

**ST. CROIX COUNTY
CODE OF ORDINANCES
LAND USE AND
DEVELOPMENT**

**CHAPTER 12
SANITARY**

**ENACTED JULY 1, 2005
AMENDED 9-1-06**

ST. CROIX COUNTY PLANNING AND ZONING DEPARTMENT
GOVERNMENT CENTER
1101 CARMICHAEL ROAD
HUDSON, WI 54016
715-386-4680
715-386-4686 FAX
WWW.CO.SAINT-CROIX.WI.US

TABLE OF CONTENTS

12.1	INTRODUCTION	1
	A. Title, Authority and Effective Date	1
	B. Purpose and Objectives	1
	C. Applicability	2
	D. Interpretation	2
	E. Limitation of Action.....	2
	F. General Provisions	2
12.2	SOIL AND SITE EVALUATION	5
	A. Soil and Site Evaluation Reports	5
12.3	PERMITS AND APPLICATIONS	7
	A. Permits	7
	B. Applications	10
12.4	COMMON SYSTEMS	11
	A. General.....	11
	B. Financial Assurance.....	12
12.5	FEES	14
	A. General.....	14
12.6	INSPECTIONS	15
	A. General.....	15
12.7	MANAGEMENT AND MAINTENANCE	17
	A. Management	17
	B. Maintenance	17
	C. Reporting	18
12.8	ADMINISTRATION AND ENFORCEMENT	19
	A. Administration	19
	B. Enforcement	20
12.9	DEFINITIONS	21
	A. Purpose.....	21
	B. Definitions.....	21
12.10	INDEX	24

ST. CROIX COUNTY CODE OF ORDINANCES

LAND USE AND DEVELOPMENT

CHAPTER 12 – ST. CROIX COUNTY SANITARY

The Board of Supervisors of St. Croix County, Wisconsin, does ordain as follows: The sanitary ordinance, ch. 15, as amended on Jan. 1, 1968, Oct. 1972, Nov. 15, 1974, Sept. 1978, and Oct. 1, 1986, is repealed and recreated as follows: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 Statutes §§ 59.70 (5), 145.04, 145.19, 145.20, 145.245, and 254.59, and Wisconsin Department of Commerce Administrative Code Chapters 81-87 and 91 (Comm 81 through 87 and Comm 91).
- b. 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 July 1, 2005. Ordinance No. 695/(2005) Repeal of Chapter 15 and Creation of Chapter 12.

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](#) so as 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 shall serve to define the intent.

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 Wisconsin Statutes § 59.69(14), a land owner, 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 6 months 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 [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.

2. INCORPORATION OF PROVISIONS BY REFERENCE

- a. This Ordinance incorporates by reference the following rules, regulations, and laws, as set forth in the Wisconsin Statutes and the Wisconsin Administrative Codes governing the location, construction, and use of [POWTS](#) under the following:
 - 1) Wisconsin Statutes §§ 59.70(5), 145, 281.48 and 968.10.
 - 2) Wisconsin Department of Commerce Administrative Code § Comm 62.2900(3) and Chapters Comm 81 – 87 and, Comm 91.
 - 3) Wisconsin Department of Natural Resources Administrative Code Chapters NR 109, NR 113, NR 114, NR 116 and NR 140.
- b. These rules, regulations, and laws shall apply until amended or renumbered and then shall apply as amended or renumbered.

3. EXEMPTIONS

- a. A [portable restroom](#) (satellite) is exempt from the requirements of this ordinance.
- 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 code compliant septic tank effluent filter or equivalent state-approved product.

4. 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. A [sanitary permit](#) that 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 allowed by Comm 83, 84 and 85, except as provided in **c.** below.
- c. A temporary holding tank may be installed if a [public sewer](#), approved by the DNR, will be installed to serve the property within 2 years of the date of sanitary permit issuance. In addition to items required in § 12.3 B. Applications, an application for a sanitary permit to install a temporary holding tank shall include written statements from:
 - 1) The municipality or sanitary district, verifying the date that public sewer will be installed and available to serve the property;
 - 2) The DNR, verifying approval of the public sewer; and
 - 3) The property owner, agreeing to connect to public sewer when it becomes available and to abandon the temporary holding tank.
- d. When a [failing POWTS](#) is identified, it shall be brought into compliance with Wisconsin Statutes and Wisconsin Administrative Codes.
- e. The discharge of [domestic wastewater](#) or effluent to the waters of the State or to the ground surface is prohibited.

