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# **ST. CROIX COUNTY CHAPTER 12 – SANITARY ORDINANCE**

**ENACTED:  
JUNE 4, 2024 – ORDINANCE 924 (2024)**

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# ST. CROIX COUNTY CODE OF ORDINANCES

## CHAPTER 12 – SANITARY

*The Board of Supervisors of St. Croix County, Wisconsin, does ordain as follows: The sanitary ordinance, ch. 12, as amended on Jan. 1, 1968, Oct. 1972, Nov. 15, 1974, Sept. 1978, Oct. 1, 1986, July 1, 2005, Sept. 1, 2006 is repealed and recreated as follows:*

### 12.1 INTRODUCTION

#### A. TITLE, AUTHORITY AND EFFECTIVE DATE

##### 1. TITLE

- a. This ordinance shall be cited as the "St. Croix County Sanitary Ordinance" and hereinafter referred to as the "Ordinance."

##### 2. AUTHORITY

- a. This ordinance is authorized by Wisconsin Statute §§ 59.70(1), 59.70(5), 145.04, 145.19, 145.20, 145.245, and 254.59, and Wisconsin Department of Safety and Professional Services Administrative Code Chapters SPS 381-387 and 391
- b. Wisconsin Department of Natural Resources Administrative Code Chapters NR 113, 114, 116, and 140.
- c. Any mandatory amendments or repeals or recreations to the statutes pertaining to the subject matter of this ordinance are incorporated into this ordinance as of the effective date of amendment, repeal or recreation.

##### 3. EFFECTIVE DATE

- a. This ordinance shall be effective on June 4, 2024.

#### B. PURPOSE AND OBJECTIVES

##### 1. PURPOSE

- a. The purpose of this Ordinance is to promote and protect public health, environment, safety and general welfare and to further maintenance of safe and healthful conditions for the people and communities within the County.
- b. This ordinance is intended to insure the proper siting, design, installation, inspection and management of private onsite wastewater treatment systems ([POWTS](#)), [common systems](#), and [non-plumbing sanitation systems](#) to protect the environment and health of the citizens of St. Croix County.
- c. As unforeseen circumstances arise which are not specifically covered, the basic principles enumerated in this ordinance and/or administrative code chapters listed above shall serve to define the intent.

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## C. APPLICABILITY

### 1. APPLICATION OF THE ORDINANCE

- a. This Ordinance applies to the entire geographical area of St. Croix County except on land owned by the federal and state government.

## D. INTERPRETATION

### 1. ABROGATION

- a. It is not intended by this ordinance to repeal, abrogate, annul, impair or interfere with any existing easements, covenants, deed restrictions, agreements, rules or permits previously adopted or issued pursuant to law.
- b. Nor is it the intent of this ordinance to abrogate, impair or interfere with the legal rights of individuals as they may be guaranteed by the state and federal constitutions, statutes and administrative rules.

### 2. LIBERAL CONSTRUCTION

- a. The provisions of this ordinance shall be liberally construed in favor of St. Croix County and shall not be construed to be a limitation or repeal of any other power now possessed or granted to St. Croix County.

### 3. SEVERABILITY AND NON-LIABILITY

- a. If any section, clause, provision or portion of this ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected.
- b. If any application of this ordinance to a particular land, building, structure, water or air is adjudged unconstitutional or invalid by a court of competent jurisdiction, such judgment shall not be applicable to any other land, building, structure, water or air not specifically included in said judgment.

## E. LIMITATION OF ACTION

### 1. CLAIMS

- a. Pursuant to Wis. Stat. § 59.69(14), a landowner, occupant or other person affected by this ordinance or amendment thereto who claims that this ordinance or amendment is invalid because procedures prescribed by the statutes or the ordinance were not followed shall commence a court action within 180 days after adoption of this ordinance or amendment or be forever barred.

## F. GENERAL PROVISIONS

### 1. COMPLIANCE

- a. All domestic wastewater shall enter a POWTS unless otherwise exempted by this Ordinance.
- b. All wastewater producing structures or premises in St. Croix County that are permanently or intermittently intended for human habitation or occupancy, which are not serviced by a public sewer, shall have a system for holding or treatment and dispersal of domestic wastewater which complies with the provisions of this ordinance.

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- c. A POWTS dispersal component must be within the tested area or no more than 15 feet of a soil boring/pit.
- d. Non-domestic waste from floor drains, wash bays, and catch bays needs to be captured in a holding tank permitted by the Department of Natural Resources (DNR) if the waste is not clear water.
- e. All POWTS components shall meet the minimum lot line setback requirements even if the lots are owned under common ownership.
- f. Department staff shall only support variances submitted to the state if there is an unnecessary hardship, and the purpose of this ordinance is met.
- g. If any part of a POWTS has failed, requires replacement, reconnection, 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 dispersal, unless a report is already on file with the County.

