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**Ordinance Amendments:**

**2011-01** – Changes to Division 2 – Modifications to POWTS Language.  
(Adopted by the County Board on 05-10-2011).

**2011-07** – Changes to Division 3 - transferring enforcement authority to LCFM.  
(Adopted by the County Board on 12-13-2011).

**2012-17** – On March 13, 2012, the County Board adopted ordinance revisions to codify Resolution No. 39-11, which restructured the County Board committees, boards, and commissions in anticipation of the downsizing of the County Board from 29 to 15 supervisors. Not all ordinance subsections were revised, but those subsections that had material changes will be specifically designated at the end of those subsections.

**2017-02** – Created Article V to formally established the Chippewa County Groundwater Inventory.

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**ARTICLE I. IN GENERAL**

Sec. 62-1 to 62-30. Reserved.

**ARTICLE II. PRIVATE WATER SYSTEMS AND WELLS****Sec. 62-31. Authority and Adoption.**

- (a) This article is adopted under the authority granted to the county by Wis. Stats. §§ 59.70(6) and 280.21 and Wis. Admin. Code NR ch. 845.
- (b) This article is subject to the provisions of Wis. Stats. §§ 59.70(6) and 280.21 and all rules promulgated there under regulating private water systems.
- (c) This article 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 such regulations shall constitute a violation of this article, actionable according to the penalties provided in this article.
- (e) This article applies to the entire county and includes cities, towns, villages and sanitary districts in the county.

(Code 1980, § 15.01(1))

**Sec. 62-32. Jurisdiction.**

The provisions of this article shall apply to all private water systems within the county.

(Code 1980, § 15.01(2))

**Sec. 62-33. Purpose.**

The purpose of this article is to protect the drinking water and groundwater resources of the county by governing access to groundwater through regulating private well location.

(Code 1980, § 15.01(3))

**Sec. 62-34. Intent.**

The intent of this article is to regulate the location of wells.

(Code 1980, § 15.01(4))

**Sec. 62-35. Repeal.**

All other county ordinances or parts of ordinances inconsistent or conflicting with this article, to the extent of the inconsistency only, are repealed.

(Code 1980, § 15.01(7))

**Sec. 62-36. Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

- (a) *Administrator* means the county employee designated by the County Board to issue permits for private well location and to administer Wis. Admin. Code NR ch. 812 in the county as authorized by the department.
- (b) *Central office* means the bureau of water supply located in Madison, Wisconsin, which functions as the coordinating authority for the statewide water supply program.
- (c) *Community water system* has the meaning designated in Wis. Admin. Code NR § 811.02(7).
- (d) *County office staff* means county office personnel trained to answer general well location questions and to accept permit applications.
- (e) *Delegation Level* means the program level, as set forth in Wis. Admin. Code NR § 845.05, at which a county is authorized to administer and enforce Wis. Admin. Code NR ch. 812.
- (f) *Department* means the Department of Natural Resources.
- (g) *District office* means the department office located in Eau Claire, Wisconsin.
- (h) *Existing* installations has the meaning designated in Wis. Admin. Code NR ch. 812.
- (i) *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.
- (j) *Noncommunity water system* means a public water supply system that serves at least 25 people at least 60 days each year. A noncommunity water system commonly serves a transient population rather than permanent year round residents. This is typically an individual well serving a restaurant, industry, service station, tavern, motel, campground or church.
- (k) *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.
- (l) *Person* means an individual, corporation, company, association, cooperative, trust, institution, partnership, state, public utility, sanitary district, municipality or federal agency.
- (m) *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.
- (m) *Primary drinking water standards* means those maximum contaminant levels which represent minimum public health standards set forth in Wis. Admin. Code NR ch. 809.

- (o) *Private water system* means the water collection, storage and treatment facilities and all structures, piping and appurtenances by which water is provided for human consumption by other than community water systems. For the purpose of this article, it includes noncommunity water systems.
- (p) *Private water systems ordinance* means a county ordinance, approved by the department, regulating private water systems at the county's authorized delegation level.
- (q) *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 noncommunity wells. It does not include springs or private or public wells that require written plan approval from the department.
- (r) *Public water system* has the meaning designated in Wis. Admin. Code NR ch. 812.
- (s) *Reconstruction* means modifying the original construction of a private well. It includes but is not limited to deepening, lining, installing or replacing a screen, under-reaming, hydro-fracturing and blasting.
- (t) *Variance* means an approval issued by the department under Wis. Admin. Code NR ch. 812 allowing a private water system to vary under Wis. Admin. Code NR ch. 812 requirements if department approved conditions are met.
- (u) *Water system* means the water collection, storage, treatment facilities and all structures, piping and appurtenances by which water is provided.
- (v) *Well* has the meaning designated in Wis. Stats. ch. 280.
- (w) *Well construction* means the procedures, methods, materials and equipment used during the construction or reconstruction of a private well.
- (x) *Well constructor* means any person who constructs a well.
- (y) *Well location permit* means a permit, or comparable registration system, issued by the county which allows the construction or reconstruction of a private well.

(Code 1980, § 15.01(8)) (Ord. No. 17-12, 03-13-2012)

**Cross references:** Definitions generally, § 1-3.

### **Sec. 62-37. County Administration.**

- (a) *County responsibilities for Level 1 private well location and Level 5 well and drillhole abandonment.* It is the county's responsibility for Level 1 private well location and Level 5 well and drillhole abandonment to:
  - (1) Issue permits authorizing the location of new and replacement private wells, including drilled, driven point, dug, bored or jetted wells, or the reconstruction or rehabilitation of existing private wells.
  - (2) Conduct inspection of wells for which well location permits are required as soon as possible after the well is constructed.

- (3) Determine whether the casing height of a permitted well complies with Wis. Admin. Code NR ch. 812 and that there is a cap or seal on the upper terminus of the well.
  - (4) Require the abandonment of wells not in service, or that will be taken out of service, if the well is unused, noncomplying or bacteriologically unsafe. A county may require abandonment of a well with water exceeding a primary drinking water standard listed in Wis. Admin. Code NR ch. 809, or other chemical compounds for which state health advisory limits have been issued including inorganic and organic compounds, after consultation with and approval by the department.
  - (5) Require upgrading of all inspected private wells that are not in compliance with the minimum private well locational distances in Wis. Admin. Code NR ch. 812.
- (b) *Cooperation with other units.* The county planning and zoning office 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 article.
- (c) *Administrator.* The county planning and zoning administrator shall act as the county administrator and is assigned the duties of administering the private water system program in accordance with program rules. 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 construction, alteration or installation 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 private well construction and pump installation. If the administrator has a personal interest in the construction or modification of any well or pump installation subject to the provisions of Wis. Stats. ch. 280, Wis. Admin. Code NR ch. 812, or county ordinances, the County Board shall, after consultation with the department, designate another knowledgeable person to examine the application to issue the required permit and to make the necessary inspections.
  - (2) *Powers.* The county administrator shall have all the powers necessary to enforce the provisions of this article commensurate with the level or levels of the county's delegated authority including the following:
    - a. In the discharge of her duties, the administrator or an authorized representative may enter any building or property upon presentation of the proper credential, during reasonable hours for the purpose of inspecting the private water system and may request the owner or operator to produce the private well location permit required under this article. No person may interfere with the administrator or an authorized representative in the performance of his duties. Any person interfering shall be in violation of this article and subject to penalty as provided by this article. If consent to enter property for inspection purposes is denied, the administrator may obtain a special inspection warrant under Wis. Stats. § 66.0119.
    - b. Order any person owning, operating or installing a private water system to abandon, repair or place it in a complying safe or sanitary condition if the system is found to be unused, bacteriologically unsafe or not in compliance with Wis. Admin. Code NR ch. 812 or county ordinance.
    - c. Prohibit the use of any new well, which is found to be installed, located, constructed, operated or maintained so as to be a health hazard to the users, neighbors or community.

- d. Appoint representatives to aid in processing applications for well location permits.
  - e. Enforce any or all ordinances applicable to private water systems in accordance with department rules.
  - f. If the administrator or an authorized representative determines that the location or construction of a private well does not comply with this article, the administrator or assistant shall post, in a conspicuous place upon the site, a suspension of work order demanding cessation of work. The administrator shall notify the well constructor and property owner in writing of the noncompliance and the nature of the work to be discontinued and corrected, identifying the location and the name of the person issuing the order. It shall be a violation of this article to engage in work that conflicts with the terms of an order or to make an unauthorized removal of a posted order. Work may resume on the site under the direction of the administrator.
- (3) *Duties of administrator.* It shall be the duty of the administrator to enforce the provisions of this article and perform the following duties commensurate with the level or levels of the county's delegated authority:
- a. Record all permits, fees, inspections and other official actions and make an annual report thereon to the County Board of Supervisors.
  - b. Provide the department with copies of all permits and correspondence as required by Wis. Admin. Code NR ch. 845 and Wis. Stats. ch. 280.
  - c. Inspect the location of new private water systems upon completion.
  - d. Investigate and record all private water system complaints.
  - e. Investigate cases of noncompliance with this article, Wis. Admin. Code NR ch. 812 and Wis. Stats. ch. 280, issue orders to abate the noncompliance, and submit complaints to the corporation counsel for enforcement.
  - f. 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.
  - g. Cooperate with all other governmental units and agencies in the enforcement of all state and local laws and regulations of matters related to this article.
  - h. Assist the department as specified in Wis. Admin. Code NR ch. 845.
  - i. Refer variance requests and actions which require department approval to the department.
  - j. Advise owners not to drink or use water from private water systems under conditions specified in Wis. Admin. Code NR ch. 845.
  - k. The administrator, a trained county inspector or county office staff shall be available at the administrator's office for answering questions regarding permit applications and for accepting applications for well location permit for a minimum of four regularly scheduled hours each workday.



(Code 1980, § 15.02) (Ord. No. 17-12; 03-13-2012)

**Sec. 62-38. Requirements and Permits.**

(a) *Permits.*

- (1) No person may install a private well or water system unless the owner of the property on which the private water supply system is to be installed holds a valid well location permit issued by the county or has made arrangements to acquire a permit by notifying the administrator prior to construction. Notification shall include providing the administrator with the property owner's name, address, property, legal description, proposed starting date and identification of the person who will be obtaining the permit. Unless other arrangements are made, the permit shall be applied for on the first workday following initial construction.
- (2) No private water system may be located, installed or operated within the jurisdictional limits of the county without the appropriate permit being obtained in compliance with subsection (a)(1) of this section and without being in full compliance with the provisions of this article and all other applicable state and local laws and regulations. Permit applications for the location of a well shall be made by the property owner or the property owner's designated agent. Permits shall be issued from the office of the administrator.
- (3) The permit application shall be on forms provided by the administrator.
- (4) Well location permit applications shall be signed by the property owner or the property owner's designated agent. Well location permit applications shall be submitted to the administrator at least two working days prior to construction if the property owner or well constructor is interested in receiving information about potential contamination sources such as landfills; underground storage tanks; primary and replacement on-site sewage disposal system areas on the development site and on adjacent properties; and special casing areas. Where a well location permit application is submitted less than two working days prior to construction, the well constructor shall be responsible for maintaining full compliance with all provisions of Wis. Admin. Code NR ch. 812. The permit application may be submitted by the property owner or the property owner's designated agent but shall be issued to the property owner.
- (5) The administrator or designated representative shall assist applicants in preparing applications and approve, disapprove or notify an applicant of the need to seek a variance or special approval from the department or return the permit application due to incompleteness for all private water systems to be constructed or modified in the county within two working days following submission of the permit application. The county may reserve final approval or disapproval of a permit which requires department action until the variance or special approval request has been acted on by the department.
- (6) The administrator shall issue written notice to each applicant whose permit application is disapproved. An application shall be disapproved if the well construction would result in noncompliance with Wis. Admin. Code NR ch. 812 or if a well construction variance or special approval request was denied by the department. Each notice shall:
  - a. State the specific reason for denial.
  - b. Inform the applicant of the right to request a special approval or a variance from the department and the procedures for making such a request.