- f. Industrial waste discharges shall obtain DNR approval per NR 214.
- g. 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 area must be in the same zoning district as the wastewater source. The easement must be recorded at the Register of Deeds Office prior to the issuance of the [sanitary permit](#).

5. PROHIBITED PRIVATE ONSITE WASTEWATER TREATMENT SYSTEMS

- a. Installation of the following technology, designs, or methods as POWTS components are prohibited:
 - 1) Holding tanks for [domestic wastewater](#) for new construction.
 - 2) Cesspools for disposal of domestic wastewater.
 - 3) An evapotranspiration bed as a POWTS component.

6. 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 Comm 83.
- 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 Comm 83.

7. INSTALLATIONS IN FLOODPLAIN

- a. Any POWTS and [non-plumbing sanitation systems](#), or portion(s) thereof, installed within a floodplain shall comply with all applicable requirements of NR 116, the St. Croix County Zoning Ordinance and the St. Croix County Floodplain Ordinance.

8. 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.

9. 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 Comm 83 including the submission of documentation that the existing POWTS is code compliant.
- b. An [occupancy](#) (design flows and loads) affidavit may be required to be recorded with the Register of Deeds for structures meeting the design flows and loads criteria. The affidavit must state that the system meets the design flows and loads criteria of Comm 83.
- c. Undersized systems are not allowed.

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 Comm 85.
- b. A Soil and Site Evaluation Report signed as original by the [Certified Soil Tester](#) (CST) conducting the evaluation, must be submitted to the Planning and Zoning Department.
 - 1) The report format must comply with § Comm 85.40(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 in the contingency plan for failure.
- d. Soil test pits and/or borings shall be constructed in accordance with Comm 85.
- e. Planning and Zoning Department 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 the POWTS inspector and will be made prior to the issuance of the [sanitary permit](#). This verification shall result in one of the following:
 - 1) Issuance of the permit, provided all information on the application is correct and complete.
 - 2) Holding the application pending clarification of information or new information by the owner, the [plumber](#), or the [CST](#).
 - 3) Determination of site unsuitability. In such cases, written notice of the determination shall be provided to the [certified soil tester](#) and property owner.
- f. The Planning and Zoning Department shall conduct onsite inspections to verify all Soil and Site Evaluation Reports which indicate less than A + 6 soil conditions. This means that the soil conditions at the site are less than A-horizon plus 6 inches of in situ soil without a limiting factor.
- g. A [CST](#) may request Planning and Zoning Department verification of a Soil and Site Evaluation Report before a complete sanitary permit application is submitted. An original copy of the Soil and Site Evaluation Report shall be filed with the Planning and Zoning Department prior to such verification. A fee may be required.
- h. A fee shall be paid to the Planning and Zoning Department for the cost of administration and review of each Soil and Site Evaluation Report.

2. REPORT REQUIREMENTS

- a. In addition to minimum requirements in § Comm. 85.40(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.
 - 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 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 for permitting purposes by the Planning and Zoning Department and therefore cannot be used to design a [POWTS](#). The [CST](#) will be notified of 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 Planning and Zoning 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 Planning and Zoning Department.

12.3 PERMITS AND APPLICATIONS

A. PERMITS

1. GENERAL

- a. No person may install a [POWTS](#) or [non-plumbing sanitation system](#) unless the owner of the property on which the system is to be installed holds a valid [sanitary permit](#).
- b. No person may sell a [septic tank](#) for installation unless the purchaser holds a valid sanitary permit.
- c. A sanitary permit is valid for 2 years from the date of issue and renewable for similar periods of time.
- d. 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.
- e. A sanitary permit may be transferred from the holder to a subsequent owner of the land. The subsequent owner must obtain a new [State Sanitary Permit](#) from the Planning and Zoning Department before the POWTS can be installed.
- f. A sanitary permit is subject to the rules in force at the time of permit issuance or renewal.
- g. A [County Sanitary Permit](#) shall be obtained prior to constructing or installing a [non-plumbing sanitation system](#).
- h. A new sanitary permit shall be obtained by the owner or his agent prior to the beginning or during construction if a sanitary permit has expired.
- i. Applications for [plan revisions](#) for all POWTS must be submitted to the Planning and Zoning Department for review and approval prior to installation.

