed design, installation, and management of the proposed POWTS or modification to an existing system complies with this Ordinance.

(f) Plans shall be signed or sealed as specified in ~~COMMS~~SPS 383, Wis. Admin. Code.

(g) A copy of the approved plans shall be maintained at the construction site until the POWTS installation is completed, inspected, and accepted. The plans shall be made available to the County or the State upon request.

(h) A modification to the design of a POWTS which has been previously approved shall be submitted to the County or the State as specified in ~~COMMS~~SPS 383, Wis. Admin. Code. Plan revisions must be approved prior to system installation.

Sec. 74-23. Sanitary Permit Cards.

(a) The permit card issued by the County to the property owner or their agent shall serve as the sanitary permit.

(b) 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.

(c) The permit card may not be removed until the POWTS has been installed, inspected, and approved by the County.

(d) Failure to display the permit card shall be considered a violation of this section and may subject the property owner, their agent or contractor, to penalty provisions of this Ordinance.

Sec. 74-24. Permit Renewal.

(a) A property owner may renew a sanitary permit for which a POWTS has not been installed, replaced, repaired, modified or reconnected prior to the expiration date of the original permit by submitting a new sanitary permit application to the County indicating the renewal.

(b) The sanitary permit application shall contain the owners name and the signature of the licensed plumber responsible for the installation of the POWTS.

(c) The sanitary permit application shall be submitted to the County with the appropriate fee as specified in the fee schedule.

(d) The renewal shall be based on regulations in force at the time of renewal.

(e) If a permit expires, a new sanitary permit shall be obtained by the owner or their agent prior to beginning construction.

Sec. 74-25. Permit Denial.

(a) When applicable provisions of Wis. Stats., Wis. Admin. 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, the State.

Sec. 74-26. Transfer of Ownership.

- (a) A property owner may transfer a valid sanitary permit to a new property owner by submitting a new sanitary permit application to the County indicating the transfer of ownership.
- (b) The sanitary permit application shall contain the name of the new owner and the signature of the licensed plumber responsible for the installation of the POWTS.
- (c) The sanitary permit application shall be submitted to the County with the appropriate fee as specified in the fee schedule.
- (d) Transfer of ownership shall not affect the expiration date or renewal requirements.

Sec. 74-27. Change of Plumbers.

- (a) A property owner may change plumbers by submitting a new sanitary permit application to the County indicating the change of plumber.
- (b) The sanitary permit application shall contain the name of the owner and the signature of the new licensed plumber responsible for the installation of the POWTS.
- (c) The sanitary permit application shall be submitted to the County with the appropriate fee as specified in the fee schedule.
- (d) 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 new State level approval is obtained by the new plumber.

Sec. 74-28. Emergency Repairs and Installations.

- (a) Emergency tank installations may be performed provided the owner, or owner's agent, makes acceptable arrangements with the County to secure a sanitary permit.
- (b) Emergency repairs or removal of stoppages may be performed without a sanitary permit provided such work is reported to the County as soon as possible to make a determination as to whether a sanitary permit is required.
- (c) The installer must notify the County prior to performing any work in accordance with the inspection section of this Ordinance.

Sec. 74-29. Reconnection.

- (a) A County sanitary permit for a reconnection shall be obtained prior to:
 - (1) Construction of a structure to be connected to an existing POWTS.
 - (2) Disconnection of a structure from an existing POWTS and connection of another structure to the system (e.g. replacement of a mobile home).

~~(3) An addition, alteration or remodeling of a dwelling that exceeds 25% percent of the total~~

~~gross area of the existing dwelling unit. (Applicable only when existing sanitary permit and soil test records do not exist.)~~

~~(4)(3)~~ Conversions (change in use) of public buildings and/or places of employment.

~~(5)(4)~~ Replacement or repair of piping other than distribution piping (e.g. building sewer, conveyance pipe or force-main piping).

(b) Prior to issuing a County sanitary permit for a reconnection, the existing POWTS shall be examined to:

- (1) Determine if it is functioning properly or whether it is a failing system.
- (2) Determine if it will be capable of handling the proposed wastewater flow and contaminant load from the building to be served.
- (3) Determine that all minimum setback requirements of ~~COMMS~~SPS 383, Wis. Admin. Code will be maintained.

(c) Application for a County sanitary permit for a reconnection shall include the following:

- (1) All items listed in Sec. 74-21(a)1-4 and (a)7-9, *Application Requirements*.
- (2) A POWTS evaluation report, as specified in Sec. 74-30, *POWTS Evaluation*.

~~A soil evaluation is not required when an addition, alteration or remodeling of a dwelling affects less than 50% of the total gross area of the existing dwelling unit.~~

- (3) Complete plans and specifications, as specified in Sec. 74-22, *System Plans*, for any system components which will be modified or replaced.
- (4) If reconnection to an existing holding tank is required it shall require a new servicing contract and updated holding tank agreement.
- (5) If reconnection to an existing system, other than a holding tank, is required, it shall require a new maintenance agreement or contract.

(d) If wastewater flow is to be based upon per capita occupancy or usage of the structure to which the POWTS is connected, a completed and approved 'Per Capita Sizing Affidavit' shall be signed and recorded with the Register of Deeds.

(e) Replacing a structure with a new or different structure within 3 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, and, a plot plan that documents all setbacks between the structure and system components.

(f) All systems shall be inspected at the time of reconnection, prior to backfilling, to ensure that proper materials and methods are being used.