## 2. EXEMPTIONS

- a. A rented or leased portable restroom (satellite) is exempt from the requirements of this ordinance if a maintenance agreement exists between the provider and property owner.
- b. Reconnection permits do not apply to mobile home parks and campgrounds that are licensed by the State of Wisconsin.
- c. Permits shall not be required for the following activities:
  - 1) Repair or replacement of pumps, floats or other electrical devices of the pump.
  - 2) Repair or replacement of baffles in the septic tank.
  - 3) Installation or repair of inspection pipes and manhole covers.
  - 4) Repair of a plugged or collapsed pipe or forcemain “in kind” with the same size and type of pipe.
  - 5) Repair of a code compliant septic tank effluent filter or equivalent state-approved product.

## 3. LIMITATIONS

- a. A non-plumbing sanitation system may be permitted only when the structure or premises served by the non-plumbing sanitation system is not provided with an indoor plumbing system. If plumbing is installed in the structure or running water is supplied to the structure, an acceptable method of sewage disposal other than, or in addition to, a non-plumbing sanitation system must be provided.
- b. When a failing POWTS is identified, it shall be brought into compliance with Wisconsin Statutes and Wisconsin Administrative Codes.
- c. The discharge of domestic wastewater or effluent to the waters of the State or to the ground surface is prohibited.
- d. Industrial waste discharges shall obtain DNR approval per Wis. Admin. Code § NR 214.
- e. A written easement is required for POWTS that are proposed to be located on parcels that are not owned by the owner of the wastewater source. The easement shall be of adequate size to accommodate the installation and maintenance of the POWTS. The easement must be recorded at the Register of Deeds Office prior to the issuance of the sanitary permit or at the discovery of the encroachment on existing systems.

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#### **4. PROHIBITED PRIVATE ONSITE WASTEWATER TREATMENT SYSTEMS**

- a. Installation of the following technology, designs, or methods as POWTS components are prohibited:
  - 1) Holding tanks less than 2,000 gallons in size.
  - 2) Cesspools for disposal of domestic wastewater.

#### **5. ABANDONMENT OF PRIVATE ONSITE WASTEWATER TREATMENT SYSTEMS**

- a. Abandonment of the disconnected POWTS and/or components shall be done in accordance with the provisions of Wis. Admin. Code § SPS 383.
- b. The components of an existing POWTS that are not part of the approved design of a replacement system shall be abandoned at the time of the installation of the replacement system per Wis. Admin. Code § SPS 383.

#### **6. INSTALLATIONS IN FLOODPLAIN**

- a. POWTS or non-plumbing systems should not be installed in the floodplain if there is another location outside of the floodplain suitable for a POWTS.
- b. Any POWTS and non-plumbing sanitation systems, or portion(s) thereof, installed within a floodplain shall comply with all applicable requirements of Wis. Admin. Code § NR 116, the St. Croix County Zoning Ordinance and the St. Croix County Floodplain Ordinance.

#### **7. GROUNDWATER CONTAMINATION – PREVENTION**

- a. It is unlawful for any person to dispose of any material, which contains hazardous substances and/or biological substance(s) that would cause groundwater to be unpalatable or unfit for human consumption.

#### **8. CONSTRUCTION AFFECTING WASTEWATER FLOW OR CONTAMINANT LOAD.**

- a. Prior to application for a building permit for the construction of an addition to, or modification of, a structure, which will affect the wastewater flow and/or contaminant load to an existing POWTS, the owner(s) of the property shall follow the requirements of SPS 383 including the submission of documentation that the existing POWTS is code compliant, sized appropriate, and functioning properly.
- b. A Loads and Flows affidavit shall be recorded with the Register of Deeds for structures meeting the design flows, but not the normal code design flow. The affidavit must state the existing system size, installation date, and maximum occupancy or estimated flow.
- c. A short-term rental or tourist rooming house is considered a change in use when considering wastewater flow into a POWTS system. A POWTS serving a dwelling or proposed to be used as a short-term rental, must obtain state approved plans upon replacement or any modifications to the system.
- d. Undersized systems are not allowed. All systems shall be designed for a three-year maintenance cycle unless it has a component that is typically serviced on an interval of 12 months or less.

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## 12.2 SOIL AND SITE EVALUATION

### A. SOIL AND SITE EVALUATION REPORTS

#### 1. GENERAL INFORMATION

- a. Soil and Site Evaluation Reports shall be in accordance with Wis. Admin. Code § SPS 385.
- b. A Soil and Site Evaluation Report signed by the [Certified Soil Tester](#) (CST) conducting the evaluation, must be submitted to the Community Development Department.
  - 1) The report format must comply with Wis. Admin. Code § SPS 385.40(2) and pages must be numbered to identify entire report contents.
  - 2) Reports shall be filed on State approved forms.
- c. All Soil and Site Evaluation Reports shall show whether the site can support a soil absorption dispersal area. With mound and at-grade sites, it is the responsibility of the licensed [plumber](#) or designer to indicate replacement options for failure.
- d. Soil test pits and/or borings shall be constructed in accordance with Wis. Admin. Code § SPS 385.
- e. Staff verification of the Soil and Site Evaluation Report may be necessary to determine the suitability for a [POWTS](#). This verification will be made at the discretion of a County CST and a written report shall be provided.
- f. A [CST](#) may request staff verification of a Soil and Site Evaluation Report before a complete sanitary permit application is submitted.
- g. All Soil and Site Evaluation Reports shall be submitted to the County for review within 30 days of field work completion and payment.