2. STATE SANITARY PERMIT

- a. Applications for State Sanitary Permits shall be submitted to the Planning and Zoning Department for review and approval of the installation, construction or modification of the following:
 - 1) A POWTS holding component.
 - 2) A POWTS treatment component.
 - 3) A POWTS dispersal component.
- b. Applications for [State Sanitary Permits](#) shall be submitted to the Planning and Zoning Department on forms approved by the State.
- c. 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. The Planning and Zoning Department may also accept electronic submittals of State actions.
- d. The following documents must be recorded with the St. Croix County Register of Deeds prior to [sanitary permit](#) issuance:
 - 1) Document of maintenance requirements and intervals if recording is required by Comm 83.
 - 2) If a [POWTS](#), or parts thereof, are located on a different parcel than 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 a POWTS is owned by a party other than the owner of the parcel on which it is installed, a document must be recorded identifying the owner of the system, the structures to be served by the system, and the party responsible for operation and maintenance.
- 5) If the design wastewater flow of a POWTS for a dwelling is not based upon the number of [bedrooms](#) within the dwelling, a deed restriction limiting [occupancy](#) to that used in the design must be recorded.

3. COUNTY SANITARY PERMIT

- a. Applications for [County Sanitary Permits](#) shall be submitted to the Planning and Zoning 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. 25 feet from any 20% or greater slope.
 - iv. 75 feet from the [OHWM](#) of a lake, stream, or river.
 - b) Privies shall be constructed in conformance with Comm 91, and the following requirements:
 - i. All privy structure openings shall be screened and all doors shall be self-closing.
 - ii. A 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 Planning and Zoning Department ensuring proper maintenance of said [privy](#).
 - d) [Pit](#) privies require a Soil and Site Evaluation Report in accordance with Comm 85 to establish compliance with §§ Comm 83.44 (4)(b) and Comm 91.12(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 Comm 91.
 - b) A service contract shall be submitted with the County Sanitary application.
 - 3) Chemical or [Physical Restoration for POWTS](#).
 - 4) [Repairs](#) to an existing POWTS.
 - 5) The [reconnection](#) to an existing [POWTS](#), including:
 - a) The disconnection of a [structure](#) from an existing POWTS and connection of another structure (new or different) to the same system.
 - b) Construction of a structure to be connected to an existing POWTS; and
 - c) Reconstruction of a structure to be connected to an existing POWTS.
- b. The following is required when applying for an application for a [County Sanitary Permit](#) for reconnection:
 - 1) A completed County Sanitary Permit application signed by a licensed [plumber](#).

- 2) A report provided by a licensed [plumber](#), certified septage servicing contractor 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, and;
 - d) That the structure meets the setback requirements.
- 3) A Soil and Site Evaluation Report for all systems that utilize in situ soil for treatment or disposal.
- 4) A complete site plan prepared by a licensed plumber, limited plumbing or plumbing designer, or engineer.
- 5) [Reconnection](#) to existing holding tanks may require a new servicing contract and an updated holding tank agreement, which meets the requirements of this ordinance.
- 6) Reconnection to an existing system other than a holding tank may require a new maintenance agreement or contract.
- 7) Effluent filters are not required for reconnections.
- 8) Replacing a structure with a new or different structure within 2 years of the date of permit issuance will require a statement that the system has not been altered, a statement that a modification in wastewater flow or contaminant load will not occur, a plot plan that documents all setbacks between the structure and system components and a reinspection fee.
- 9) All systems shall be inspected at the time of reconnection prior to backfilling, to insure that proper materials and methods are being used.
- c. Applications for [County Sanitary Permits](#) shall be provided by the Planning and Zoning Department.

4. PERMIT REVISIONS

- a. Revisions to State permits must be approved prior to [POWTS](#) installation. All pertinent information must be submitted to the Planning and Zoning 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. A fee may be required for a plan revision.

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 applicable State transfer form ([State Sanitary Permit](#) application) shall be submitted to the Planning and Zoning Department.
 - 2) A transfer fee is required.
 - 3) The Planning and Zoning Department shall issue a new sanitary permit card upon approval of transfer.
 - 4) Proof of ownership is required.
 - 5) 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 Planning and Zoning Department with a State application form signed by the new plumber, along with properly State-sealed plans and specifications. 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](#).
- d. A fee is required.