- (7) When construction occurs on a weekend or holiday, notification shall be provided to the administrator on the first workday following the weekend or holiday in the same manner as described in subsection (a)(4) of this section. Unless other arrangements are made with the administrator, the permit application shall be obtained on the first workday following the weekend or holiday. The well constructor shall be responsible for maintaining full compliance with all provisions of Wis. Admin. Code NR ch. 812.
  - (8) A permit transfer application shall be submitted to the county when there is a change of property owner after the application is submitted but before well construction is completed. Failure to submit a transfer application to the county shall invalidate a previously issued permit. The application shall be on a form made available by the administrator.
  - (9) As soon as the well location permit is received, it shall be displayed conspicuously at the well site during construction and for a minimum of seven days following completion of construction or until the well has been inspected by county staff, whichever occurs first. The county staff must be contacted within 24 hours of completion of a well.
  - (10) A well location permit shall be valid for a period of one year or until construction is completed, whichever occurs first. If the permit expires, a new application shall be submitted to the administrator. Reapplications shall be evaluated so that construction will comply with the provisions of Wis. Admin. Code NR ch. 812 in effect at the time of the reapplication. The administrator may require additional inspections and fees for reapplications.
  - (11) A well location permit is not required nor shall such be issued by the county for private water systems requiring written plan approval from the department.
  - (12) Any permit issued under this section shall be void if any false or inaccurate statement is made or if any inaccuracy is shown on any application for a permit.
  - (13) No permit may be issued to any property owner or designated agent of the property owner who is in violation of this article, until the violation has been corrected, unless the permit is to allow correction of the violation.
  - (14) The administrator shall forward a copy of the approved well permit application to the Department of Land Conservation & Forest Management to be applied toward the management and maintenance of the Chippewa County Groundwater Inventory.
- (b) *Appeals.* Persons seeking to appeal a decision of the administrator under this article shall file written letters of appeal with the administrator. The administrator shall place the appeal on the agenda of the board of adjustment and the appeal shall be given a due process proceeding in accord with Wis. Stats. § 59.694. The board of adjustment shall decide whether to uphold, uphold with modifications or reverse the administrator's decision based upon the terms and intent of this article and of relevant state laws and administrative rules. No appellate decision shall have the effect of approving an existing or proposed condition that would violate this article of state law or administrative rule. Appeals that may only be approved by the granting of a variance to Wis. Admin. Code NR ch. 812 shall be referred to the department pursuant to Wis. Admin. Code NR ch. 845. Board of adjustment appellant decisions shall be made in writing and shall be filed in the administrator's office. Appeals of decisions made by authorized agents on the behalf of the administrator shall be made first to the administrator and then be appealable as provided in this section.

- (c) *Violations.* The administrator shall investigate violations of this article and Wis. Admin. Code NR ch. 812, relating to the county's authorized delegation level, issue orders to abate the violations and submit orders to the corporation counsel for enforcement.
- (d) *Administrator directives and orders.*
- (1) *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.
  - (2) *Formal Directive.* A formal letter may be issued, which states the violation, this section, administrative rule or statutory section violated, the date the violation was noted, the inspector who noted the violation and assign a date by which the correction must be made.
  - (3) *Correction order.* Upon discovery and after documentation of a violation, the administrator may issue a correction 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:
    - a. The location of the violation (site).
    - b. The name of the parties; owner, permittee, well constructor.
    - c. The citation of the statute, ordinance or Wisconsin Administrative Code section violated.
    - d. The date of inspection of the site where the violation occurred.
    - e. The name of the person who conducted the inspection which revealed the violation.
    - f. The date by which the correction must be completed.
    - g. The name of the person who must be contacted regarding subsequent inspection of the site.
    - h. A statement that, if the order is not complied with, the administrator will refer the violation to the corporation counsel with a recommendation to seek injunctive relief and/or forfeitures from the circuit court of the county. Orders shall be signed by the administrator of the private water system ordinance.
    - i. Orders shall be delivered by the sheriff. The administrator shall report all orders that have not been complied with to the corporation counsel for enforcement.
- (e) *Enforcement actions.*
- (1) An enforcement action may be brought by the corporation counsel against a person or persons for any of the following violations:
    - a. Failure to comply with any provision of this article.

- b. Failure to comply with any permit specification or requirement.
  - c. Failure to comply with any directive or order issued by the county administrator.
  - d. Resisting, obstructing or interfering with the county administrator's or an authorized assistant's actions undertaken pursuant to this article.
- (2) The county corporation counsel may, for any violation, seek:
- a. Injunctive relief; and/or
  - b. Forfeitures of not less than \$100.00 but not more than \$500.00.
  - c. Each day of violation is a separate offense.
  - d. Any person who has the ability to pay any forfeiture entered against him under this article 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 section, 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 the laws of this state.
- (f) *Fee schedule for permits and inspections.* The fee for a permit under this article shall be established by resolution of the County Board, payable in advance.

(Code 1980, § 15.03) (Ord. No. 02-17, 04-11-2017)

Secs. 62-39 to 62-60. Reserved.

### **ARTICLE III. SOLID WASTE**

#### **DIVISION 1. GENERALLY**

##### **Sec. 62-61. Litter and Waste Control Generally.**

The purpose of this article is to ensure the public health, safety and general welfare by controls upon littering and solid waste disposal in the county.

(Code 1980, § 5.23(1)(a))

##### **Sec. 62-62. Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

- (a) *Garbage* means any discarded material resulting from the handling, processing, storage or consumption of food products and containers thereof.
- (b) *Hazardous waste* means that waste as defined by Wis. Stats. § 291.01.
- (c) *Litter* means any uncontainerized garbage, refuse and yard waste deposited other than in a proper

receptacle which tends to create a danger to the health, safety and welfare or impair the environment.

- (d) *Littering* means the depositing of litter or allowing litter to be deposited on any premises except in authorized waste receptacles. Littering includes the discharge of litter from vehicles or spillage from litter containers.
- (e) *Person* means any individual, partner, corporation, joint venture or government entity.
- (f) *Premises* means real property containing a dwelling, house, building or other structure, whether inhabited or vacant, and includes the grounds, sidewalks and boulevards thereof.
- (g) *Public place and public premises* mean real property including roadways, public ways, parks, grounds and structures thereon frequented by the general public, whether publicly or privately owned.
- (h) *Refuse* means discarded matter resulting from commercial, industrial, residential and community life which is subject to decomposition, not defined as sewage or garbage, and includes materials and debris resulting from construction or demolition.
- (i) *Waste* means garbage, refuse and all other discarded materials, excluding sewage and processed sewage known as sludge.
- (j) *Waste receptacle* means a covered container designed to receive waste and prevent the escape of waste deposited therein.
- (k) *Yard waste* means grass clippings, leaves, branches, brush, stumps or other vegetational remains.

(Code 1980, § 5.23(1)(b)) (Ord. No. 17-12; 03-13-2012)

**Cross references:** Definitions generally, § 1-3.

### **Sec. 62-63. Restrictions and Prohibitions.**

- (a) *Landfills and dumping grounds.* No private or unlicensed commercial sanitary landfills, dumping grounds or unlicensed disposal sites are permitted.
- (b) *Haulers.* All waste hauling vehicles shall be covered units. No waste or refuse shall spill from any collection vehicle.
- (c) *Owner and occupant obligation.*
  - (1) The owner and occupant of each residence, multifamily residence, commercial, governmental or industrial building shall maintain one or more collection receptacles on the premises.
  - (2) It shall be the duty of any person owning or occupying the premises, including vacant lots and lands, to maintain the premises in a reasonably clean and orderly manner and such person owning or occupying such premises or lands shall have the duty to ensure that all spilled waste or litter shall be picked up and placed in waste receptacles.
  - (3) Failure to maintain the premises free of litter and waste from whatever source by the property owner and occupant within 24 hours after notification is a violation of this article. This section shall not apply to recyclable materials placed at the property line for collection in the manner

prescribed for collection provided the recyclable materials remain on such premises no longer than 24 hours prior to collection.

- (d) *Collection deadline.* It is unlawful and a violation of this article for any person who is the owner or occupant of any premises upon which is located a waste receptacle to allow waste to remain uncollected beyond the date provided for its collection or removal, or in any way to allow any waste container to remain properly unemptied for longer than 14 days.
- (e) *Littering.*
  - (1) No person shall deposit litter on any public or private premises in the county.
  - (2) No person shall deposit waste or yard waste upon public lands, roadways, rights-of-way, lands owned by others or in waste receptacles belonging to others except in parks and waysides where the refuse or garbage is immediately incidental to the use of such park or wayside or unless the receptacle is expressly authorized for public use.
- (f) *Scavenging.* It shall be a violation of this article for any unauthorized person to collect or pick from the waste contained in any waste receptacle.
- (g) *Retrieval of litter.* Any litter which contains the name or other identification of the generator thereof shall be retrieved by the generator within 12 hours after notification. Failure of the generator to timely retrieve and properly dispose of such litter is a violation of this article.
- (h) *Hazardous waste.*
  - (1) No person shall deposit hazardous waste upon public lands, roadways, rights-of-way, or lands owned by others or in waste containers belonging to others.
  - (2) Hazardous waste shall be deposited only in accordance with Wis. Stats. ch. 291 and no unauthorized deposit shall be made by any person on their own lands.

(Code 1980, § 5.23(2))

#### **Sec. 62-64. Violations.**

- (a) *Forfeiture.* Any person who violates, neglects or refuses to comply with this article shall be subject to a forfeiture of not less than \$100.00 nor more than \$500.00, plus the costs of prosecution for each violation. Each day a violation exists shall be a separate offense.
- (b) *Other remedies.*
  - (1) *Injunction.* As a substitute for, or in addition to any other action, the county may seek an injunction or restraining order of any part of this article by court action, the costs of which shall be charged to the defendant in such action.
  - (2) *Removal by municipality.* The county may remove or cause to be removed all litter and waste not deposited in waste receptacles and the existence of which is a violation of this article. Law enforcement agencies, or their designees, of the county are authorized to enter upon private or public premises to remove such unlawful litter or waste and, as a substitute for and in addition to

forfeiture or injunction, the county may commence a civil action for damages to recoup the costs of cleanup, together with the costs and legal fees in relation thereto.

(Code 1980, § 5.23(4))

Secs. 62-65 to 62-80. Reserved.