Sec. 74-30. POWTS Evaluation.

(a) When an evaluation of an existing POWTS is required by this Ordinance, a POWTS evaluation report shall be completed which shall include all of the following, except where noted:

- (1) A soil and site evaluation report provided by a certified soil tester verifying that the vertical separation distance between the infiltrative surface of the existing treatment or dispersal component and estimated high groundwater and/or bedrock complies with ~~COMMSPS~~ 383, Wis. Admin. Code.

A. Submittal of a soil and site evaluation report will not be required if:

1. The existing POWTS is a code compliant holding tank; or
2. An acceptable sanitary permit and soil evaluation report are already on file at the County for the existing POWTS.

- (2) A report provided by a licensed plumber, certified septage servicing operator, POWTS inspector or other person(s) authorized to do so by ~~COMMSPS~~ 383, Wis. Admin. Code relative to the:

- A. Condition, capacities, baffles, and manhole covers for any existing treatment or holding tanks; and
- B. Condition and capacities of all other system components and verifying that the system is not a failing system; and
- C. A plot plan depicting the layout of the existing system components, including the location of tanks, sewer lines, treatment/dispersal areas, vents and/or observation pipes, etc. The location of each component shall be shown in relation to any existing structures, driveways, waterlines, property lines, navigable waterways and private wells.
- D. An evaluation of the use and wastewater flow of the structure(s) served relative to the capacity of the existing POWTS.
- E. Verification that all domestic wastewater from the structure discharges into the POWTS.

(b) POWTS evaluation reports must be on forms provided by or in a format approved by the County and must be signed by the licensed or certified person(s) performing the evaluation(s).

(c) POWTS evaluation reports must be submitted to the County within 30 days of completion of the evaluation.

Sec. 74-31. Inspections.

(a) Notice for final inspection shall be given to the County for all POWTS installed, modified, or reconnected.

(b) Notice for final inspection shall be given to the County at least 24 hours in advance of the requested time and date of the inspection excluding Saturdays, Sundays and holidays.

- (c) When a sanitary permit is required, no part of a POWTS component may be covered nor any POWTS component put into service until the County has had an opportunity to inspect the system.
- (d) If an inspection is not made by the end of the next workday, after the requested inspection day (excluding Saturdays, Sundays and holidays), the completed system can be backfilled.
- (e) The plumber in charge shall provide the necessary equipment and properly licensed personnel for the inspection.
- (f) The interior plumbing of a structure may be inspected to verify that all domestic waste discharges to a State approved POWTS.
- (g) POWTS may be inspected periodically, after initial installation inspections, to determine whether the construction, operation or maintenance of a POWTS conforms to the Wis. Stats., Wis. Admin. Code and this Ordinance.

Sec. 74-32. Fees and Charges.

- (a) Fees shall be as determined and adjusted from time to time by the Calumet County Planning, Zoning, Land and Water Conservation Committee and as maintained by the County in its fee schedule. Pursuant to Wis. Stats. §66.0628(2), any fee imposed shall have a reasonable relationship to the service for which the fee is imposed.
 - (1) After a sanitary permit application has been processed, the fees shall not be refunded.
 - (2) If a new fee is imposed or if a fee is increased before a complete application has been submitted, the new fee or fee increase shall apply to the application and shall be paid before the permit is issued.
 - (3) No sanitary permit shall be issued until the required fee has been paid in full to the County. The fee for an after-the-fact permit shall be doubled.
 - (4) In addition to the fees allowed by Wis. Stat. Section 145.20(4) each owner of a POWTS shall annually be charged a fee of \$15.00 per POWTS for the recordkeeping attributable to the inventory and tracking of the pumping and maintenance of each system. Pursuant to Wis. Stat. Sec. 66.0628, the Calumet County Board of Supervisors has determined that the fee is reasonably related to the service for which the fee is charged. The fee shall be recovered in the same manner as municipalities may make property assessments pursuant to Wis. Stat. Sec. 145.20(4) and Wis. Stat. Sec. 56.0703 .

Sec. 74-33.—74-34. Reserved.

Sec. 74-35. Construction Affecting Wastewater Flow or Contaminant Load.

- (a) A modification in wastewater flow or contaminant load shall be considered to occur:
 - (1) For commercial facilities, public buildings and 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

- (2) For dwellings, when there is an increase or decrease in the number of bedrooms.
- (b) 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 POWTS, the owner(s) of the property shall:
- (1) Possess a State sanitary permit to either modify the existing POWTS or construct a POWTS to accommodate the modification in wastewater flow or contaminant load; or
 - (2) Provide the following to the County:
 - A. Documentation that a POWTS of adequate capability and capacity to accommodate the wastewater flow and contaminant load already exists to serve the structure, as specified in ~~COMMS~~SPS 383, Wis. Admin. Code;
 - B. Documentation showing that the location of the proposed structure conforms to the applicable setback distances to all of the existing POWTS components; and
 - C. A POWTS evaluation report, as specified in Sec. 74-30, *POWTS Evaluation*.
 - D. If wastewater flow is to be based upon per capita occupancy or usage of the structure to which the POWTS is connected, a completed and approved 'Per Capita Sizing Affidavit' shall be signed and recorded with the Register of Deeds.
 - (3) Unless otherwise authorized by the County any installation, addition, or modification of a system must be completed, inspected and accepted before the addition or modified area of the structure may be occupied.

Sec. 74-36. Construction Not Affecting Wastewater Flow or Contaminant Load.