#### 2. REPORT REQUIREMENTS

- a. In addition to minimum requirements in Wis. Admin. Code § SPS 385.40(3), the soil and site evaluation report must provide a site plan that contains the following information:
  - 1) A site location map, in addition to the legal description, indicating nearest road(s) for access.
  - 2) A site plan drawn to scale. The drawing must be fully dimensioned, using the same scale for property features and for the soil dispersal and/or treatment area. If the entire property is too large to fit on the page at the accepted scale, the nearest road and/or lot lines may be indicated with a broken line for measured distances from the tested area.
  - 3) A benchmark must be established within a line of sight to the soil tested area. The benchmark must be identified by a description of the weather-resistant marker used (e.g. lot stake or PVC pipe) and a permanent horizontal and vertical reference. “Top of pipe or stake” or “nail in tree” must include height from the ground surface at that location. The measured distance to the benchmark location must be included on the scale drawing.

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- 4) Soil pit and/or boring locations must have a ground surface elevation and horizontal reference to the benchmark and/or lot lines. Distances between pit and/or borings must be sufficient to allow adequate square footage for installation of a soil absorption dispersal area appropriate for the soil application rates encountered on the site.
- 5) Ground surface contour lines at appropriate equal intervals should extend at least 15 ft. beyond the perimeter of the soil-tested area to indicate surface features affecting the size and orientation of a treatment or dispersal system.
- 6) Location of easements and High Water Elevation (H.W.E.) must be shown, if available at the time the soil evaluation report is prepared.
- 7) Location and surface elevation of navigable waters, floodplains, and/or Ordinary High Water Mark (OHWM) setbacks, must be shown in relation to the tested area.

- b. Soil and Site Evaluation Reports that do not contain all required information will not be accepted. The CST will be notified of any deficiencies in the report. The report may be re-submitted for review and acceptance after sufficient data has been obtained.
- c. Review and acceptance of the Soil and Site Evaluation Report by the Community Development Department cannot guarantee the data will be accurate for installation of a POWTS system. The CST and/or POWTS installer may request field verification of site conditions and/or soil profile descriptions if a determination is needed.
- d. Soil and Site Evaluation Reports that have been accepted will remain on file in the Community Development Department.

## **12.3 PERMITS AND APPLICATIONS**

### **A. PERMITS**

#### **1. GENERAL**

- a. A sanitary permit is valid for two (2) years from the date of issue and renewable for an additional two (2) years if the sanitary permit application and fee are submitted prior to expiration.
- b. A sanitary permit shall be obtained by the property owner, his or her agent or contractor, before any POWTS or non-plumbing sanitation system may be installed, replaced, reconnected, restored, or modified.
- c. A sanitary permit may be transferred from the holder to a subsequent owner of the land. The subsequent owner must transfer the permit before the POWTS can be installed.
- d. A County Sanitary Permit shall be obtained prior to constructing or installing a non-plumbing sanitation system.
- e. A new sanitary permit shall be obtained by the owner or his agent prior to beginning or during construction if a sanitary permit has expired.

#### **2. STATE SANITARY PERMIT**

- a. Applications for state sanitary permits shall be submitted to the County for review and approval of the installation, construction or modification of the following:
  - 1) A POWTS holding component.
  - 2) A POWTS treatment component.

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- 3) A POWTS dispersal component.
- b. Applications for [State Sanitary Permits](#) shall be submitted forms approved by the State.
- c. Any state approvals shall be submitted with the sanitary permit application and soil and site evaluation to the County.
- d. The following documents must be recorded with the St. Croix County Register of Deeds prior to [sanitary permit](#) issuance:
  - 1) A management plan detailing the maintenance requirements of systems requiring maintenance at an interval of 12 months or less.
  - 2) If a [POWTS](#), or parts thereof, are located on a different parcel then the [structure](#) served, an appropriate easement must be recorded.
  - 3) If a [POWTS](#) serves more than one [structure](#) under different ownership, a document must be recorded identifying all parties that have ownership rights and are responsible for the operation and maintenance.
  - 4) If the design wastewater flow of a POWTS for a dwelling is not based upon the number of [bedrooms](#) within the dwelling, a loads and flows affidavit limiting [occupancy](#) must be recorded.