## **DIVISION 2. RECYCLING**

### **Sec. 62-81. Enforcement and Interpretation.**

- (a) *Administration.* The provisions of this division shall be administered by the county Department of Land Conservation and Forest Management. The Director of the Department of Land Conservation and Forest Management or his designee, the Planning and Zoning Administrator and county and municipal law enforcement officers are authorized to issue citations in violation of the provisions of this division.
- (b) *Inspection.* Any authorized officer, employee or representative of the county Department of Land Conservation and Forest Management, or law enforcement officers may, according to policies established by the responsible unit, inspect recyclable materials separated for recycling, waste intended for disposal, collection sites and facilities, collection vehicles, collection areas of multiple-family dwellings and nonresidential facilities and properties, solid waste disposal facilities and solid waste treatment facilities, and any records relating to recycling activities, for the purpose of ascertaining compliance with the provisions of this division. No representative of a multiple-family residence complex or nonresidential facility may refuse access to any authorized officer, employee or authorized representative of the Department of Land Conservation and Forest Management or law enforcement officers who provides advance notification and formally requests access for purposes of inspection and who presents appropriate credentials. No person may obstruct, hamper or interfere with such an inspection.
- (c) *Penalties.* Any person convicted of violating any provision of this division is subject to a forfeiture of not less than \$50.00, nor more than \$200.00 and, in addition, shall be required to pay all court costs and assessments. Each day a violation exists shall be a separate offense.
- (d) *Abrogation and greater restrictions.* It is not intended by this division to repeal, abrogate, annul, impair or interfere with any existing rules, regulations, ordinances or permits previously adopted or issued pursuant to law. However, whenever this division imposes greater restrictions, the provisions of this division shall apply.
- (e) *Interpretation.* In their interpretation and application, the provisions of this division shall be held to be the minimum requirements and shall not be deemed a limitation or repeal of any other power granted by statute. Where any terms or requirements of this division may be inconsistent or conflicting, the more restrictive requirements or interpretation shall apply. Where a provision of this division is required by statute, or by a standard in Wis. Admin. Code NR ch. 544, and where the division provision is unclear, the provision shall be interpreted in light of the statute and the Wis. Admin. Code NR ch. 544 standards in effect on the date of the adoption of the ordinance from which this division is derived, or in effect on the date of the most recent text amendment to this division.

(Code 1980, §§ 13.11, 13.12) (Ord. No. 17-12; 03-13-2012)

### **Sec. 62-82. Purpose.**

The purpose of this division is to establish rules for the implementation of recycling in the county responsible unit areas. Administration of an effective recycling program will extend the useful life of landfills, conserve natural resources, salvage materials for reprocessing, conserve energy, and improve the environment by lessening landfill deposits as provided in Wis. Stats. § 287.09 and Wis. Admin. Code NR ch. 544.

(Code 1980, § 13.01)

**Sec. 62-83. Authority.**

The authority for this division is set forth in Wis. Stats. §§ 287.09 and Wis. Admin. Code NR ch. 544.

(Code 1980, § 13.02)

**Sec. 62-84. Applicability.**

(a) *County designated as responsible unit.*

- (1) This division shall be in effect and enforced in those county municipalities in which the local unit of government has, pursuant to Wis. Stats. § 287.09, designated the county as the responsible unit.
- (2) No unit of government having designated the county as the responsible unit shall be required to adopt or enforce a recycling ordinance prescribed in Wis. Admin. Code NR § 544.06.
- (3) This division shall not apply or be enforced in those municipalities which have designated the county as the responsible unit but have adopted and enforce their own ordinances meeting the standards of Wis. Admin. Code NR § 544.06.

(b) *Municipalities retaining responsible unit status.* This division shall not apply or be enforced in those municipalities of the county which retain their own responsible unit designation and authority.

(Code 1980, § 13.03)

**Sec. 62-85. Definitions.**

For the purpose of this division the following definitions shall apply:

- (a) *Bi-metal container* means a container for carbonated or malt beverages that is made primarily of a combination of steel and aluminum.
- (b) *Container board* means corrugated paperboard used in the manufacture of shipping containers and related products. Container board includes corrugated cardboard.
- (c) *Foam polystyrene packaging* means packaging made primarily from foam polystyrene that satisfies one of the following criteria:
  - (1) Is designed for serving food or beverages.
  - (2) Consists of loose particles intended to fill space and cushion the packaged article in a shipping container.



- (3) Consists of rigid materials shaped to hold and cushion the packaged article in a shipping container.
- (d) *Garbage* means any discarded material resulting from the handling, processing, storage or consumption of food products and containers thereof.
- (e) *Glass* means unbroken clear, brown or green glass containers. Other colored glass, broken glass and window glass are deemed refuse for the purpose of this division.
- (f) *Government* means federal, state, county, city, village, town, school, vocational school or sanitary district and any agency or subunit thereof.
- (g) *Hauler* means persons licensed by a unit of government to collect and transport garbage and refuse, or recyclable materials under local ordinance or Wis. Admin. Code NR ch. 502.
- (h) *HDPE* means high-density polyethylene, labeled by the SPI code #2.
- (i) *LDPE* means low-density polyethylene, labeled by the SPI code #4.
- (j) *Magazines* means magazines and other materials printed on similar paper.
- (k) *Major appliances* means air conditioners, clothes washers and dryers, dishwashers, freezers, microwave ovens, ovens, refrigerators, stoves, water heaters, dehumidifiers, furnaces and boilers.
- (l) *Multifamily residence* means a real property improvement containing five or more household units in one or more contiguous structures of single ownership and management and includes recreational vehicle parks.
- (m) *Newspaper* means a newspaper and other materials printed on newsprint.
- (n) *Nonresidential facilities and properties* mean commercial, retail, industrial, institutional and governmental facilities and properties. This term does not include multiple-family dwellings.
- (o) *Office paper* means high grade printing and writing papers from offices in nonresidential facilities and properties. Printed white ledger and computer printout are examples of office paper generally accepted as high grade. This term does not include industrial process waste.
- (p) *On-site collection* means curbside and at premises collections by a licensed hauler authorized by the local municipality to collect recyclable materials.
- (q) *Other resins or multiple resins* mean plastic resins labeled by the SPI code #7.
- (r) *Owner* means the person who holds legal title to property wherein garbage, refuse or recyclable materials are generated, including residences, multifamily residences or nonresidential facilities. Purchasers under a recorded land contract are deemed owners.
- (s) *Person* means any individual, partnership, corporation, association or governmental body.
- (t) *PETE* means polyethylene terephthalate, labeled by the SPI code #1.

- (u) *Plastic container* means an individual, separate, rigid plastic bottle, can, jar or carton, except for a blister pack, that is originally used to contain a product that is the subject of a retail sale.
- (v) *Postconsumer waste* means solid waste other than solid waste generated in the production of goods, hazardous waste, as defined in Wis. Stats. § 289.01(12), waste from construction and demolition of structures, scrap automobiles or high-volume industrial waste as defined in Wis. Stats. § 289.01(17).
- (w) *PP* means polypropylene, labeled by the SPI code #5.
- (x) *PS* means polystyrene, labeled by the SPI code #6.
- (y) *PVC* means polyvinyl chloride, labeled by the SPI code #3.
- (z) *Recyclable materials* means the following:
  - (1) Lead acid batteries.
  - (2) Major appliances.
  - (3) Waste oil.
  - (4) Yard waste.
  - (5) Aluminum containers.
  - (6) Bi-metal containers.
  - (7) Corrugated paper or other container board.
  - (8) Glass containers.
  - (9) Magazines and other materials printed on similar paper.
  - (10) Newspaper and other materials printed on newsprint.
  - (11) Office paper.
  - (12) Rigid plastic containers made of PETE (#1) and HDPE (#2).
  - (13) Steel containers.
  - (14) Waste tires.
- (aa) *Refuse* means discarded matter resulting from commercial, industrial, residential and community life which is subject to decomposition not defined as sewage or garbage and includes materials and debris resulting from construction or demolition.
- (bb) *Residence and residential* means a real property improvement containing one through four residential household units.

- (cc) *Solid waste* has the meaning specified in Wis. Stats. § 289.01(33).
- (dd) *Solid waste facility* has the meaning specified in Wis. Stats. § 289.01(35).
- (ee) *Solid waste treatment* means any method, technique or process which is designed to change the physical, chemical or biological character or composition of solid waste. The term "treatment" includes incineration.
- (ff) *Waste tire* means a tire that is no longer suitable for its original purpose because of wear, damage or defect.
- (gg) *Yard waste* means leaves, grass clippings, yard and garden debris and brush, including clean woody vegetative material no greater than six inches in diameter and three feet in length. The term "yard waste" does not include stumps, roots or shrubs with intact root balls.

(Code 1980, § 13.04) (Ord. No. 17-12; 03-13-2012)

**Cross references:** Definitions generally, § 1-3.

#### **Sec. 62-86. Mandatory Separation of Recyclables.**

- (a) *Generally.* All persons generating or possessing recyclable materials, including occupants of single-family and two-four unit residences, multifamily dwellings and nonresidential facilities and properties shall separate such recyclable materials from garbage and refuse.
- (b) *Disposal of recyclable material.* All recyclable materials under this division shall be delivered to a recycling center designed to receive and collect such recyclable materials.
- (c) *On-site collection.*
  - (1) Where required by a municipal ordinance or resolution, recyclable materials shall be picked up on-site in accordance with local regulations and hauler's procedures and charges.
  - (2) Where on-site collection is provided, recyclable materials shall be separated and placed in containers for collection. Materials shall be prepared according to haulers, drop-off center requirements and local unit of government regulations.
  - (3) Recyclable materials described in section 62-85, except yard waste, shall be transported by the owner or the owner's designee to a recycling center designated to receive and collect recyclable materials. Yard waste as described in section 62-85 may be delivered to recycling center or land spread at approved locations in accordance with Wis. Admin. Code NR ch. 518.
- (d) *No on-site collection.* Where on-site collection is not provided, all persons shall be required to separate, collect and deliver all recyclable materials to a municipal recycling center.
- (e) *Commingled recyclable materials.* When permitted by a hauler who has facilities to separate commingled materials and as may be authorized by the local municipality, recyclable materials may be commingled for collection in such manner as the hauler and the municipality may provide.
- (f) *Fees and payment.* Recycling centers may charge a fee or pay for receiving recyclable materials as market

conditions may direct.

- (g) *Uncollected mixed materials.* Any recyclable materials mixed with refuse and garbage uncollected by the hauler due to its mixed content shall be removed from its place of collection and the person placing such materials for collection shall properly separate the materials for the next collection.
- (h) *Scavenging.* No person, except as authorized by the owner thereof, may enter the container of another and take possession of any recyclable materials.
- (i) *Separation requirements exempted.* The separation requirements of this section do not apply to the following:
  - (1) Occupants of single-family and two-four unit residences, multiple-family dwellings and nonresidential facilities and properties that send their postconsumer waste to a processing facility licensed by the state department of natural resources that recovers the recyclable materials from solid waste in as pure a form as is technically feasible.
  - (2) Solid waste which is burned as supplemental fuel at a facility if less than 30 percent of the heat input to the facility is derived from the solid waste burned as supplemental fuel.
  - (3) A recyclable material for which a variance has been granted by the department of natural resources under Wis. Stats. § 287.11(2m) or Wis. Admin. Code NR § 544.14.