- (a) Prior to commencing construction of any structure or addition to a structure on a site where there exists a POWTS the owner or their agent shall determine that the proposed structure conforms with applicable setback limitations of ~~COMMS~~SPS 383, Wis. Admin. Code. Documentation shall be submitted to the County.
- (b) A modification in wastewater flow or contaminant load in dwellings does not result from the construction of garages; decks, patios, or porches; re-roofing; painting; wiring; re-siding; or replacement of windows, floor coverings, equipment, appliances or cabinets.

Sec. 74-37. County Inventory and Maintenance Program.

- (a) All POWTS shall be managed and maintained in accordance with ~~COMMS~~SPS 383, 384, Wis. Admin. Code and this Ordinance.
- (b) The property owner or the owner's agent shall report to the County each inspection, maintenance or servicing event, in accordance with ~~COMMS~~SPS 383.55, Wis. Admin. Code and this Ordinance.
- (c) 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).

(d) An initial inspection of all POWTS not being maintained in the County's septic tank or holding tank maintenance program shall be required. The initial inspection shall be conducted and reported in accordance with Sec. 74-30(a)(2) and 74-30(b) and (c), *POWTS Evaluation*.

- (1) If an existing POWTS is found to be non-compliant or failing the existing system shall be repaired or replaced within ~~4~~2 years.
- (2) If the existing POWTS passes the initial inspection it will be added to the County's septic tank or holding tank maintenance program.
- (3) A County inspection to verify the results of the initial inspection may be required. Any costs associated with the County inspection, including, but not limited to, backhoe pits or pumping fees are the responsibility of the owner.

Sec. 74-38. Septic Tank Maintenance.

(a) All new and existing septic tanks shall be visually inspected, and pumped if necessary, within 3 years of the date of installation or, in the case of new construction, within 36 months of the date of occupancy, and at least once every 3 years thereafter. The County will make a reasonable attempt to notify all property owners by mail when an inspection or pumping event is required under this section. Failure to receive such notification shall not void the need for inspection and pumping, when applicable.

(b) Visual inspection of a POWTS shall be conducted by a licensed plumber or other person (s) authorized to do so by ~~COMMSPS~~ 383, Wis. Admin. Code to determine the condition of the tank and whether wastewater or effluent from the POWTS is ponding on the ground surface.

~~(e) If upon inspection it is determined that less than 1/3 of the volume of the septic tank is occupied by sludge and scum, pumping may be deferred until the next 3 year cycle for 2 years, provided said deferral does not result in the tank being pumped less than once every 5 years and visually inspected once every 3 years.~~

(c)

(d) Pumping of a septic tank shall be done by a licensed pumper in accordance with NR 113, Wis. Admin. Code.

(e) The owner or owner's agent shall furnish the County with a copy of the inspection report verifying the condition of the tank, whether wastewater or effluent from the POWTS is discharging to or ponding on the ground surface, and the date of pumping within 30 calendar days of the date of inspection and/or pumping.

(f) Reports shall include all information required in ~~COMMSPS~~ 383.55, Wis. Admin. Code, and be signed by the person(s) inspecting and pumping the POWTS.

(g) The County may require verification of any information contained in an inspection, evaluation, maintenance and/or servicing report.

Sec. 74-39. Holding Tank Maintenance.

(a) Holding Tank Agreement:

- (1) The owner of each holding tank shall enter into a holding tank 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.

- (2) The property owner shall maintain the holding tank(s) so as to conform to all requirements of ~~COMMS~~SPS 383, Wis. Adm. Code, relating to holding tanks.
 - (3) The holding tank agreement shall be submitted to the County prior to the issuance of a State sanitary permit for a holding tank(s).
 - (4) The holding tank agreement shall be binding upon the owner, the heirs of the owner and assignees of the owner.
 - (5) The 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.
 - (6) The property owner shall properly maintain the holding tank(s) by notifying the contracted licensed pumper to have the holding tank(s) pumped out when the tank(s) are full.
 - (7) An owner of a holding tank found to be violating the holding tank agreement and who is unable to replace the holding tanks with a soil absorption system shall hire a licensed plumber to install a water meter and evaluate the holding tanks for code compliance and sign a new service contract which requires the licensed pumper to report water meter readings at each pumping.
- (b) Holding Tank Servicing Contract:
- (1) All owners of existing and future holding tank(s) shall enter into a holding tank servicing contract with a licensed pumper.
 - (2) The property owner shall permit the pumper to have access and enter upon the property for the purpose of servicing the holding tank(s).
 - (3) The property owner shall provide and maintain an all-weather access road or drive from the riser(s) of the holding tank(s) so that the pumper can service the holding tank(s) with the pumping equipment.
 - (4) The holding tank servicing contract shall be filed with the County prior to the issuance of a State sanitary permit for a holding tank(s).
 - (5) If the property owner decides to contract with a licensed pumper who is not named on the holding tank servicing contract filed at the County, a new holding tank servicing contract must be filed in the same office within 10 business days from the date of change.
- (c) Pumping Reports:
- (1) Pumping reports shall be submitted for every existing and future holding tank(s) installed in Calumet County.