### **3. COUNTY SANITARY PERMIT**

- a. Applications for [County Sanitary Permits](#) shall be submitted to the Department for review and approval of the following:
  - 1) The installation, construction or modification of a [privy](#).
    - a) Setbacks for privies shall be located according to the following minimum horizontal distances:
      - i. 25 feet from dwellings.
      - ii. 25 feet from lot lines.
      - iii. An open pit privy must be 50' from the well. A sealed vault privy must be 25' from the well.
      - iv. 75 feet from the [OHWM](#) of a lake, stream, or river.
    - b) Privies shall be constructed in conformance with SPS 391, and the following requirements:
      - i. All privy structure openings shall be screened and all doors shall be self-closing.
      - ii. A 3" vent shall be provided for the [vault](#) and extend not less than one foot above the roof.
    - c) Prior to the issuance of a [sanitary permit](#), the property owner must sign a maintenance agreement on forms furnished by the Department ensuring proper maintenance of said [privy](#).
    - d) [Pit](#) privies require a Soil and Site Evaluation Report in accordance with Wis. Admin. Code § SPS 385 to establish compliance with Wis. Admin. Code §§ SPS § 383.44 (4)(b) and 391.12(1)(b)1.
  - 2) The installation of a [non-plumbing sanitation system](#).
    - a) Non-plumbing sanitation systems shall be constructed and maintained in conformance with Wis. Admin. Code § SPS 391.
    - b) An owner of a non-plumbing sanitary system is responsible to have a service contract with a maintenance provider.
  - 3) Chemical or [Physical Restoration for POWTS](#).
  - 4) The [reconnection](#) to an existing [POWTS](#), including:

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- a) The disconnection of a [structure](#) from an existing POWTS and connection of another structure (new/reconstructed or different) to the same system.
- b. The following is required for a county reconnection permit:
  - 1) A completed county sanitary permit application signed by a licensed [plumber](#).
  - 2) A report provided by a licensed [plumber](#) or [POWTS](#) inspector stating the following:
    - a) That the system is capable of handling the proposed wastewater flow and contaminant load from the [structure](#) to be served;
    - b) Is functioning properly and is not failing;
    - c) The condition, capacities, baffles and manhole covers for any existing treatment or holding tanks
    - d) Compliance with the code at the time of installation; and
    - e) That the system meets the setback requirements.
  - 3) A Soil and Site Evaluation Report for all systems that utilize in situ soil for treatment or disposal, if not already on file with the County.
  - 4) A complete site plan
  - 5) Effluent filters are not required for reconnections.
- c. Applications for [County Sanitary Permits](#) shall be provided by the Department.

**4. PERMIT REVISIONS**

- a. Revisions to state permits must be approved prior to [POWTS](#) installation. All pertinent information must be submitted to the Department for review and approval.
- b. It is the responsibility of the [plumber](#) of record to promptly provide [plan revisions](#) that detail any additions, alterations, or other modifications to the original permit.
- c. If an alteration/modification is substantial enough to require different plan pages, the required revision review fee shall be submitted along with the new plan pages to the county.

**5. TRANSFER OF OWNERSHIP**

- a. A transfer of ownership of a property for which a valid [sanitary permit](#) exists and the system has not yet been installed shall be subject to the following:
  - 1) The [State Sanitary Permit](#) application shall be submitted to the Department.
  - 2) A transfer fee is required.
  - 3) The Department shall issue a new sanitary permit card upon approval of transfer.
  - 4) Transfer of ownership shall not affect the expiration date or renewal requirements.

**6. CHANGE OF PLUMBERS**

- a. When an owner wishes to apply for a revision to change [plumbers](#), it will be necessary to furnish the Department with a state application form signed by the new plumber, along with updated plan pages, and required fee. A new [sanitary permit](#) number will be issued.
- b. Sanitary permits for revisions requiring state plan approval shall not be issued to a different plumber unless the plan bears the stamp of an architect, engineer, or registered plumbing designer or a new State plan approval is received with the new plumber as the designer.
- c. The change of plumbers shall take place prior to the installation of the [POWTS](#).

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## B. APPLICATIONS

### 1. GENERAL

- a. A completed sanitary permit application shall include:
  - 1) A signed sanitary permit application,
  - 2) Plans and specifications meeting the requirements of Wis. Admin. Code § SPS 383.22 (2),
  - 3) House plans with the room layout. (Optional)
- b. The Department shall review the submitted application and supporting documents for the proposed system and site verify the proposed site, if necessary.
- c. The Department shall approve or disapprove applications for sanitary permits and assist applicants in preparing approvable applications.
- d. The Department shall issue written notice to each applicant whose sanitary permit application is disapproved per Wis. Stat. §145.20(2)(c).
- e. Each notice shall:
  - 1) State the specific reasons for disapproval and amendments to the application, if any, which would render the application approvable.
  - 2) Inform the applicant of the right to appeal and the procedures for conducting an appeal under **§ 12.8 B.3.**

## 12.4 COMMON SYSTEMS

### A. GENERAL

#### 1. APPLICABILITY

- a. In addition to the other provisions of this ordinance, the provisions of this section shall apply to common systems.

#### 2. SYSTEM REQUIREMENTS

- a. Common systems serving not more than two 1- or 2- family dwelling units are not subject to the requirements of this section.
- b. Common systems, not covered by a. above that serve 3 or more dwelling units, shall meet the requirements of this section.
- c. Common system designs shall be submitted to, and approved by, the Department of Safety and Professional Services. Common systems, municipally or privately owned, that have designs of 12,000 gallons per day or greater (85 bedrooms) shall be submitted to, and approved by, the Department of Natural Resources. Both approvals are required prior to the final plat approval.
- d. All components of a common system shall be accessible through easements, public right-of-ways or land ownership.