(Code 1980, § 13.05) (Ord. No. 17-12; 03-13-2012)

#### **Sec. 62-87. Special Multifamily and Nonresidential Provisions.**

- (a) *Owner's responsibility.* The owner or determined agents of all multifamily dwellings is required to do the following:
  - (1) Provide containers for each of the listed recyclable materials set out in subsections (e) through (m) of the definition of the term "recyclable materials" in section 62-85.
  - (2) Containers shall be of adequate size to receive the recyclable materials.
  - (3) Provide for periodic collection of all recyclable materials and permit no excessive accumulation thereof.
  - (4) Permit no recyclable materials to be accumulated outside of the specified containers.
  - (5) Provide for the collection of separated materials and arrange for delivery of materials to a recycling facility.
- (b) *Notice to tenants.* At the time of leasing, and at least semiannually thereafter, the owner shall, in writing, advise all tenants and occupants of the recycling obligations, the reasons to recycle and how to prepare the materials. In the event the recycling containers are not available at all hours, the owner shall advise tenants and occupants of the hours of operation and provide the name of a contact person with address and telephone number.
- (c) *Tenants and occupants obligations.*

- (1) The tenants and occupants of multifamily residences shall separate all recyclable materials in accordance with this division and place the recyclable materials in containers so designated.
  - (2) No tenant or occupant shall place recyclables in any garbage or refuse container or garbage or refuse in any recycling container.
  - (3) Tenants are responsible to deliver all batteries, appliances, waste oil, waste tires and yard waste directly to a recycling center designated to collect and receive such material.
- (d) *Nonresidential tenants.* The owners of nonresidential properties shall have the duties as set forth in this section provided that if such property is leased, the owner may, by lease provision or other agreement, require the tenant to perform the duties and responsibilities of persons and/or owners as provided in this division. Where required by lease or other agreement to perform these duties and responsibilities, the tenants shall provide the recycling facilities and services required in this division.
- (e) *Third party use.* No persons other than tenants in multifamily residences or nonresidential properties, or persons expressly permitted by an owner, shall deposit any material into the recycling containers or garbage or refuse containers provided for tenant use.

(Code 1980, § 13.06)

#### **Sec. 62-88. Large Outdoor Events.**

- (a) Organizers and sponsors of outdoor events and owners of the real estate where outdoor events are held, with 20 or more persons attending, including but not limited to fairs, concerts, contests, sports events, shows, performances, reunions, social or business gatherings, with or without charge, on private or public property, where food or beverage is served shall provide an adequate number of clearly identified containers for all recyclable materials except batteries, appliances, waste oil, yard waste and waste tires.
- (b) Within one week after the event is completed, as long as such does not constitute a health threat or public nuisance, all recyclable materials shall be delivered by the organizer, sponsor, real estate owner or his designee, to the local recycling center designated to receive the recyclable materials.
- (c) Attendees of all such events shall deposit recyclable materials into the provided containers. No such recyclable materials shall be placed or disposed of in a garbage or refuse container. All deposited recyclable materials shall be reasonably clean and free of food particles.

(Code 1980, § 13.07)

#### **Sec. 62-89. Parks, Waysides, Ballfields and Recreational Areas.**

- (a) All municipally owned or operated parks, waysides, ballfields and recreational areas shall have clearly identified containers for all recyclable materials except batteries, appliances, waste oil, yard waste and waste tires. These products shall be regularly removed and delivered to the local recycling center designated to receive these products.
- (b) No person shall deposit into such container any other material and shall deposit into such container, allowed materials that are reasonably clean and free of food particles.

(Code 1980, § 13.08)

**Sec. 62-90. Local Municipalities' Duties.**

- (a) Each municipality wherein this division is in effect shall, singularly or jointly with other municipalities:
  - (1) Establish a system of regular scheduled collection of recyclables and/or establish a drop-off center for receipt of recyclables.
  - (2) Adopt a companion ordinance consistent with the provisions stated in this division which shall include rules and procedures for the preparation and collection of separated materials.
- (b) Recyclable materials collected by the municipality shall be regularly transported to a recycling process facility. No municipality receiving recyclables shall permit or authorize the deposit of recyclables in a landfill or incinerator except for exemptions granted by the department.

(Code 1980, § 13.09) (Ord. No. 17-12; 03-13-2012)

**Sec. 62-91. Miscellaneous Provisions.**

- (a) *Haulers.*
  - (1) *License required.* No person shall engage in the business of hauling recyclables, garbage, or refuse in the county without being licensed by the department pursuant to Wis. Admin. Code NR § 502.06 and shall be licensed by the local municipalities when so required.
  - (2) *Disposal.* Haulers may not dispose of in a landfill or burn in a solid waste facility any recyclable materials generated in the county that have been separated for recycling.
- (b) *Dumping.* It is unlawful for any person to dispose of or dump garbage, refuse or recyclable materials in any roadway or public right-of-way or other public place or in any receptacles or on private property of another without the owner's expressed consent.

(Code 1980, § 13.10) (Ord. No. 17-12; 03-13-2012)

Secs. 62-92 to 62-120. Reserved.

**ARTICLE IV. WASTE DISPOSAL**

**DIVISION I. GENERALLY.**

**Sec. 62-121. Restricted.**

No person shall permit the discharge of liquid wastes into any surface waters including lakes, streams, flowages, ponds and any other natural watercourses which would constitute a nuisance or would violate any provision of this article or the statute.

(Code 1980, § 15.10)

**Sec. 62-122. Industrial Waste Treatment.**

All industrial waste treatment disposal systems shall be subject to approval by the department prior to construction, under Wis. Stats. § 144.555 and Wis. Admin. Code RD § 8.03(1).

(Code 1980, § 15.11) (Ord. No. 17-12; 03-13-2012)

**Sec. 62-123. Rubbish in Navigable Waters.**

No person shall throw, discard or discharge into any navigable water any can, bottle or rubbish.

(Code 1980, § 15.12)

**Sec. 62-124. Solid Waste Disposal.**

Solid waste disposal sites are prohibited unless authorized by a permit issued by the department under Wis. Stats. § 289.35 for such sites and facilities, and a special exception permit is granted by the county in conformance with the applicable requirements of chapter 54 and law.

(Code 1980, § 15.13) (Ord. No. 17-12; 03-13-2012)

Secs. 62-125 to 62-140. Reserved.

**DIVISION 2. PRIVATE SEWAGE SYSTEMS****Sec. 62-141. Statutory Authority.**

This division is adopted pursuant to the authorization in Wis. Stats. §§ 59.70(1), 59.70(5), 145.04, 145.19, 145.20, 145.245.

(Code 1980, § 15.20)

**Sec. 62-142. Purpose.**

This division is adopted to promote and protect public health, safety and environment by assuring the proper siting, design, installation, inspection and management of private sewage systems.

(Code 1980, § 15.21)

**Sec. 62-143. Repeal and Effective Date.**

This ordinance or revisions thereto shall be effective after a public hearing is held by the Planning & Zoning Committee, adoption by the County Board and publishing or posting as required by law.

**Sec. 62-144. Severability and Liability.**

- (a) Should any section, clause, provision or portion of this ordinance be adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected thereby.
- (b) This ordinance shall not create a liability on the part of or a cause of action against the County or any employee thereof for any private sewage system or nonplumbing sanitation system which may not

function as designed. There shall be no liability or warranty for any site or system which is approved or denied. The issuance of a sanitary permit and the final inspection of such a system do not warrant the system's function, nor is there a guarantee that the system is free of defects of that all aspects of the system comply with Wisconsin Statute or Administrative Code requirements.

#### **Sec. 62-145. Interpretations.**

The provisions of this ordinance shall be held to be minimum requirements; shall be consistent with the purpose and intent of this ordinance; and shall not be deemed a limitation or repeal of any other power granted by the Wisconsin Statutes and related Administrative Codes.

#### **Sec. 62-146. Definitions.**

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

- (1) *Administrator* means a person or persons employed by Chippewa County in the Planning & Zoning Department to administer and enforce this ordinance.
- (2) *Buildings*. See Structure.
- (3) *Conventional private sewage system* means a private sewage system consisting of a septic tank and an in-ground soil absorption component with gravity distribution or dosing of effluent.
- (4) *County sanitary permit* means a permit issued by the department for the reconnection of a private sewage system, pursuant to Wis. Stats. §§ 59.70 and 145.04.
- (5) *Department* means the Chippewa County Planning & Zoning Department.
- (6) *Failing private sewage system* has the meaning specified under Wis. Stats. § 145.245(4). A private sewage system which discharges sewage to the ground surface, including intentional discharges and discharges caused by neglect, shall be considered a failing private sewage system.
- (7) *Governmental unit* has the meaning specified under s.145.01(5), Stats.
- (8) *Habitable structure* means a structure occupied as a dwelling or sleeping place, whether intermittently or as a principal residence.
- (9) *Minor repairs* means a repair to a private sewage system including the replacement or repair of any of the following:
  - (a) Manhole covers;
  - (b) Manhole risers;
  - (c) Septic tank baffles;
  - (d) Effluent pumps and related controls or wiring;
  - (e) Other components as determined by the Department.



- (10) *Modification in wastewater flow or contaminant load* means a modification in wastewater flow or contaminant load shall be considered to occur:
- (a) In public buildings, facilities or places of employment, when there is a proposed change in occupancy of the structure; or the proposed modification affects either the type or number of plumbing appliances, fixtures or devices discharging to the system; and
  - (b) In dwellings, when there is an increase or decrease in the number of bedrooms.
- (11) *Nonplumbing sanitation system* means sanitation systems and devices within the scope of Wis. Admin. Code SPS ch. 391 which are alternatives to water carried waste plumbing fixtures and drain systems; including, but not limited to, incinerating toilets, composting toilets and privies.
- (12) *Occupancy* means the purpose for which a building is used or intended be used.
- (13) *Permanent residence* means the use of a residence on a full time basis where mail and/or a legal address is assigned; the occupying of and/or habitating within a residence for more than 160 days of the year.
- (14) *Plumber* means a person licensed by the state as a master plumber or master plumber-restricted service.
- (15) *Portable restroom* means a self-contained portable unit that includes fixtures, incorporating holding tank facilities, designed to contain human excrement.
- (16) *Private sewage system* also referred to as a "*private on-site wastewater treatment system*" or "*POWTS*" has the meaning given under Wis. Stats. § 145.01(12).
- (17) *Privy* means an enclosed nonportable toilet into which nonwater-carried human wastes are deposited.
- (18) *Privy, pit* means a privy with a subsurface storage chamber which is not watertight.
- (19) *Privy, vault* means a privy with a subsurface storage chamber that is watertight.
- (20) *Rebuild or Rebuilding* means the construction, which takes place after a structure is demolished or damaged, to the extent of 50 percent of its current appraised value.
- (21) *Sanitary permit* means a county sanitary permit, a state sanitary permit or both.
- (22) *Septic tank* means an anaerobic treatment tank.
- (23) *Sewage* means wastewater containing fecal coliform bacteria exceeding 200 CFU (colony forming units), per 100 ml.
- (24) *State* means the State Department of Safety and Professional Services.
- (25) *State sanitary permit* means a permit issued by the department for the installation or modification of a private sewage system, pursuant to Wis. Stats. §§ 145.135 and 145.19.
- (26) *Structure* means anything constructed or erected, the use of which requires a location in or on the premises, or any other attachment to something having a permanent location on the ground, which includes, but is not limited to, objects such as buildings, factories, sheds, cabins and mobile homes. Also

included are items of personal property that may have been designed as transportable or as a vehicle, but stand in a seasonal or permanent location for storage or intermittent human habitation. Such incidental structures may include, but are not limited to, truck campers, travel trailers, park or model units, buses and motor homes.