- (2) It shall be the responsibility of the licensed pumper to submit the pumping reports to the County on a semi-annual basis within 30 days of the end of the six month period.
- (3) The following information shall be included on the pumping report:
 - A. Name and signature of the licensed pumper.
 - B. Owner's name and address of property where tank is located.
 - C. Date of pumping and gallons pumped.
 - D. Location of disposal site.
 - E. If the property is used on a seasonal or permanent basis.
- (4) If upon review of a submitted pumping report, the County finds that a holding tank is not being maintained properly, the County may enter the property and inspect the holding tank(s) for compliance and to determine whether it is a failing system.
- (5) Any holding tank which is found to discharge sewage to the ground surface, including intentional discharges and discharges caused by neglect, shall be considered a failing POWTS. When a failing POWTS 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.

Sec. 74-40. Pumping.

- (a) All persons that pump septic and/or holding tanks shall be licensed and/or registered by the State of Wisconsin except as permitted by NR 113.05(4).
- (b) Any septic tank or holding tank wastes that are to be field-spread shall be limited to those sites that have been inspected and approved by written permit from the Wisconsin DNR, and, such spreading shall be performed in accordance with State specifications.
- (c) Contents from a septic tank or holding tank must be disposed of in accordance with the land application and spreading regulations of NR 113 of the Wis. Admin. Code.

Sec. 74-41. Property Transfer and Land Division Requirements.

- (a) A complete evaluation of an existing POWTS is required when the conveyance, sale, or transfer of any real property or improvements occurs; or, the conveyance, sale, or transfer of any interest in real property or improvements occurs; or, there is a land division on which there is 1 or more structure(s) served, or designed to be served, by a POWTS. Prior to sale, transfer, or conveyance or the recording of a land division, the existing POWTS shall be evaluated for compliance and the soils on that site shall be tested for suitability for the type of POWTS installed; however, this requirement shall be waived to within nine (9) months after the conveyance, sale, or transfer of any interest in real property, if documentation is provided to the County prior to the conveyance, sale, or transfer, proving the buyer/transferee is aware that the existing POWTS needs to be evaluated for compliance and the soils on that site must be tested for suitability for the type of POWTS installed.

- (1) The grantor or the grantor's agent must submit a POWTS evaluation report, as specified

in Sec. 74-30, *POWTS Evaluation*, to the County prior to the transfer of property or land division.

(2) The County will waive the requirement for evaluation of an existing POWTS if at least 1 of the following circumstances exist:

- A. A code compliant POWTS was installed less than 3 years prior to the transfer of the property or land division and said POWTS has been maintained in accordance with the County's maintenance program requirements.
- B. A valid State sanitary permit has been issued or an escrow account has been established, for the replacement or repair of the existing POWTS.
- C. For a land division, if there will be no ownership change of the dwelling unit(s), providing the owner records an affidavit with the Register of Deeds agreeing to conduct the evaluation upon sale of the property.
- D. Documentation from a municipality or sanitary district verifying that public sewer will be available to serve the structure(s) within 12 months of the transfer of the property or land division.

(b) If in the event a POWTS evaluation is not conducted prior to a property sale, transfer or conveyance, the buyer of the subject property accepts the responsibility for compliance with Sec. 74-41(a) as it pertains to the evaluation of the POWTS as required by the County.

(c) The County shall review and make a determination on a report within 10 business days after receiving all required information and fees, except when weather conditions prevent verification of the report.

~~(e)~~(d) If the report confirms that the POWTS is code compliant, the County shall file the report and take no remedial action.

~~(d)~~(e) When a report confirms that the POWTS is failing or non-compliant with this Ordinance the existing POWTS or POWTS component shall be repaired or replaced with a code compliant POWTS or otherwise brought into compliance as required by the County.

- (1) The installation of a replacement system shall occur within 1 year of recording the deed transferring the property or the land division.
- (2) During the winter months where installation of a POWTS will be unadvisable, the property owner will be allowed to install a temporary holding tank for use during this time period. Once weather allows the installation, the remainder of the POWTS shall be installed within 60 days.

~~(e)~~(f) If this Ordinance does not require a POWTS for the existing use of the property, this section shall not apply.

(Ord. No. 2010-15, 11-1-2010.)

Sec. 74-42. Privies.

- (a) No privy of any kind may be constructed, erected, altered or moved unless the owner of the property possesses a valid County sanitary permit.
- (b) All privies shall conform to the minimum standards established in [COMMSPS 391](#), Wis. Admin. Code.
- (c) Pit privy permit applications shall be accompanied by soil data provided by a certified soil tester to determine compliance with [COMMSPS 391](#), Wis. Admin. Code.
- (d) Permitted Sites:
 - (1) A privy may be permitted only when the structure or premises served by the privy is not provided with an indoor plumbing system.
 - (2) Privies shall be permitted in parks and campgrounds whether public or private.
- (e) Prohibited Sites:
 - (1) 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 privy must be provided.
 - (2) If, upon determination the storage chamber of an existing pit privy is located in unsuitable soils, the privy shall be immediately abandoned.

Sec. 74-43. Public Sewer.