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### 3. SUBMITTAL REQUIREMENTS

- a. In addition to the application requirements of § 12.3 B., application for a common system shall also be accompanied by the additional design drawings and specifications related to the common system and shall demonstrate compliance with all applicable local ordinances, this ordinance and issues related to ownership of land, system maintenance and operation responsibilities, easements, covenants, and such other items as may apply to the specific proposal.
- b. The name, phone number and email address of the maintenance contractor/company responsible for maintaining the system.
- c. All state approvals from the Wisconsin Department of Safety and Professional Services and the Wisconsin Department of Natural Resources as required by the Wisconsin Administrative Codes.
- d. A Soil and Site Evaluation Report must be filed for each common system site.
- e. A site plan shall be provided to the Department for review and approval that shows:
  - 1) The proposed well location(s) that will serve the subdivision.
  - 2) Site access.

### 4. DESIGN STANDARDS

- a. Residential
  - 1) A common system shall be designed to accommodate a minimum design wastewater flow based on:
    - a) 450 gallons per day per dwelling unit served, or
    - b) A detailed estimate of wastewater flow based upon per capita occupancy or usage of the dwelling or per function occurrence within the dwelling units.
  - 2) The design wastewater flow of the common system may not exceed the stated maximum allocated for the lots served unless the common system is first altered to accommodate the increased flow.
- b. Public
  - 1) A common system shall be designed to accommodate a minimum design wastewater flow in accordance with the Wis. Admin. Code § SPS 383.
  - 2) A restriction shall be recorded stating the maximum design wastewater flow and/or contaminant load allocated to each lot.
  - 3) The design wastewater flow of a proposed building or use may not exceed the stated maximum allocated for the lots served unless the common system is first altered to accommodate the increased flow.
- c. Cleanouts and manhole covers shall be installed per Wis. Admin. Code §§ SPS 382-384.
- d. There shall be no physical connection between sewers and water supply systems.
- e. Setbacks for common systems to a water source shall comply with Wis. Admin. Code §§ NR 811 and 812.

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## B. FINANCIAL ASSURANCE

### 1. FINANCIAL ASSURANCE REQUIRED

- a. A financial assurance shall be 120 percent of the estimated cost of installing the common system (dispersal areas, treatment systems, effluent lines, lift stations, grinder stations, pumps, monitoring devices, and in some cases septic tanks) and shall be submitted to the Department for review and approval.
  - 1) Documentation:
    - a) Cost estimates for the installation of the common system shall be submitted to the Department for review and approval. A financial assurance in the form of a letter of credit, cashier's check, bond, or other acceptable financial assurance issued to St. Croix County will be held by the Department to ensure the project is completed as planned.
    - b) The Department will hold the financial assurance until the project is completed as planned. Financial assurance is to be in effect for a minimum of 1-year and to be automatically renewable unless the Land Use Administrator authorizes the release of the money before this timeframe.
    - c) No construction shall take place prior to approval of the financial assurances.
  - 2) The Department shall release the financial assurance provided the following is completed:
    - a) The Department conducts a final inspection for compliance with the approved design, Wis. Admin. Code §§ SPS 382-384 and this Ordinance.
    - b) The designer submits a signed written statement (as-built) stating the common system was installed as designed and approved.

## 12.5 FEES

## A. GENERAL

### 1. PURPOSE OF FEE

- a. All fees shall be paid to the Department for the cost of administration, review, inspection, and processing.
- b. All fees shall be established by the Committee and published a fee schedule.
- c. All permits, including but not limited to, state, county, non-plumbing, reconnection, transfer, revision, change in plumber, and Soil and Site Evaluations, require a fee.

### 2. AFTER-THE-FACT PERMIT FEES

- a. A double penalty fee in addition to the normal fee will be charged for all after-the-fact permit applications.

### 3. REFUNDS

- a. No refund of fees paid for a valid sanitary permit shall be made after any costs have been incurred by the Department in processing applications or permits.

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## 12.6 INSPECTIONS

### A. GENERAL

#### 1. INSPECTIONS

- a. The installing plumber must give notice for final inspection to the Department for all POWTS installed or modified in accordance with the requirements of Wis. Admin. Code § SPS 383.
- b. All POWTS shall be inspected by the Department for compliance with Wis. Admin. Code §§ SPS 382-384, SPS 391, and other appropriate Wisconsin Statutes and Administrative Codes, and this ordinance.
- c. The entire system shall be left completely open until it has been inspected, unless the Department fails to inspect within the time period specified by SPS 383 or prior approval is received from the Department.
- d. When a POWTS is ready for inspection, the plumber 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.
- e. Mound and at-grade installations may be inspected at the time the ground surface is plowed if requested by the Department. At least one inspection will be completed before back filling of any component. Other inspections may be necessary to inspect holding or treatment component installations.
- f. Sand filters shall be inspected at the time the liner or tank and under drain are in place, before the placement of any treatment media, at the time the distribution piping installation has been completed and after all work has been completed.
- g. POWTS may be inspected periodically, after the initial installation inspection(s) and/or after the system is operative, as deemed necessary by the inspector.