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 § Comm 83.22 (2),
 - 3) Ownership form,
 - 4) Property Deed, and
 - 5) House plans with the room layout.
- b. The Planning and Zoning Department shall review the submitted application and supporting documents for the proposed system and verify the report at the proposed site, if necessary.
- c. The Planning and Zoning Department shall approve or disapprove applications for sanitary permits and assist applicants in preparing approvable applications.
- d. The Planning and Zoning Department shall issue written notice to each applicant whose sanitary permit application is disapproved per Wisconsin Statutes §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.

- a. Common system designs shall be submitted to, and approved by, the Department of Commerce. Common systems, municipally or privately owned, that have designs of 12,000 gallons per day or greater (85 [bedrooms](#) or approximately 100 people) shall be submitted to, and approved by, the Department of Natural Resources. Both approvals are required prior to the final plat approval.
- b. All components of a common system shall be accessible through easements, public right-of-ways or land ownership.

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 Commerce and the Wisconsin Department of Natural Resources as required by Wisconsin Administrative Code.
- d. A Soil and Site Evaluation Report must be filed for each common system site.
- e. A site plan shall be provided to the Planning and Zoning Department for review and approval that shows:
 - 1) The proposed well location(s) that will serve the subdivision.
 - 2) Site access.
 - 3) Landscape screening where appropriate to limit access or visibility to the common system components.
 - 4) Fencing, where appropriate to limit access to the common system components.

4. DESIGN STANDARDS

- a. Residential
 - 1) A [common system](#) that will serve 3 or less [dwelling units](#) shall be designed to accommodate a minimum design wastewater flow of 450 gallons per day per dwelling unit served.

- 2) A common system design for 4 or more [dwelling units](#) 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.
 - 3) 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 Comm 83.
 - 2) A restriction shall be included on the recorded final plat 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 shall be installed per Comm 82-84.
- d. Manhole covers shall be installed per Comm 82-84.
- e. There shall be no physical connection between sewers and water supply systems.
- f. Setbacks for [common systems](#) to a water source shall comply with NR 811 and 812.

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](#)) shall be submitted to the Planning and Zoning Department for review and approval.
 - 1) Documentation:
 - a) Cost estimates for the installation of the common system shall be submitted to the Planning and Zoning Department for review and approval. A financial assurance will be held by the Planning and Zoning Department to ensure the project is completed as planned.
 - b) The applicant must submit a letter of credit, cashiers check, bond or other acceptable financial assurance to the Planning and Zoning Department, for review and approval. The assurance must be issued to St. Croix County. The Planning and Zoning Department will hold the financial assurance and will not release it until the project is completed as planned. Partial releases may be considered dependent on work completed. Financial assurance is to be in effect for a minimum of 1-year and to be automatically renewable unless the Zoning 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 Planning and Zoning Department shall release the financial assurance provided the following is completed:

- a) The Planning and Zoning Department conducts a final inspection for compliance with the approved design, Comm 82-84 and this Ordinance, and
- 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 Planning and Zoning Department for the cost of administration, review, inspection, and processing.
- b. All fees shall be established by the [Committee](#) and published by the Zoning Administrator in a fee schedule.

2. AFTER-THE-FACT PERMIT FEES

- a. A double fee will be charged for all after-the-fact permit applications to partially recover the cost of obtaining compliance.

3. REFUNDS

- a. No refund of fees paid for a valid [sanitary permit](#) shall be made after any costs have been incurred by the Planning and Zoning Department in processing applications or permits.

12.6 INSPECTIONS

A. GENERAL

1. INSPECTIONS

- a. The installing [plumber](#) must give notice for final inspection to the Planning and Zoning Department for all [POWTS](#) installed, modified or reconnected in accordance with the requirements of Comm, 83.
- b. All POWTS shall be inspected by the Planning and Zoning Department for compliance with Comm 82-84, Comm 91 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 and accepted, unless the Planning and Zoning Department fails to inspect within the time period specified by Comm 83.
- d. When a POWTS 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.
- e. Mound and at-grade installations shall be inspected at the time the ground surface is plowed and before back filling. 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 Comm 91 or as amended, and this ordinance.
- b. The property owner or installer shall notify the Planning and Zoning 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 and Administrative Codes, the approved plans or this ordinance. Each additional reinspection required at the site will require a fee.
- b. The reinspection fee shall be due within 10 workings days of written notification by the Planning and Zoning Department. Failure to pay this fee within that period shall constitute a violation of this ordinance.