- (a) When public sewer approved by the DNR becomes available to the structure or premises served, the use of an existing POWTS shall be disconnected and the system abandoned in accordance with the provisions of [COMMSPS 83](#), Wis. Admin. Code within 1 year. The determination of whether sewer is available shall be made by the local sanitary district.
- (b) All new development within a sewer service area shall be by public sewer only, with the following exceptions:
 - (1) Where a property is located within a sewer service area, and a sanitary district is physically unable to provide sewer to the property, a State sanitary permit for a POWTS may be issued provided that the property owner, in conjunction with the sanitary district, prepares and records with the Register of Deeds, an agreement to connect to the sanitary district when so determined by the sanitary district.
 - A. A temporary holding tank may be installed as a replacement system when public sewer, approved by the DNR, will be installed to serve the property within 2 years of the date of State sanitary permit issuance. The following items shall accompany a State sanitary permit application for the installation of a temporary holding tank:
 - 1. A written statement from the municipality or sanitary district, verifying the date that public sewer will be installed and available to serve the property;
 - 2. A written statement from the DNR, verifying approval of the public sewer;

3. An affidavit from the property owner agreeing to connect to public sewer when it becomes available and to abandon the temporary holding tank(s) upon connection.
- (2) Where a property is located within a sewer service area, and the nearest sanitary district(s) cannot provide public sewer in a cost effective manner at this time, a State sanitary permit for a POWTS may be issued provided the property owner, prepares and records with the Register of Deeds, an agreement to connect to public sewer when so determined by the nearest sanitary district(s).
- (3) If a failure determination is made in an area where public sewer, approved by the DNR, will be installed within 2 years of the failure determination, an owner may convert an existing septic tank to a temporary holding tank under the following conditions:
 - A. The existing tank is modified and inspected by the County.
 - B. A high water alarm, above ground service riser and locking device are installed.
 - C. A servicing contract is secured with a licensed pumper.
 - D. A holding tank agreement is recorded.
 - E. Additional tank capacity is added by State sanitary permit if required.
 - F. An all weather access is provided by the owner.
 - G. The owner signs and records an affidavit agreeing to connect to public sewer when it becomes available and to abandon the temporary holding tank(s) upon connection.

Sec. 74-44. Discharges Prohibited.

- (a) Every POWTS shall be designed, located, and constructed to prevent any discharge of sewage or partially treated sewage into drain tiles, onto the ground surface, into the structure served, into the surface waters of the State, including the groundwater of the State including zones of seasonal saturation or zones of bedrock.
- (b) The discharge of wash water (e.g. laundry water) to the ground surface, road ditch, sump-pump, cesspool, or any other place other than a septic tank or holding tank is prohibited.
- (c) The discharge of sewage or partially-treated sewage from a septic tank or holding tank to the ground surface, road ditch, cesspool or any waters of the State by any means is prohibited.

Sec. 74-45.—74-47. Reserved.

Sec. 74-48. Violations and Penalties.

- (a) It is unlawful to violate any provision of this Ordinance or fail to comply with any of its requirements.

- (b) It is unlawful to alter, construct, repair or cause work to be performed on a POWTS in violation of any permit issued under the provisions of this Ordinance.
- (c) It is unlawful to interfere, resist or obstruct the Code Administrator or any other employee of the County in the reasonable and proper discharge of their duties authorized under the provision of this Ordinance.
- (d) A person who violates a provision of this ordinance shall, upon conviction, forfeit not less than \$100 nor more than \$500 for each offense, together with the costs of prosecution. A person who is in default of payment of a forfeiture and costs shall be imprisoned in the County jail until such forfeiture and costs are paid but not to exceed 30 days for any given violation.
- (e) Every violation of this Ordinance is deemed a public nuisance and the creation and/or continuation thereof may be abated by action at the suit of the County, the State or any citizen thereof.
- (f) Each day a violation continues to exist shall constitute a separate offense.
- (g) The County may, pursuant to Chapter 1, Sec. 1-8, *County Uniform Citation*, of this Code of Ordinances, issue a citation to the offender. Issuance of a citation and payment of the required forfeiture does not negate the requirement of compliance with this Ordinance.
- (h) The following minimum forfeitures are hereby established:
 - (1) Failure to file a POWTS inspection/pumping report after notice of maintenance requirement – \$200.00 plus costs.
 - A. A citation shall be dismissed if a completed inspection/pumping report is filed with the County at least 7 days prior to the scheduled court date.
 - (2) Failure to properly maintain holding tank(s) as determined by semi-annual and annual pumping reports - \$500.00 plus costs.
 - (3) Discharging wash water to any location other than a septic tank or holding tank - \$200.00 plus costs.
 - (4) Discharging the contents of a septic tank or holding tank to the ground surface, road ditch, or any waters of the State – \$500.00 plus costs.
 - (5) All other violations of this Ordinance - \$200.00 plus costs.

Sec. 74-49. Administration, Powers and Duties.

- (a) The County shall have the duty and power to enforce the provisions of this Ordinance and all other ordinances, laws, and orders of Calumet County and the State of Wisconsin which relate to the construction, installation, and maintenance of a POWTS.
- (b) In the administration of this Ordinance, the County shall have the following duties and powers:
 - (1) Appoint a Code Administrator(s) to enforce the provisions of this Ordinance.
 - (2) Review certified soil tester reports and verify the reports at the proposed site, if

necessary.