#### 2. NON-PLUMBING SANITARY SYSTEMS INSPECTIONS

- a. All non-plumbing sanitary systems installed shall be inspected for compliance with Wis. Admin. Code § SPS 391, and this ordinance.
- b. The property owner or installer shall notify the Department for inspection immediately after the non-plumbing sanitary system has been constructed or installed.

#### 3. REINSPECTIONS

- a. A reinspection fee may be assessed when a reinspection of a POWTS is required because the initial inspection disclosed that the installation is incomplete at the scheduled inspection time or does not comply with applicable Wisconsin Statutes, Administrative Codes, the approved plans or this ordinance.
- b. The reinspection fee shall be due within 10 working days of written notification by the Department. Failure to pay this fee within that period shall constitute a violation of this ordinance.

#### 4. EXISTING POWTS INSPECTIONS

- a. To adequately determine whether an existing POWTS is failing under conditions defined in Wis. Stat. § 145.245(4) an existing system inspection must include:

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- 1) An observation boring described by a [certified soil tester](#) extending 3 feet below the bottom of the infiltrative surface, which is large enough to clearly depict the presence of groundwater, bedrock, or seasonally saturated soils, which adversely affect the operation of the system. The Department may allow use of a previously filed and approved soil test conducted in an area near the system to verify soil conditions.
- 2) A written evaluation of the general condition of the POWTS, by a Master Plumber, Master Plumber-Restricted Service, POWTS Inspector, POWTS Maintainer, or [Certified Soil Tester](#), which evaluates the operational condition of all of the following components and regulations:
  - a) Inlet and outlet baffles.
  - b) Vents, observation ports.
  - c) High water alarms.
  - d) Treatment tanks including risers and covers.
  - e) Presence of any outfall pipe or connection to a drain tile.
  - f) All applicable setbacks must be shown on a site diagram if none exists on file at the Department.
  - g) Presence of any surface discharge of [domestic wastewater](#) or ponding in a vent/ observation port.
- 3) An inspection by the Department to verify the results of the existing system inspection may be required. Any costs associated with the inspection including, but not limited to backhoe pits or pumping fees are the responsibility of the owner at the time of inspection.
- 4) Existing system inspection reports must be submitted on forms obtained from the Department within thirty days of completion of the inspection.

## 5. TESTING

- a. If testing of new systems or new system components is required by Wis. Admin. Code §§ SPS 382-384, or as a condition of plan approval, notice shall be given as specified in **§ 12.6 A.1.**, so that the Department may make an inspection.

# 12.7 MANAGEMENT AND MAINTENANCE

## A. MANAGEMENT

### 1. SYSTEM MANAGEMENT

- a. Individual [POWTS](#) and [common systems](#) shall be managed and maintained in accordance with Wis. Admin. Code § SPS 383 and this ordinance.
- b. The management plan for a common system shall be recorded against the deed(s) at the time of final plat approval and recording.
- c. The property owner or owner of a common system shall maintain a management agreement and/or servicing contract.
- d. Management plans may be amended by a property owner or an owner of a common system with the approval of the Plumber, State, and the Department. It is the responsibility of the property owner or owner of a common system to record all amendments with the St. Croix County Register of Deeds Office and to provide the Department with the recorded amendments.

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## **B. MAINTENANCE**

### **1. SEPTIC TANK MAINTENANCE**

- a. All existing POWTS shall be visually inspected and the components pumped within 3 years of the date of installation and at least once every 3 years thereafter. If upon inspection by a Master Plumber, Master Plumber-Restricted Service, POWTS inspector, POWTS maintainer, or a certified septage-servicing operator under NR 114, the anaerobic treatment tank is found to have less than 1/3 of its volume occupied by sludge and scum, pumping is not required.
- b. Pumping of a septic tank shall be done by a certified septage-servicing operator in accordance with Wis. Admin. Code §§ NR 113 and 114.
- c. A Master Plumber, Master Plumber-Restricted Service, POWTS inspector, POWTS maintainer or a certified septage servicing operator under Wis. Admin. Code § NR 114 may conduct visual inspections of POWTS to determine whether wastewater or effluent from the POWTS is ponding on the surface of the ground.
- d. The owner of a common system shall operate the common system(s) in accordance with the state approved management plan.

### **2. HOLDING TANKS**

- a. The property owner or his or her agent shall submit a copy of an appropriate management plan to the Department prior to sanitary permit issuance.

## **C. REPORTING**

### **1. FILING TO THE COMMUNITY DEVELOPMENT DEPARTMENT**

The owner of a common system/POWTS or owner's agent shall furnish the Department with a copy of every maintenance and inspection report within 30 days of completion. Reports shall include all information required in Wis. Admin. Code § SPS 383.55(3) and be signed by the person(s) inspecting and pumping the POWTS. Other maintenance or management reports required by Wis. Admin. Code §§ SPS 383 and 384 should be included with this report.