4. EXISTING POWTS INSPECTIONS

- a. An existing system inspection is required for all land divisions in which the property contains a [structure](#) served by a [POWTS](#). A system regulated by the mandatory maintenance program at the time of division may be precluded from the provisions of this section at the discretion of the Zoning Administrator. An existing system inspection is not required if a letter from the municipality is submitted to the Planning and Zoning Department stating a date by which the structure is required to be connected to a public or municipal sewer.
- b. To adequately determine whether an existing POWTS is failing under conditions defined in Wisconsin Statutes §§ 145.245 (4) an existing system inspection must include:
 - 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 Planning and Zoning Department may allow use of a previously filed soil test conducted in an area near the system to verify soil conditions if deemed reliable by the Zoning Administrator.
 - 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 Planning and Zoning Department.
 - g) Presence of any surface discharge of [domestic wastewater](#) ponding in a vent or observation port.
 - 3) A county inspection 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 to the Planning and Zoning Department on forms obtained from the Planning and Zoning Department within thirty days of completion of the inspection.

5. TESTING

- a. If testing of new systems or new system components is required by Comm 82-84, or as a condition of plan approval, notice shall be given as specified in § 12.6 A.1., so that the Planning and Zoning Department may make an inspection during the test.
- b. The Planning and Zoning Department shall verify that required testing has been completed, by:
 - 1) Performing an inspection during the test,
 - 2) Requiring written verification from the responsible person, or
 - 3) Both 1) and 2).

12.7 MANAGEMENT AND MAINTENANCE

A. MANAGEMENT

1. SYSTEM MANAGEMENT

- a. Individual [POWTS](#) and [common systems](#) shall be managed and maintained in accordance with Comm 83 and this Ordinance. Common systems owned by a [homeowners](#) or condominium association shall be operated and maintained by a registered POWTS maintainer or business utilizing a registered POWTS maintainer for the POWTS.
- 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 submit a new or revised management agreement and/or servicing contract to the Planning and Zoning Department whenever there is a change to such documents(s). The property owner or owner of a common system shall submit a new management agreement and/or servicing contract to the Planning and Zoning Department prior to expiration of any existing maintenance 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 State and the Planning and Zoning 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 Planning and Zoning Department with the recorded amendments.

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 NR 113 and NR 114.
- c. A Master Plumber, Master Plumber-Restricted Service, POWTS inspector, POWTS maintainer or a certified septage servicing operator under 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 maintenance agreement and/or servicing contract to the Planning and Zoning Department prior to [sanitary permit](#) issuance and/or change in ownership.

C. REPORTING

1. FILING TO THE PLANNING AND ZONING DEPARTMENT

- a. The owner of [POWTS](#) or owner's agent shall furnish the Planning and Zoning Department with a copy of each maintenance report. Reports shall include all information required in § Comm 83.55 (3) and be signed by the person(s) inspecting and pumping the POWTS. Other maintenance or management reports required by Comm 83 and 84 should be included with this report, including inspection reports required for existing POWTS.
- b. The property owner or owner's agent shall report to the Planning and Zoning Department each inspection, maintenance or servicing event, in accordance with Comm 83 and this ordinance.
- c. The owner of a [common system](#) or owner's agent shall submit each inspection, maintenance and servicing report to the Zoning Administrator annually or as specified in the management plan.
- d. The registered POWTS maintainer shall submit each inspection, maintenance and servicing report for common systems owned by a [homeowners](#) or condominium association.

12.8 ADMINISTRATION AND ENFORCEMENT

A. ADMINISTRATION

1. ZONING ADMINISTRATOR

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

2. POWERS AND DUTIES

- a. The Zoning 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 the Administrative Code.
 - 2) Issue [sanitary permits](#) and inspect properties for compliance with this ordinance and related Wisconsin Statutes and the Administrative Code.
 - 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 through agent status 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 Zoning Administrator or designated staff to enter the premises.
 - 7) Upon reasonable cause or question as to proper compliance, the Zoning 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 Code 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 Zoning Administrator 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 Wisconsin Statutes § 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 Planning and Zoning Department or the State.
 - 12) Investigate and enforce violations of this ordinance and Comm 82 through 87.