- (3) Approve and disapprove applications for sanitary permits and assist applicants in preparing an approvable application.
- (4) Record all permits issued, inspections made, work approved, and other official actions.
- (5) Inspect all POWTS after construction but before backfill, no later than the end of the next workday, excluding Saturdays, Sundays or holidays, after receiving notice from the plumber in charge.
- (6) Inspect or require an evaluation of an existing POWTS, to determine compliance with this Ordinance, Wis. Stats. and the Wis. Admin. Code.
- (7) Order any person owning, using, operating, or installing a POWTS to modify it, repair it or place it in a safe or sanitary condition if the County finds such system to be in a defective, unsafe or unsanitary condition.
- (8) Condemn and prohibit the use of any POWTS which the County finds so constructed, operated or maintained as to be a menace or direct hazard to the health of the users, neighbors or community.
- (9) Investigate all violations of this Ordinance, applicable sections of the Wis. Admin. Code and the Wis. Stats., and, issue orders to abate the violations and submit orders to the Corporation Counsel for enforcement.
- (10) Issue citations for violations of this Ordinance pursuant to Chapter 1, Sec. 1-8, *County Uniform Citation*, of this Code of Ordinances.
- (11) Have access to any premises during reasonable hours, or upon issuance of a special inspection warrant in accordance with the Wis. Stats., for inspecting POWTS or investigating any violations of this Ordinance. Application for a sanitary permit is considered for the purposes of this Ordinance as the owner's consent to enter the premises.
- (12) Request assistance and cooperation from the Calumet County Health and Human Services Department when
necessary in the management of all POWTS.
- (13) Apply for and distribute grants obtained through the Wisconsin Fund Grant Program.
- (14) Perform other duties regarding POWTS as considered appropriate by the County or as required by the Department.

Sec. 74-50. Appeals and Variances.

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 Calumet County Circuit Court. Any appeal shall be made within 30 days of the date of that administrative action.

Any person who wants a variance from the terms of this Ordinance for any provision which is more restrictive than the minimum standards required by the Department may seek a variance from the Calumet County Board of Adjustment pursuant to the Zoning Code (Chapter 82) of this Code of Ordinances. Any requests for variance shall be made on forms furnished by the County within 30 days of the date of the administrative determination from which the person seeks the variance. Other substantiating evidence will be accepted. Variances from the provisions required by the Department shall not be allowed.

Sec. 74-51. Amendments.

The County Board may alter, supplement, amend or change any or all of this Ordinance in accordance with the procedures provided in Wis. Stats. 59.69(5), as amended. All amendments shall be made by the County Board upon recommendation of and after public hearing by the Calumet County Planning, Zoning, Land and Water Conservation Committee.

Sec. 54-52.—74-54. Reserved.

ARTICLE II.

PRIVATE WATER SYSTEMS

DIVISION 1.

IN GENERAL

Sec. 74-55. Title.

Division 1 and 2 of this article shall also be known as the “Calumet County Private Water Systems Ordinance,” or, the “Calumet County Well Abandonment Ordinance.” Division 3 of this article shall also be known as the “Calumet County Well Test at Time of Sale Ordinance.” For purposes of reference herein, both shall be referred to in the applicable divisions as “this Ordinance.”

Sec. 74-56. Purpose.

The purpose of this Ordinance is to protect the drinking water and groundwater resources of the County through regulating well and drillhole abandonment.

Sec. 74-57. Intent.

The intent of this Ordinance is to regulate the abandonment of all well and drillholes and the administration and enforcement of this Ordinance.

Sec. 74-58. Authority and adoption.

- (a) This Ordinance is adopted under the authority granted to the County by Wis. Stats. § 59.70 and Ch. NR 845, Wis. Admin. Code.
- (b) This Ordinance is subject to the provisions of Wis. Stats. §§ 59.70(6) and 280.21, and all rules promulgated thereunder regulating private water systems.
- (c) This Ordinance may not be more lenient nor more stringent than the rules promulgated pursuant

to Wis. Stats. Ch. 280.

(d) Failure to comply with any of the provisions of this Ordinance, Wisconsin Statutes or Administrative Rules, shall constitute a violation of this Ordinance, actionable according to the penalties provided in this Ordinance.

(e) This Ordinance applies to the entire County and includes cities, towns, villages and sanitary districts in the County.

(Ord. No. 1994-8, § 2, 6-21-1994)

Sec. 74-59. Jurisdiction of article.

The provisions of this Ordinance shall apply to all private water systems within the County as they relate to well and drillhole abandonment, and the testing of wells when real property is transferred.

(Ord. No. 1994-8, § 3, 6-21-1994)

Sec. 74-60. Definitions.

The following words, terms and phrases, when used in this Ordinance, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning. In the event a term is not defined, the meaning shall be as defined in Wis. Admin. Code NR 845, and, if not therein defined, the meaning shall be per Webster's Unabridged Third International Dictionary or a dictionary based on it.

Administrator means staff of the County Resource Management Department designated to administer Ch. NR 812, Wis. Admin. Code pertinent to well and drillhole abandonment in the County as authorized by the Department.

Central Office means the bureau of drinking water and groundwater supply, located in Madison, Wisconsin, which functions as the coordinating authority for the statewide water supply program.

Community Water System means a public water system which serves at least 15 service connections used by year-round residents or regularly serves at least 25 year-round residents. Any water system serving 7 or more homes, 10 or more mobile homes, 10 or more apartment units or 10 or more condominium units, shall be considered a community water system unless information is provided by the owners indicating that 25 year-round residents will not be served. (See Wis. Admin. Code NR § 811.03(2)).

County Office Staff means County office personnel trained to answer general well abandonment and drill hole abandonment questions.

Delegation Level means the program level, as set forth in Wisconsin Administrative Code Ch. NR 845.05, at which a County is authorized to administer and enforce Ch. NR 812 Wis. Admin. Code.

Department means the Wisconsin Department of Natural Resources.

District Office means the Department office located in Green Bay, Wisconsin.

Existing Installations means as designated in Wis. Admin. Code NR Ch. 812.

Health Hazard means a condition which constitutes:

- (1) A violation of Wis. Admin. Code NR ch. 812, regarding the installation, construction, operation or maintenance of a private well; or
- (2) Confirmed bacteriologically-unsafe well water quality.
- (3) A threat to safety or ground water quality.