- (27) *Wastewater* means clear water wastes, stormwater wastes, domestic wastewater, industrial wastewater, sewage or any combination thereof.

(Code 1980, § 15.22) (Ord. No. 17-12; 03-13-2012; Ord. No. 05-15, 09-08-15)

**Cross references:** Definitions generally, § 1-3.

**Sec. 62-147. Compliance.**

- (a) All structures or premises in the county that are permanently or intermittently intended for human habitation or occupancy, which are not serviced by a public sewer and have running water plumbed into the structure, shall have a system for holding or treatment and dispersal of sewage and wastewater, which complies with the provisions of this division.
- (b) A private sewage system for newly constructed structures or structures requiring a reconnection permit shall be installed, inspected and approved before the structure may be occupied.

(Code 1980, § 15.23)

**Sec. 62-148. Saving provision.**

The division shall not be construed as abating any action now pending under or by virtue of, prior existing sanitary ordinances, or as discontinuing, abating, modifying or altering any penalty accruing or about to accrue, or as effecting liability of any person of the division, or as vacating or annulling any rights obtained by any person by lawful action of the county, except as shall be expressly provided for in this division.

(Code 1980, § 15.24)

**Sec. 62-149. Incorporation Of Provisions By Reference.**

This division incorporates by reference the following rules, regulations and laws as set forth in statute and the Wisconsin Administrative Code governing the location, construction and use of private sewage systems: Wis. Stats. § 59.70(5), chs. 145, 254.59, 281.48 and 968.10; Wis. Admin. Code SPS chs. 381, 382, 383, 384, 385, 387.91 and NR ch. 113 and NR ch.116. These rules, regulations and laws shall apply until amended or renumbered and then shall apply as amended or renumbered.

(Code 1980, § 15.25) (Ord. No. 17-12; 03-13-2012)

**Sec. 62-150. Applicability.**

The requirements of this division shall apply to all areas of the county not served by a public sewer approved by the department of natural resources.

(Code 1980, § 15.26)

**Sec. 62-151. Limitations.**

- (a) All domestic wastewater shall enter a private sewage system unless otherwise exempted by the state or this division.
- (b) A non-plumbing sanitation system may be permitted only when the structure or premises served by a non-plumbing sanitation system is not otherwise served by an indoor plumbing system. If plumbing is installed in the structure or running water is supplied to the structure, an acceptable code compliant method permitted by Wis. Admin. Code SPS 383 of sewage disposal other than, or in addition to, a non-plumbing sanitation system must be provided.
- (c) Portable restrooms may be utilized for temporary purposes only. For the purpose of this section, temporary shall mean the following: For temporary gatherings, festivals and similar activities, a period of 30 consecutive days or less. For use at any construction site, the duration of the construction plus two (2) weeks. A sanitary permit is not required for a portable restroom.
- (d) Any private sewage system, or portion thereof, installed within a floodplain shall comply with all applicable requirements of Wis. Admin. Code NR ch. 116.
- (e) Installation of a holding tank is prohibited if any other type of private sewage system permitted by Wis. Admin. Code SPS ch. 383 may be utilized.
- (f) A sanitary permit for the installation, modification or replacement of a holding tank, or which designates a holding tank as a replacement system, shall not be issued unless a soil and site evaluation determines that the property is unsuitable for any other type of system permitted by Wis. Admin. Code SPS ch. 383, except as provided in subsections (f)(1) through (5) of this section as follows:
- (1) Temporary holding tank permit. A temporary holding tank permit will be issued by the department in cases where the property owner requires a temporary sanitary permit in order to obtain a building permit. The temporary holding tank permit is valid for 60 days and the permanent sanitary permit must be issued within this 60-day period.
  - (2) A temporary holding tank may be installed when a public sewer, approved by the department of natural resources, will be installed to serve the property within two years of the date of sanitary permit issuance. If a public sewer does not become available within two years of the date of sanitary permit issuance, the holding tank must be replaced with another type of system recognized by Wis. Admin. Code SPS ch. 383. In addition to items required in section 62-158, an application for a sanitary permit to install a temporary holding tank shall include written statements from all of the following:
    - a. The municipality or sanitary district, verifying the date that public sewer will be installed and available to serve the property;
    - b. The department of natural resources, verifying approval of the public sewer; and
    - c. The property owner, agreeing to connect to public sewer when it becomes available and to abandon the temporary holding tank.
  - (3) A holding tank may be installed to serve a use with a design wastewater flow of less than 150 gallons per day. In addition to items required in section 62-158, an application for a sanitary permit to install a holding tank to serve a use with less than 150 gallons per day shall include a

sworn affidavit recorded with the Register of Deeds from the property owner, prior to the issuance of a permit, agreeing to install another type of system if any change of occupancy or use occurs which results in a design wastewater flow which equals or exceeds 150 gallons per day.

- (4) Winter installation. 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 POWTS shall be installed within 60 days.
- (g) When a failing private sewage system is identified, it shall be brought into compliance with current code requirements, replaced with a code compliant system or its use discontinued within that period of time required by a department order.
- (h) A private sewage system that has sewage bypassed or a holding tank which is discharging untreated or partially treated sewage into the ground, onto the ground surface or into surface waters may be ordered by the department to be corrected or replaced with a code compliant system.
- (i) New sewers installed during new construction shall exit the building so that a minimum of 18 inches of soil cover above the sewer can be provided without placing soil within eight inches of unapproved building materials. If untreated lumber is used for framing and sheeting, the top of the building sewer must exit at least 26 inches below the top of the foundation.

(Code 1980, § 15.27) (Ord. No. 17-12; 03-13-2012; Ord. No. 05-15, 09-08-15)

#### **Sec. 62-152. Administration.**

The department shall be responsible for the administration of this division.

(Code 1980, § 15.45)

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

#### **Sec. 62-153. Powers and Duties.**

In the administration of this division, the department shall have the following powers and duties:

- (a) Delegating duties and supervising assistants, clerical staff and other employees to assure full and complete compliance with this division and related Wisconsin Statutes and Administrative Code.
- (b) Advising applicants concerning the provisions of this division and assisting them in preparing permit applications.
- (c) Reviewing and approving plans for private sewage systems for one-family and two-family residences or as approved through agent status by the state.
- (d) Issuing sanitary permits and inspecting properties for compliance with this division and related statutes and the state administrative code.
- (e) Keeping records of all sanitary permits issued, inspections made, work approved and other official actions.

- (f) Reporting violations of this division to the corporation counsel as necessary.
- (g) Having access to any premises for the purpose of performing official duties between 8:00 a.m. and 8:00 p.m. or at other times set by mutual agreement between the property owner or owner's agent and the department or upon issuance of a special inspection warrant in accordance with Wis. Stats. § 66.0119. Application for a sanitary permit is considered, for the purposes of this division, as the owner's consent to enter the premises.
- (h) Upon probable cause or reasonable grounds as to proper compliance, revoking or suspending any sanitary permit and issuing cease and desist orders requiring the cessation of any construction, alteration or use of a structure which is in violation of the provisions of this division, until compliance with this division or applicable Wisconsin Statutes and the Administrative Code is obtained.
- (i) Issuing and enforcing orders to plumbers, pumpers, property owners, their agents or contractors or the responsible party, to ensure proper compliance with all provisions of this division.
- (j) Applying for and distributing grants obtained through the Wisconsin Fund Grant Program.
- (k) Withholding permits or approvals pursuant to this division where the applicant, owner or licensed contractor is in violation of this ordinance until the violation has been corrected.
- (l) Performing other duties regarding private sewage systems as considered appropriate by the county or the state.

(Code 1980, § 15.46) (Ord. No. 17-12; 03-13-2012)

**Sec. 62-154. Violations and Penalties.**

- (a) Any person who fails to comply with the provisions of this division, or any order of the department issued in accordance with this division, shall be subject to a forfeiture of not less than \$200.00 nor more than \$500.00, and if in default of payment thereof shall be imprisoned in the county jail for a term of not more than 30 days or until such forfeitures and costs are paid. Each day such violation continues shall be a separate offense. Compliance therewith may also be enforced by injunctive order at the suit of the county against the owner or owners of real estate within the district affected by the regulations of this division.
- (b) Any construction which is in violation of this division shall cease upon written orders from the department or the placement of a cease and desist order at the site.
- (c) All construction shall remain ceased until the order is released by the department.
- (d) It shall be the duty of the department to enforce this division and to bring to the attention of the corporation counsel or his designated agent any violations of this division when necessary.

(Code 1980, § 15.48)

**Sec. 62-155. Abandonment of Private On-site Sewage Treatment Systems.**

- (a) When public sewers approved by the Department of Natural Resources become available to the structure or premises served, the private on-site sewage treatment system shall be disconnected within one year

and a connection made to the public sewer. Determination of whether public sewer service is available shall be made by the local sewer service entity.

- (b) Abandonment of the disconnected private sewage system shall be done in accordance with the provisions of Wis. Admin. Code SPS ch. 383.
- (c) The components of an existing private sewage system, that are not part of the approved design of a replacement system, shall be abandoned at the time of the installation of the replacement system by the plumber installing the system. The abandonment shall comply with Wis. Admin. Code SPS ch. 383.

(Code 1980, § 15.28) (Ord. No. 17-12; 03-13-2012)

#### **Sec. 62-156. Soil and Site Evaluation.**

- (a) Soil and site evaluations shall be completed prior to the issuance of permits as specified in Wis. Admin. Code SPS ch. 383 and SPS ch. 385.
- (b) Soil test pits may be reviewed on site at the department's discretion.
- (c) The construction of soil test pits shall allow for adequate visual observation of the soil profile in place. This is best accomplished by the excavation of backhoe pits. The department will not enter pits that are not ramped or stepped.
- (d) Department verification of a soil and site evaluation report may be necessary to determine the suitability of a lot for a private sewage system. This verification will be made at the discretion of the department and will be made prior to the issuance of the sanitary permit. This verification will result in one of the following:
  - (1) Issuance of the permit provided all information on the application is correct and complete.
  - (2) Establishment of a file indicating site suitability.
  - (3) Holding issuance of the sanitary permit pending clarification of information or obtaining new information from the owner, the plumber or the certified soil tester.
  - (4) Denial of the sanitary permit if the site does not meet all the provisions of this division as well as applicable statutes and administrative codes. If the permit application is denied, the fees will be returned to the submitting party.
- (e) A certified soil tester may request the department to verify a soil and site evaluation report before a complete sanitary permit application is submitted. Requests for verification of the report shall include all information required in section 62-158 on forms provided by the department, the original copy of the soil and site evaluation report and as many copies as are required by the department.

(Code 1980, § 15.29) (Ord. No. 17-12; 03-13-2012)

#### **Sec. 62-157. Sanitary Permits.**

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

- (b) A sanitary permit shall be obtained by the property owner or his/her agent or contractor, (in the name of the property owner), prior to the installation, establishment or construction of any structure which requires a private sewage system. Any property owner, or his agent or contractor, who begins construction or excavation for the foundation prior to obtaining a sanitary permit is in violation and may be subject to the penalties provided in this division.
- (c) The property owner or his agent or contractor shall obtain a sanitary permit before any private sewage system or part thereof may be installed, replaced, reconnected or modified. A sanitary permit is not required for minor repairs.
- (d) A County sanitary permit shall be required prior to constructing or installing a non-plumbing sanitation system.
- (e) If any part of a private sewage system has failed or requires replacement or modification, the entire system shall be evaluated for compliance with existing codes prior to sanitary permit issuance. This shall include a soil and site evaluation for those components that utilize in situ soil for treatment or dispersal, unless a valid report is already on file with the department. If any part of a private sewage system is found to be defective or not in compliance with the applicable Administrative code requirements that were in effect at the time the system was installed, the sanitary permit application shall include specifications necessary for the repair, renovation, replacement or removal of that part.
- (f) A vault or pit privy requires a sanitary permit prior to installation and must be installed per Wis. Admin. Code. SPS ch. 391.12.
  - (1) Pit and vault privies shall not be located in a floodplain.
  - (2) Pit and vault privies shall not be erected within: 75 feet of any well, stream or lake; ten feet of a door or window of any building; ten feet from the line of any street or public thoroughfare or within 25 feet of any lot line.