B. ENFORCEMENT

1. PROCEDURES

- a. The Zoning 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 Zoning Administrator shall use the following, in the order listed, to address violations of this ordinance:
 - 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.
- c. The Zoning Administrator is not mandated to follow the order of possible action if, in the Zoning Administrator's discretion, a situation requires different action.

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 Zoning 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 Planning and Zoning Department and shall be filed with the Planning and Zoning Department.
- c. The Planning and Zoning 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 the Wisconsin Administrative Code Comm 81 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 Comm 85.
3. **Committee:** The St. Croix County Planning and Zoning Committee.
4. **Common System:** A Private Onsite Wastewater Treatment System ([POWTS](#)) serving more than 2 dwelling units.
5. **Conventional POWTS:** A [POWTS](#) consisting of a [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 Planning and Zoning Department for a [privy](#), [reconnection](#), [POWTS](#) restoration, emergency permits (in some cases, a [State Sanitary Permit](#) will be required), [POWTS Repairs](#) or for the installation of a [non-plumbing sanitation system](#), pursuant to Wisconsin Statutes §§ 59.70 and 145.04.
7. **Domestic Wastewater:** The type of wastewater, not including storm water, normally discharged from or similar to that discharged from plumbing fixtures, appliances and devices including, but not limited to sanitary, bath, laundry, dishwashing, garbage disposal and cleaning wastewaters.
8. **Dwelling Unit:** A [structure](#) or portion thereof with rooms arranged, designed or intended for [occupancy](#) by an individual or family for residential purposes.
9. **Failing POWTS:** As defined under Wisconsin Statutes § 145.245(4).
10. **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.
11. **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.

12. **Human Habitation:** The act of occupying a [structure](#) as a dwelling or sleeping place, whether intermittently or as a principal residence.
13. **Living Area:** As defined in § Comm 20.07 (38).
14. **Non-plumbing Sanitation System:** Sanitation systems and devices within the scope of Comm 91, which are alternatives to water carried waste plumbing fixtures and drain systems; including, but not limited to, incinerating toilets, composting toilets and privies.
15. **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.
16. **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.
17. **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 Commerce.
18. **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 serving a single structure with a septic tank and soil absorption field located on the same parcel as the structure. Also an alternative sewage system that may include a substitute for the septic tank or soil absorption field, a holding tank, a system serving more than one structure or a system located on a different parcel than the structure. A private sewage system may be owned by the property owner or by a special purpose district.
23. **Privy:** An enclosed non-portable toilet into which non-water-carried human wastes are deposited; it is not a Private Onsite Wastewater Treatment System and it is a [non-plumbing sanitation system](#).
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 Commerce.
33. **State Sanitary Permit:** A permit issued by the Planning and Zoning Department for the installation or modification of a [POWTS](#), pursuant to Wisconsin Statutes §§ 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.

12.10 INDEX

<i>Term</i>	<i>Page(s)</i>
 A	
Abandonment.....	4
 C	
Certified Soil Tester.....	6, 7, 18, 24
Change of Plumber	11
Common System.....	13, 14, 15, 20, 21, 22, 24
 D	
Domestic Wastewater	2, 3, 4, 18
Dwelling Unit.....	13, 14, 24
 E	
Easement.....	4, 9
 F	
Failing POWTS.....	4
 H	
High Water Elevation	7, 25
Holding Tank	3, 4, 10, 22, 25
Human Habitation.....	3
 I	
Inspection.....	1, 3, 15, 16, 17, 18, 19, 20, 21
 M	
Maintenance Requirements.....	9, 10, 18, 20, 21
 N	
Non-Plumbing Sanitation System.....	1, 3, 4, 8, 10, 24, 26
Privy	9, 24, 26
 O	
Ordinary High Water Mark.....	7, 25

P

Physical Restoration for POWTS 10, 25
Plan Revision 8, 11
Portable Restroom..... 3
POWTS Maintainer 18, 20, 21

R

Reconnection..... 3, 10, 24, 26
Repair 3, 26

S

Sanitary Permit..... 3, 4, 6, 8, 9, 11, 12, 16, 21, 22, 25
 County Sanitary Permit..... 8, 9, 10, 11, 24, 26
 State Sanitary Permit..... 8, 11, 24, 26
Satellite 3, 25
Structure..... 2, 3, 5, 9, 10, 18, 22, 24, 25, 26

T

Transfer of Ownership 11