Noncommunity Water System means a public water supply system that is not a community water system and serves at least 25 persons per day at least 60 days each year. A noncommunity water system commonly serves a transient population rather than permanent year-round residents. This may include, but is not limited to, an individual well serving a restaurant, industry, service station, tavern, motel, campground or church.

Noncomplying Well or Pump Installation means a private water system not in compliance with all provisions of Wis. Admin. Code NR Ch. 812, in effect at the time the well was constructed or the pump was installed.

Person means an individual, corporation, company, association, cooperative, trust, institution, partnership, state, public utility, sanitary district, municipality or federal agency.

Personal Interest means having a financial interest in a property or being related by marriage or birth to a person having a financial interest in a property.

Primary Drinking Water Standards mean those maximum contaminant levels which represent minimum public health standards set forth in Ch. NR 809, Wis. Admin. Code.

Private Water System Ordinance means a County ordinance, approved by the Department, regulating private water systems at the County's authorized delegation level.

Private Well means, for the purpose of this article, any drilled, driven point, dug, bored or jetted well constructed for the purpose of obtaining groundwater for potable use, including wells constructed in special well casing depth areas and non-community wells. It does not include springs or private or public wells that require written plan approval from the department.

Public Water System means a system for the provision to the public of piped water for human consumption, if a system has at least 15 service connections or regularly serves an average of at least 25 individuals daily at least 60 days out of the year. A public water system is either a "community water system" or a "non-community water system." A system includes: (a) Any collection, treatment, storage and distribution facilities under control of the operator of a system and used primarily in connection with a system, and (b) Any collection or pretreatment storage facilities not under such control of the operator of a public water system which are used primarily in connection with a system." (See Wis. Admin. Code NR 845.04(25)).

Variance means an approval issued by the department under Wis. Admin. Code NR ch. 812, allowing a private water system to vary from Wis. Admin. Code NR ch. 812 requirements if department approved conditions are met.

Water system means the water collection, storage, treatment facilities and all structures, piping

and appurtenances by which water is provided.

Well means an excavation or opening into the ground made by digging, boring, drilling, driving or other methods for the purpose of obtaining groundwater for human consumption. (See Wis. Stat. §280.01(6)).

Well construction means the procedures, methods, materials and equipment used during the construction or reconstruction of a private well.
(Ord. No. 1994-8, § 9, 6-21-1994)

Cross References: Definitions generally, § 1-2.

Secs. 74-61. Reserved.

(History: Ord. No. 2010-1, April 20, 2010.)

DIVISION 2.

WELL AND DRILLHOLE ABANDONMENT*

* **Cross References:** Administration, ch. 2.

Sec. 74-62. County Responsibilities for Level 5 - Well and Drillhole Abandonment.

Calumet County, as a level 5 delegation County, will require the abandonment (filling and sealing) of wells and drillholes if any of the following conditions are met, unless the Department approves the continued use of the well or drillhole:

- (1) The well water is contaminated with biological agents, bacteriological, viral or parasitic, and 3 attempts at batch chlorination fail to eliminate the problem.
- (2) The well or drillhole poses a hazard to health or safety.
- (3) The well or drillhole construction or well location does not comply with the minimum standards of Ch. NR 812, Wis. Admin. Code, or
- (4) The well or drillhole has been taken out of service or had not been used for 3 or more years and is not needed by the owner in the immediate future as a source of water for human consumption, sanitary purpose, commercial use or for stock watering. As an alternative, the owner may temporarily abandon the well according to Ch. NR 812.26(4), Wis. Admin. Code.

The County may also require the abandonment of a well, as prescribed in Ch. NR 845, Wis. Admin. Code, for water exceeding a primary drinking water standard enumerated in Ch. NR 809, Wis. Admin. Code or a state health advisory limit issued by the Department, after consultation with and approval by the Department.

(Ord. No. 1994-8, § 10, 6-21-1994)

Sec. 74-63. Enforcement of state and local laws.

The County shall cooperate with all other governmental units and agencies in the enforcement of all state and local laws and regulations pertaining to matters in this Ordinance.

(Ord. No. 1994-8, § 11, 6-21-1994)

Sec. 74-64. Administrator.

(a) The Resource Management Department Director or his designee shall act as the Administrator and is assigned the duties of administering the private water system program in accordance with Department rules.

(b) The Administrator shall have the power and duty to enforce the provisions of this article and all other ordinances, laws and orders of the County and of the State which relate to the abandonment of all private water systems within the County at the County's authorized delegation level.