(Code 1980, § 15.30) (Ord. No. 17-12; 03-13-2012)

**Sec. 62-158. 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 department along with all applicable fees:
  - (1) Names, addresses and phone numbers of the applicant (owner of the site) and the plumber employed (when applicable).
  - (2) Legal description of the subject site and the parcel identification or parcel number.
  - (3) All lot dimensions.
  - (4) Driving directions to the site.
  - (5) Building use (single-family, duplex, etc.).
  - (6) Soil and site evaluation report.

- (7) System plans (see section 62-159).
  - (8) Appropriate agreements and contracts for system management and maintenance.
  - (9) Copies of any documents required in this division and verification that they have been recorded.
  - (10) Any other information required by the department.
- (b) When any official state action is required prior to the issuance of a sanitary permit, an original copy of the official action shall accompany the application.
  - (c) Pit privy permit applications shall be accompanied by soil data provided by a Certified Soil Tester to determine compliance with Wis. Admin. Code ch SPS 391.
  - (d) The following documents must be recorded with the county register of deeds prior to a sanitary permit being issued:
    - (1) When a private sewage system or parts thereof, are located on a different parcel than the structure served, an appropriate easement or combined parcel affidavit must be recorded.
    - (2) When a private sewage system serves more than one structure under different ownership, a document identifying all parties that have ownership rights and are responsible for the operation and maintenance of the system must be recorded.
    - (3) If a private sewage system is owned by a party other than the owner of the parcel on which it is installed, a document identifying the owner of the system, the structures to be served by the system, and the party responsible for operation and maintenance must be recorded.
    - (4) If the design wastewater flow of a private sewage system for a dwelling is not based upon the number of bedrooms within the dwelling, a flows and loads affidavit limiting occupancy to that used in the design must be recorded.
    - (5) If a holding tank is installed in lieu of another type of private sewage system for a use with a design wastewater flow of less than 150 gallons per day, a sworn affidavit as specified in section 62-151(f)(3) must be recorded.
  - (e) The department reserves the right to require floodplain data and/or a wetland-shoreland delineation for a proposed private sewage system area prior to sanitary permit issuance. The department may require elevations on plans to be tied to floodplain elevation data prepared by a Registered Land Surveyor.
  - (f) The department reserves the right to refuse incomplete or incorrect permit applications or to delay permit issuance until completed or corrected applications are received.

(Code 1980, § 15.31) (Ord. No. 17-12; 03-13-2012)

#### **Sec. 62-159. System Plans.**

- (a) System plans shall be submitted for approval to the department or to the state in accordance with Wis. Admin. Code SPS ch. 383. Plans shall comply with the requirements of Wis. Admin. Code SPS ch. 383 and this division.



- (b) Plans submitted to the department shall include the original and as many copies as are required by the department.
- (c) When plans are reviewed and approved by the state, at least one set of the plans submitted to the department shall bear an original state approval stamp or seal.
- (d) All plans submitted shall be clear, legible and original copies.
- (e) Plans submitted shall comply with Wis. Admin. Code SPS ch. 383, 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 1/2 inches by 11 inches in size. The plot plan shall delineate the lot size and the location of all existing and proposed private sewage system components; building sewers; private interceptor main sewers, wells, water mains or water services, buildings, lot lines, swimming pools, navigable waters and the benchmark established on the soil and site evaluation report. Adjoining properties shall be checked to ensure that the horizontal setback parameters in Wis. Admin. Code SPS ch. 383 are met. 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 description of a contingency plan in the event the proposed private sewage system fails and cannot be repaired.
  - (6) Sufficient supporting information to determine whether the proposed design, installation and management of the proposed private sewage system or modification to an existing system complies with this division.
- (f) Plans shall be signed or sealed as specified in Wis. Admin. Code SPS ch. 383.
- (g) A copy of the approved plans shall be maintained at the construction site until the private sewage system installation is completed, inspected and approved. The plans shall be made available to the department or the state upon request.
- (h) Any modification to the design of a private sewage system which has been previously approved shall be submitted to the department or the state as specified in Wis. Admin. Code SPS ch. 383. Plan revisions must be approved prior to system installation. A fee shall be charged at the time of submission of revised plans.

(Code 1980, § 15.32) (Ord. No. 17-12; 03-13-2012)

**Sec. 62-160. Permit Cards.**

- (a) The permit card issued by the Administrator to the property owner or his agent shall serve as the sanitary permit.
- (b) The permit card shall contain all the information required by Wis. Stats. § 145.135.

- (c) 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.
- (d) The permit card may not be removed until the private sewage system has been installed, inspected and approved by the county.
- (e) Failure to display the permit card shall be considered a violation of this section and may subject the property owner, or owner's agent or contractor, to section 62-154.

(Code 1980, § 15.33)

**Sec. 62-161. Permit Expiration.**

- (a) A sanitary permit for a private sewage system, which has not been installed, modified or reconnected and approved, shall expire two years after the date of issuance. Permits may be renewed by the property owner, or owner's agent or contractor, by contacting the department prior to the expiration date of the original permit.
- (b) A fee shall be charged for the renewal of a sanitary permit.
- (c) The renewal shall be based on ordinance requirements in force at the time of renewal.
- (d) All sanitary permits issued prior to the effective date of the ordinance from which this division is derived shall expire two years from the date of issuance unless renewed.
- (e) If a sanitary permit has expired a new sanitary permit shall be obtained by the owner or owner's agent prior to beginning construction.

(Code 1980, § 15.34)

**Sec. 62-162. Transfer of Ownership.**

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

- (a) The applicable state sanitary permit application shall be submitted to the department by the owner or owner's agent.
- (b) Transfer of ownership shall not affect the permit expiration date or renewal requirements.

(Code 1980, § 15.35)

**Sec. 62-163. Change of Plumbers.**

- (a) When a property owner wishes to change plumbers, it will be necessary for the owner to furnish the department with the applicable state sanitary permit application signed by the new plumber.
- (b) The revision of sanitary permits shall take place prior to the installation of the private sewage system and upon payment of a filing fee.

- (c) A change of plumbers for systems requiring state plan approval shall not be approved by the Department unless the plan bears the stamp of an architect, engineer or plumbing designer or a state level approval is obtained by the new plumber.

(Code 1980, § 15.36)

**Sec. 62-164. Permit Denial.**

When applicable provisions of Wisconsin Statutes, Wisconsin Administrative Code or this division have not been complied with, the department shall deny the applicant's request for a sanitary permit. Reasons for the denial shall be forwarded to the plumber, landowner and when appropriate the State and Corporation Counsel.

(Code 1980, § 15.37)

**Sec. 62-165. Reconnection.**

- (a) A county reconnection permit shall be obtained prior to:
- (1) Construction of a structure to be connected to an existing private sewage system;
  - (2) Disconnection of a structure from an existing private sewage system and connection of another structure to the system, except as permitted in this section; or
  - (3) Rebuilding a structure that is reconnected to an existing private sewage system.
  - (4) A modification of, or addition to, an existing structure which creates a new building sewer and/or a new connection to an existing private sewage system.
- (b) Prior to issuing a reconnection permit, the existing private sewage system shall be evaluated by the department or other approved individual to:
- (1) Determine if the system is functioning properly or whether it is failing.
  - (2) Determine if the system 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 Wis. Admin. Code SPS ch. 383 will be maintained.
- (c) Application for a county reconnection permit shall include all the following:
- (1) All items identified in section 62-158;
  - (2) 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 Wis. Admin. Code SPS Ch. 383;
  - (3) A report provided by a licensed plumber, certified septage servicing operator or a POWTS inspector relative to the condition, capacities, baffles and manhole covers for any existing treatment or holding tanks;

- (4) A report provided by a licensed plumber, POWTS inspector or other person authorized to do so pursuant to Wis. Admin. Code SPS ch 383 relative to the condition and capacities of all other system components and verifying that the system is not a failing system;
  - (5) A plot plan prepared by a licensed plumber that includes the information specified in section 62-159; and
  - (6) For projects that require reconnection to existing holding tanks, a new servicing contract and an updated holding tank agreement conforming to this division may be required.
- (d) Replacing a structure with a new or different structure within two years of the date of permit issuance will only require a statement that the system has not been altered, a statement that a modification in wastewater flow or contaminant load will not occur, and a plot plan that documents all setbacks between the structure and system components.
  - (e) Reconnection to an undersized system is prohibited.
  - (f) All systems shall be inspected at the time of reconnection, prior to backfilling, to ensure that proper materials and methods are being used.

(Code 1980, § 15.38) (Ord. No. 17-12; 03-13-2012)

**Sec. 62-166. Construction Affecting Wastewater Flow or Contaminant Load.**

- (a) Prior to commencing the construction of an addition to or modification of a structure which will effect increased wastewater flow and/or contaminant load to an existing private sewage system the owner of the property shall:
  - (1) Possess a sanitary permit to construct a new private sewage system or modify an existing private sewage system to accommodate the modification in wastewater flow or contaminant load; or
  - (2) Provide the following to the department:
    - a. Documentation that a private sewage system of adequate capability and capacity to accommodate the wastewater flow and contaminant load already exists to serve the structure, as specified in Wis. Admin. Code SPS ch. 383;
    - b. Documentation showing that the location of the proposed structure conforms to the applicable setback distances to all of the existing private sewage system components; and
    - c. Any documentation specified in section 62-165.
- (b) If the existing private sewage system is found to be undersized, construction of the building addition or modification shall be allowed only if permitted by Wis. Admin. Code SPS chs. 383 and 384.
- (c) Any installation, addition or modification of a system must be completed and accepted before the addition or modified area of the structure may be occupied.

(Code 1980, § 15.39) (Ord. No. 17-12; 03-13-2012)

**Sec. 62-167. 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 private sewage system, the owner or owner's agent shall determine that the proposed structure conforms with applicable setback limitations of Wis. Admin. Code SPS ch. 383. Documentation shall be submitted as required in Wis. Admin. Code SPS ch. 383.
- (b) In the absence of a soil and site evaluation report, or in the event the report is more than 20 years old from the date of application for construction, a soil and site evaluation shall be required to verify the function of the POWTS before a permit for construction is issued.