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## **12.8 ADMINISTRATION AND ENFORCEMENT**

## **A. ADMINISTRATION**

### **1. LAND USE ADMINISTRATOR**

- a. The St. Croix County Land Use Administrator shall be responsible for the administration and enforcement of this ordinance.
- b. The responsibilities of the Land Use Administrator may be delegated by him/her to personnel employed by or assigned to the Department.

### **2. POWERS AND DUTIES**

- a. The Land Use Administrator shall have the following powers and duties:
  - 1) Delegate duties to and supervise clerical staff and other employees to assure full and complete compliance with this ordinance and related Wisconsin Statutes and Administrative Codes.

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- 2) Issue [sanitary permits](#) and inspect properties for compliance with this ordinance and related Wisconsin Statutes and Administrative Codes.
- 3) Advise applicants concerning the provisions of this ordinance and assist them in preparing permit applications.
- 4) Review and approve or deny plans for [POWTS](#) as authorized by the State.
- 5) Keep records of all sanitary permits issued, inspections made, work approved, and other official actions.
- 6) Have access to any premises for the purpose of performing official duties.  
Application for a sanitary permit is considered for the purposes of this ordinance as the owner's consent to allow the Land Use Administrator or designated staff to enter the premises.
- 7) Upon reasonable cause or question as to proper compliance, the Land Use Administrator may revoke or suspend any sanitary permit and issue 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 ordinance, until compliance with this ordinance or applicable Wisconsin Statutes and the Wisconsin Administrative Codes is obtained.
- 8) Issue and enforce orders to [plumbers](#), pumpers, property owners, owners of a [common system](#), their agents or contractors or the responsible party, to assure proper compliance with all provisions of this ordinance.
- 9) In the event that an owner fails to service his or her holding tank or [septic tank](#) in accordance with the management plan or design, the Land Use Administrator in cooperation with the town may assess the owner of a POWTS for costs related to the pumping of a septic or holding tank. The assessment shall be processed under Wis. Stat. §§ 66.0703 or 145.20(4).
- 10) Apply for and distribute grants obtained through the Wisconsin Fund Grant Program.
- 11) Perform other duties regarding the [POWTS](#) program as considered appropriate by the Department or the State.
- 12) Investigate and enforce violations of this ordinance and Wis. Admin. Code §§ SPS 382 through 387.

## **B. ENFORCEMENT**

### **1. PROCEDURES**

- a. The Land Use Administrator may institute any appropriate action or proceeding against violators of this ordinance as provided by law or this ordinance, including issuing citations [St. Croix County Citation Ordinance - Chapter 1] or commencing a lawsuit seeking forfeitures and/or injunctive relief.
- b. In general, the Land Use Administrator shall use the following, in the order listed, to address violations of this ordinance, but may escalate the process if there is risk to public health and safety:
  - 1) Issue a notice of violation and order that specifies the corrective action to be taken.
  - 2) Issue a citation for a violation.
  - 3) Refer the matter to legal counsel for evaluation and commencement of a lawsuit when the violation merits such action.

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## 2. PENALTIES

- a. Any person, firm or corporation who is adjudicated for violating this ordinance shall pay a forfeiture of not less than \$10 per violation nor more than \$1,000 per violation and/or be subject to injunctive relief. Each day a violation exists is a separate violation.
- b. Additionally, the person adjudicated for violation of this ordinance shall pay court costs and reasonable attorney's fees. The remedies provided herein shall not be exclusive of other remedies.

## 3. APPEALS

- a. All administrative decisions shall be in writing.
- b. Any person, company, partnership, corporation or government unit aggrieved by a written administrative decision made by the Land Use Administrator, or his/her designee, or the Committee may appeal the decision to the Board of Adjustment.

## 4. PROCEDURE FOR APPEAL

- a. An aggrieved person may appeal a decision to the Board of Adjustment within 30 days of the date of a written decision.
- b. An appeal of a decision shall be in writing and shall be made on a form provided by the Department and shall be filed with the Department.
- c. The Department will prepare notices and schedule the appeal with the Board of Adjustment.

## 12.9 DEFINITIONS

### A. PURPOSE

#### 1. INTERPRETATION

- a. For the purpose of administering and enforcing this ordinance, the terms or words used herein shall be interpreted as follows:
  - 1) Words used in the present tense include the future: in the singular include the plural and in the plural include the singular.
  - 2) The word "shall" is mandatory, not permissive.
  - 3) All distances, unless otherwise specified shall be measured horizontally.
  - 4) All definitions that refer to Wisconsin Statutes shall incorporate any revisions or amendments to statutory language.
  - 5) All definitions other than those referenced below shall be found in Wisconsin Administrative Code Wis. Admin. Code § SPS 381 or, if not there, a standard dictionary.

### B. DEFINITIONS

1. **Bedroom:** A room for sleeping that includes an entry with a door(s), a closet and an ingress/egress.
2. **Certified Soil Tester (CST):** A person certified to conduct Soil and Site Evaluations in accordance with Wis. Admin. Code § SPS 385.
3. **Committee:** The St. Croix County Community Development Committee.