- (1) *Qualifications of Administrator.* The Administrator shall be informed on the principles and practices of well and drillhole abandonment.
- (2) *Powers.* The Administrator shall have all the powers necessary to enforce the provisions of this Ordinance commensurate with the level of the County's delegated authority, including the following:
 - a. In the performance of these duties, the Administrator or his designee may enter any building or property upon presentation of the proper credential, during reasonable hours for the purpose of inspecting the private water system for purposes pertinent to well abandonment and drillhole abandonment. No person may interfere with the Administrator or an authorized assistant in the performance of their duties. Any person interfering shall be in violation of this article and subject to the penalty as provided by this Ordinance. If consent to enter a property for inspection purposes is denied, the Administrator may obtain a special inspection warrant under Wis. Stats. § 66.0119(2).
 - b. Order any person owning, operating or installing a private water system to abandon, repair or place the private water system in a complying safe or sanitary condition if the system is found to be abandoned, or if not in compliance with Wis. Admin. Code NR Ch. 812.26, or County ordinance.
- (3) *Duties.* It shall be the duty of the Administrator to enforce the provisions of this Ordinance and perform the following duties commensurate with the level of the County's delegated authority:
 - a. Provide the Department with copies of all abandonment inspection forms and correspondence as required by Ch. NR 845, Wis. Admin. Code.
 - b. Investigate and record all private water system complaints pertinent to well and drillhole abandonment.
 - c. Investigate cases of noncompliance with this Ordinance, Wis. Admin. Code NR Ch. 812, and Ch. 280, Wis. Stats., issue orders to abate the noncompliance and submit violations to the District Attorney or Corporation Counsel for enforcement.
 - d. Refer complaints and cases of noncompliance believed to be or known to be beyond the scope of the County's delegation level to the Department.

- e. Cooperate with all other government units and agencies in the enforcement of all state and local laws and regulations of matters related to this Ordinance.
- f. Assist the Department as specified in Ch. NR 845, Wis. Admin. Code.
- g. Refer variance requests and actions which require Department approval to the Department.
- h. Advise owners not to drink or use water from private water systems under conditions specified in the Wisconsin Administrative Code.

(Ord. No. 1994-8, § 12, 6-21-1994)

Cross References: Officers and employees, § 2-61 et seq.

Sec. 74-65. Violations.

The Administrator shall investigate violations of this Ordinance and Wis. Admin. Code NR Ch. 812, relating to the County's authorized delegation levels, issue orders to abate the violations and submit orders to the District Attorney or Corporation Counsel for enforcement.

Each day that a violation remains uncorrected after receiving notice from the Administrator shall constitute a separate violation of this Ordinance.

(Ord. No. 1994-8, § 14, 6-21-1994)

Sec. 74-66. Administrator directives and orders.

(a) *Field directive.* The Administrator, after investigation and a determination that a violation exists, may issue a written field directive. This field directive may consist of a hand written note on an inspection report, or similar paper, identifying the violation that has occurred and assigning a date by which the violation must be corrected, and shall include the inspector's telephone number and office address.

(b) *Formal directive.* A formal letter may be issued, which states the violation, the ordinance (administrative rule or statutory) section violated, the date the violation was noted, the inspector who noted the violation and assigns a date by which the correction must be made.

(c) *Correction order.* Upon discovery and after documentation of a violation, the Administrator may issue a corrective order. The Administrator may use a stepped enforcement procedure by issuing a directive before an order or may proceed directly to issuing a correction order. An order shall include the following:

- (1) The location of the violation (site).
- (2) The name of the parties involved, the owner, the permittee, the well constructor or the pump installer.
- (3) The section of the ordinance and Wisconsin Administrative Code section(s) violated.
- (4) The date of inspection of the site where the violation occurred.
- (5) The name of the person who conducted the inspection which revealed the violation.
- (6) The date by which the correction(s) must be completed.

- (7) The name of the person who must be contacted regarding subsequent inspection of the site.
 - (8) A statement that, if the order is not complied with, the Administrator will refer the violation to the District Attorney or Corporation Counsel with a recommendation to seek injunctive relief or forfeitures or both from the Calumet County Circuit Court. Orders must be signed by the Administrator.
 - (9) Orders shall be served on the property owner by certified mail. Where appropriate, the Administrator may request the Calumet County Sheriff to serve any particular order.
 - (10) The Administrator shall report all orders that have not been complied with to the District Attorney or Corporation Counsel for enforcement.
- (Ord. No. 1994-8, § 15, 6-21-1994)

Sec. 74-67. Enforcement actions.

- (a) An enforcement action may be brought by the District Attorney or Corporation Counsel against a person for any of the following violations:
 - (1) Failure to comply with any provision of this Ordinance;
 - (2) Failure to comply with any directive or order issued by the Administrator;
 - (3) Resisting, obstructing or interfering with the Administrator's or his designee's actions undertaken pursuant to this Ordinance.
- (b) The District Attorney or Corporation Counsel may, for any violation, seek:
 - (1) Injunctive relief,
 - (2) Forfeitures of not less than \$50.00 but not more than \$200.00,
 - (3) *Other remedies, Cumulative.* The County shall have such other remedies as are and as may be from time-to-time provided by Wisconsin law for violations of this Ordinance and all remedies available to the County shall be cumulative, and the County may exercise them in any order.
 - (4) The costs of prosecution and all other fees allowed by law or the courts.
 - (5) Any person who has the ability to pay any forfeiture entered against him under this Ordinance but refuses to do so may be confined in the County jail until such forfeiture is paid, but in no event to exceed 30 days. In determining whether an individual has the ability to pay a forfeiture imposed under this Ordinance, all items of income and all assets may be considered regardless of whether or not the income or assets are subject to garnishment, lien or attachment by judgment creditors under law.

(Ord. No. 1994-8, § 16, 6-21-1994)

Sec. 74-68.—74-69. Reserved.

DIVISION 3.

LAND DIVISION AND PROPERTY TRANSFER

Sec. 74-70. Land Division Well Test.

All private well systems, which are the subject of a land division shall comply with the requirements of Sec. 62-18 of the Calumet County Code of Ordinances, *Testing of Existing Wells*.

Sec. 74-71. – 74-79. Reserved.

(Ord. No. 2010-03, June 15, 2010)