(Code 1980, § 15.40) (Ord. No. 17-12; 03-13-2012)

**Sec. 62-168. Inspections.**

- (a) *General inspections.*
  - (1) Notice for final inspection shall be given to the department for all private sewage systems installed, modified or reconnected. Unless otherwise noted, notification for final inspection shall be given in accordance with the requirements of Wis. Admin. Code SPS ch. 383.
  - (2) These private sewage systems shall be inspected by the department for compliance with Wis. Admin. Code SPS chs. 382, 383, 384, as well as any other appropriate statute and administrative codes and this division.
  - (3) The entire system shall be left open until it has been inspected and accepted by the department.
  - (4) Notice of inspection shall be given to the department 24 hours in advance.
  - (5) When a private sewage system is ready for inspection, the plumber in charge shall make arrangements to enable the inspector to inspect all parts of the system. The plumber shall provide the proper apparatus, equipment and necessary assistance to make a proper inspection.
  - (6) Private sewage systems may be inspected periodically after the initial installation inspection and/or after the system is operative. Such inspections may be scheduled as deemed necessary by the department.
- (b) *Site constructed holding tank inspections.*
  - (1) All site constructed holding tanks shall be inspected after the floor is poured and the keyway and water stop are installed or after the forms for the tank walls have been set, but in all instances before any concrete for the walls has been poured.
  - (2) Concrete walls may be poured only after it has been determined that the tank, as formed, complies with the approved plans.
  - (3) This inspection shall not eliminate the need for an inspection after the installation has been completed.
- (c) *Non-plumbing sanitary systems.*

- (1) All non-plumbing sanitary systems installed shall be inspected for compliance with Wis. Admin. Code SPS ch 391, or as amended, and this division.
  - (2) The property owner shall notify the department for inspection immediately after the non-plumbing sanitary system has been constructed or installed.
- (d) *Mounds and at-grade systems.*
- (1) The plumber installing the mound shall notify the department one working day prior to the installation, excluding Saturdays, Sundays and holidays.
  - (2) These systems shall be inspected at the time the distribution piping installation has been completed. Other inspections may take place at the discretion of the department.
- (e) *Sand filter inspections.*
- (1) The plumber installing the sand filter shall notify the department one working day prior to the installation, excluding Saturdays, Sundays and holidays.
  - (2) Sand filters shall be inspected at the time the liner or tank and under drain are in place, before placement of aggregate or sand and at the time the distribution piping installation and after all work has been completed.

(Code 1980, § 15.41) (Ord. No. 17-12; 03-13-2012)

**Sec. 62-169. Experimental Systems.**

- (a) The plumber installing any of these systems shall coordinate any required preconstruction meeting with the department.
- (b) The plumber installing the system shall notify the department at least two workdays prior to beginning the installation of the system to schedule the inspection and shall notify the state as may be required by the approved plans.
- (c) Inspections shall be performed pursuant to the approved plan requirements and as deemed necessary by the department to assure compliance with appropriate codes and the plan approval.

(Code 1980, § 15.42)

**Sec. 62-170. Testing.**

- (a) When testing of new systems or new system components is required by Wis. Admin. Code SPS chs. 382, 383 or 384, or as a condition of plan approval, notice shall be given to the department as specified in subsection 62-168(a), so that the department may make an inspection during the test.
- (b) The department shall verify that required testing has been completed by:
  - (1) Performing an inspection during the test; and/or
  - (2) Requiring written verification from the responsible person.

(Code 1980, § 15.43) (Ord. No. 17-12; 03-13-2012)

**Sec. 62-171. Management and Maintenance Programs.**

(a) *General management provisions.*

- (1) All private sewage systems shall be managed and maintained in accordance with Wis. Admin. Code SPS chs. 383, 384 and 391 and this division.
- (2) The property owner shall report to the department each inspection, maintenance or servicing event of the system, in accordance with Wis. Admin. Code SPS ch. 383 and this division.
- (3) The property owner shall submit a copy of the maintenance agreement and/or servicing contract to the department prior to sanitary permit issuance.
- (4) The property owner shall submit a new or revised maintenance agreement and/or servicing contract to the department whenever there is a change to such document.
- (5) The property owner shall submit a new maintenance agreement and/or servicing contract to the department prior to expiration of any existing maintenance agreement and/or servicing contract.

(b) *Septic tank maintenance program.*

- (1) All new and existing private sewage systems shall be visually inspected and pumped within three years of the date of installation and at least once every three years thereafter, unless, upon inspection, the tank is found to have less than one-third of the volume occupied by sludge and scum.
- (2) Pumping of a septic tank shall be done by a certified septage-servicing operator in accordance with Wis. Admin. Code NR ch. 113.
- (3) Visual inspection of a private sewage system shall be conducted by persons specified in Wis. Admin. Code SPS ch 383.54 to determine the condition of the tank and whether wastewater or effluent from the POWTS is ponding on the ground surface.
- (4) The owner of the septic tank shall within thirty calendar days of the pumping/inspection, furnish the department with a copy of the inspection report verifying the condition of the tank, whether wastewater or effluent from the POWTS is ponding on the ground surface; pumping inspection. Reports shall include all information required Wis. Admin. Code SPS § 383.55, and shall be signed by the person inspecting and pumping the private sewage system. Other maintenance or management reports required by Wis. Admin. Code SPS ch. 383 or 384, should be included with this report.

(c) *Holding tank maintenance agreement.*

- (1) The owner of the holding tank shall enter into a maintenance agreement with the governmental unit guaranteeing that the 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 department. The maintenance agreement shall be binding upon the owner, the heirs of the owner and assignees of the owner. The maintenance agreement shall be filed with

- the register of deeds and shall be recorded in a manner which provides notice of the existence of the agreement by reference to the property where the holding tank is installed.
- (2) The owner or agent shall submit a copy of the holding tank maintenance agreement when plans are submitted to the department for review.
  - (3) An owner of a holding tank that is found to be in violation of the maintenance agreement shall replace the holding tanks with a soil absorption system or, if the parcel is unsuitable for any type of soil absorption system, shall hire a plumber to install a water meter and evaluate the holding tanks for code compliance and sign a new service contract which requires the certified septage servicing operator to report water meter readings at each pumping.

(Code 1980, § 15.44) (Ord. No. 17-12; 03-13-2012; Ord. No. 05-15, 09-08-15)

Secs. 62-172 to 62-185. Reserved.

### **DIVISION 3. ANIMAL WASTE STORAGE & UTILIZATION**

#### **Sec. 62-186. Introduction.**

- (a) *Authority.* This division is adopted under the authority granted by Wis. Stats. §§ 59.70(1) and 92.16.
- (b) *Findings and declarations of policy.*
  - (1) The County Board finds that storage of animal waste in storage facilities not meeting technical design and construction standards may cause pollution of the surface waters and groundwaters of the county and may result in actual or potential harm to the health of county residents and transients, livestock, aquatic life and other animals and plants, and the property tax base of the county.
  - (2) The County Board also finds that improper management of animal waste storage facilities and utilization, including land application, of stored animal waste may cause pollution of the groundwaters and surface waters of the county.
  - (3) The County Board further finds that the technical standards developed by the U.S.D.A. Soil Conservation Service and adopted by the County Land Conservation and Forest Management Committee provide effective, practical and environmentally safe methods of storing and utilizing animal waste.
- (c) *Purpose.* The purpose of this division is to regulate the location, design, construction, installation, alteration and use of animal waste storage facilities and the application of waste from these facilities in order to prevent water pollution and thereby protect the health of county residents and transients, prevent the spread of disease and promote the prosperity and general welfare of the citizens of the county. It is also intended to provide for the administration and enforcement of this division and to provide penalties for its violation.
- (d) *Applicability.* This division applies to the entire geographical area of the county.
- (e) *Interpretation.* The provisions of this division shall be held to be the minimum requirements; shall be consistent with the purpose and intent of this division; and shall not be deemed a limitation or repeal of



any other power granted by statute.

(Code 1980, § 15.60, Ord. No. 07-11, 12-13-2011; Ord. No. 17-12; 03-13-2012)

**Sec. 62-187. Definitions.**

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

- (a) *Administrator* means a person or persons employed by the Chippewa County Department of Land Conservation and Forest Management to administer and enforce this ordinance.
- (b) *Animal waste* means livestock excreta and other materials such as bedding, rain or other water, soil, hair, feathers and other debris normally included in animal waste handling operations.
- (c) *Animal waste storage facility* means both fabricated and earthen facilities as defined in this section.
- (d) *Applicant* means any person who applies for a permit under this division.
- (e) *Department* means the Chippewa County Department of Land Conservation & Forest Management.
- (f) *Earthen animal waste storage facility* means a facility above or below grade excavated or constructed of earthen berms, dikes or utilizing pits, depressions or ponds to contain animal waste and associated liquids for storage.
- (g) *Fabricated animal waste storage facility* means a concrete, steel or otherwise fabricated structure used in the storage of animal waste with one or more walls to contain waste and associated liquids. Loafing shed type facilities are excluded from this definition.
- (h) *Manure stack* means an uncontained deposit of animal waste placed on an earthen, concrete or other surface for limited periods necessary to facilitate daily or periodic land spreading.
- (i) *Permit* means the signed, written statement issued by the administrative authority under this division authorizing the applicant to construct, install, reconstruct, enlarge or substantially alter an animal waste storage facility and to use or dispose of water from the facility.
- (j) *Permittee* means any person to whom a permit is issued under this division.
- (k) *Person* means any individual, corporation, partnership, joint venture, agency, unincorporated association, municipal corporation, county or state agency within the state, the federal government or any combination thereof.
- (l) *Technical guide* means the United States Department of Agriculture (U.S.D.A.) Soil Conservation Service Technical Guide as adopted by the County Land Conservation Committee.
- (m) *Water pollution* means contaminating or rendering unclean or impure the groundwaters or surface waters of the state or making the groundwaters or surface waters injurious to public health, harmful for commercial or recreational use or deleterious to fish, bird, animal or plant life.

(Code 1980, § 15.61, Ord. No. 07-11, 12-13-2011; Ord. No. 17-12; 03-13-2012)

**Cross references:** Definitions generally, § 1-3.

**Sec. 62-188. Activities Subject to Regulation.**

- (a) *General requirement.* Any person who constructs, installs, reconstructs, enlarges or alters an animal waste storage facility or who employs another to do such work on land subject to this division shall be subject to the provisions of this division.
- (b) *Manure stacks.* This division shall not apply to manure stacks as defined in section 62-187, where daily or periodic direct removal to fields is implemented.

(Code 1980, § 15.62)

**Sec. 62-189. Standards.**

- (a) *Earthen animal waste storage facilities.* The standards for design and construction of earthen animal waste storage facilities are those in Standard 425 (waste storage pond) of the technical guide.
- (b) *Animal waste storage facilities.* The standards for design and construction of animal waste storage facilities are those in Standards 313 (waste storage structure) and 425 (waste storage pond) of the technical guide, except as they may refer to stacking and daily or periodic removal thereof.
- (c) *Animal waste management and utilization.* The standards for management of animal waste facilities and utilization of animal waste are those in Standard 633 (waste utilization) of the technical guide.
- (d) *Subsequent modification of standards.* The standards of the technical guide are adopted and by reference made a part of this section as if fully set forth in this section. Any future amendment, revision or modification of the standards incorporated herein are made a part of this section.