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- 4. **Common System:** A Private Onsite Wastewater Treatment System ([POWTS](#)) serving more than 2 dwelling units.
- 5. **Conventional POWTS:** A POWTS consisting of septic tank and/or an aerobic treatment unit (ATU) and an in-ground soil absorption component with gravity distribution of effluent.
- 6. **County Sanitary Permit:** A permit issued by the Department for a [privy](#), [reconnection](#), [POWTS](#) restoration, or for the installation of a [non-plumbing sanitation system](#), pursuant to Wis. Stat. §§ 59.70 and 145.04.
- 7. **Domestic Wastewater:** The type of wastewater, not including storm water, normally discharged from plumbing fixtures, appliances and devices including, but not limited to sanitary, bath, laundry, dishwashing, garbage disposal and cleaning wastewaters. Water softener regeneration is not domestic wastewater and does not have to go into the sanitary system.
- 8. **Department:** The St. Croix County Community Development Department and its staff.
- 9. **DNR:** Wisconsin Department of Natural Resources.
- 10. **Dwelling Unit:** A [structure](#) or portion thereof with rooms arranged, designed or intended for human habitation by an individual or family for residential purposes.
- 11. **Failing POWTS:** As defined under Wis. Stat. § 145.245(4).
- 12. **High Water Elevation (H.W.E.):** The H.W.E. shall be calculated, assuming developed conditions, using a 100 year, 24 hour, Type II storm event for closed depressions and storm water ponds.
- 13. **Homeowners Association:** An association of homeowners in a particular subdivision, planned unit development (PUD), condominium or other development organized to manage the common area of the development, provide community facilities and services for the common enjoyment of the residents, and/or to enforce the association rules, regulations and/or restrictive covenants, which rules, regulations and/or restrictive covenants shall be recorded. Each lot or homeowner in the development shall be a member of the association subject to a proportionate charge for the expenses of the association.
- 14. **Human Habitation:** The act of occupying a [structure](#) as a dwelling or sleeping place, whether intermittently or as a principal residence.
- 15. **Living Area:** As defined in Wis. Admin. Code § SPS 320.07(38).
- 16. **Non-plumbing Sanitation System:** Sanitation systems and devices within the scope of Wis. Admin. Code § SPS 391, which are alternatives to water carried waste plumbing fixtures and drain systems; including, but not limited to, incinerating toilets, composting toilets and privies.
- 17. **Occupancy:** Pertains to and is the purpose for which a [structure](#) is used or intended to be used. A change of occupancy is not intended to include a change of tenants or proprietors.
- 18. **Ordinary High-Water Mark (OHWM):** The point on the bank or shore up to which the presence and action of surface water is so continuous as to leave a distinctive mark such as by erosion, destruction or prevention of terrestrial vegetation, predominance of aquatic vegetation or other easily recognized characteristics.

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- 19. **Physical Restoration for POWTS:** The process of restoring the hydraulic functions and capabilities of a soil absorption system by use of soil fracturing. This process can reduce or eliminate flow restrictions in the soil due to biomat build up. Each method of restoration must have obtained product approval from the Department of Safety and Professional Services.
- 20. **Planning and Zoning Department:** The St. Croix County Planning and Zoning Department.
- 19. **Plan Revision:** A modification to an approved application where a valid [sanitary permit](#) is in effect.
- 20. **Plumber:** A person licensed by the State as a Master Plumber or Master Plumber-Restricted Services for the purposes of this ordinance.
- 21. **Portable Restroom (satellite):** A self-contained portable unit that includes fixtures, incorporating holding tank facilities, designed to contain human excrement.
- 22. **Private Onsite Wastewater Treatment System (POWTS):** A sewage treatment and disposal system consisting of a septic/holding tank and soil absorption field serving up to 2 dwelling units.
- 23. **Privy:** An enclosed non-portable toilet into which non-water-carried human wastes are deposited and it is a [non-plumbing sanitation system](#) subject to Wis. Admin. Code § SPS 391.
- 24. **Privy-Pit:** A [privy](#) with a subsurface storage chamber, which is not watertight.
- 25. **Privy-Vault:** A [privy](#) with a subsurface storage chamber that is watertight.
- 26. **Public Sewer:** A sewer owned and controlled by a public authority.
- 27. **Reconnection:** The connection of an existing [POWTS](#) to a new or replacement [structure](#) required to be served by a POWTS.
- 28. **Register of Deeds:** St. Croix County Register of Deeds.
- 29. **Repair:** A restoration of [POWTS](#) components to original operating condition.
- 30. **Sanitary Permit:** A [County Sanitary Permit](#), a [State Sanitary Permit](#) or both.
- 31. **Septic Tank:** An anaerobic treatment tank.
- 32. **State:** The Wisconsin Department of Safety and Professional Services.
- 33. **State Sanitary Permit:** A permit issued by the Department for the installation or modification of a [POWTS](#), pursuant to Wis. Stat. §§ 145.135 and 145.19.
- 34. **Structure:** Any human-made object with form, shape and utility, either permanently or temporarily attached to or placed upon the ground, riverbed, streambed or lakebed.

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