(Code 1980, § 15.63)

**Sec. 62-190. Application for and Issuance of Permits.**

- (a) *Permit required.* No person may construct or install an animal waste storage facility or reconstruct, enlarge, abandon or alter an existing animal waste storage facility without first obtaining a permit from the department prior to beginning the proposed facility.
- (b) *Exception to permit requirement.* Emergency repairs, such as repairing a broken pipe or equipment, leaking dikes or the removal of stoppages, may be performed without a permit. If repairs will significantly alter the original design and construction of the facility, a report shall be made to the administrator within two days of the emergency for a determination on whether a permit will be required for any additional alteration or repair to the facility. The determination shall be rendered within two days of the reporting.
- (c) *Fee.* All persons filing applications for permits or technical services provided under the authority of this section shall pay an application fee set by the County Board. A copy of the current fee schedule shall be kept on file in the department.
- (d) *On-site investigation required.* Each application for permit under this division shall require an on-site

inspection prior to issuance and include a summary report on-site conditions. The site inspection shall be conducted by the administrator within three working days of the application. The inspection and report shall be based upon soil test pits, soil borings and laboratory analysis. The report shall include:

- (1) Soil test pit locations, profile descriptions, and laboratory analysis of materials to a depth of at least three feet below the planned bottom of the facility.
  - (2) The elevation of groundwater or bedrock if encountered in the soil profile and the date of any such determination.
- (e) *Animal waste storage facility plan required.* Each application for a permit under this division shall include an animal waste storage facility plan. Technical assistance for plan development shall be made available to applicants upon request through the department. The plan shall be completed within 90 days of the request and shall specify:
- (1) The number and kinds of animals for which storage is provided.
  - (2) A sketch of the facility and its location in relation to buildings within 250 feet and homes within 500 feet of the proposed facility. The sketch shall be drawn to a scale no smaller than one inch equals 100 feet.
  - (3) The structural details, including dimensions, cross sections and concrete thickness.
  - (4) The location of any wells within 300 feet of the facility.
  - (5) The soil test pit locations and soil descriptions to a depth of at least three feet below the planned bottom of the facility.
  - (6) The elevation of groundwater or bedrock if encountered in the soil profile and the date of any such determinations.
  - (7) Provisions for adequate drainage and control of runoff to prevent pollution of surface water and groundwater. If a perennial or intermittent body of water lies within 500 feet of the facility, the location and distance of the body of water shall be shown.
  - (8) The scale of the drawing and north arrow.
  - (9) A time schedule for construction of the facility.
  - (10) A description of the method in transferring animal waste into and from the facility.
  - (11) Plans for utilization of the animal waste, including the amount of land available for application of waste, identification of the areas where the waste will be used, soil types and any limitations on waste application due to soil limitations, type and proximity of bedrock or water table, slope of land and proximity to surface water.
- (f) *Review of application.* The administrator shall receive and review all permit applications. The administrator shall determine if the proposed facility meets required standards set forth in this division. Within 30 days after receiving the completed application, plan and fee, the administrator shall inform the applicant in writing whether the permit application is approved or disapproved. If additional information

is required, the administrator shall so notify the permit applicant. The administrator has 15 days from receipt of the additional information in which to approve or disapprove the application. No construction may be commenced without the final preconstruction approval.

(g) *Permit conditions.*

- (1) All design, construction, management and utilization activities authorized by permits under this division shall be in accordance with the animal waste facility plan and applicable standards specified in the provisions of this division. The permittee shall give at least three working days' notice to the administrator before starting any construction activity authorized by permit. The administrator is authorized to conduct on-site inspection during construction.
- (2) Following construction, the administrator shall conduct a post-construction inspection to determine if the facility was installed as pursuant to the approved animal waste facility plan. Following construction the permittee and, if applicable, the contractor shall certify in writing that the facility was installed as planned and approved.
- (3) The administrator shall issue a certificate of compliance if the facility was installed pursuant to the approved animal waste facility plan. In making this determination, the administrator shall review documentation submitted by the permittee. The facility may not be put into use without the certificate of compliance form.
- (4) Permit revocation. The administrator may revoke any permit issued under this division if the holder of the permit has misrepresented any material fact in the permit application or animal waste facility plan or if the holder of the permit violates any of the conditions of the permit. Activities authorized by permit must be completed within one year from the date of issuance after which such permit shall be void.

(Code 1980, § 15.64; Ord. No. 19-02, 1, 12-10-2002, Ord. No. 07-11, 12-13-2011)

**Sec. 62-191. Administration.**

- (a) *Delegation of authority.* The county designates the Chippewa County Department of Land Conservation & Forest Management to administer and enforce this division.
- (b) *Administration duties.* In the administration of this division, the administrator or its designated representative shall:
  - (1) Keep an accurate record of all permit applications, animal waste facility plans, permits issued, inspections made and other official actions.
  - (2) Accept and review permit applications.
  - (3) After on-site inspection prior to construction, issue preconstruction approval permits if all preconditions and testings have been met.
  - (4) Inspect animal waste facility construction to ensure the facility is being constructed according to plan specifications.
  - (5) Upon receipt of permittee's and contractor's certifications that the facility is built as planned and

upon approval thereof issue certificate of compliance.

- (6) Keep an accurate record of all on-site investigations made, animal waste plans developed and reviewed, inspections made and other official actions.
  - (7) Conduct preconstruction on-site investigations and construction and post-construction inspections in accordance with the provisions of this division.
  - (8) Maintain a current inventory of all animal waste storage facilities and investigate complaints relating to compliance with this division.
  - (9) Perform other duties as specified in this division.
- (c) *Inspection authority.* The administrator is authorized to enter upon any lands affected by this division to inspect the land prior to or after permit issuance to determine compliance with this division. If permission cannot be received from the applicant or permittee, the permit may be denied or entry by the administrator shall be in accordance with Wis. Stats. § 66.0119.
- (d) *Enforcement authority.*
- (1) The administrator is authorized to post an order stopping work upon land which has had a permit revoked or on land currently undergoing activity in violation of this division. Notice is given by both posting upon the land where the violation occurs one or more copies of a poster stating the violation and by mailing a copy of the order by certified mail to the person whose activity is in violation of this division. The order shall specify that the activity must cease or be brought into compliance within five days.
  - (2) Any permit revocation or order stopping work shall remain in effect unless retracted by the board of adjustment, the administrator or by a court of general jurisdiction or until the activity is brought into compliance with this division. The administrator is authorized to refer any violation of this division or of an order stopping work issued pursuant to this division to the corporation counsel for commencement of further legal proceedings.

(Code 1980, § 15.65, Ord. No. 07-11, 12-13-2011)

#### **Sec. 62-192. Penalties and Enforcement.**

- (a) *Penalties.* A person who violates, neglects or refuses to comply with or resists the enforcement of any of the provisions of this division shall be subject to a forfeiture of not less than \$200.00 nor more than \$500.00 plus costs of prosecution for each violation. Any unlawful violation includes failure to comply with any standard of this division or with any condition or qualification attached to the permit. Each day that a violation exists shall be a separate offense.
- (b) *Enforcement of injunction.* As a substitute for or in addition to forfeiture actions, the county may seek enforcement of any part of this division by court actions, seeking injunctions or restraining orders.

(Code 1980, § 15.66)

**Sec. 62-193. Appeals.**

- (a) *Authority.* Under authority of Wis. Stats. § 59.694 and section 70-35 of the Chippewa County Zoning Ordinance the County Board of Adjustment is authorized to hear and decide appeals where it is alleged that there is error in any order, requirement, decision or determination by the administrator in administering this division.
- (b) *Procedure.* The rules, procedures, duties and powers of the board of adjustment and Wis. Stats. ch. 68 shall apply to this division.
- (c) *Who may appeal.* Appeals may be taken by any person having a substantial interest which is adversely affected by the order, requirement, decision or determination made by the administrator or department.

(Code 1980, § 15.67, Ord. No. 07-11, 12-13-2011)

**ARTICLE V. CHIPPEWA COUNTY GROUNDWATER INVENTORY****Sec. 62.210. Statutory Authority.**

This article is adopted pursuant to the authorization in Wis. Stats., Chapter 92.07(1) and 92.07(11).

**Sec. 62-211. Purpose.**

The purpose of this article is to establish the Chippewa County Groundwater Inventory as an information source to be applied and maintained to support soil and water conservation, and groundwater management efforts in Chippewa County.

**Sec. 62-212. Intent.**

The intent of this article is to define the contributing components of the Chippewa County Groundwater Inventory and the administrative policy and procedures to be applied to manage and maintain this inventory.

**Sec. 62-213. Administration.**

- (a) The Department of Land Conservation & Forest Management shall be responsible for the custodial management and maintenance of the Groundwater Inventory with policy oversight provided by the Land Conservation & Forest Management Committee. The Department of Land Conservation & Forest Management shall coordinate its efforts with other county departments and state and federal agencies that collect or otherwise contribute data that is maintained as part of the inventory.

**Sec. 62-214. Definitions.**

The following words, terms, and phrases, when used in this division, shall have the meaning ascribed to them in this section, except where the context clearly indicates a different meaning:

- (a) *Chippewa County Groundwater Inventory* means a compilation of information, data sets, and associated maps that are created and routinely maintained to document groundwater conditions, to be applied to support ongoing soil and water conservation and groundwater management efforts in Chippewa County.

- (b) *Administrator* means the Director of the Chippewa County Department of Land Conservation & Forest Management, or designee, as assigned to administer and enforce this ordinance.
- (c) *Department* means the Chippewa County Department of Land Conservation & Forest Management.

**Sec. 62.215. Components.**

- (a) The contributing components of the Chippewa County Groundwater Inventory shall include:
  - (1) An inventory of all domestic wells of record compiled and maintained to document well location, well construction, subsurface geology, and groundwater elevations. This record shall consist of:
    - a. A copy of individual well permits issued by the Chippewa County Department of Planning & Zoning under Chapter 62, Article II.
    - b. A high resolution air photo map showing the approximate point location of each permitted well.
    - c. A copy of the individual well logs for each permitted well location, as created by a licensed well driller and filed with the Wisconsin Department of Natural Resources.
  - (2) An inventory of high capacity wells of record compiled and maintained to document well location, well construction, subsurface geology, and groundwater elevations. This record shall consist of:
    - a. A copy of high capacity well permits issued by the WI Dept. of Natural Resources issued under NR 812.09(4)(a).
    - b. A high resolution air photo map showing the approximate point location of each permitted well.
    - c. A copy of the high capacity well logs for each permitted well location, as created by a licensed well driller and filed with the WI Department of Natural Resources.
  - (3) A record of groundwater elevations, as measured periodically from a groundwater monitoring network, compiled and maintained to document groundwater elevations at representative locations distributed throughout the County. This record shall consist of:
    - a. A digital record of groundwater elevations for each designated monitoring well that has been instrumented and calibrated as a contributing component of the automated (WellIntel) groundwater monitoring network in Chippewa County as maintained by Chippewa County, the United States Geologic Survey, and cooperating state agencies.
  - (4) A record of groundwater chemistry, as compiled and maintained to periodically document and monitor groundwater chemistry throughout the County. This record shall consist of:
    - a. The analytical results of groundwater water sampling, obtained from domestic wells, conducted through county-wide drinking water sampling projects conducted by Chippewa County in 1985, 1991, 2007, and 2016.

- b. The analytical results of groundwater water sampling obtained from domestic wells conducted through the Chippewa County Nitrate Sampling Program, administered by Chippewa County Department of Land Conservation & Forest Management from 1990 to present.
- c. The analytical results of groundwater water sampling, conducted and made available by other public agencies, from wells with known well point locations and well construction logs.
- (d) A multi-relational database and Geographic Information Systems (GIS) map coverage to record and maintain information, managed through the Chippewa County Groundwater Inventory.

(Ord. 02-2017, 04-11-2017)